

NATIONAL CENTER FOR VICTIMS OF CRIME

News Release

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Legislation to Criminalize Stalking in the Military Praised by National Center for Victims of Crime

Washington, DC – The National Center for Victims of Crime applauds legislation introduced yesterday by Congresswoman Loretta Sanchez (D-CA) that prohibits stalking by members of the armed forces by amending the Uniformed Code of Military Justice (UCMJ).

“Stalking victims in the military should have the same protections as any other U.S. citizen,” said Mary Lou Leary, executive director of the National Center for Victims of Crime. “This critically important measure will give military agencies the legal authority to effectively prosecute this dangerous crime.”

Stalking affects millions of Americans. One in 12 American women and 1 in 45 men will be stalked at some point in their lifetimes. Of women stalked by a current or former intimate partner, 81 percent are physically assaulted and 31 percent are sexually assaulted. In one study, 76 percent of female homicide victims had been stalked by their murderer.

Although 50 states, the District of Columbia, and the federal government have enacted stalking statutes, the UCMJ does not define or specifically criminalize stalking. Military prosecutors have had to charge stalkers with violating a range of other provisions, such as disobeying no-contact orders or engaging in conduct prejudicial to good order and discipline.

“We need a measure that supports due process by giving all members of the armed forces fair notice that stalking is criminal and may be punished by court-martial,” said Congresswoman Sanchez, noting that many stalking defendants have used the lack of a criminal stalking statute as their defense. “In *United States v. Rowe*,” Sanchez added, “the appellant argued that he did not

know his conduct was criminal because ‘stalking is not defined in the UCMJ.’ While this due process challenge failed as a technical matter of law, it highlights the need to define stalking as a serious criminal offense under all circumstances.”

In addition to defining stalking as a crime in the UCMJ, the legislation would:

- Deter stalking by sending a clear message to all members of the armed forces that stalking is always a crime;
- Give commanders a powerful tool to discipline offenders before stalking escalates;
- Help military agencies prosecute the crime by imposing consistency throughout the military justice system and eliminating jurisdictional problems that arise when charging a member of the armed forces with stalking.

“There is growing recognition that stalking is a serious problem in the military as in all of society, and this legislation will help protect victims and save lives,” said Mary Lou Leary. “We applaud Congresswoman Sanchez’s vision and initiative, and we appreciate the opportunity to work closely with her on this legislation.”

The National Center for Victims of Crime is the nation's leading resource and advocacy organization for victims of all crime. Our mission is to forge a national commitment to help victims of crime rebuild their lives. Working with local, state, and federal partners, we are dedicated to serving all individuals, families, and communities harmed by crime.