

FEDERAL AND STATE STALKING LAWS

The Violence Against Women of 2005 (VAWA 2005) became effective on January 5, 2006. Stalking and cyberstalking may be a federal felony if an individual travels across state, foreign or tribal lines with the intent:

to kill, injure, harass or place under surveillance with intent to kill, injure, harass or intimidate another person if in the course of or as a result of such travel that person is placed in reasonable fear of serious bodily injury or death to him or herself or causes substantial emotional distress to that person or to that person's immediate family or intimate partner. It is also a crime to stalk on military or U.S. Territorial lands, including Indian country. 18 U.S.C. §2261A(1)

to kill, injure, harass, or place under surveillance with intent to kill, injure, harass or intimidate, or cause substantial emotional distress to a person in another State or tribal jurisdiction or within the special maritime and territorial jurisdiction of the United States...and to use the mail, or any interactive computer service, or any facility of interstate or foreign commerce to engage in a course of conduct that causes substantial emotional distress to that person or places that person in reasonable fear of the death of, or serious bodily injury to any of the persons described...." 18 U.S.C. § 2261A(2)

California also has a stalking law (Penal Code Section 646.9, Amended 2002) that states that "any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family...is guilty of the crime of stalking". The following National Center for Victims of Crime website details state legislation on stalking and related crimes:

http://www.ncvc.org/src/main.aspx?dbID=DB_California176



IF YOU ARE IN DANGER FIND A SAFE PLACE TO GO

- ./ Police/Fire Department
- ./ Homes of friends or relatives preferably unknown to the stalker
- ./ Family crisis shelters
- ./ Crowded public buildings or places

PROMPTLY NOTIFY POLICE AGENCIES

- ./ Give an accurate description of the stalker, his or her vehicle, address (if known) and a recent photograph if you have one.
- ./ Notify security personnel in apartments and/or appropriate personnel at your work place.
- ./ Ask law enforcement about security measures they can initiate. Some agencies have cell phones programmed to dial 9-1-1 and VARDA alarms available for stalking victims. "Panic button" alarms can be rented from private security agencies.

As well as helping to protect you, law enforcement can keep an independent record of your complaints, which may help you get a protection order from the court or demonstrate that an existing order has been violated.

DOCUMENT STALKING BEHAVIOR

It is vitally important to keep a record of stalking incidents which may support a criminal prosecution.

- ./ Record dates, time of day and places of contact with the stalker.
- ./ Log any telephone calls and save answering machine messages.
- ./ Save any correspondence from the stalker, including the envelope.
- ./ Document threats in detail.
- ./ Provide names and addresses of witnesses to any of the stalking incidents to law enforcement or the criminal prosecutor.

OTHER ILLEGAL ACTS

Stalking itself may not be the only state or federal crime a stalker commits against you. Has the stalker:

- ./ Assaulted you physically or sexually?
- ./ Entered your home without your permission?
- ./ Damaged or stolen your property?
- ./ Traveled across state lines with intent to do harm?
- ./ Illegally possessed a firearm or other weapon?
- ./ Violated a protection order?

Report any of these incidents to law enforcement, who may wish to photograph any injuries to you or damage to your property.

WAYS TO INCREASE YOUR HOME AND PERSONAL SAFETY

- ./ Install dead bolts. If you lose the key, change the locks and hide the spare keys.
- ./ If possible, install outside lights activated by a motion detector.
- ./ Maintain an unlisted phone number. If harassing calls persist, contact telephone company security personnel. They can assist you with options to trace the origin of such calls.
- ./ Treat any threat as legitimate and call police immediately.
- ./ Vary the routes you take and limit the time you spend walking.
- ./ Tell trusted relatives, friends and neighbors about the situation. Provide them with a photo or description of the stalker and the car he or she drives.
- ./ If you live in an apartment, provide the manager with a picture or a description of the stalker.
- ./ Have co-workers screen calls and visitors.
- ./ Consider carrying a personal alarm that emits a loud squeal when activated.
- ./ Review your parking arrangements.

HELP IS AVAILABLE

If you are a victim of stalking it is normal to feel frightened and vulnerable.

Remember, you are not alone. The following agencies exist to help victims of stalking and other crimes. Seek their help.

Police Dept./Sheriff's Dept./State Police/Tribal Police

F.B.I./ A.T.F.

District Attorney/U.S. Attorney's Office

Domestic Violence Project

State Victim Advocate/Fed. Victim-Witness Coordinator

National Assistance

Domestic Violence Hotline:
1-800-799-SAFE (1-800-799-7233)

National Victim Center:
1-800-FYI-CALL (1-800-394-2255)

National Organization for Victim Assistance:
1-800-TRY-NOVA (1-800-879-6682)

National Coalition Against Domestic Violence:
1-303-839-1852

Much of the information in this brochure derived from
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This brochure may be reproduced.

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STALKING

IT'S A CRIME!



Laws and Other Information for Victims of Stalking

United States Attorney's Office
Northern District of California

**Victim/Witness
Unit**

**San Francisco
(415)436-6993**

**San Jose and
Oakland
(408)535-5176**

