

**Minutes of the February 14, 1997,**  
**United States Sentencing Commission Meeting**

At 10:15 a.m. Chairman Richard P. Conaboy, Vice Chairmen Michael S. Gelacak and Michael Goldsmith, Commissioner Deanell R. Tacha, and Ex Officio Commissioners Mary Harkenrider and Michael Gaines participated in a telephone conference call on stalking and harassing communications amendments. Commissioner Wayne A. Budd was unable to participate. Participating staff included Staff Director John Kramer, General Counsel John R. Steer, and Principal Technical Advisor Judith Sheon.

The amendment addresses the offense of interstate stalking, 18 U.S.C. § 2261A (which was recently enacted in section 1069 of the Defense Authorization Act for Fiscal Year 1997) and several new harassing telecommunications offenses, 47 U.S.C. § 223(a)(1)(C)-(E) (which were enacted in section 502 of the Telecommunications Act of 1996). Option One references stalking to various guidelines covering underlying conduct; adds enhancements to the minor assault guideline to increase the offense level for stalking cases covered by that guideline; and adds an enhancement to threatening communications guideline to cover threatening and harassing communications cases that involve stalking. Option Two incorporates stalking offenses into the threatening communications guideline and adds an enhancement to minor and aggravated assault guidelines for violations of a court protection order.

Motion made by Commissioner Tacha to publish both options with the following additions: (1) offense involving violation of a court protection order, 18 U.S.C. § 2262, be referenced to §2A6.1; (2) enhancement for violation of a court protection order be cumulative to other enhancements; (3) issue for comment asking whether assault by person who possesses a dangerous weapon should be considered aggravated assault; and (4) language providing an enhancement for "2 or more instances" of stalking or harassing communications be bracketed; The motion was seconded by Commissioner Goldsmith. Passed unanimously.

The meeting was adjourned at 10:16 a.m.