

**STALKING PROTECTION ORDERS BY STATE**  
**FEBRUARY 5, 2007**

State	Statute	Nature of Proceeding	Definition	Who qualifies for an order	What must the victim show	Standard of Proof	What does the Order Provide	Cost of Order	How does respondent receive notice	Gun Restrictions	Consequence if order is knowingly violated	How do Police know the Order exists
<b>ALASKA</b>	<b>A.S. §18.65.85<sup>1</sup> 0</b>	Civil Protective Order for Stalking	“Stalking” defined as violations of A.S. 11.41.260 (stalking in the first degree) or A.S. 11.41.270 (stalking in the second degree). “...if the person knowingly engages in a course of conduct that recklessly places another person in fear of death or physical injury, or in fear of death or physical injury of a family member. A.S. 11.41.270.	A person who reasonably believes that they are a victim of stalking that is not a crime involving domestic violence. A parent or guardian can petition on behalf of a minor.	Respondent has committed stalking against the petitioner, regardless of whether the respondent appears at the hearing.	Preponderance of the evidence	1) prohibit respondent from threatening to commit or committing stalking; 2) prohibit respondent from telephoning, contacting or otherwise communicating directly or indirectly with the petitioner or designated household member of the petitioner specifically named by the court; 3) direct respondent to stay away from the residence, school or place of employment of the petitioner, or any specified place frequented by the petitioner ONLY if the respondent has been provided actual notice of opportunity to appear and be heard on the petition.	No filing fee	Court shall have the order delivered to appropriate local law enforcement agency for expedited service. Service of process is same as for domestic violence protection orders set forth in A.S. 18.66.160. A peace officer shall use “every reasonable means to serve process”. Petitioner may also use any other available means to serve process.	Statute is silent	Each order must state “Violation of this order may be a misdemeanor, punishable by up to one year of incarceration and a fine of up to \$5,000”	When a court issues or accepts for filing a protective order under this chapter, it shall send a copy of the order to the appropriate local law enforcement agency. Each law enforcement agency shall establish procedures to inform peace officers of protective orders. <sup>1</sup>
<b>CALIFORNIA</b>	<b>Cal. Civ. P. Code Ann. §527.6</b>	Civil Harassment Restraining Order	<b>646.9.</b> (a) Any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the 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	A person who has suffered harassment (12 and older)	shows reasonable proof of harassment	clear and convincing evidence	Injunctive relief	No fee	defendant shall be personally served, <i>or</i> On responding to a violation and if Defendant has not been personally served, Law Enf. Can	Yes	Misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000), or by imprisonment in a county jail for not more than one year, or by both that fine and	Petitioner gives to law enforcement

<sup>1</sup> Sec. 18.66.170. Notification of law enforcement agencies.

When a court issues or accepts for filing a protective order under this chapter, it shall send a copy of the order to the appropriate local law enforcement agency. Each law enforcement agency shall establish procedures to inform peace officers of protective orders. Peace officers shall use every reasonable means to enforce a protective order issued or filed under this chapter.

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			crime of stalking, punishable by imprisonment in a county jail for not more than one year, or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment, or by imprisonment in the state prison.						verbally serve Defendant and enforce the order. <sup>2</sup>		imprisonment.	
<b>COLORADO</b>	<b>Colo.Rev. Stat. Ann.§13-14-102</b>	Civil process and mandatory criminal process	C.R.S.A. § 18-9-111 A person commits stalking if directly, or indirectly through another person, such person knowingly:(I) Makes a credible threat to another person and, in connection with such threat, repeatedly follows, approaches, contacts, or places under surveillance that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship; or (II) Makes a credible threat to another person and, in connection with such threat, repeatedly makes any form of communication with that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship, regardless of whether a conversation ensues; or(III) Repeatedly follows, approaches, contacts, places under surveillance, or makes any form of communication with another person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship in a manner that would cause a reasonable person	10 years of age or older	Victim of stalking	Of the opinion that the defendant has committed acts constituting grounds for issuance of a civil protection order and that unless restrained will continue to commit such acts	Restraining a party from threatening, molesting, or injuring any other party or the minor child of either of the parties; Restraining a party from contacting any other party or the minor child of either of the parties; Excluding a party from the family home; Excluding a party from the home of another; Awarding temporary care and control of any minor children of either party	No filing fee	Personal service, or mail	Unclear	Criminal contempt	Court electronically transfer into central registry

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			to suffer serious emotional distress and does cause that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship to suffer serious emotional distress. For purposes of this subparagraph (III), a victim need not show that he or she received professional treatment or counseling to show that he or she suffered serious emotional distress.									
<b>FLORIDA</b>	<b>F.S.A. §784.046</b>	Civil Petition for Protective Injunction	Stalking” defined as any person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person. “Aggravated stalking” includes additional element to stalking, such as “with intent to place person in reasonable fear of death or bodily injury”, if the person is a minor under 16, if committed after an injunction for protection. 784.048.	Any person who is the victim of stalking or aggravated stalking or the parent or legal guardian of any minor child who is living at home on behalf of minor child.	Incidents (including specific facts and circumstances)	Statute is silent	Such relief as the court deems proper, including an injunction: (a) enjoining the respondent from committing any acts of violence. (b) ordering such other relief as the court deems necessary for the protection of the petitioner, including injunctions or directives to law enforcement agencies as provided in the statute.	No filing fee.	Sheriff or law enforcement agency serves respondent as soon as possible any day or time. Only law enforcement officers are authorized to serve a temporary injunction. Upon petitioner’s request, courts may order law enforcement officer to accompany petitioner to serve the injunction provided by petitioner on respondent located but not yet served.	Unclear	Law officers may use arrest powers to enforce terms of injunction. A court may enforce through civil or criminal contempt proceeding and a monetary assessment. If respondent is arrested for violating injunction, held in custody until brought before court to enforce injunction and set bail pending a hearing. A willful violation (by behavior specifically listed in the statute) is a first degree misdemeanor and punishable as such. 784.047	Entry into Statewide Verification System that allows electronic transmission of the injunction (must be inputted within 24 hours)
<b>GEORGIA</b>	<b>Ga. Code</b>	Civil	A person commits the offense of	A person who is not a	probable cause exists	probable cause	(1) Direct a party to	Statute	Personally	Statute is	May be punished	A copy of the

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	<b>Ann., § 16-5-94</b>	restraining order	stalking when he or she follows, places under surveillance, or contacts another person at or about a place or places without the consent of the other person for the purpose of harassing and intimidating the other person. <sup>3</sup>	minor who alleges stalking by another person may seek a restraining order by filing a petition alleging conduct constituting stalking as defined in Code Section 16-5-90. A person who is not a minor may also seek relief on behalf of a minor by filing such a petition.	stalking by the respondent has occurred in the past and may occur in the future	exists	refrain from such conduct; (2) Order a party to refrain from harassing or interfering with the other; (3) Award costs and attorney's fees to either party; and (4) Order either or all parties to receive appropriate psychiatric or psychological services as a further measure to prevent the recurrence of stalking.	is silent	served notice of hearing	silent	by an action for contempt or criminally punished as provided in Article 7 of Chapter 5 of Title 16.	order shall be issued by the clerk of the superior court to the sheriff of the county wherein the order was entered and shall be retained by the sheriff as long as that order shall remain in effect. <sup>4</sup>
<b>HAWAII</b>	<b>HRS § 604-10.5, (a)-(i)</b>	Civil restraining order against harassment	"Course of conduct" means a pattern of conduct composed of a series of acts over any period of time evidencing a continuity of purpose.  "Harassment" means: (1) Physical harm, bodily injury, assault, or the threat of imminent physical harm, bodily injury, or assault; or (2) An intentional or knowing course of conduct directed at an individual that seriously alarms or disturbs consistently or continually bothers the individual, and that serves no legitimate purpose; provided that such course of conduct would cause a reasonable person to suffer emotional distress.	Any person who has been subjected to harassment may petition the district court of the district in which the petitioner resides for a temporary restraining order and an injunction from further harassment.	Allege that the defendant engaged in a course of conduct and by alleging that a past act or acts of harassment may have occurred, or that threats of harassment make it probable that acts of harassment may be imminent	For a temporary Order: Probable cause to believe that a past act or acts of harassment have occurred or that a threat or threats of harassment may be imminent.  For a full order after a hearing: clear and convincing evidence <sup>5</sup>			Actual personal service, service by certified mail, or proof that the respondent was present at the hearing in which the court orally issued the injunction.		Misdemeanor; The court shall sentence a violator to appropriate counseling and shall sentence a person convicted under this section as follows: (1) For a violation of an injunction or restraining order that occurs after a conviction for a violation of the same injunction or restraining order, a violator shall be sentenced to a mandatory minimum jail sentence of not less than forty-eight hours; and (2) For any subsequent violation that occurs after a second conviction	Any order issued shall be transmitted to the chief of police of the county in which the order is issued by way of regular mail, facsimile transmission, or other similar means of transmission.

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											for violation of the same injunction or restraining order, the person shall be sentenced to a mandatory minimum jail sentence of not less than thirty days.	
<b>KANSAS</b>	K.S.A. § 60-31a06, et al	Civil	"Stalking" means an intentional harassment of another person that places the other person in reasonable fear for that person's safety. "Harassment" means a knowing and intentional course of conduct directed at a specific person that seriously alarms, annoys, torments or terrorizes the person, and that serves no legitimate purpose.	Victim of stalking or harassment or a parent or an adult living with a child who is being stalked.	Stalking and harassment that occurred contingent upon a "course of conduct" on the part of the stalker, consisting of two or more separate acts over a period of time. <sup>6</sup>	preponderance of the evidence <sup>7</sup>	1. Restrain the defendant from following, harassing, telephoning, contacting or otherwise communicating with the victim. 2. Restrain the defendant from abusing, molesting, or interfering with the privacy rights of the victim. 3. Restrain the defendant from entering upon or in the victim's residence or the immediate vicinity thereof. 4. Order or restrain any other acts deemed necessary by the court to protect the victim of stalking. <sup>8</sup>	No fees	Personal service	Statute is silent	Contempt	A copy of any order under the protection from stalking act shall be issued to the victim, the defendant and the police department of the city where the victim resides. If the victim does not reside in a city or resides in a city with no police department, a copy of the order shall be issued to the sheriff of the county where the order is issued. <sup>9</sup>
<b>MARYLAND</b>	<b>Md. Cts. and Jud. P. Code Ann. §§3-1501 – 1509</b>	Civil Peace Orders or Protective Orders	"stalking" means a malicious course of conduct that includes approaching or pursuing another where the person intends to place or knows or reasonably should have known the conduct would place another in reasonable fear: of serious bodily injury; of an assault in any degree; of rape or sexual offense or attempted rape or sexual offense in any degree; of false imprisonment; or	Victim of stalking	The nature and extent of the act specified for which the relief is being sought, including information known to the petitioner concerning previous harm or injury resulting	clear and convincing evidence	Refrain from committing or threatening to commit an act specified in § 3-1503(a) (rape or sex offense) against the petitioner; Refrain from contacting, attempting to contact, or harassing petitioner; Refrain from entering the residence of petitioner;	Not indicated	By mail	No	Criminal prosecution and imprisonment or fine or both	Petitioner serves LE

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			of death; or that a third person likely will suffer any of the acts listed in item of this subsection.				Remain away from the place of employment, school, or temporary residence of petitioner; (v) Direct the respondent or petitioner to participate in professionally supervised counseling or; (vi) Order either party to pay filing fees and costs of a proceeding under this subtitle. (2) If the judge issues an order, it shall contain only the relief minimally necessary to protect petitioner.					
<b>MICHIGAN</b>	<b>Michigan Compiled Laws § 600.2950a</b>	Civil Petition for Personal Protection Order	“Stalking” and “Aggravated Stalking” defined in Michigan Penal Code 750.411h & 750.411i. Stalking means a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested. Aggravated stalking if offense is also in violation of restraining order the respondent knows of, violation of injunction, violation of condition or parole, probation, pretrial release, or if respondent made a credible threat against victim or victim’s family, or if	An individual who petitions the court EXCEPT a court shall not issue the order if: the respondent is the unemancipated minor child of the petitioner, the petitioner is the unemancipated minor of the respondent, or if the respondent is less than 10 years old.	Facts that constitute stalking as defined in Michigan Penal Code §750.411h and §750.411i. Relief may be sought and granted regardless of whether respondent has been criminally charged or convicted.	Statue is silent.	To restrain or enjoin an individual in conduct that is prohibited in Michigan Penal Code definition of “stalking” and “aggravated stalking”.	No fee	Served personally or by registered or certified mail, return receipt requested to last known address or by any other manner provided in Michigan court rules. If respondent is under 18, service also made on the parent, guardian or custodian.	Yes	If respondent is 17 or older, immediate arrest and civil & criminal contempt powers of court – if found guilty of contempt, imprisoned for not more than 93 days and fined no more than \$500. If under 17, taken into custody and subject to dispositional alternatives listed in probate code MCL 712A.18	Law enforcement agency immediately enters the order into the L.E.I.N. (Law Enforcement Information Network)

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<b>MINNESOTA</b>	<b>Minn. Stat. Ann. §609.748</b>	Civil – Harassment Restraining Order	previous conviction for stalking. "Harassment" includes: (1) a single incident of physical or sexual assault or repeated incidents of intrusive or unwanted acts, words, or gestures that have a substantial adverse effect or are intended to have a substantial adverse effect on the safety, security, or privacy of another, regardless of the relationship between the actor and the intended target;	A person who is a victim of harassment may seek a restraining order from the district court in the manner provided in this section. The parent, guardian, or stepparent of a minor who is a victim of harassment may seek a restraining order from the district court on behalf of the minor.	specific facts and circumstances from which relief is sought.	the court finds at the hearing that there are reasonable grounds to believe that the respondent has engaged in harassment.	to cease or avoid harassment of petitioner or to have no contact petitioner	No fee	Personal service must be affected	Yes	Violation of the order is a misdemeanor. And/or civil contempt <sup>10</sup>	shall be forwarded by the court administrator within 24 hours to the local LE with jurisdiction over the residence of the applicant. LE shall make available to other LE through a system for verification, information as to the existence and status of any order
<b>MARYLAND</b>	<b>Md. Courts and Judicial Proceedings Code Ann. § 3-1501, et seq.</b>	Civil Peace Order	"Stalking" defined. -- In this section, "stalking" means a malicious course of conduct that includes approaching or pursuing another where the person intends to place or knows or reasonably should have known the conduct would place another in reasonable fear: (1) (i) of serious bodily injury; (ii) of an assault in any degree; (iii) of rape or sexual offense as defined by §§ 3-303 through 3-308 of this article or attempted rape or sexual offense in any degree; (iv) of false imprisonment; or (v) of death; or (2) that a third person likely will suffer any of the acts listed in item (1) of this subsection. <sup>11</sup>	victim of stalking	the commission of any of the following acts against the petitioner by the respondent, if the act occurred within 30 days before the filing of the petition: (1) An act that causes serious bodily harm; (2) An act that places the petitioner in fear of imminent serious bodily harm; (3) Assault in any degree; (4) Rape or sexual offense under §§ 3-303 through 3-308 of the Criminal Law Article or attempted rape or sexual offense in any degree; (5) False imprisonment; (6) Harassment under § 3-803 of the Criminal		(1) Shall contain only the relief that is minimally necessary to protect the petitioner; and (2) May order the respondent to: (i) Refrain from committing or threatening to commit an act specified in § 3-1503(a) of this subtitle against the petitioner; (ii) Refrain from contacting, attempting to contact, or harassing the petitioner; (iii) Refrain from entering the residence of the petitioner; and (iv) Remain away from the place of employment, school, or temporary residence of the petitioner.	Fees apply	The commissioner shall: (1) Immediately forward a copy of the petition and interim peace order to the appropriate law enforcement agency for service on the respondent. <sup>13</sup>  If the respondent fails to appear at the final peace order hearing, the respondent may be served by first-class mail at the respondent's last known	Statute is silent	An individual who fails to comply with the relief granted is guilty of a misdemeanor and on conviction is subject, for each offense, to a fine not exceeding \$ 1,000 or imprisonment not exceeding 90 days or both. <sup>15</sup>	The commissioner shall: (1) Immediately forward a copy of the petition and interim peace order to the appropriate law enforcement agency for service on the respondent. <sup>16</sup>

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					Law Article; (7) Stalking under § 3-802 of the Criminal Law Article; (8) Trespass under Title 6, Subtitle 4 of the Criminal Law Article; or (9) Malicious destruction of property under § 6-301 of the Criminal Law Article. <sup>12</sup>				address. <sup>14</sup>			
<b>MISSOURI</b>	<b>Missouri Statutes §455.005</b>	Civil Order of Protection	“Stalking” is when an adult purposely and repeatedly engages in an unwanted course of conduct that causes alarm to another person when it is reasonable in that person’s situation to have been alarmed by the conduct.	Any adult who has been the victim of stalking.	A verified petition alleging such stalking by respondent	Preponderance of the evidence	May include: 1) restraining the respondent from abusing, threatening to abuse, molesting, stalking or disturbing the peace of the petitioner; 2) restraining the respondent from entering the premises of petitioner’s dwelling unit; 3) restraining the respondent from communicating with the petitioner in any manner or through any medium and 4) temporary custody of minor children where appropriate. (Also DV related remedies including visitation, custody, child support, etc)	No filing fees, court costs or bonds	LE served upon respondent or mailed to last known address. Failure to serve or mail does not affect the validity or enforceability of order.	Unclear	Arrest – see §455.085 providing guidance to law enforcement regarding arrest (primary physical aggressor-domestic violence context) Court may punish willful violation to same extent as provided by law for contempt of court. <sup>17</sup>	A copy of the order is issued to the local law enforcement agency where petitioner resides and entered the same day into MULES (Missouri Uniform law Enforcement System).
<b>MONTANA</b> 18 <a href="http://data.opi.state.mt.us/bi">HTTP://DATA.OPI.STATE.MT.US/BI</a>	<b>Mont. Code Ann. §40-15</b>	Civil	Stalking as defined in 45-5-220 A person commits the offense of stalking if the person purposely or knowingly causes another person substantial emotional distress or reasonable	Victim of stalking as defined in 45-5-220 <sup>19</sup>	Petitioner shall file a sworn petition that states that the petitioner is in reasonable apprehension of	Not stated	Prohibits any further threats or contact, residence exclusion; 1500 ft. stay away worksite or other specified place	No cost	Personal service, mail, publication	Yes	"Violation of this order is a criminal offense under 45-5-220 or 45-5-626 and may carry penalties of up to	The clerk of court, shall, within 24 hours, mail a copy of the order, to the appropriate LE agencies

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<a href="#">LLS/MCA_TOC/40.HTM</a>			apprehension of bodily injury or death by repeatedly: (a) following the stalked person; or (b) harassing, threatening, or intimidating the stalked person, in person or by mail, electronic communication, as defined in 45-8-213, or any other action, device, or method. (2) This section does not apply to a constitutionally protected activity		bodily injury						\$10,000 in fines and up to a 5-year jail sentence.	designated, which shall, within 24 hours after receipt of the order, enter the order into the database of the national crime information center
<b>NEBRASKA</b> 20	<b>Neb.Rev.St . § 28-311.02; 28-311.03; 28-311.09; 28-311.10</b>	Civil – Harassment Protection Order	§ 28-311.03. Stalking. Any person who willfully harasses another person or a family or household member of such person with the intent to injure, terrify, threaten, or intimidate commits the offense of stalking.	Victim of harassment or stalking – no age limit <sup>21</sup> § 28-311.09. Harassment protection order; procedure; costs; enforcement.  (1) Any victim who has been harassed as defined by section 28-311.02 may file a petition and affidavit for a harassment protection order	Victim of stalking	Not stated	enjoining the respondent from (a) imposing any restraint upon the person or liberty of the petitioner, (b) harassing, threatening, assaulting, molesting, attacking, or otherwise disturbing the peace of the petitioner, or (c) telephoning, contacting, or otherwise communicating with the petitioner.	No Fee	The respondent <sup>22</sup> was given reasonable notice and an opportunity to be heard sufficient to protect the respondent's right to due process before the order was issued;	No	Arrest or contempt <sup>23,24</sup>	petitioner provides the peace officer with a copy of a harassment protection order or the peace officer determines that such an order exists after communicating with the local law enforcement agency
<b>NEVADA</b>	<b>N.R.S. §200.591</b>	Civil & Criminal	Stalking, aggravated stalking or criminal harassment A person who, without lawful authority, willfully or maliciously engages in a course of conduct that would cause a reasonable person to feel terrorized, frightened, intimidated or harassed, and that actually causes the victim to feel	person who reasonably believes that the crime of stalking, aggravated stalking or harassment is being committed against him by another person may petition any court of	Specific circumstances and facts as victim of stalking	Unclear	Stay away from the home, school, business or place of employment of the victim of the alleged crime and any other location specifically named by the court. Refrain from contacting, intimidating, threatening	No Fee	Be personally served on the person to whom it is directed;	No	Gross misdemeanor An extended order is guilty of a category C felony and shall be punished as provided in <u>NRS 193.130</u> . <sup>25</sup> N.R.S. 200.591	Each court that issues an order pursuant to <u>NRS 200.591</u> shall transmit, as soon as practicable, a copy of the order to all law enforcement agencies within its

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*Prepared by Catherine A. Carroll, Legal Director, Washington Coalition of Sexual Assault Programs*

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			terrorized, frightened, intimidated or harassed, commits the crime of stalking.(200.575)	competent jurisdiction for a temporary or extended order			or otherwise interfering with the victim of the alleged crime and any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged crime. Comply with any other restriction which the court deems necessary to protect the victim of the alleged crime or to protect any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged crime.				5. Unless a more severe penalty is prescribed by law for the act that constitutes the violation of the order, any person who intentionally violates: (a) A temporary order is guilty of a gross misdemeanor. (b) An extended order is guilty of a category C felony and shall be punished as provided in NRS 193.130.	jurisdiction.
<b>NEW HAMPSHIRE</b>	<b>N.H. Rev. Stat. § 173</b>	Civil – Protective Order	<b>N.H. Rev. Stat. § 633:3-aA</b> person commits the offense of stalking if such person: (a) Purposely, knowingly, or recklessly engages in a course of conduct targeted at a specific person which would cause a reasonable person to fear for his or her personal safety or the safety of a member of that person's immediate family, and the person is actually placed in such fear; (b) Purposely or knowingly engages in a course of conduct targeted at a specific individual, which the actor knows will place that individual in fear for his or her personal safety or the safety of a member of that individual's immediate family; or (c) After being served with, or otherwise provided	No age limit	A finding of abuse shall mean the defendant represents a credible threat to the safety of the plaintiff.	Preponderance of Evidence	the court shall grant such relief as is necessary to bring about a cessation of abuse; Restraining the defendant from abusing the plaintiff. (2) Restraining the defendant from entering the premises and curtilage where the plaintiff resides, except when the defendant is accompanied by a peace officer and is allowed entry by the plaintiff for the sole purpose of retrieving personal property specified by the court. (3) Restraining the	No filing fee	Notice of the action and of the facts alleged against the defendant shall be given to the defendant, either personally or as provided in paragraph III. <sup>26</sup>	Yes	A willful violation of this order is a crime, as well as contempt of court. Violations of the protective provisions shall result in arrest and may result in imprisonment. <sup>27</sup>	A copy of any order made under this chapter which prohibits any person from abusing another shall be promptly transmitted to the local law enforcement agency having jurisdiction to enforce such order <sup>28</sup>

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			<p>notice of, a protective order pursuant to RSA 173-B, <u>RSA 458:16</u>, or paragraph III-a of this section, or an order pursuant to <u>RSA 597:2</u> that prohibits contact with a specific individual, purposely, knowingly, or recklessly engages in a single act of conduct that both violates the provisions of the order and is listed in paragraph II(a).</p> <p>(a) "Course of conduct" means 2 or more acts over a period of time, however short, which evidences a continuity of purpose. A course of conduct shall not include constitutionally protected activity, nor shall it include conduct that was necessary to accomplish a legitimate purpose independent of making contact with the targeted person. A course of conduct may include, but not be limited to, any of the following acts or a combination thereof:</p> <p>(1) Threatening the safety of the targeted person or an immediate family member.(2) Following, approaching, or confronting that person, or a member of that person's immediate family.(3) Appearing in close proximity to, or entering the person's residence, place of employment, school, or other place where the person can be found, or the residence, place of employment or school of a member of that person's immediate family.(4) Causing damage to the person's residence or property or that of a member of the person's immediate family.(5) Placing an</p>				<p>defendant from contacting the plaintiff or entering the plaintiff's place of employment, school, or any specified place frequented regularly by the plaintiff or by any family or household member.</p> <p>(4) Restraining the defendant from abusing the plaintiff, plaintiff's relatives, regardless of their place of residence, or plaintiff's household members in any way.</p> <p>(5) Restraining the defendant from taking, converting, or damaging property in which the plaintiff may have a legal or equitable interest.</p>					

This project was supported by Grant No. 2005-X140-DC-WT awarded by the Office on Violence Against Women, U.S. Department of Justice. Points of view in this document are those of the author and do not necessarily represent the official position or policies of the USDOJ.

*Prepared by Catherine A. Carroll, Legal Director, Washington Coalition of Sexual Assault Programs*

**STALKING PROTECTION ORDERS BY STATE**  
**FEBRUARY 5, 2007**

State	Statute	Nature of Proceeding	Definition	Who qualifies for an order	What must the victim show	Standard of Proof	What does the Order Provide	Cost of Order	How does respondent receive notice	Gun Restrictions	Consequence if order is knowingly violated	How do Police know the Order exists
			object on the person's property, either directly or through a third person, or that of an immediate family member. (6) Causing injury to that person's pet, or to a pet belonging to a member of that person's immediate family.									
<b>NORTH CAROLINA</b>	<b>N.C. Gen. Stat. § 50C-1</b>	Civil No-Contact Orders	Stalking. -- Following on more than one occasion or otherwise harassing, as defined in G.S. 14-277.3(c), another person without legal purpose with the intent to do any of the following: a. Place the person in reasonable fear either for the person's safety or the safety of the person's immediate family or close personal associates. b. Cause that person to suffer substantial emotional distress by placing that person in fear of death, bodily injury, or continued harassment and that in fact causes that person substantial emotional distress. <sup>29</sup>	Victim of stalking – Victim: A person against whom an act of unlawful conduct has been committed by another person not involved in a personal relationship with the person as defined in G.S. 50B-1(b). <sup>30</sup>	the victim has suffered unlawful conduct committed by the respondent <sup>31</sup>	Statute is silent	(1) Order the respondent not to visit, assault, molest, or otherwise interfere with the victim. (2) Order the respondent to cease stalking the victim, including at the victim's workplace. (3) Order the respondent to cease harassment of the victim. (4) Order the respondent not to abuse or injure the victim. (5) Order the respondent not to contact the victim by telephone, written communication, or electronic means. (6) Order the respondent to refrain from entering or remaining present at the victim's residence, school, place of employment, or other specified places at times when the victim is present. (7) Order other relief deemed necessary and appropriate by the court. <sup>32</sup>	No filing or service fees <sup>33</sup>	Unless the respondent was present in court when the order was issued, the sheriff shall serve the order on the respondent <sup>34</sup>	Statute is silent	Shall be punishable as contempt of court which may result in a fine or imprisonment. <sup>35</sup>	The clerk of court shall deliver on the same day that a civil no-contact order is issued, a certified copy of that order to the sheriff. <sup>36</sup>
<b>OHIO</b>	<b>OH ST § 2903.214</b>	stalking civil protection order	“Menacing by Stalking” <sup>37</sup>  OH ST § 2903.211 (A)(1) No person by engaging in a pattern of conduct shall knowingly cause another person to believe	A person may seek relief under this section for the person, or any parent or adult household member may seek	An allegation that the respondent engaged in menacing by stalking	Preponderance of the evidence	the court may issue any protection order, with or without bond, that contains terms designed to ensure the safety and protection of the person	No filing fees	The court shall direct that a copy of the order be delivered to the respondent on	Statute is silent	A first conviction of violating a stalking protection order is a misdemeanor of the first degree,	The court shall cause the delivery of a copy of any protection order that is issued under this section

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			that the offender will cause physical harm to the other person or cause mental distress to the other person. (2) No person, through the use of any electronic method of remotely transferring information, including, but not limited to, any computer, computer network, computer program, or computer system, shall post a message with purpose to urge or incite another to commit a violation of division (A)(1) of this section.	relief under this section on behalf of any other family or household member, by filing a petition with the court.			to be protected by the protection order, including, but not limited to, a requirement that the respondent refrain from entering the residence, school, business, or place of employment of the petitioner or family or household member		the same day that the order is entered.		punishable by up to six months in jail and/or a \$1,000 fine. A second or subsequent conviction of violating a stalking protection order is a felony of the fifth degree, punishable by a mandatory prison term of six, seven, eight, nine, ten, eleven, or twelve months, and/or a fine of up to \$2,500. <sup>38</sup>	to the petitioner, to the respondent, and to all law enforcement agencies that have jurisdiction to enforce the order.  All law enforcement agencies shall establish and maintain an index for the protection orders
<b>OKLAHOMA</b>	<b>Okla.State. Ann. Tit. 22,§60.2</b>	Civil – Protective Order	"Stalking" means the willful, malicious, and repeated following of a person by an adult, emancipated minor, or minor thirteen (13) years of age or older, with the intent of placing the person in reasonable fear of death or great bodily injury.  Harassment <sup>39</sup>	Victim of domestic abuse, stalking, harassment, rape Any adult or emancipated minor household member on behalf of family or household member who is a minor or incompetent or any minor age 16 or 17	Stalking by non family or household member or former dating relationship required to report to law enforcement	Preponderance of evidence	the court may impose any terms and conditions in the protective order that the court reasonably believes are necessary	No filing fee	Service by LE or Sheriff, Petitioner takes copy to LE	Unclear YES <sup>40</sup>	Misdemeanor offense <sup>41</sup>	Petitioner gives copies to LE – LE responsible for notifying other LE which may include entry into National Crime Info Center database  Court Clerk's duty <sup>42</sup>

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<b>SOUTH CAROLINA</b>	<b>SC ST §16-3-1700 and 16-3-1750</b>	Civil	"Stalking" means a pattern of words, whether verbal, written, or electronic, or a pattern of conduct that serves no legitimate purpose and is intended to cause and does cause a targeted person and would cause a reasonable person in the targeted person's position to fear:(1) death of the person or a member of his family;2) assault upon the person or a member of his family;(3) bodily injury to the person or a member of his family;(4) criminal sexual contact on the person or a member of his family; (5) kidnapping of the person or a member of his family; or (6) damage to the property of the person or a member of his family.	Victim of harassment in the first or second degree or stalking <sup>43</sup>	A complaint and motion for a restraining order may be filed The complaint must: allege the defendant is engaged in harassment in the first or second degree or stalking and must state the time, place, and manner of the acts complained of, and other facts and circumstances upon which relief is sought;	Upon a showing of good cause	abusing, threatening to abuse, or molesting the plaintiff or members of the plaintiff's family; (2) entering or attempting to enter the plaintiff's place of residence, employment, education, or other location; and (3) communicating or attempting to communicate with the plaintiff in a way that would violate the provisions of this article.	No filing or service fees	The court shall [personally] serve the defendant with a certified copy <sup>44</sup>  Service must be made without charge to the plaintiff	No	Criminal offense punishable by thirty days in jail, a fine of five hundred dollars, or both. <sup>45</sup>	Copy given to local LE <sup>46</sup>
<b>TENNESEE</b>	<b>Tenn. Code Ann. § 36-3-601 , et seq.</b>		"Stalking" means a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested, and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested; <sup>47</sup>	Any victim who has been subjected to, threatened with, or placed in fear of . . . stalking <sup>48</sup>	Petitioner was subjected to, threatened with, or placed in fear of . . . stalking <sup>49</sup>	Preponderance of the evidence <sup>50</sup>	Directing the respondent to refrain from committing domestic abuse, stalking or sexual assault or threatening to commit domestic abuse, stalking or sexual assault against the petitioner or the petitioner's minor children; (2) Prohibiting the respondent from telephoning, contacting, or otherwise communicating with the petitioner, directly or indirectly; (3) Prohibiting the respondent from stalking the petitioner, as defined in § 39-17-	No filing or service fees <sup>52</sup>	The court shall cause a copy of the petition and notice of the date set for the hearing on such petition, as well as a copy of any ex parte order of protection, to be served upon the respondent at least five (5) days prior to such hearing. <sup>53</sup>	Statute is silent	The court may hold the defendant in civil or criminal contempt and a civil penalty of fifty dollars (\$50.00). <sup>54</sup>	A copy . . . shall be issued to the petitioner, the respondent, and the local law enforcement agencies having jurisdiction in the area where the petitioner resides. Upon receipt of the copy of the order of protection or dismissal from the issuing court or clerk's office, the local law enforcement agency shall immediately enter such order or dismissal in the

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							<p>315; (4) Granting to the petitioner possession of the residence or household to the exclusion of the respondent by evicting the respondent, by restoring possession to the petitioner, or by both; (5) Directing the respondent to provide suitable alternate housing for the petitioner when the respondent is the sole owner or lessee of the residence or household; (6) Awarding temporary custody of, or establishing temporary visitation rights with regard to, any minor children born to or adopted by the parties; (7) Awarding financial support to the petitioner and such persons as the respondent has a duty to support. Except in cases of paternity, the court shall not have the authority to order financial support unless the petitioner and respondent are legally married. Such order may be enforced pursuant to chapter 5 of this title; or (8) Directing the respondent to attend available counseling programs that address violence and control issues or</p>					<p>Tennessee crime information system and take any necessary action to immediately transmit it to the national crime information center.<sup>55</sup></p>

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							substance abuse problems. <sup>51</sup>					
<b>UTAH</b>	<b>Utah Code Ann. § 77-3a-101</b>	Civil stalking injunction	A person is guilty of stalking who: (a) intentionally or knowingly engages in a course of conduct directed at a specific person that would cause a reasonable person: (i) to fear bodily injury to himself or a member of his immediate family; or (ii) to suffer emotional distress to himself or a member of his immediate family; (b) has knowledge or should have knowledge that the specific person: (i) will be placed in reasonable fear of bodily injury to himself or a member of his immediate family; or (ii) will suffer emotional distress or a member of his immediate family will suffer emotional distress; and (c) whose conduct: (i) induces fear in the specific person of bodily injury to himself or a member of his immediate family; or (ii) causes emotional distress in the specific person or a member of his immediate family. <sup>56</sup>	Any person who believes that he or she is the victim of stalking <sup>57</sup>	Any person who believes that he or she is the victim of stalking <sup>58</sup>	preponderance of the evidence	(a) respondent may be enjoined from committing stalking; (b) respondent may be restrained from coming near the residence, place of employment, or school of the other party or specifically designated locations or persons; (c) respondent may be restrained from contacting, directly or indirectly, the other party, including personal, written or telephone contact with the other party, the other party's employers, employees, fellow workers or others with whom communication would be likely to cause annoyance or alarm to the other party; or (d) any other relief necessary or convenient for the protection of the petitioner and other specifically designated persons under the circumstances. <sup>59</sup>	No filing or service fees <sup>60</sup>	Shall be served by a sheriff or constable. <sup>61</sup>	Statute is silent	Contempt or criminally charged with the crime of stalking <sup>62</sup>	The clerk of the court from which the ex parte civil stalking injunction was issued shall enter a copy of the ex parte civil stalking injunction and proof of service or acceptance of service in the statewide network for warrants or a similar system. <sup>63</sup>

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<b>VERMONT</b>	<b>12 V.S.A. § 5131. et al</b>		"Stalk" means to engage in a course of conduct which consists of following or lying in wait for a person, or threatening behavior directed at a specific person or a member of the person's family, and: (A) serves no legitimate purpose; and (B) would cause a reasonable person to fear for his or her safety or would cause a reasonable person substantial emotional distress. <sup>64</sup>	A person, other than a family or household member as defined in 15 V.S.A. § 1101(2), may seek an order against stalking or sexual assault on behalf of him or herself or his or her children by filing a complaint	Victim of stalking	preponderance of the evidence	Order the defendant to "Stay away" from the victim, which means to refrain from knowingly: (A) initiating or maintaining a physical presence near the plaintiff; (B) engaging in non-physical contact with the plaintiff directly or indirectly; (C) engaging in non-physical contact with the plaintiff through third parties who may or may not know of the order. <sup>65</sup> The court may make any other such order it deems necessary to protect the plaintiff or the plaintiff's children, or both. <sup>66</sup>	No filing fee	Personal service; may be served by any law enforcement officer	Statute is silent	A fine of \$1,000.00 or imprisonment for six months, or both. <sup>67</sup>	Any court in this state that issues a notice against a stalking or sexual assault order under this chapter shall transmit a copy of the order to the department of public safety's protection order database. <sup>68</sup>
<b>VIRGINIA</b>	<b>Va. Code Ann. § 19.2-152.10</b>	Civil Protective Order	§ 18.2-60.3. Stalking Any person who on more than one occasion engages in conduct directed at another person with the intent to place, or when he knows or reasonably should know that the conduct places that other person in reasonable fear of death, criminal sexual assault, or bodily injury to that other person or to that other person's family or household member is guilty of a Class 1 misdemeanor.	Victim of criminal stalking	Victim of criminal stalking	(i) there is probable danger of a further such offense being committed by the respondent against the alleged victim and (ii) a warrant for the arrest of the respondent has been issued. <sup>69</sup>	Prohibiting such contacts by the respondent with the petitioner or family or household members of the petitioner as the court deems necessary for the health or safety of such persons; and Any other relief necessary to prevent criminal offenses that may result in injury to person or property, or acts of stalking, communication or other contact of any kind by the respondent.	No Cost	copy of the protective order shall be served on the respondent and provided to the petitioner as soon as possible	Unclear	Except as otherwise provided, a violation of a protective order issued under this section shall constitute contempt of court.	shall enter into the Virginia Criminal Information Network system
<b>WISCONSIN</b>	<b>W.S.A. 813.125, et al</b>	Harassment restraining orders and	W.S.A. 940.32 Stalking. (1) In this section: (a) "Course of conduct" means a series of 2 or	Victim of stalking	That the respondent has engaged in harassment with	The judge or circuit court commissioner	Order the respondent to cease or avoid the harassment of another	Statute is silent	For a Temporary restraining	YES	Fine not more than \$1,000 or imprisoned not	The clerk of the circuit court shall send a copy of the

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		injunctions.	more acts carried out over time, however short or long, that show a continuity of purpose, including any of the following:1. Maintaining a visual or physical proximity to the victim.2. Approaching or confronting the victim.3. Appearing at the victim's workplace or contacting the victim's employer or coworkers. 4. Appearing at the victim's home or contacting the victim's Neighbors.5. Entering property owned, leased, or occupied by the victim.6. Contacting the victim by telephone or causing the victim's telephone or any other person's telephone to ring repeatedly or continuously, regardless of whether a conversation ensues.6m. Photographing, videotaping, audiotaping, or, through any other electronic means, monitoring or recording the activities of the victim. This subdivision applies regardless of where the act occurs.7. Sending material by any means to the victim or, for the purpose of obtaining information about, disseminating information about, or communicating with the victim, to a member of the victim's family or household or an employer, coworker, or friend of the victim. 8. Placing an object on or delivering an object to property owned, leased, or occupied by the victim. 9. Delivering an object to a member of the victim's family or household or an employer, coworker, or friend of the victim		intent to harass or intimidate the petitioner	finds reasonable grounds to believe that the respondent has engaged in harassment	person, to avoid the petitioner's residence . . . or any premises temporarily occupied by the petitioner or both, or any combination of these remedies requested in the petition		order, notice not needed under enumerated conditions. <sup>70</sup> For an Injunction, Petitioner must serve the defendant. <sup>71</sup>		more than 90 days or both.	order or injunction, or of the order extending, modifying or vacating an order or injunction, to the sheriff or to any local law enforcement agency which is the central repository for orders and injunctions and which has jurisdiction over the petitioner's premises. The sheriff or other appropriate local law enforcement agency under par. (a) Shall enter the information received under par. (a) concerning an order or injunction issued, extended, modified or vacated under this section into the transaction information for management of enforcement system no later than 24 hours after receiving the information and shall make available to other law enforcement

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			or placing an object on, or delivering an object to, property owned, leased, or occupied by such a person with the intent that the object be delivered to the victim. 10. Causing a person to engage in any of the acts described in subds. 1. to 9.									agencies, through a verification system, information on the existence and status of any order or injunction
<b>WYOMING</b>	<b>Wyo. Stat. § 7-3-506</b>	civil	Unless otherwise provided by law, a person commits the crime of stalking if, with intent to harass another person, the person engages in a course of conduct reasonably likely to harass that person, including but not limited to any combination of the following: (i) Communicating, anonymously or otherwise, or causing a communication with another person by verbal, electronic, mechanical, telegraphic, telephonic or written means in a manner that harasses; (ii) Following a person, other than within the residence of the defendant; (iii) Placing a person under surveillance by remaining present outside his or her school, place of employment, vehicle, other place occupied by the person, or residence other than the residence of the defendant; or (iv) Otherwise engaging in a course of conduct that harasses another person. <sup>72</sup>	A victim of stalking <sup>73</sup>	facts showing the alleged stalking and the identity of the alleged stalker <sup>74</sup>	Upon a finding that conduct constituting stalking has been committed <sup>75</sup>	(i) Stay away from the home, school, business or place of employment of the victim or any other locations the court may describe in the order; and (ii) Refrain from contacting, intimidating, threatening or otherwise interfering with the victim of the alleged offense and any other persons, including but not limited to members of the family or household of the victim, as the court may describe in the order. <sup>76</sup>	No filing or service fees <sup>77</sup>	Personal service by the sheriff of the county where the service is made, or by the undersheriff or deputy, or, at the request of the party causing same to be issued, by any other person of the age of majority, not a party to the action, appointed for such purpose by the clerk <sup>78</sup>	Statute is silent	a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both. A temporary order of protection issued under W.S. 7-3-508 and an order of protection issued under W.S. 7-3-509 shall have statewide applicability and a criminal prosecution under this subsection may be commenced in any county in which the respondent commits an act in violation of the order. <sup>79</sup>	A copy of the order of protection shall be filed with the sheriff of the county. <sup>80</sup>

<sup>1</sup> A.S. Sec. 18.65.850. Protective orders for stalking and *sexual assault*.

<sup>2</sup> Cal.C.C.P. § 527.6 (h)

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<sup>3</sup> Ga. Code Ann., §16-5-90 (a)(1)

<sup>4</sup> Ga. Code Ann., § 19-13-4(b)

<sup>5</sup> HRS § 604-10.5 (f)

<sup>6</sup> K.S.A. 60-31a02 (c)

<sup>7</sup> K.S.A. 60-31a05

<sup>8</sup> K.S.A. 60-31a06

<sup>9</sup> K.S.A.60-31a07.

<sup>10</sup>Minn Stat. Ann. 609.748 HARASSMENT; RESTRAINING ORDER. Subd. 6. Violation of restraining order. (a) A person who violates a restraining order issued under this section is subject to the penalties provided in paragraphs (b) to (d).

(b) Except as otherwise provided in paragraphs (c) and (d), when a temporary restraining order or a restraining order is granted under this section and the respondent knows of the order, violation of the order is a misdemeanor.

(c) A person is guilty of a gross misdemeanor who knowingly violates the order within ten years of a previous qualified domestic violence-related offense conviction or adjudication of delinquency.

(d) A person is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if the person knowingly violates the order:

(1) within ten years of the first of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency;

(2) because of the victim's or another's actual or perceived race, color, religion, sex, sexual orientation, disability as defined in section 363A.03, age, or national origin;

(3) by falsely impersonating another;

(4) while possessing a dangerous weapon;

(5) with an intent to influence or otherwise tamper with a juror or a judicial proceeding or with intent to retaliate against a judicial officer, as defined in section 609.415, or a prosecutor, defense attorney, or officer of the court, because of that person's performance of official duties in connection with a judicial proceeding; or

(6) against a victim under the age of 18, if the respondent is more than 36 months older than the victim.

<sup>11</sup> Md. CRIMINAL LAW Code Ann. § 3-802

<sup>12</sup> Md. COURTS AND JUDICIAL PROCEEDINGS Code Ann. § 3-1504

<sup>13</sup> Md. COURTS AND JUDICIAL PROCEEDINGS Code Ann. § 3-1503.1

<sup>14</sup> Md. COURTS AND JUDICIAL PROCEEDINGS Code Ann. § 3-1505

<sup>15</sup> Md. COURTS AND JUDICIAL PROCEEDINGS Code Ann. § 3-1508

<sup>16</sup> Md. COURTS AND JUDICIAL PROCEEDINGS Code Ann. § 3-1503.1

<sup>17</sup> Missouri Statutes Ann. 455.085(7) A violation of the terms and conditions, with regard to abuse, stalking, child custody, communication initiated by the respondent or entrance upon the premises of the petitioner's dwelling unit, of an ex parte order of protection of which the respondent has notice, shall be a class A misdemeanor unless the respondent has previously pleaded guilty to or has been found guilty of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class D felony. Evidence of prior pleas of guilty or findings of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence of such prior pleas of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict.

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Missouri Statutes Ann. 455.085 (8) A violation of the terms and conditions, with regard to abuse, stalking, child custody, communication initiated by the respondent or entrance upon the premises of the petitioner's dwelling unit, of a full order of protection shall be a class A misdemeanor, unless the respondent has previously pleaded guilty to or has been found guilty of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class D felony. Evidence of prior pleas of guilty or findings of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence of such prior plea of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of the sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict. For the purposes of this subsection, in addition to the notice provided by actual service of the order, a party is deemed to have notice of an order of protection if the law enforcement officer responding to a call of a reported incident of abuse or violation of an order of protection presented a copy of the order of protection to the respondent.

<sup>18</sup> MONTANA CODE ANNOTATED

TITLE 40. FAMILY LAW

CHAPTER 15. PARTNER AND FAMILY MEMBER ASSAULT, SEXUAL ASSAULT, AND STALKING -- SAFETY AND PROTECTION OF VICTIMS

PART 1. GENERAL PROVISIONS

40-15-102. Eligibility for order of protection

(1) A person may file a petition for an order of protection if:

(a) the petitioner is in reasonable apprehension of bodily injury by the petitioner's partner or family member as defined in 45-5-206; or

(b) the petitioner is a victim of one of the following offenses committed by a partner or family member:

(i) assault as defined in 45-5-201;

(ii) aggravated assault as defined in 45-5-202;

(iii) intimidation as defined in 45-5-203;

(iv) partner or family member assault as defined in 45-5-206;

(v) criminal endangerment as defined in 45-5-207;

(vi) negligent endangerment as defined in 45-5-208;

(vii) assault on a minor as defined in 45-5-212;

(viii) assault with a weapon as defined in 45-5-213;

(ix) unlawful restraint as defined in 45-5-301;

(x) kidnapping as defined in 45-5-302;

(xi) aggravated kidnapping as defined in 45-5-303; or

(xii) arson as defined in 45-6-103.

**(2) The following individuals are eligible to file a petition for an order of protection against the offender regardless of the individual's relationship to the offender:**

(a) **a victim of stalking** as defined in 45-5-220, incest as defined in 45-5-507, sexual assault as defined in 45-5-502, or sexual intercourse without consent as defined in 45-5-503; or

(b) a partner or family member of a victim of deliberate homicide as defined in 45-5-102 or mitigated deliberate homicide as defined in 45-5-103.

(3) A parent, guardian ad litem or other representative of the petitioner may file a petition for an order of protection on behalf of a minor petitioner against the petitioner's abuser. At its discretion, a court may appoint a guardian ad litem for a minor petitioner.

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(4) A guardian must be appointed for a minor respondent when required by Rule 17(c), Montana Rules of Civil Procedure, or by 25-31-602. An order of protection is effective against a respondent regardless of the respondent's age.

(5) A petitioner is eligible for an order of protection whether or not:

- (a) the petitioner reports the abuse to law enforcement;
- (b) charges are filed; or
- (c) the petitioner participates in a criminal prosecution.

(6) If a petitioner is otherwise entitled to an order of protection, the length of time between the abusive incident and the petitioner's application for an order of protection is irrelevant.

<sup>19</sup> MCA 40-15-116

MONTANA CODE ANNOTATED

TITLE 40. FAMILY LAW

CHAPTER 15. PARTNER AND FAMILY MEMBER ASSAULT, SEXUAL ASSAULT, AND STALKING -- SAFETY AND PROTECTION OF VICTIMS

PART 1. GENERAL PROVISIONS

40-15-116. Definitions

As used in 40-15-115 through 40-15-121, the following definitions apply:

- (1) "Applicant" means a victim and includes a parent or guardian who acts on behalf of a victim.
- (2) "Department" means the department of justice.
- (3) "Participant" means an applicant who has submitted an application pursuant to 40-15-117 that has been approved by the department.
- (4) "Partner or family member assault" has the meaning provided in 45-5-206.
- (5) "Sexual assault" means sexual assault as defined in 45-5-502, sexual intercourse without consent as defined in 45-5-503, incest as defined in 45-5-507, or sexual abuse of children as defined in 45-5-625.
- (6) "Stalking" has the meaning provided in 45-5-220.
- (7) "Victim" means an individual who has been a victim of partner or family member assault, sexual assault, or stalking or who is otherwise eligible to file a petition for an order of protection under 40-15-102.

<sup>20</sup> Neb.Rev.St. § 28-311.02. Stalking and harassment; legislative intent; terms, defined.

(1) It is the intent of the Legislature to enact laws dealing with stalking offenses which will protect victims from being willfully harassed, intentionally terrified, threatened, or intimidated by individuals who intentionally follow, detain, stalk, or harass them or impose any restraint on their personal liberty and which will not prohibit constitutionally protected activities.

(2) For purposes of sections 28-311.02 to 28-311.05, 28-311.09, and 28-311.10:

- (a) Harass means to engage in a knowing and willful course of conduct directed at a specific person which seriously terrifies, threatens, or intimidates the person and which serves no legitimate purpose;
- (b) Course of conduct means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose, including a series of acts of following, detaining, restraining the personal liberty of, or stalking the person or telephoning, contacting, or otherwise communicating with the person;
- (c) Family or household member means a spouse or former spouse of the victim, children of the victim, a person presently residing with the victim or who has resided with the victim in the past, a person who had a child in common with the victim, other persons related to the victim by consanguinity or affinity, or any person presently involved in a dating relationship with the victim or who has been involved in a dating relationship with the victim. For purposes of this subdivision, dating relationship means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement but does not include a casual relationship or an ordinary association between persons in a business or social context; and

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(d) Substantially conforming criminal violation means a guilty plea, a nolo contendere plea, or a conviction for a violation of any federal law or law of another state or any county, city, or village ordinance of this state or another state substantially similar to section 28-311.03. Substantially conforming is a question of law to be determined by the court.

<sup>21</sup> **NE ST § 28-311.09. Harassment protection order; procedure; costs; enforcement.**

(1) Any victim who has been harassed as defined by section 28-311.02 may file a petition and affidavit for a harassment protection order . . .

<sup>22</sup> <sup>22</sup> **NE ST § 28-311.09** (8) Upon the issuance of any harassment protection order under this section, the clerk of the court shall forthwith provide the petitioner, without charge, with two certified copies of such order.

The clerk of the court shall also forthwith provide the local police department or local law enforcement agency and the local sheriff's office, without charge, with one copy each of such order and one copy each of the sheriff's return thereon. The clerk of the court shall also forthwith provide a copy of the harassment protection order to the sheriff's office in the county where the respondent may be personally served together with instructions for service. Upon receipt of the order and instructions for service, such sheriff's office shall forthwith serve the harassment protection order upon the respondent and file its return thereon with the clerk of the court which issued the harassment protection order within fourteen days of the issuance of the harassment protection order.

<sup>23</sup> **. Stalking; violations; penalties. NE ST § 28-311.04** (1) Except as provided in subsection (2) of this section, any person convicted of violating section 28-311.03 is guilty of a Class I misdemeanor.

<sup>24</sup> **NE ST § 28-311.09(4).**Any person who knowingly violates an order issued pursuant to subsection (1) of this section after service shall be guilty of a Class II misdemeanor.

<sup>25</sup> **N.R.S. 200.591 Court may impose temporary or extended order to restrict conduct of alleged perpetrator, defendant or convicted person; penalty for violation of order; dissemination of order**

**N.R.S. 200.591 5.** Unless a more severe penalty is prescribed by law for the act that constitutes the violation of the order, any person who intentionally violates:

(a) A temporary order is guilty of a gross misdemeanor. (b) An extended order is guilty of a category C felony and shall be punished as provided in NRS 193.130 (c) which provides: A category C felony is a felony for which a court shall sentence a convicted person to imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years. In addition to any other penalty, the court may impose a fine of not more than \$10,000, unless a greater fine is authorized or required by statute.

<sup>26</sup> N.H. Rev. Stat. § 173-B:8 II. Temporary orders shall be promptly served on the defendant by a peace officer. Subsequent orders shall be sent to the defendant's last address of record. The defendant shall be responsible for informing the court of any changes of address. Law enforcement agencies shall establish procedures whereby a peace officer at the scene of an alleged violation of such an order may be informed of the existence and terms of such order.

<sup>27</sup> N.H. Rev. Stat. § 173-B:9III. A person shall be guilty of a class A misdemeanor if such person knowingly violates a protective order issued under this chapter, or RSA 458:16, III, or any foreign protective order enforceable under the laws of this state. Charges made under this chapter shall not be reduced to a lesser charge, as permitted in other instances under RSA 625:9.

<sup>28</sup> N.H. Rev. Stat. § 173-B:8 I.

<sup>29</sup> N.C. Gen. Stat. § 50C-1

<sup>30</sup> N.C. Gen. Stat. § 50C-1

<sup>31</sup> N.C. Gen. Stat. § 50C-5

<sup>32</sup> N.C. Gen. Stat. § 50C-5

<sup>33</sup> N.C. Gen. Stat. § 50C-2

<sup>34</sup> N.C. Gen. Stat. § 50C-9

<sup>35</sup> N.C. Gen. Stat. § 50C-5

<sup>36</sup> N.C. Gen. Stat. § 50C-9

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<sup>37</sup> OH ST § 2903.211

<sup>38</sup> OH ST § 2919.27.

<sup>39</sup> 22 Okl.St. Ann. § 60.1 3. "Harassment" means a knowing and willful course or pattern of conduct by a family or household member or an individual who is or has been involved in a dating relationship with the person, directed at a specific person which seriously alarms or annoys the person, and which serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial distress to the person. "Harassment" shall include, but not be limited to, harassing or obscene telephone calls in violation of Section 1172 of Title 21 of the Oklahoma Statutes and fear of death or bodily injury;

<sup>40</sup> 22 Okl.St. Ann. § 60.11 5. Possession of a firearm or ammunition by a defendant while an order is in effect may subject the defendant to prosecution for a violation of federal law even if the order does not specifically prohibit the defendant from possession of a firearm or ammunition.

<sup>41</sup> 22 Okl.St. Ann. § 60.11 4. A violation of the order is punishable by a fine of up to One Thousand Dollars (\$1,000.00) or imprisonment for up to one (1) year in the county jail, or by both such fine and imprisonment. A violation of the order which causes injury is punishable by imprisonment for twenty (20) days to one (1) year in the county jail or a fine of up to Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment;

<sup>42</sup> 22 Okl.St. Ann. § 60.A. Within twenty-four (24) hours of the return of service of any ex parte or final protective order, the clerk of the issuing court shall send certified copies thereof to all appropriate law enforcement agencies designated by the plaintiff. A certified copy of any extension, modification, vacation, cancellation or consent agreement concerning a final protective order shall be sent within twenty-four (24) hours by the clerk of the issuing court to those law enforcement agencies receiving the original orders pursuant to this section and to any law enforcement agencies designated by the court. B. Any law enforcement agency receiving copies of the documents listed in subsection A of this section shall be required to ensure that other law enforcement agencies have access twenty-four (24) hours a day to the information contained in the documents which may include entry of information about the ex parte or final protective order in the National Crime Information Center database.

<sup>43</sup> SC ST § 16-3-1750 (B)(2)

<sup>44</sup> SC ST § 16-3-1790

<sup>45</sup> SC ST § 16-3-1770 (C)

<sup>46</sup> SC ST § 16-3-1790

<sup>47</sup> Tenn. Code Ann. § 39-17-315(4)

<sup>48</sup> Tenn. Code Ann. § 36-3-602 (a)

<sup>49</sup> Tenn. Code Ann. § 36-3-602 (a)

<sup>50</sup> Tenn. Code Ann. § 36-3-605 (b)

<sup>51</sup> Tenn. Code Ann. § 36-3-606

<sup>52</sup> Tenn. Code Ann. § 36-3-617 (a)

<sup>53</sup> Tenn. Code Ann. § 36-3-605 (b)

<sup>54</sup> Tenn. Code Ann. § 36-3-610 (a)-(b)

<sup>55</sup> Tenn. Code Ann. § 36-3-609 (e)

<sup>56</sup> Utah Code Ann. § 76-5-106.5

<sup>57</sup> Utah Code Ann. § 77-3a-10 (2)

<sup>58</sup> Utah Code Ann. § 77-3a-10 (2)

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<sup>59</sup> Utah Code Ann. § 77-3a-101(5)(a)-(d)

<sup>60</sup> Utah Code Ann. § 77-3a-102(3)(a)-(c)

<sup>61</sup> Utah Code Ann. § 77-3a-102(1)

<sup>62</sup> Utah Code Ann. § 77-3a-101(8)

<sup>63</sup> Utah Code Ann. § 77-3a-101(11)

<sup>64</sup> 12 V.S.A. § 5131(6)

<sup>65</sup> 12 V.S.A. § 5131(7)(A)-(C)

<sup>66</sup> 12 V.S.A. § 5133(d)(1)-(2)

<sup>67</sup> 12 V.S.A. § 5138(b)

<sup>68</sup> 12 V.S.A. § 5137(b)

<sup>69</sup> Va. Code Ann. § 19.2-152.8 (B)

<sup>70</sup> Wis. Stat. § 813.125 (3) TEMPORARY RESTRAINING ORDER.

(a) A judge or circuit court commissioner may issue a temporary restraining order ordering the respondent to cease or avoid the harassment of another person, to avoid the petitioner's residence, except as provided in par. (am), or any premises temporarily occupied by the petitioner or both, or any combination of these remedies requested in the petition, if all of the following occur: 1. The petitioner files a petition alleging the elements set forth under sub. (5) (a). 2. The judge or circuit court commissioner finds reasonable grounds to believe that the respondent has engaged in harassment with intent to harass or intimidate the petitioner. (am) If the petitioner and the respondent are not married, and the respondent owns the premises where the petitioner resides, and the petitioner has no legal interest in the premises, in lieu of ordering the respondent to avoid the petitioners residence under par. (a) the judge or circuit court commissioner may order the respondent to avoid the premises for a reasonable time until the petitioner relocates and shall order the respondent to avoid the new residence for the duration of the order.(b) Notice need not be given to the respondent before issuing a temporary restraining order under this subsection. A temporary restraining order may be entered only against the respondent named in the petition.(c) The temporary restraining order is in effect until a hearing is held on issuance of an injunction under sub. (4) A judge or circuit court commissioner shall hold a hearing on issuance of an injunction within 14 days after the temporary restraining order is issued, unless the time is extended upon the written consent of the parties or extended once for 14 days upon a finding that the respondent has not been served with a copy of the temporary restraining order although the petitioner has exercised due diligence.

<sup>71</sup> Wis. Stat. § 813.125 (4) INJUNCTION.(a) A judge or circuit court commissioner may grant an injunction ordering the respondent to cease or avoid the harassment of another person, to avoid the petitioner's residence, except as provided in par. (am), or any premises temporarily occupied by the petitioner or both, or any combination of these remedies requested in the petition, if all of the following occur: 1. The petitioner has filed a petition alleging the elements set forth under sub. (5) (a); 2. The petitioner serves upon the respondent a copy of a restraining order obtained under sub. (3) and notice of the time for the hearing on the issuance of the injunction under sub. (3) (c) The restraining order or notice of hearing served under this subdivision shall inform the respondent that, if the judge or circuit court commissioner issues an injunction, the judge or circuit court commissioner may also order the respondent not to possess a firearm while the injunction is in effect.; 3. After hearing, the judge or circuit court commissioner finds reasonable grounds to believe that the respondent has engaged in harassment with intent to harass or intimidate the petitioner. (am) If the petitioner and the respondent are not married, and the respondent owns the premises where the petitioner resides, and the petitioner has no legal interest in the premises, in lieu of ordering the respondent to avoid the petitioners residence under par. (a) the judge or circuit court commissioner may order the respondent to avoid the premises for a reasonable time until the petitioner relocates and shall order the respondent to avoid the new residence for the duration of the order.(b) The injunction may be entered only against the respondent named in the petition.(c) An injunction under this subsection is effective according to its terms, but for not more than 4 years.

<sup>72</sup> Wyo. Stat. § 6-2-506

<sup>73</sup> Wyo. Stat. § 7-3-507 (a)

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<sup>74</sup> Wyo. Stat. § 7-3-507 (b)  
<sup>75</sup> Wyo. Stat. § 7-3-509 (a)  
<sup>76</sup> Wyo. Stat. § 7-3-509 (a)(i)-(ii)  
<sup>77</sup> Wyo. Stat. § 7-3-507 (c)  
<sup>78</sup> Wyo. Stat. § 7-3-510 (a); WRCP Rule 4  
<sup>79</sup> Wyo. Stat. § 7-3-510 (c)  
<sup>80</sup> Wyo. Stat. § 7-3-510 (a)