



NEWS

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STATE LAWS FALLING SHORT OF CURRENT STALKING REALITIES

Updated Model Stalking Code Aims to Address Growing Use of Technology and Other Menacing Stalking Behaviors

Washington, DC – The National Center for Victims of Crime, the nation’s leading advocacy group for crime victims, today released a policy report that calls on states to evaluate the adequacy of their stalking laws and provides model legislation designed to increase stalker accountability and victim safety. The release coincides with this month’s commemoration of National Stalking Awareness Month.

The Model Stalking Code Revisited: Responding to the New Realities of Stalking examines and recommends a major update to the original model stalking code, developed in 1993 by the National Institute of Justice at the direction of Congress to encourage states to adopt anti-stalking measures.

California enacted the first state stalking law in 1990 in the wake of several high-profile stalking cases involving celebrities, including the 1989 murder of actress Rebecca Schaeffer. Since then, all 50 states, the District of Columbia, and the federal government have passed laws criminalizing stalking.

According to the National Center, state stalking laws have not kept pace with stalkers who increasingly use sophisticated, yet widely available, technology to track and terrorize their victims.

“Unfortunately, many state laws do not reflect this new reality, resulting in stalking behavior that is beyond the reach of the criminal justice system,” said Mary Lou Leary, executive director of the National Center for Victims of Crime. “Our updated model stalking code will provide states with a useful template for closing the loopholes in many existing stalking laws.”

In addition to covering stalking by any means, the updated model stalking code reflects a greatly expanded understanding of the nature, impact, prevalence, and severity of stalking in the United States. The National Center report examines key data that was not available when stalking laws were first enacted, including the following:

- 1.4 million people are stalked annually in the United States
- One in 12 and one in 45 men will be stalked at some point in their lives
- Most victims are stalked by someone they know, not by strangers
- Surveillance is the most common type of stalking behavior
- Stalking often escalates to violent behavior and is closely linked to intimate partner violence
- Despite the attention given to celebrity cases, the vast majority of stalking victims are private citizens

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The model stalking code also addresses barriers law enforcement officers and prosecutors often face in bringing stalkers to justice. For example:

- The burden of proof is so high under many stalking laws that it is extremely difficult to secure convictions.
- In most jurisdictions, stalking is only a misdemeanor crime, and sentences longer than a few days or weeks are rare. Most stalkers spend a remarkably short time in custody if and when they are arrested, prosecuted, and convicted.
- Many stalking laws define stalking behavior so narrowly that they exclude the ever-expanding arsenal of high-tech and low-tech methods used by stalkers to torment and harm their victims. Such laws ignore stalking through a wide range of new technological devices, including global positioning systems, spycams, spyware programs, and emails. Also not addressed by many state laws is the wide variability of behaviors that stalkers use to intimidate victims, such as targeting a victim's family member, sending unwanted gifts and message, or posting private information about the victim in public places.

The Model Stalking Code Revisited: Responding to the New Realities of Stalking contains recommended statutory language and an extensive commentary. The accompanying commentary represents a thorough analysis of existing state stalking laws and supportive rationale for adopting the proposed model code language when amending current laws. The report is designed to inform lawmakers, advocates, criminal justice professionals, and other interested parties about the range of legislative options available to them and the impact that legislative language can have as they work to enhance their state's law.

In developing *The Model Stalking Code Revisited*, the National Center convened a panel of experts of police officers, prosecutors, civil attorneys, judges, victim advocates, law professors, social workers, and researchers to review existing state stalking statutes and define the scope of problems that stalking legislation should address. The panel also made recommendations for updating the stalking model code, many of which are incorporated into the final report.

“Our hope is that this report and our updated model code trigger a fresh look at state stalking laws,” said Leary. “Stalking is a deadly, serious crime that has a life-altering impact on victims, and we need to do a much better job in this country to hold stalkers accountable and keep victims safe.”

Editor's Note: The full-text version of *The Model Stalking Code Revisited: Responding to the New Realities of Stalking*, can be found at www.ncvc.org.

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The National Center for Victims of Crime is dedicated to forging a national commitment to help victims of crime rebuild their lives. The National Center's National Crime Victim Helpline, 1-800-FYI-CALL, offers supportive counseling, practical information about crime and victimization, referrals to local community resources, as well as skilled advocacy in the criminal justice and social service systems.