



WomanView

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January Is National Stalking Awareness Month

January is National Stalking Awareness Month. Stalking is a crime of power and control and can range from physical to electronic (i.e., e-mail harassment) actions. Stalking may mean

- Harassment via the Internet
- Sending threatening or inappropriate letters or phone calls or both
- Following a targeted victim
- Damaging or threatening to damage the victim's property

Stalking affects both men and women; however, most stalking victims are women. Recent data from the National Center for Victims of Crime indicate that about a million women are stalked annually, and 77 percent of them know their stalker. Among college-age women 13 percent were stalked at some point, and 80 percent of them knew their stalker.

In the past decade interest in stalking has prompted all fifty states and the District of Columbia to create antistalking legislation. In the [Criminal Code of 1961](#) (see 720 ILCS 5/12-7.3), Illinois defines "stalking" as the act of a person who knowingly and without lawful justification, on at least two separate occasions, follows another person or places the person under surveillance or combines such ways. Stalking is considered a Class 4 felony upon first conviction; a second or subsequent conviction is a Class 3 felony. Aggravated stalking, in conjunction with committing the offense of stalking, is defined as the act of a person who either causes bodily harm or restrains the victim or violates a temporary restraining order or all three. Aggravated stalking is a Class 3 felony for the first offense; a subsequent conviction is a Class 2 felony (see 720 ILCS 5/12-7.4).

Illinois also acknowledges electronic stalking as a criminal act. "Cyberstalking" is defined as the act of a person who knowingly and without lawful justification, on at least two separate occasions, harasses another person through the use of electronic communication. The sentencing for cyberstalking is the same as stalking. Illinois legislation also addresses harassment through the [Harassing and Obscene Communications Act](#) (see 720 ILCS 135/). The Act states that any person who is in Illinois and sends messages or uses language or terms which are obscene, lewd, or immoral with the intent to offend may be convicted of a Class B misdemeanor.

Depending on the relationship between the stalker and the victim, stalking may constitute domestic violence under the [Illinois Domestic Violence Act](#) (see Definitions, 750 ILCS 60/103). Victims may pursue remedies, including an order of protection, from either criminal or civil court. An order of protection may require the stalker to "stay away".

Violation of an order of protection (e.g., the stalker does not “stay away”) is a criminal offense (see 720 ILCS 5/12-30). Federal laws protect stalking victims when stalkers cross state lines with the intent to harm or harass.

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