

**338E. Stalking**

- (1) A person who pursues another person with intent to intimidate that person or a third person, is guilty of a crime and is liable —
- (a) where the offence is committed in circumstances of aggravation, to imprisonment for 8 years; and
  - (b) in any other case, to imprisonment for 3 years.

Summary conviction penalty:

- (c) in a case to which paragraph (a) applies: Imprisonment for 2 years or a fine of \$8 000;
  - (d) in a case to which paragraph (b) applies: Imprisonment for 18 months or a fine of \$6 000.
- (2) A person who pursues another person in a manner that could reasonably be expected to intimidate, and that does in fact intimidate, that person or a third person is guilty of a simple offence.
- Penalty: Imprisonment for 12 months or a fine of \$4 000.
- (3) It is a defence to a charge under this section to prove that the accused person acted with lawful authority.

*[Section 338E inserted by No. 38 of 1998 s. 4(1).]*