

THE THIRTY-FIRST LEGISLATURE OF AMERICAN SAMOA

Third Regular Session

Begun and held at Fagatogo, Tutuila, American Samoa
On Monday, January eleventh
two thousand and ten

AN ACT CRIMINALIZING THE ACT OF STALKING; AMENDING
SECTION 46.3501 A.S.C.A.; AND CREATING A SECTION 46.3525 A.S.C.A..

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. 46.3501 is amended to read:

“46.3501 Definitions.

The following definitions are applicable in this chapter unless the context otherwise requires:

(a) “Criminal homicide” means conduct which causes the death of a person under circumstances constituting murder in the 1st or 2nd degree, manslaughter, or criminally negligent homicide.

(b) “Person”; when referring to the victim of a homicide, means a human being who had been born and was alive at the time of the homicidal act.

(c) “Course of conduct” means following by maintaining visual or physical proximity to a specific person or directing verbal, written or other threats, whether express or implied, to a specific person on two or more occasions over a period of time, however short, but does not include constitutionally protected activity.

(d) “Immediate family member” means a spouse, parent, child or sibling or any other person who regularly resides in a person’s household or resided in a person’s household within the past six months.”

Sec 2. There is created a section 46.3525 which reads:

“46.3525 Stalking.


(a) A person commits the crime of stalking if he purposely or knowingly engages in a course of conduct that is directed toward another person and that conduct:

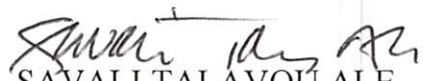
(1) causes reasonable fear of harm to the physical health, safety, or property of such person, a member of his immediate family, or a third party with whom he is acquainted; or

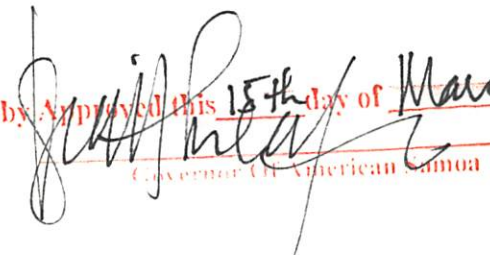
(2) causes harm to the mental or emotional health of such person after the actor was previously clearly informed to cease that conduct; or

(3) is likely to cause such person to reasonably fear that his employment, business or career is threatened, where such conduct consists of appearing, telephoning or initiating communication or contact at his place of employment or business, and the actor was previously clearly informed to cease that conduct.

(b) Stalking is a class B misdemeanor, unless the offense was committed when there is a temporary restraining order or an injunction, or both, or any other court order in effect prohibiting the conduct by the offender, then it is a Class A misdemeanor.”


GAOTEOTE PALAE TOFAU
President of the Senate


SAVALI TALAVOU ALE
Speaker, House of Representatives

Hereby Approved this 15th day of March 2010

Governor of American Samoa

NOFOAIGA TOLUSEFULU-TASI FONOFAITULAFONO AMERIKA SAMOA

Fono Tele Lona Tolu

Nofioia ma usuia i Fagatogo, Tutuila, Amerika Samoa
Aso Gafua, sefulutasi o Ianuari
lua afe ma le sefulu

O SE TULAFONO E AVEA AI MA SOLITULAFONO LE TULIMATA'IA O SE TASI I SE UIGA TAULAMALAMA; SUIA AI MAGA 46.3501 T.T.A.S.; MA FAAVAE AI SE MAGA 46.3525 T.T.A.S.

IA FAATULAFONOINA E LE FONOFAITULAFONO A AMERIKA SAMOA:

Maga 1. 46.3501 ua suia e faitauina faapea:

“46.3501 Uiga o upu.

O uiga nei o upu e mafai ona faaaoga i lenei mataupu sei vagana ua i ai se uiga e ese ai ona o upu o loo faaaoga faatasi mai ai:

(a) “Oti ona o se solitulafono” o lona uiga o se gaoioiga na mafua ai le maliu o se tasi i ni tulaga e oo ai i le fasioti tagata tulaga 1 ma le 2, fasioti tagata lei faamoemoeina, poo le maliu foi ona o le faatamala.

(e) “Tagata”, afai e ta’ua le tagata ua maliu, o lona uiga o se tagata na fanau mai ma sa ola i le taimi na tupu ai le faalavelave na maliu ai.

(i) “Le auala na faia ai le amio” o lona uiga o le mulimuli e ala i le tulimata’ia pea i le vaai poo le pa’i atu foi i se tagata poo le faia foi o ni folafolaga tau faamata’u e ala i upu e lafo, tusitusiga poo isi auala taufaamata’u, pe ta’utino mai pe faaalua i upu e faaaoga, agai i se tagata pe faalua poo le sili atu foi mo se vaitaimi, poo le a lava le puupuu, ae le aofia ai gaoioiga o loo puipuia i le faavae.

(o) “Se tagata o lou aiga vavalalata” o lona uiga o se to’alua, o se matua, o se tamaititi poo se uso, tuafafine poo se isi lava tagata e masani ona nofo i totonu o lou aiga pe sa nofo ai foi i le 6 masina ua te’a.”

Maga 2. Ua faavae nei se maga fou 46.3525 e faitauina faapea:

“46.3525 Tulimata’i ma taumulimuli.


(a) E solia e le tagata le tulafono o le tulimata’ia ma taumulimuli i se tasi pe afai na te faia lea amio i se tasi tagata ma lona iloa lelei:

(1) e faatupu ai le fefe ona o se tulaga lamatia o le soifua, o le saogalemu poo le lamatia foi o meatotino a lea tagata, o se tasi o lona aiga vavalalata, poo se tasi foi e masani ai; poo

(2) e faatupu ai le afaina o le soifuamaloloina faalemafauo o lea tagata ina ua uma ona lapata'ia manino le tagata taumulimuli lea ina ia tuu lana amio; poo

(3) e faaono tupu ai le fefe o lea tagata ona ua manatu ua lamatia lana galuega, pisinisi poo lona taumafai faalegaluega, ona o le amio lea ua aofia ai le faailoa mai, telefoni pe amata foi se talanoa atu pe faafesootai o ia i le mea e faigaluega ai poo le pisinisi foi, ae ua uma ona lapata'ia manino o lea tagata ina ia tuu lana amio.

(e) O le tulimata'ia taumulimuli o se solitulafono mama o le vasega E (B), sei vagana ai na faia le amio lea a o loo i ai se faatonuga a le faamasinoga e taofia ai le tumau pe faasa foi, poo se isi lava faatonuga a le faamasinoga e faasa ai ona toe faia le amio a le tagata lea, ona avea loa lea ma solitulafono mama o le vasega A.


GAOTEOTE PALAIE TOFAU
Peresetene, Maota Mauualuga


SAVALI TALAVOU ALE
Fofoga Fetalai, Maota o Sui

Hereby Approved this 15th day of March 2010

Governor Of American Samoa