

508.130 Stalking.

(1) As used in this section, unless the context requires otherwise:

- (a)
 - 1. "Course of conduct" means a pattern of conduct composed of two (2) or more acts, evidencing a continuity of purpose.
 - 2. One (1) or more of these acts may include:
 - a. Those by which a person, directly or indirectly, by any means or method:
 - i. Follows, monitors, observes, surveils, or threatens another person; or
 - ii. Interferes with another person's property; or
 - b. The use of any equipment, instrument, machine, or other device by which communication or information is transmitted, including but not limited to:
 - i. Computers;
 - ii. The internet, internet applications, social media platforms, email, text messages, instant messages, or any other electronic network;
 - iii. Cameras or other recording devices;
 - iv. Telephones or other personal communications devices;
 - v. Scanners or other copying devices; and
 - vi. Any device that enables the use of a transmitting device.
 - 3. Constitutionally protected activity is not included within the meaning of "course of conduct." If the defendant claims that he or she was engaged in constitutionally protected activity, the court shall determine the validity of that claim as a matter of law and, if found valid, shall exclude that activity from evidence;
- (b) "Protective order" means:
 - 1. An emergency protective order or domestic violence order issued under KRS 403.715 to 403.785;
 - 2. A foreign protective order, as defined in KRS 403.720 and 456.010;
 - 3. An order issued under KRS 431.064;
 - 4. An interpersonal protective order issued in accordance with KRS 508.155 or 510.037;
 - 5. An order of protection as defined in KRS 403.720 and 456.010;
 - 6. A civil restraining order issued by a court of this Commonwealth or any other state on the basis of domestic violence and abuse as defined in KRS 403.720 or dating violence and abuse as defined in KRS 456.010; or
 - 7. Any condition of a bond, conditional release, probation, parole, or pretrial diversion order designed to protect the victim from the offender; and

- (c) "Social media platform" means a website or application that is open to the public, allows a user to create an account, and enables users to do all of the following:
 - 1. Interact socially with other users within the confines of the website or application;
 - 2. Construct a public or semipublic profile for the purpose of signing into and using the website or application;
 - 3. Populate a list of other users with whom an individual shares or has the ability to share a social connection within the website or application; and
 - 4. Create or post content viewable by others, including on message boards, chat rooms, video channels, direct or private messages, or chats, or on a landing page or main feed that presents the user with content generated by other users.
- (2) A person is guilty of stalking when he or she:
 - (a) Intentionally engages in a course of conduct directed at another person or persons that:
 - 1. Seriously alarms, annoys, intimidates, or harasses the other person or persons;
 - 2. Serves no legitimate purpose; and
 - 3. Causes the other person or persons to suffer substantial mental distress, including but not limited to interference with the person's sense of safety or well-being; and
 - (b) Consciously disregards a substantial and unjustifiable risk that the course of conduct would cause the other person or persons to suffer substantial mental distress.
- (3) Stalking is a Class D felony unless:
 - (a) A protective order has been issued by the court to protect the same victim or victims and the defendant has been served with the summons or order or has been given actual notice;
 - (b) A criminal complaint is currently pending with a court, law enforcement agency, or prosecutor by the same victim or victims and the defendant has been served with a summons or warrant or has been given actual notice;
 - (c) The defendant has been convicted of or pled guilty within the previous five (5) years to a felony or to a Class A misdemeanor against the same victim or victims;
 - (d) The act or acts were committed while the defendant had a deadly weapon on or about his or her person; or
 - (e) The defendant's act or acts place the victim or victims in reasonable fear of:
 - 1. Sexual contact as defined in KRS 510.010;
 - 2. Physical injury; or
 - 3. Death;

in which case it is a Class C felony.

Effective: July 15, 2026

History: Amended 2026 Ky. Acts ch. 67, sec. 1, effective July 15, 2026. -- Amended 2015 Ky. Acts ch. 102, sec. 45, effective January 1, 2016. -- Amended 2009 Ky. Acts ch. 100, sec. 2, effective June 25, 2009. -- Amended 2002 Ky. Acts ch. 119, sec. 1, effective July 15, 2002. -- Amended 2000 Ky. Acts ch. 401, sec. 13, effective July 14, 2000. -- Created 1992 Ky. Acts ch. 443, sec. 1, effective July 14, 1992.

Legislative Research Commission Note (7/15/2026). Under the authority of KRS 7.136(1)(c) and (h), the reviser of statutes has rearranged subsection (1) of this statute during codification to correct a manifest clerical or typographical error. The words in the text were not changed.