



STALKING and DOMESTIC VIOLENCE

Report to Congress

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PREFACE

The Violence Against Women Act (VAWA), Title IV of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), improved our country’s response to violence against women, including domestic violence, stalking, and sexual assault. VAWA and its recent reauthorization, the Violence Against Women Act of 2000, have transformed criminal and civil justice system efforts to address these serious crimes, bringing communities together to move forward to end violence against women.

Police officers, prosecutors, victim advocates, and members of the judiciary are collaborating to leverage the coercive power of the criminal justice system to enhance victim safety and hold offenders accountable. To help support these initiatives, the U.S. Department of Justice, Office of Justice Programs (OJP), has provided tools and resources to implement coordinated community responses to violence against women and to fund basic research to expand understanding of stalking and domestic violence.

This report to Congress is part of an ongoing commitment to share information about strategies that show promise in the field and about the development of laws addressing stalking. It is produced in response to Subtitle F of VAWA, which directs the U.S. Attorney General to submit a report on these issues.

Our knowledge about domestic violence and stalking continues to grow as a result of innovative community-based strategies across the country. OJP is committed to addressing these problems aggressively on several fronts by providing resources to communities, supporting research to help understand and develop more effective responses to stalking, and increasing public awareness of these crimes, their consequences, and the resources available for victims.

OJP’s Violence Against Women Office is supporting the newly established National Resource Center on Stalking, which will collect information about promising antistalking practices and assist communities in adapting these to their needs. The National Institute of Justice continues to conduct research on effective strategies to combat violence against women, including domestic violence and stalking.

State and Federal legislatures continue to pass legislation to hold stalkers accountable. Since enactment of State antistalking laws, the number of stalking cases reported to law enforcement has increased substantially. Similarly, Federal prosecutors are enforcing the Federal antistalking statute by bringing charges against stalkers in appropriate cases. These statutes and related prosecutions communicate the message that stalking is criminal and will not be tolerated.

OJP thanks the many individuals involved in the preparation of this report for their time and commitment, and gratefully acknowledges the invaluable contributions of the many criminal justice professionals and victim services providers contacted for this report.

FOREWORD

The passage of the Violence Against Women Act (VAWA) in 1994 signified a major shift in our national response to domestic violence, stalking, and sexual assault crimes. For the first time, violent crimes against women were addressed in relation to the more general problem of gender inequality. VAWA seeks to eradicate violence against women at all levels.

Domestic violence is about control, power, and domination. While stalking may be perpetrated by strangers, acquaintances, or current or former intimate partners, stalking is most often committed against women in the domestic violence context. When victims of domestic violence leave their abusers, abusers often stalk victims in an effort to regain control. Because of this increased risk of “separation violence,” victims fear for their lives and for the safety of their children.

The passage of stalking legislation by all 50 States and the District of Columbia provides some measure of protection during this critical period. On the Federal level, the seriousness of stalking was addressed when Congress passed the interstate stalking law.¹ Stalking must be understood as part of the domestic violence continuum and must be addressed forcefully.

With the growth of the Internet, cyberstalking crimes are increasing. The Internet has become a useful tool for stalkers.² The veil of anonymity allows the perpetrator to exercise power and control over the victim by threatening the victim directly or posting messages that lead third parties to engage in harassment and threatening behavior toward the victim.

This report to Congress provides information concerning stalking and the effectiveness of State antistalking efforts and legislation. Strong enforcement of stalking and cyberstalking laws, combined with a better understanding of the dynamics underlying this criminal behavior, will enable us to address these crimes more effectively.

As we work to eliminate all forms of violence against women, we gain knowledge regarding the nature and scope of these crimes. Domestic violence occurs on a continuum that ranges from emotional abuse to homicide, and the escalation of violence often follows a predictable pattern. Our goal is to formulate responses that break the cycle of violence through effective intervention at the earliest stages. Understanding the nature of domestic violence can help prevent the further escalation of criminal activity.

At the U.S. Department of Justice, we are firmly committed to facilitating the awareness of and developing training on stalking. We have awarded funds to communities for programs dedicated to developing effective antistalking protocols and to others who seek to replicate promising practices in this area. We are working closely with the U.S. Attorneys’ Offices to bring prosecutions under the Federal interstate stalking law when applicable. Together, through increased communication and collaboration, we will send the message that these crimes will not be tolerated.

Stalking creates a psychological prison that deprives its victims of basic liberty of movement and security in their homes. We must address these crimes effectively by working together to protect stalking victims and to hold perpetrators responsible for their criminal behavior. To eradicate stalking, we must act with the full force of the law.

CHAPTER 1

CYBERSTALKING—A NEW CHALLENGE FOR LAW ENFORCEMENT

The Internet and other telecommunications technologies are advancing virtually every aspect of society and every corner of the globe. They are fostering commerce, improving education and health care, promoting participatory democracy in the United States and abroad, and facilitating communications among family and friends, whether across the street or around the world. Unfortunately, many of the attributes of this technology—low cost, ease of use, and its anonymous nature, among others—make it an attractive medium for fraudulent scams, child sexual exploitation, and a new concern known as “cyberstalking.”

This chapter explores the nature and extent of cyberstalking; surveys the steps industry, law enforcement, and others are taking to address the problem; analyzes the adequacy of current Federal and State laws; and provides recommendations on how to improve efforts to stop this growing problem.

As discussed in this chapter, the nature and extent of cyberstalking are difficult to know precisely. In addition, while some law enforcement agencies are responding aggressively, others are not fully aware of the problem and lack the expertise and resources to identify and pursue cyberstalking cases. Similarly, while some Internet service providers (ISPs) have taken affirmative steps to crack down on cyberstalking, others have not, and there is a great deal more that industry can and should do to empower individuals to protect themselves against cyberstalking and other online threats.

Indeed, current trends and evidence suggest that cyberstalking is a serious problem that will grow in scope and complexity as more people use the Internet and other telecommunications technologies. The analysis and recommendations

contained in this chapter offer a framework for an initial response to the problem. These recommendations, however, are only a first step. Important advances can be made if industry, law enforcement, victim support groups and service providers, and others work together to develop a more comprehensive and effective response to this problem. Ultimately, however, the first line of defense will involve industry efforts that educate and empower individuals to protect themselves against cyberstalking and other online threats, along with prompt reporting to law enforcement agencies trained and equipped to respond to cyberstalking incidents.

What Is Cyberstalking?

Although there is no universally accepted definition of cyberstalking, the term is used in this chapter to refer to the use of the Internet, e-mail, and other electronic communication devices to stalk another person. Stalking generally involves harassing and threatening behavior that an individual engages in repeatedly, such as following a person, appearing at a person’s home or place of business, making harassing phone calls, leaving written messages or objects, or vandalizing a person’s property. Most stalking laws require the perpetrator to make a credible threat of violence against the victim. Others include threats against the victim’s immediate family, and still others require only that the alleged stalker’s course of conduct constitute an implied threat.³ While some conduct involving annoying or menacing behavior might fall short of illegal stalking, such behavior may be a precursor of stalking and violence and should be treated seriously.

Nature and Extent of Cyberstalking

An Existing Problem Aggravated by New Technology

Although online harassment and threats can take many forms, cyberstalking shares important characteristics with offline stalking. Many stalkers—online or offline—are motivated by a desire to exert control over their victims and will engage in similar types of behavior to accomplish this end. As with offline stalking, the available evidence (which is largely anecdotal) suggests that the majority of cyberstalkers are men and the majority of their victims are women, although there have been reported cases of women cyberstalking men and of same-sex cyberstalking. In many cases, the cyberstalker and the victim had a prior relationship, and the cyberstalking began when the victim attempted to break off the relationship. However, there also have been many instances of cyberstalking by strangers.

The fact that cyberstalking does not involve physical contact may create the misperception that it is more benign than physical stalking. This is not necessarily true. As the Internet becomes an evermore integral part of our personal and professional lives, stalkers can take advantage of the ease of communication as well as increased access to an enormous amount of personal information that is available through the Internet. Indeed, a cyberstalker can easily locate private information about a potential victim with a few mouse clicks or keystrokes. In addition, the ease of use and the nonconfrontational, impersonal, and sometimes anonymous nature of Internet communications may remove disincentives to cyberstalking. Put another way, where a potential stalker may be unwilling or unable to confront a victim in person or on the telephone, he or she may have little hesitation sending harassing or threatening electronic communications. Furthermore, as with physical stalking, online harassment and threats may

foreshadow more serious behavior, including physical violence.

Despite the many similarities between offline and online stalking, the Internet and other communications technologies provide new avenues for stalkers to pursue their victims. A cyberstalker may send repeated, threatening, or harassing messages by the simple push of a button. More sophisticated cyberstalkers use programs to send messages at regular or random intervals without being physically present at the computer terminal. California law enforcement authorities say they have encountered situations in which victims repeatedly received the message “187” on their pagers—the section of the California Penal Code for murder. In addition, a cyberstalker can dupe other Internet users into harassing or threatening a victim by, for example, posting a victim’s name, telephone number, or e-mail address on a bulletin board or in a chat room with a controversial message or invitation, resulting in the victim receiving multiple e-mails in response. Each message—whether from the actual cyberstalker or others—will have the intended effect of frightening or harassing the victim, with little effort on the part of the cyberstalker. Additionally, because of the lack of direct contact between the cyberstalker and the victim, law enforcement may have difficulty identifying, locating, and arresting the offender.

The anonymity of the Internet also provides new opportunities for would-be cyberstalkers. A cyberstalker’s true identity can be concealed from the recipient by using different ISPs or by adopting different screen names. More experienced stalkers can use anonymous remailers that make it all but impossible to determine the true identity of the source of an e-mail or other electronic communication. A number of law enforcement agencies report they are confronting cyberstalking cases involving the use of anonymous remailers.

Anonymity is a great advantage for the cyberstalker. Unknown to the victim, the perpetrator could be in another State,

around the corner, or in the next cubicle at work. The perpetrator could be a former friend or lover, a total stranger met in a chat room, or simply a teenager playing a practical joke. A victim's inability to identify the source of the harassment or threats can be particularly ominous, and the veil of anonymity might encourage the perpetrator to continue these acts. In addition, the substantial amount of personal information available through the Internet can make cyberstalking relatively easy to do. Numerous Web sites provide unlisted telephone numbers and detailed directions to a home or office. For a fee, other Web sites promise to provide social security numbers, financial data, and other personal information.

Evidence Suggests Cyberstalking Incidents Are Increasing

Although comprehensive nationwide data on the extent of cyberstalking in the United States do not yet exist, there is a growing body of statistics available from law enforcement agencies, as well as from some ISPs, that compile information on the number and types of complaints of harassment and threats involving ISP subscribers. There is increasing anecdotal and informal evidence on the nature and extent of cyberstalking, and research addressing offline stalking may provide insight into the scope of the problem. According to the most recent National Violence Against Women Survey, which defines stalking as involving instances where the victim felt a high level of fear:⁴

- One out of every 12 women (8.2 million) in the United States and 1 out of every 45 men (2 million) have been stalked at some time in their lives.
- One percent of all women and 0.4 percent of all men had been stalked during the 12 months preceding the survey.

Offline Versus Online Stalking: A Comparison

Major Similarities

- The majority of cases involve stalking by former intimates, although stranger stalking occurs in the real world and in cyberspace.
- Most victims are women; most stalkers are men.
- Stalkers are generally motivated by the desire to control the victim.

Major Differences

- Offline stalking generally requires the perpetrator and the victim to be in the same geographic area; cyberstalkers may be across the street or across the country.
- Electronic communication technologies make it much easier for a cyberstalker to encourage third parties to harass or threaten a victim (e.g., a stalker will impersonate the victim and post inflammatory messages on bulletin boards and in chat rooms, causing viewers of these messages to send threatening messages back to the victim).
- Electronic communication technologies also lower the barriers to harassment and threats; a cyberstalker does not need to physically confront the victim.

- Women are far more likely than men to be victims of stalking—nearly 80 percent of stalking victims are women. Men are far more likely to be stalkers, comprising 87 percent of the stalkers identified by victims participating in the survey.
- Women are twice as likely as men to be victims of stalking by strangers and eight times as likely to be victims of stalking by intimates.

In the United States today, more than 80 million adults and 10 million children have access to the Internet. Assuming the proportion of cyberstalking victims is even a fraction of the proportion of persons who have been the victims of offline stalking, there may be potentially tens or even hundreds of thousands of victims of

Actual Cyberstalking Incidents

- In the first successful prosecution under California's new cyberstalking law, prosecutors in the Los Angeles District Attorney's Office obtained a guilty plea from a 50-year-old former security guard who used the Internet to solicit the rape of a woman who rejected his romantic advances. The defendant terrorized his 28-year-old victim by impersonating her in various Internet chat rooms and online bulletin boards, where he posted, along with her telephone number and address, messages that she fantasized of being raped. On at least six occasions, sometimes in the middle of the night, men knocked on the woman's door saying they wanted to rape her. The former security guard pleaded guilty in April 1999 to one count of stalking and three counts of solicitation of sexual assault. He faces up to 6 years in prison.
- A local prosecutor's office in Massachusetts charged a man who, using anonymous remailers, allegedly engaged in a systematic pattern of harassment of a coworker, which culminated in an attempt to extort sexual favors from the victim under threat of disclosing past sexual activities to the victim's new husband.
- An honors graduate from the University of San Diego terrorized five female university students over the Internet for more than a year. The victims received hundreds of violent and threatening e-mails, sometimes receiving four or five messages a day. The graduate student, who has entered a guilty plea and faces up to 6 years in prison, told police he committed the crimes because he thought the women were laughing at him and causing others to ridicule him. In fact, the victims had never met him.

cyberstalking incidents each year in the United States.

Anecdotal evidence from Federal law enforcement agencies further indicates that cyberstalking is a serious and growing problem. At the Federal level, several dozen matters have been referred, usually by the Federal Bureau of Investigation (FBI), to U.S. Attorneys' Offices (USAOs) for possible action. A number of these cases have been referred to State and local law enforcement agencies because the conduct does not appear to violate Federal law.

Local law enforcement agencies are beginning to see cases of cyberstalking as well. The Los Angeles District Attorney's Office estimated recently that e-mail or other electronic communication is a factor in approximately 20 percent of the roughly 600 cases referred to its Stalking and Threat Assessment Unit. The chief of the Sex Crimes Unit in the Manhattan District Attorney's Office also estimates that about 20 percent of the unit's cases involve cyberstalking. The Computer Investigations and Technology Unit of the New York City Police Department estimates that almost 40 percent of its case-load involves electronic threats and harassment—and virtually all of these have occurred in the past 3 or 4 years.

ISPs are also receiving a growing number of complaints about harassing and threatening behavior online. One major ISP reported receiving approximately 15 complaints per month of cyberstalking, in comparison to virtually no complaints of cyberstalking just 1 or 2 years ago.

Finally, as part of a large study on sexual victimization of college women, researchers at the University of Cincinnati conducted a national telephone survey during the 1996–97 academic year of 4,446 randomly selected women attending 2- and 4-year institutions of higher education. For the survey, the researchers defined a stalking incident as one in which a respondent answered positively when asked if someone had “repeatedly followed you, watched you, phoned, written, e-mailed, or communicated with you in other ways that seemed obsessive and made you afraid or concerned for your safety.” The study found that 581 women (13.1 percent) had been stalked and reported a total of 696 stalking incidents (the latter figure exceeds the number of victims because 15 percent of the women experienced more than one case of stalking during the survey period). Of the 696 stalking incidents, 166 (23.9 percent) involved e-mail. Thus, 25 percent of stalking incidents among college women could be classified as involving cyberstalking.⁵

Current Efforts to Address Cyberstalking

The Law Enforcement Response

Cyberstalking is a relatively new challenge for most law enforcement agencies. The first traditional stalking law was enacted by California in 1990. Since then, some law enforcement agencies have trained their personnel on stalking and have established specialized units to handle stalking cases. Nonetheless, many agencies are still developing the expertise and resources to investigate and prosecute traditional stalking cases. Only a handful of agencies throughout the country have focused attention or resources specifically on the cyberstalking problem.⁶

Law Enforcement Response: Awareness and Training Are Key Factors

Based on recent informal surveys of law enforcement agencies, it appears that the majority of law enforcement agencies have not investigated or prosecuted cyberstalking cases. However, some agencies—particularly those with units dedicated to stalking or computer crime offenses—report having large cyberstalking caseloads.

The disparity in the activity level among law enforcement agencies can be attributed to a number of factors. First, it appears that most cyberstalking victims do not report the conduct to law enforcement because they feel either the behavior has not reached the point of being a crime or that law enforcement will not take them seriously. Second, most law enforcement agents have not been trained to recognize the serious nature of cyberstalking and to investigate such offenses. Unfortunately, some victims have reported that rather than open an investigation, law enforcement agencies have advised them to come back if the cyberstalkers confront or threaten them offline. In several instances,

victims have been told by law enforcement simply to turn their computers off.

Another indication that many law enforcement agencies may be unaware of the magnitude of the cyberstalking problem is the wide disparity in the number of cases reported in different jurisdictions across the country. For example, one state attorney general's office in a Midwestern State indicated that it had been receiving approximately one inquiry a

week regarding cyberstalking cases and knew of at least a dozen cases prosecuted throughout the State during the preceding year. In contrast, the attorney general's offices in neighboring States reported they had never received an inquiry about cyberstalking. Although some disparity among jurisdictions would be expected, the size of the disparity suggests that not all law

Cyberspace has become a fertile field for illegal activity. With the use of new technology and equipment which cannot be policed by traditional methods, cyberstalking has replaced traditional methods of stalking and harassment. In addition, cyberstalking has led to offline incidents of violent crime. Police and prosecutors need to be aware of the escalating numbers of these events and devise strategies to resolve these problems through the criminal justice system.

—Linda Fairstein, Chief
Sex Crimes Prosecution Unit
Manhattan District Attorney's Office

Lack of Training Hinders Law Enforcement Response

A woman filed a complaint with her local police agency after receiving numerous telephone calls in response to a notice posted on the Web by a man claiming her 9-year-old daughter was available for sex, and providing her home phone number with instructions to call 24 hours a day. The agency's response was that she should change her telephone number. Instead she contacted the FBI, which opened an investigation. It was discovered that the local police agency did not have a computer expert and the investigative officer had never used the Internet. The local agency's lack of familiarity and resources may have resulted in a failure to understand the seriousness of the problem and the response options available to law enforcement.

enforcement agencies are receiving the training or expertise needed to identify and respond to the problem.

Law Enforcement Response: Jurisdictional and Statutory Limitations May Frustrate Some Agencies

Cyberstalking also raises jurisdictional issues for law enforcement that can frustrate agencies' attempts to address it. In many cases, the cyberstalker may be in one city or State and the victim may be in another, making it more difficult (and sometimes all but impossible) for the local authority to investigate the incident. Even when a law enforcement agency is willing to pursue a case across State lines, cooperation from agencies in neighboring States may not be forthcoming when the conduct is limited to harassing e-mail messages and no actual violence has occurred. A number of cases of suspected cyberstalking have been referred to the FBI and USAOs because questions of jurisdiction kept local law enforcement from pursuing the investigation.

The lack of adequate statutory authority further limits law enforcement's response to cyberstalking incidents. At least 16 States have stalking statutes that explicitly cover electronic communications,⁷ and cyberstalking may be covered under general stalking statutes in other States. In the remaining States, however, cyberstalking may not meet the statutory definition of stalking and therefore may not be considered a crime. In many cases, cyberstalking involves threats to kill, kidnap, or injure a person or damage his or her reputation or property and may be prosecuted under Federal or State laws that do not relate directly to stalking.

Federal law may also limit law enforcement's ability to track down stalkers and other criminals in cyberspace. In particular, the Cable Communications Policy Act of 1984 (CCPA) prohibits the disclosure of cable subscriber records to law enforcement agencies without a court order and

advance notice to the subscriber (47 U.S.C. § 551(c), (h)). As more and more individuals turn to cable companies as their ISPs, CCPA is posing a significant obstacle to the investigation of cybercrimes, including cyberstalking. For example, under CCPA, a law enforcement agency investigating a cyberstalker who uses a cable company for Internet access would have to notify the cyberstalker that the agency has requested his or her subscriber records, thereby jeopardizing the criminal investigation. While it is appropriate to prohibit the indiscriminate disclosure of cable records to law enforcement agencies, the better approach would be to harmonize Federal law by providing law enforcement access to cable subscriber records under the same privacy safeguards that currently govern law enforcement access to records of electronic mail subscribers under 18 U.S.C. § 2703. Moreover, special provisions could be drafted to protect against the inappropriate disclosure of records that would reveal a customer's viewing habits.

Law Enforcement Response: The Challenge of Anonymity

Another complication for law enforcement investigation of cyberstalking cases is the presence of services that enable anonymous communications over the Internet. Although anonymity provides important benefits for Internet users, including protection of privacy, as discussed earlier, it also provides cyberstalkers with advantages over both their victims and law enforcement.

Anonymity on the Internet can be obtained in one of two ways. The first is by buying Internet services that allow individuals to create free electronic mailboxes through a Web site. While most ISPs request identifying information from users of this service, they almost never authenticate or otherwise confirm the information. In addition, payment for these services is typically made in advance through a money order or other

nontraceable form. As long as payment is received in advance, the service is provided to the account holder who may remain unknown. The second way is by using e-mail servers that purposefully strip identifying information and transport headers from the e-mail. By forwarding e-mail through several of these services serially, a stalker can make the message completely anonymous. The availability of both types of service makes it relatively easy for cyberstalkers to send anonymous communications but very difficult for victims, service providers, and law enforcement to identify the communications source.

Law Enforcement Response: Specialized Units Show Promise in Combating Cyberstalking

A critical step in combating cyberstalking is understanding stalking in general. Because offline and online stalking share some characteristics, many strategies and techniques that have been developed to combat stalking in general often can be adapted to cyberstalking situations.

At the Federal level, the Justice Department has established a number of task forces and special crime units that focus solely on high-technology crimes. These units do not address cyberstalking alone, but they have the necessary expertise in computers and the Internet to assist in the investigation of cyberstalking when it arises. For example, the FBI has computer crime squads throughout the country, as well as the National Infrastructure Protection Center in Washington, D.C., to ensure cybercrimes are properly investigated. Additionally, they have computer analysis and response teams to conduct forensic examinations on seized magnetic media. Similarly, in 1996, the Justice Department established the Computer Crime and Intellectual Property Section within the Criminal Division, which is a unit with highly trained personnel who remain on the cutting edge of new technology and investigative techniques. In

addition, each U.S. Attorney's Office contains experienced computer crime prosecutors who help investigate and prosecute a variety of computer crimes, including cyberstalking. They work closely with State-level special divisions that have been established in several State attorney generals' offices to focus on computer crimes.

Some larger metropolitan areas, such as Los Angeles and New York City, have seen numerous incidents of cyberstalking and have created special crime units to investigate and prosecute these cases. The Los Angeles Stalking and Threat Assessment Team combines special sections of the police department and district attorney's office to ensure properly trained investigators and prosecutors are available when cyberstalking cases arise. In addition, the unit is given adequate resources, including computer hardware and advanced training, which are essential for investigating and prosecuting these technical cases. Similarly, the New York City Police Department's Computer Investigation and Technology Unit provides regular training for police officers and prosecutors regarding the intricacies of cyberstalking investigations and prosecutions. The training focuses on understanding how chat rooms operate, how to obtain and preserve electronic evidence, and how to draft search warrants and subpoenas.

The programs in New York City and Los Angeles both ensure that enforcement personnel have the resources and training needed to fight cyberstalking. Traditional law enforcement techniques for surveillance, investigation, and evidence gathering require modification for use on computer networks and often require the use of unfamiliar legal processes. Law enforcement at all levels must be properly trained to use network investigative techniques and legal processes while protecting the privacy of legitimate users of the Internet. Just as a burglar might leave fingerprints at the scene of a crime, a cyberstalker can leave an "electronic trail"

on the Web that properly trained law enforcement personnel can follow back to the source.

Cyberstalking is expected to increase as computers and the Internet become more popular. Accordingly, law enforcement at all levels must become more sensitive to cyberstalking complaints and devote the necessary training and resources to allow proper investigation and prosecution. By becoming technologically proficient and understanding stalking in general, agencies will be better prepared to respond to cyberstalking incidents in their jurisdictions. In addition, State and local agencies can turn to their local FBI office or USAO for technical assistance. Also, computer crime units and domestic violence units should share information and expertise, because many cyberstalking cases include elements of both computer crime and domestic violence. Finally, law enforcement must become more sensitive to the fear and frustration experienced by cyberstalking victims. Proper training should help in this regard, but law enforcement at all levels should take the next step and place special emphasis on this problem. Computers and the Internet are becoming indispensable parts of America's culture, and cyberstalking is a growing threat. Responding to a victim's complaint by saying "turn off your computer" or "change your telephone number" is not acceptable.

Industry Efforts

Although the Internet industry has tried to combat abusive electronic communications overall, it has not addressed cyberstalking in particular. Most major ISPs have established an address to which complaints of abusive or harassing electronic mail can be sent (generally, this address is `abuse@[the ISP's domain]`). In addition, these providers almost uniformly have provisions in their online agreements prohibiting abusive or harassing conduct through their service and stipulate that

violations of the policy will result in termination of the account.

In practice, however, ISPs have focused more on assisting their customers in avoiding annoying online behavior, such as receiving unsolicited commercial e-mail (spamming) or large amounts of e-mail intentionally sent to an individual (mail bombing). Less attention has been paid to helping victims of cyberstalking or other electronic threats. For some ISPs, the procedures for lodging complaints of online harassment or threats are difficult to locate, and their policies about what constitutes a violation of service agreements are generally not helpful. In addition, many ISPs do not inform their customers about what steps, if any, the ISP has taken to followup on customer complaints. These problems—hard-to-locate complaint procedures, vague policies about what does and does not constitute prohibited harassment, and inadequate followup on complaints—may pose serious obstacles to cyberstalking victims who need help.

Online industry associations respond that providing such protection to their customers is costly and difficult. Although they recognize that larger ISPs have begun to commit resources to dealing with harassment online, they caution that the costs of imposing additional reporting or response obligations on ISPs may make it difficult for small or entrepreneurial ISPs to continue providing service at competitive rates. For example, the Commercial Internet Exchange, whose members carry approximately 75 percent of United States backbone traffic, cautions that no attempt to impose reporting requirements should be made unless fully justified by the record. However, according to the same group, the decentralized nature of the Internet would make it difficult for providers to collect and submit such data. Accordingly, evidence of the scope of the cyberstalking problem is likely to be defined primarily by growing anecdotal evidence with limited factual basis to

determine whether the phenomenon is growing, static, or declining.

Industry Efforts: Educating and Protecting Consumers

Despite the difficulty in fully defining the scope of the cyberstalking problem, the industry has made notable efforts to inform consumers about ways to protect themselves online. Such information is principally focused on protecting children and consumers on the Internet. For example, since 1996, the Internet Alliance, one of the key Internet industry groups, has worked with the Federal Trade Commission and government agencies on Project OPEN (Online Public Education Network). Project OPEN provides information about fraud, parental controls, and privacy protection. Although this information is not specifically relevant to cyberstalking, much of the advice about protecting children and safeguarding privacy while online may be of assistance to individuals who want to use the Internet while being protected against potential cyberstalkers. More recently, a number of industry organizations have joined together to develop GetNetWise.Com—a single, comprehensive online resource to help parents and children use the Internet in a safe and educational manner.

Other similar industry efforts have been announced to address aspects of computer-related crime. For example, the Justice Department and the Information Technology Association of America (ITAA) announced the Cybercitizen Partnership in March 1999. This partnership is intended to boost cooperation between industry and government, expand public awareness of computer crime issues among children and adolescents, and provide resources for government to draw on in addressing computer crime. The industry has also responded to the complaints of parents who are worried about the content available to their children over the Internet. The One Click Away initiative

gives parents important information about protecting their children in one central location. Similar education and outreach efforts, approached through cooperation between industry and government, may educate individuals concerned about these issues and mitigate some of the dangers of cyberstalking.

Other Internet industry sectors have begun to address aspects of the cyberstalking problem. Many of their solutions focus on the ability of individuals to protect themselves against unwanted communications. For example, most Internet chat facilities offer users the ability to block, squelch, or ignore chat messages or “paging” from individuals who are attempting to annoy or threaten them. Similarly, many e-mail users have tools that allow them to block e-mail from individuals who are attempting to harass or annoy them. Such a solution may be useful in situations where the communications are merely annoying. Unfortunately, such a solution is less appropriate when threatening communications are received, because victims who never “receive” the threat may not know they are being stalked and may be alerted, for the first time, when the stalker shows up to act on the threat.

In another type of response, providers have set up gated communities for individuals, families, and children. The techniques used by these communities are still in the developmental stages and range from specialized servers, which allow potentially objectionable content to be filtered at the server, to designated areas for children and teens, which place restrictions on the amount or types of personal information that will be provided to others. Individuals who are concerned about being stalked may find refuge in these communities.

While these efforts all reflect important initiatives for self-protection, both industry and government representatives agree that a key component of addressing the cyberstalking problem is education and empowerment. If individuals are given

direction about how to protect themselves against threatening or harassing communications, and how to report incidents when they do occur, both the industry and law enforcement will be in positions to cooperate in conducting investigations.

Industry Efforts: Cooperation With Law Enforcement

Both industry and law enforcement benefit when crime over the Internet is reduced. In particular, the Internet industry benefits significantly whenever citizen and consumer confidence and trust in the Internet are increased. Accordingly, both industry and law enforcement recognize the need to cooperate more fully with one another in this area. Industry representatives have noted that contact between industry and law enforcement—particularly in the area of harassment—is sporadic and episodic. Industry representatives, who were consulted as part of the preparation of this chapter, indicated their willingness to participate in training efforts for law enforcement. Law enforcement personnel—particularly on the State and local levels, who are often the first responders to cyberstalking complaints—should engage industry representatives in dialogue and take advantage of the expertise offered by the industry in designing training programs. Closer cooperation between law enforcement and industry will ensure that law enforcement officers know whom to call at the ISPs and how to proceed when they receive a complaint, and ISPs will have a contact in law enforcement when they receive a complaint that warrants intervention.

Adequacy of Existing Laws

State Cyberstalking Laws

Fewer than one-third of the States have antistalking laws that explicitly cover cyberstalking. California, for example, only recently amended its stalking statute to cover it. The amended law was used to prosecute a 50-year-old former security

guard who pleaded guilty to one count of stalking and three counts of solicitation of sexual assault after using the Internet to solicit the rape of a woman who rejected his romantic advances. Although general stalking statutes in some States may cover cyberstalking, all States should review their laws to ensure they prohibit, and provide appropriate punishment for, stalking through the Internet and other electronic communications.

Federal Cyberstalking Laws

Federal law provides a number of important tools to combat cyberstalking. Under 18 U.S.C. § 875(c), it is a Federal crime, punishable by up to 5 years in prison and a fine of up to \$250,000, to transmit any communication in interstate or foreign commerce containing a threat to injure another person. Section 875(c) applies to any communication transmitted in interstate or foreign commerce—including threats transmitted in interstate or foreign commerce through telephone, e-mail, beepers, and the Internet.

Although 18 U.S.C. § 875(c) is an important antistalking measure, it has limited application. First, it applies only to communications of actual threats and cannot be used in a case where a stalker engaged in a pattern of conduct intended to harass or annoy another (absent some threat). Also, it is not clear that it would apply to situations where a person harasses or terrorizes another by posting messages on a bulletin board or in a chat room encouraging others to harass or annoy another person, as in the California case.

Certain forms of cyberstalking also may be prosecuted under 47 U.S.C. § 223. One provision of this statute makes it a Federal crime, punishable by up to 2 years in prison, to use a telephone or telecommunications device to annoy, abuse, harass, or threaten any person at the number called.⁸ The statute also requires that the perpetrator has not revealed his or her name (see 47 U.S.C. § 223(a)(1)(C)). Although this statute is broader than 18 U.S.C. § 875, covering both threats and

harassment, Section 223 applies only to direct communications between the perpetrator and the victim. It would not reach a cyberstalking situation if a person harasses or terrorizes another person by posting messages on a bulletin board or in a chat room encouraging others to harass or terrorize that person. Moreover, Section 223 is only a misdemeanor, punishable by not more than 2 years in prison.

The Interstate Stalking Act, signed into law in 1996, made it a crime for any person to travel across State lines with the

intent to injure or harass another person and, in the course thereof, to place that person or a member of that person's family in a reasonable fear of death or serious bodily injury (see 18 U.S.C. § 2261A).

Finally, a law was passed in October 1998 that protects children against online stalking. The statute, 18 U.S.C. § 2425, makes it a Federal crime to use any means of interstate or foreign commerce (such as a telephone line or the Internet) to communicate with any person with the intent to solicit or entice a child into unlawful

First Amendment and Other Legal Considerations

All 50 States, the District of Columbia, and the Federal Government have passed laws that criminalize stalking to address the serious harms and dangers that result from stalking, including the fear of violence and loss of privacy and control suffered by the victim. In addition to these direct harms, stalking is frequently a precursor to physical violence against the victim. By its nature, however, stalking is not a crime that can be defined with a particular discrete set of acts. Frequently, stalking consists of a course of conduct that may involve a broad range of harassing, intimidating, and threatening behavior directed at a victim. The conduct can be as varied as the stalker's imagination and ability to take actions that harass, threaten, and force himself or herself into the life and consciousness of the victim. As new technologies become available, as is the case with the Internet and cyberstalking, stalkers adapt those technologies to new ways of stalking victims.

As a result of the breadth of conduct potentially involved in stalking, antistalking statutes need to be relatively broad to be effective. At the same time, because of that breadth and because stalking can involve expressive conduct and speech, antistalking statutes must be carefully formulated and enforced so as not to impinge on speech that is protected by the First Amendment. This is true with regard to cyberstalking laws, which frequently involve speech over the Internet. The Internet has been recognized as an important tool for protected speech activities. See, e.g., *Reno v. American Civil Liberties Union*, 521 U.S. 844, 850–52, 870 (1997).

The fact that stalking behavior (including cyberstalking) may implicate important issues of free speech does not eliminate the significant public interest in its criminal regulation or suggest that all criminal regulation would be prohibited by the freedom of speech guarantees of the First Amendment. The First Amendment does not prohibit any and all regulations that may involve or have an impact on speech. Of particular relevance to stalking, the U.S. Supreme Court has recognized that governments may criminalize true threats without violating the First Amendment. See, e.g., *Watts v. United States*, 394 U.S. 705 (1969) (*per curiam*). Stalking (and cyberstalking) generally involves conduct reasonably understood to constitute a threat of violence, and such threats may be criminalized consistent with the First Amendment.

One of the recommendations in this chapter calls on States to review and update their statutes to cover electronic communications in their stalking laws. Care must be taken in drafting cyberstalking statutes to ensure that they are not so broad that they risk chilling constitutionally protected speech, such as political protest and other legitimate conduct. A carefully drafted statute can provide broad protections against cyberstalking without running afoul of the First Amendment.

sexual activity. While this new statute provides important protections for children, it does not reach harassing phone calls to minors absent a showing of intent to entice or solicit the child for illicit sexual purposes.

Federal legislation was enacted recently to fill the gaps in current law. Although most cyberstalking cases will fall within the jurisdiction of State and local authorities, there are instances—such as serious cyber harassment directed at a victim in another State or involving communications intended to aid and abet third parties in harassment or threats—where State law is inadequate, questions of jurisdiction arise, or State and local agencies do not have the expertise or resources to investigate and prosecute a case. (See page 41 for a description of the Federal cyberstalking offense enacted as part of the Violence Against Women Act of 2000.)

Recommendations

General Recommendations

- The law enforcement community, private industry, victim assistance providers, and individuals must recognize that cyberstalking is a serious problem—not only as a potential precursor to offline threats and violence, but also as a serious invasion of an increasingly important aspect of people’s everyday lives. At the same time, it is important to note that many forms of annoying and menacing activity on the Internet do not rise to the level of illegal activity and are properly addressed by individuals and service providers without recourse to law enforcement channels.
- The lack of comprehensive data on the nature and extent of cyberstalking makes it difficult to develop effective response strategies. Future surveys and research studies on stalking should, where possible, include specific information on cyberstalking. Industry

organizations can and should play a role not only in increasing the amount of data on the cyberstalking problem but also in ensuring that the data can be analyzed in a meaningful way.

Legislation Recommendations

- State legislators should review their existing stalking and other statutes to determine whether they address cyberstalking and, if not, promptly expand such laws to address cyberstalking.
- Federal law also should be amended to make it easier to track down stalkers and other criminals in cyberspace while maintaining safeguards for privacy. In particular, the Cable Communications Policy Act should be amended to provide access to the same type of subscriber records, under the same standards and privacy safeguards, as those for electronic mail subscribers under 18 U.S.C. § 2703 (while maintaining strict limits on access to records that reveal customer viewing habits).

Law Enforcement and Criminal Justice Recommendations

- Law enforcement agencies and courts need to recognize the serious nature of cyberstalking, including the close links between offline and online stalking.
- Law enforcement agencies need training on the nature and extent of the cyberstalking problem, including specific training on the legal tools available to address the problem, the need for and effectiveness of prompt action by law enforcement agencies, the most effective techniques to investigate and prosecute cyberstalking crimes, and the resources available to cyberstalking victims.

- Law enforcement agencies with existing stalking or computer crime units should consider expanding the mission of such units to include cyberstalking, and law enforcement agencies that do not have a stalking section should consider expanding their capabilities to address both offline and online stalking. At the least, law enforcement agencies should understand the patterns underlying stalking in general and be prepared to respond and intercede on behalf of cyberstalking victims.
- Law enforcement agencies should use mechanisms for quickly and reliably sharing information about cyberstalking incidents with other law enforcement agencies, thereby making it less likely that a cyberstalker can continue threatening behavior simply because neither the jurisdiction of the sender nor the jurisdiction of the victim can prosecute the offender.
- U.S. Attorneys' Offices, in consultation with other Federal, State, and local agencies, should examine the available resources and networks of investigators and prosecutors with the expertise to handle cyberstalking investigations. These include violent crime specialists, computer crime investigators and prosecutors, computer forensic specialists, and victim-witness coordinators. The Law Enforcement Coordinating Committees, which have been established in each USAO and are designed to foster coordination among law enforcement agencies, would be an appropriate body for addressing these issues.
- Law enforcement agencies should work more closely with victim advocacy groups to identify cyberstalking patterns and victim experiences and to encourage cyberstalking victims to report incidents to law enforcement authorities.

Industry Recommendations

- The Internet and electronic communication industry should create an industry-supported Web site containing information about cyberstalking and what to do if confronted with this problem. Contact information for the major ISPs should be included so that Internet users can easily report cyberstalking cases after visiting this centralized resource. This recommendation could be implemented by expanding the One Click Away initiative or through a complementary but separate initiative focused on cyberstalking.
- The industry should develop additional means to empower individuals to protect themselves against cyberstalking. Such means might include more accessible and effective filtering and blocking options. While some major ISPs already allow such options, others do not.
- The industry should develop training materials to help law enforcement investigate and prosecute cyberstalking and related crimes. For example, a short training video could be developed to increase awareness of the cyberstalking problem and to provide law enforcement officers with essential information on how to work with ISPs and others in the investigation of cyberstalking cases.
- The industry should cooperate fully with law enforcement when they are investigating cyberstalking complaints. It can do this, for example, by immediately freezing and retaining data for law enforcement use on any potential cyberstalking case.
- The industry should establish best business practices to address illicit activity by terminating holders of fraudulent accounts.

- The industry should sponsor an Internet Security and Law Enforcement Council of ISPs and other members of the Internet community to develop and promote industry best business practices relating to security and law enforcement issues (including cyberstalking), develop and distribute training materials for law enforcement about the investigation and prosecution of Internet crime, and promote more effective communication and cooperation between industry and law enforcement in combating online criminal activity.
 - The industry should establish and enforce clear policies that prohibit cyberstalking and related behaviors, including terminating the accounts of persons who violate such policies. While it appears that most of the larger ISPs have such policies, some smaller ISPs do not. Representatives from the Internet industry should consider establishing an industrywide code of conduct that encourages all ISPs to adopt such procedures.
 - The industry should establish clear, accessible, and understandable procedures for individuals—customers and noncustomers—to register complaints about use of a company’s service to engage in cyberstalking.
 - The industry should develop and widely disseminate educational materials to customers and others on how to protect themselves online.
- and referrals to resources designed to assist victims of cyberstalking and work to ensure that cyberstalking services are expanded to meet the needs of victims and enhance their safety.
- Victim services providers and advocates should train domestic violence and other advocates on Internet technology, the tactics used by cyberstalkers, and how to respond to the specific needs of cyberstalking victims.
 - Victim services providers and advocates should name the behavior as cyberstalking and validate that a crime is occurring when working with individual victims.
 - Victim services providers and advocates should serve as catalysts in community efforts to form partnerships among law enforcement, prosecution, the judiciary, the medical community, and other community allies to address the specific safety needs of cyberstalking victims and to hold offenders accountable for their actions.
 - Victim services providers and advocates should raise public awareness about the devastating impact on cyberstalking victims of the tactics used by cyberstalkers and the steps that can be taken to prevent and combat this crime.
 - Victim services providers and advocates should inform public policy decisionmaking.

Advocate and Victim Services Provider Recommendations

- Victim services providers and advocates should provide direct services

Cyberstalking Resources Online

CyberAngels: A nonprofit group devoted to assisting victims of online harassment and threats, including cyberstalking: www.cyberangels.org.

GetNetWise: An online resource for families and caregivers to help kids use the Internet in a safe and educational manner. It includes a guide to online safety, a directory of online safety tools, and directions for reporting online trouble: www.getnetwise.org.

National Center for Victims of Crime: Through its toll-free national hotline, the center provides victims with referrals to the nearest appropriate services in their community, including crisis counseling and support groups, advocacy services, and assistance with the criminal justice process. The center publishes bulletins on a number of topics, including domestic violence, sexual assault, and stalking: www.ncvc.org.

National Cybercrime Training Partnership: This interagency Federal/State/local partnership, led by the Justice Department with extensive support from the Office of Justice Programs and the National White Collar Crime Center, is developing and delivering training to Federal, State, and local law enforcement agencies on how to investigate and prosecute computer crime. Information about the partnership can be found through its Web site: www.cybercrime.org.

Privacy Rights Clearinghouse: This nonprofit consumer information and advocacy program offers consumers a unique opportunity to learn how to protect their personal privacy. Its services include a consumer hotline for reporting privacy abuses and for requesting information on ways to protect privacy and fact sheets on privacy issues, including one entitled *Are You Being Stalked? Tips for Your Protection*: www.privacyrights.org.

Search Group, Inc.: SEARCH, The National Consortium for Justice Information and Statistics, provides assistance to State and local criminal justice agencies on information technology issues. SEARCH, through its National Technical Assistance and Training Program, provides comprehensive, hands-on training on computer crime investigations at its headquarters in Sacramento, California, and at regional training sites around the country: www.search.org.

Working to Halt Online Abuse (WHOA): Founded by women to educate the Internet community about online harassment, WHOA empowers victims of online harassment and develops voluntary policies that systems administrators can adopt to create an environment free of online harassment. WHOA educates the online community by developing Web site resources, including the creation of a safe- and unsafe-site list to enable users to make informed decisions and providing information about how users can protect themselves against harassment: www.haltabuse.org.

Protecting Yourself Against Cyberstalking and What To Do If You Are a Victim

Prevention Tips

- Do not share personal information in public spaces anywhere online, nor give it to strangers, including in e-mail or chat rooms. Do not use your real name or nickname as your screen name or user ID. Pick a name that is gender and age neutral, and do not post personal information as part of any user profiles.
- Be extremely cautious about meeting online acquaintances in person. If you choose to meet, do so in a public place and take along a friend.
- Make sure that your ISP and Internet Relay Chat network have an acceptable-use policy that prohibits cyberstalking. If your network fails to respond to your complaints, consider switching to a provider that is more responsive to user complaints.
- If a situation online becomes hostile, log off or surf elsewhere. If a situation places you in fear, contact a local law enforcement agency.

What To Do If You Are Being Cyberstalked

- If you are receiving unwanted contact, make clear to that person that you would like him or her not to contact you again.
- Save all communications for evidence. Do not edit or alter them in any way. Also, keep a record of your contacts with Internet system administrators and law enforcement officials.
- You may want to consider blocking or filtering messages from the harasser. Many e-mail programs such as Eudora and Microsoft Outlook have a filter feature, and software can be easily obtained that will automatically delete e-mails from a particular e-mail address or that contain offensive words. Chat room contact can be blocked as well. Although formats differ, a common chat room command to block someone would be to type /ignore<person's screen name> (without the brackets). However, in some circumstances (such as threats of violence), it may be more appropriate to save the information and contact law enforcement authorities.
- If harassment continues after you have asked the person to stop, contact the harasser's ISP. Most ISPs have clear policies prohibiting the use of their services to abuse another person. Often, an ISP can try to stop the conduct by direct contact with the stalker or by closing his or her account. If you receive abusive e-mails, identify the domain (after the "@" sign) and contact that ISP. Most ISPs have an e-mail address such as abuse@<domain name> or postmaster@<domain name> that can be used for complaints. If the ISP has a Web site, visit it for information on how to file a complaint.
- Contact your local police department and inform its officers of the situation in as much detail as possible. In appropriate cases, they may refer the matter to State or Federal authorities. If you are afraid to take action, there are resources available to help you. Contact the National Domestic Violence Hotline, 1-800-799-SAFE (phone) or 1-800-787-3224 (TDD), or a local women's shelter for advice and support.

CHAPTER 2

LAW ENFORCEMENT AND PROSECUTION RESPONSE TO STALKING—RESULTS OF A NATIONAL SURVEY

This chapter examines the criminal justice system's response to stalking across the country by providing an overview of State laws and case law on stalking and reporting the results of a national survey of law enforcement and prosecution practices in this area.⁹

Survey of State Laws

Every State, and the District of Columbia, has enacted some type of stalking law. In 12 States, conviction for a first offense of stalking is automatically a felony, and in 23 States, a first offense of stalking may be a felony. In the remaining 15 States, a first offense is a misdemeanor, but a repeat stalking conviction is a felony.

Many States have statutes that address stalking-related conduct. Offenses include harassment (25 States), threats and intimidation (35 States and the District of Columbia), telephone threats or harassment (43 States), and letter threats (20 States). Ten States provide enhanced felony penalties for harassment or stalking of a minor.

Twenty-seven States provide for civil protection orders to be issued against stalking, in addition to orders of protection against domestic violence. Violation of a stalking protection order is a crime in 25 of these States and may be criminal contempt of court in the other 2 States. In only five States can a violation of the stalking order be treated as a felony; in many others, repeat stalking in violation of an order is aggravated stalking and a felony. In addition, in eight States, repeat violations of a stalking order can be a felony. In six States, legislation provides for the entry of stalking protection orders into a special statewide registry for these

orders. Thirty-five States also have registries for domestic violence protection orders, and these orders often include antistalking provisions.

In 10 States where stalking can be a misdemeanor offense, State law authorizes warrantless arrest for stalking, similar to that authorized for misdemeanor domestic violence. In the 12 States where stalking is always a felony, warrantless arrest is authorized where probable cause exists. In Mississippi, warrantless arrest for misdemeanor stalking is authorized where the stalking is against a spouse or former spouse.

Training of law enforcement officers on stalking is required only in Minnesota and Nevada. However, 30 States require law enforcement training on domestic violence, a requirement that may be administratively interpreted to include stalking.

Case Law Review

As of August 2000, nearly 500 stalking and related cases prosecuted at the Federal, State, and local levels had been identified (see appendix A). Cases involving stalking were most common (157 cases), followed by harassment (142 cases) and threats (122 cases). Only a few State stalking laws have been struck down on the basis of overly vague terms such as "annoy" or lacking an intent requirement.

Double-jeopardy claims were another common challenge, typically where there had been a previous finding of contempt of court for violation of a court order, such as a protection order or an injunction. Rulings varied based on whether the criminal offense and the contempt offense shared common facts. Where the court found that the two offenses shared

common facts, it ruled that a criminal trial for both offenses violated the defendant's constitutional right not to be tried twice for the same crime.

Harassment laws that are not limited to prohibitions on "fighting words," which are not entitled to the same protection under the First Amendment as are other kinds of speech, were the most vulnerable to constitutional challenge.¹⁰ However, courts held that telephone harassment laws were not required to have such a limitation because of their invasion of privacy component. For much the same reason, telephone harassment and threat laws commonly focus on the intent of the caller to harass or threaten rather than the victim's response to these messages. In fact, a few States do not require actual fear to result from the harassment.

Despite the growing popularity of electronic communication, there are very few reported cases involving this medium. Some of the cases indicate that courts may be reluctant to apply old laws to this new means of delivering threats or harassing communications without explicit statutory language addressing the use of electronic communication to stalk, harass, or threaten.

Practitioner Surveys

Two hundred and four law enforcement agencies and 222 prosecution offices in jurisdictions with populations of more than 250,000 were surveyed by mail in November 1997. The survey asked what special efforts these agencies had undertaken against stalking, including special units, training, and written policies and procedures.¹¹ The survey found that all but seven of the police agencies surveyed assign stalking cases either to their detective unit or to a specialized unit, most commonly the domestic violence unit, or to a combination of detectives and domestic violence investigators. A few agencies assign stalking cases to their sex crimes unit. Only one has a specialized stalking unit.

Most of the prosecution offices surveyed similarly assign stalking cases to their domestic violence unit. A significant minority (15 percent) split stalking case duties between their domestic violence unit and another unit, usually the general trial unit. Another important pattern is for stalking to be handled by a special unit that is responsible for prosecution of domestic violence, sex crimes, and other kinds of specialized cases such as child or elder abuse. Seven offices have either a specialized stalking unit or an assistant or deputy prosecutor who specializes in stalking cases.

Stalking training for police recruits is typically part of their domestic violence training. About 13 percent of the agencies have specialized training on stalking independent of domestic violence, although several offer both types of training. Less than 15 percent of the police agencies do not offer stalking training to recruits. Significantly, more than one-third do not provide inservice stalking training to their officers. Slightly more than half reported that inservice training on stalking is provided to all detectives or to special unit detectives.

Most of the prosecution offices surveyed (82 percent) provide some training on stalking. About 25 percent of the offices provide inservice stalking training to all their attorneys, and 17 percent provide stalking training to new attorneys. Most of the latter agencies provide both inservice and new attorney training. More than one-third of the offices limit their inservice training to special unit prosecutors. Ten percent of the prosecution offices said that the only stalking training their attorneys get is from outside training sources.

Fifty-seven percent of the police agencies surveyed have written policies and procedures for handling stalking cases, most often as part of their domestic violence protocols. Only 11 agencies have separate stalking protocols. A slightly smaller proportion (50 percent) of prosecution offices said they had written policies for prosecuting stalking cases. Only

six offices have separate stalking protocols, including one office with both policies and protocols.

The written comments provided by the respondents indicate that prosecutors in several States have problems with the statutory “credible threat” requirement. However, some prosecutors in these States did not report such problems. The reasons for this difference may be related to methods of coordination between law enforcement and prosecution in stalking cases. The need for training was expressed by many respondents.

Field Studies

Site visits have been completed in six locations: the Los Angeles Police Department’s threat management unit, the Los Angeles County District Attorney’s stalking and threat assessment prosecution unit, the San Diego County District Attorney’s stalking prosecution unit, the San Jose Police Department’s stalking unit, the Sacramento County District Attorney’s Office, and the Colorado Springs Police Department.

Preliminary findings from these sites show some significant similarities:

- Specialized stalking units provide expertise in identifying, investigating, and prosecuting stalking crimes.
- Staffing of specialized units is essentially experimental, so central units

share jurisdiction over stalking crimes with other agency units, taking only the most serious cases.

- Failure to identify stalking behavior is a continuing problem. All of the specialized units devote considerable resources to training other criminal justice personnel and educating the community.
- Because both stalking legislation and specialized stalking units are relatively new, case management requires the development of new techniques for investigation and for ensuring victim safety. Investigators and prosecutors of stalking operate as problem solvers for tasks such as identifying who the stalker is, how to prove stalking, and how to work with victims to collect evidence while keeping them safe.

Training Programs

A number of jurisdictions provide training on stalking. A few jurisdictions have had training for only their law enforcement officers, typically of a limited duration (e.g., rollcall training). Many others have had more extensive training, typically involving multidisciplinary audiences. Some prosecutors have provided informal training to the judiciary on stalking issues through extensive filings of motions and briefs that explain the nature of stalking and its impact on victims.

CHAPTER 3

VICTIM NEEDS

In *Stalking in America: Findings From the National Violence Against Women Survey*,¹² the National Institute of Justice (NIJ) reported that stalking is much more prevalent than previously thought, with an estimated 1 million women and 370,000 men stalked annually. The report found that stalking is most often perpetrated against current or former intimate partners, with young women between ages 18 and 29 as the primary targets. More recently, in the 2000 Report to Congress evaluating the STOP Violence Against Women Formula Grants, the Urban Institute noted that stalking is the least understood of the three crimes addressed by VAWA. Only eight States address stalking in their STOP implementation plans.¹³

Based on these reports and the growing body of research on stalking and domestic violence, the U.S. Department of Justice's Office for Victims of Crime (OVC) convened a national focus group to gather information about the needs of stalking victims. The focus group brought together stalking victims, victim advocates, and victim assistance providers, as well as prosecutors and law enforcement officers who have worked with stalking victims. Their discussion explored the effects of stalking on victims' lives and how communities can better address the needs of stalking victims. Participants who had been stalked described the psychological and physical impact of the terrorizing tactics used by their stalkers. Others shared information from their experiences in assisting victims who had been stalked. Participants identified gaps in service provision and barriers to accessing services and made recommendations for improving aid to stalking victims and preventing future crimes. This chapter summarizes the focus group discussion.

Victim Experiences of Stalking

The victims participating in the discussion described frightening accounts of being stalked for as long as years at a time. One participant was stalked by a man she had dated, two participants by former spouses, one by a former employee, one by a stranger who was mentally ill, one by a neighbor, and one by a cyberstalker of unknown identity. Their experiences varied based on multiple factors:

- Their relationship with the stalker.
- The mental health status of the stalker.
- The motivations of the stalker, if known.
- The tactics used by the stalker.
- The frequency, intensity, and intrusiveness of the stalking acts.
- Whether the stalker also was targeting the victim's family and friends.
- The locations where the stalking acts occurred, such as workplace or college campus.
- The levels of support and services available in their communities.
- The accessibility of community support and services, which varied based on factors such as disabilities, financial status, and gender.
- Whether the justice system was proactive on the victim's behalf.
- Whether the stalker's behavior stopped.

While the specific circumstances surrounding the stalking were unique, victims recounted many similar issues and concerns. The most common result of the stalking was the terror it evoked in victims.

Tactics Used to Control Victims

The motive for stalking is not sexual; rather, it is anger or hostility toward the victim and a desire to control the victim. Participants in the focus group asserted that their stalkers had systematically tried to subjugate them. Stalkers employ various acts of terrorism over a period of weeks, months, years, or even decades, which has the cumulative effect of eroding victims' self-confidence and sense of control over their lives. Some acts convey subtle messages meant to instill fear, while others brutally remind victims of their stalkers' dominance over them. Discussion participants described a range of stalking tactics that included:

- Leaving or sending unwanted messages, such as sending letters written in blood or cut-up pictures of victims.
- Breaking into and vandalizing property, such as homes and cars.
- Following, harassing, and defaming victims.

- Tracking down victims' contact information in cases in which victims try to hide (e.g., through neighbors, employers, and even the police).
- Impersonating people trusted by victims to obtain access to them.
- Threatening physical harm or death to victims, family members, and friends, such as threatening to place a bomb in a victim's car or to kill a victim's lawyer.
- Killing victims' pets.
- Kidnapping victims.
- Physically attacking and torturing victims.
- Sexually assaulting victims.
- Using weapons to hurt or kill victims.

The control tactics described by focus group participants mirror those tactics reported in the National Violence Against Women (NVAW) survey. The survey found that the most common activities engaged in by stalkers include following or spying on victims, standing outside victims' homes or places of work or recreation (82 percent), making unsolicited phone calls (61 percent), sending or leaving unwanted letters or other items (33 percent), vandalizing property (29 percent), and killing or threatening to kill family pets (9 percent).¹⁴

One victim was stalked for 3 years, during which the stalker broke into her house, beat her, and threatened to kill her if she told anyone.

In addition to enduring beatings, vandalism to her house and car, and threats of bodily injury, another victim received 6 to 10 unwanted letters a day from her stalker, typically 8 pages long, written on both sides.

In another case, a stalker widely disseminated false information on the Internet—claiming, among other things, that the victim was available for sex and listing her address and phone number.

Dealing With Fear

In the face of the danger posed by their stalkers, victims typically confront the daily task of keeping themselves and their family members safe. They may tell family, friends, employers, coworkers, daycare providers, and criminal justice system professionals about what is happening in

attempts to seek assistance. Like victims of sexual assault and domestic violence, stalking victims sometimes spend an inordinate amount of time attempting to convince others to believe that they are being stalked and are in real danger. Participants reported that victims deal with varying reactions from others, including:

- Disbelief.
- Blaming the victim for causing the stalking, particularly in cases where victims know their stalkers.
- Believing the victim but refusing to help or support the victim.
- Believing the victim, taking the victim's concerns seriously, and offering support and assistance.

A number of victims described stalking as a nightmare that invaded all aspects of their lives. They spent a great deal of energy, time, and money just trying to stay alive.

The victims participating in the discussion all reported stalking or related abuses to local police at some point. Some victims encountered disbelief or apathy from officers. Others indicated that officers were sympathetic to their plight but lacked the legal authority to intervene to stop the stalking. In some instances, stalkers were eventually charged with crimes, convicted, and incarcerated. In other cases, the stalkers' acts were not considered illegal and the victims fled and relocated to other states.

According to the NVAW survey, 55 percent of the surveyed female victims reported their stalking to the police.¹⁵ When other victims were asked why they chose not to report their stalking to the police, they stated that the stalking was not a police matter, they thought the police would not be able to do anything, or they feared reprisals from their stalkers.

One victim told of police officers being called to her home on numerous occasions, listening to her accounts of being stalked, and taking written notes. She found out only later that not one report had ever been officially filed.

Another victim said that she went to the police only after her stalker broke her nose in broad daylight. They told her it would be too hard to prosecute her case. She endured numerous attacks by the stalker after her initial interaction with law enforcement, including one that left her hearing disabled.

One victim indicated that she received assistance from an FBI agent who got involved in her case when the stalker started sending threatening letters to her through the U.S. Postal Service. Prior to this intervention, however, she endured years of increasingly violent stalking acts.

Victims often go to extraordinary lengths to keep themselves safe, including:

- Changing all personal contact information such as phone and fax numbers, postal and e-mail addresses, and driver's license and Social Security numbers.
- Trying to restrict public access to their personal records such as getting their names off all mailing lists and making sure companies and public agencies do not give out their personal information.
- Getting devices that allow them to screen who has contact with them, such as voice mail and caller I.D. boxes for telephones.
- Changing their lifestyles and restricting their communication with others by, for example, altering routines, discontinuing activities, switching jobs, finding new schools for children, temporarily or permanently relocating, and ceasing communication with family and friends.

One victim spent approximately 2 years hiding from her stalker in basements of people she knew, only going home every couple of days to feed her pets. Her stalker eventually attempted to shoot her.

Promising Practice: Victim Safety

The Address Confidentiality Program, coordinated by Washington's Secretary of State Office, helps stalking, sexual assault, and domestic violence victims maintain address confidentiality by offering them a substitute mailing address. For more information, call 360-586-4386 or 360-586-4388 (TTY) (Olympia, WA).

Emotional and Physiological Reactions

In addition to living in fear and paying constant attention to maintaining their physical safety, victims may experience harmful responses from individuals and institutions, such as the criminal justice system or their workplace. Many spoke of having reactions common to the experiences of other survivors of trauma, including:

- Powerlessness/loss of control.
- Feelings of desperation and isolation.
- Self-blame or shame.
- Hypervigilance and overreactivity.
- Sleep disturbances such as nightmares and difficulty falling asleep or staying awake.
- Avoidance of intimacy.
- Weight loss or gain.
- Substance abuse.

- Intense fear of specific and general things such as being alone or in crowds.
- Anxiety and depression.
- Spiritual crises.

These descriptions by the focus group victims also support the findings of the NVAW survey concerning the psychological and social consequences of stalking. About one-third of the women surveyed said they sought psychological counseling as a result of their stalking victimization.¹⁶ The report also showed that stalking victims were significantly more likely than members of the general population to be very concerned about their personal safety and about being stalked, to carry something to defend themselves, and to think personal safety has gotten worse in recent years.¹⁷ Numerous advocates and service providers at the focus group meeting indicated that the stalking victims they encounter often experience posttraumatic stress disorder (PTSD).

Lifetime Ordeal

The ongoing nature of the crime often makes it particularly difficult for victims to recover from the effects of the stalking. While the victims participating in the discussion were not currently being stalked, they all indicated that they live in some degree of fear that the stalking will start anew. They expressed two reasons for this fear:

- Even when the criminal justice system imprisons or institutionalizes stalkers, it typically does not detain them forever.
- If victims successfully fled from their stalkers by relocating or changing their identity, they are not fully confident that the stalkers will not eventually discover their new location or identity.

One victim recounted that after serving a reduced jail sentence, the offender resumed his stalking activities at a more frequent and violent level.

Secondary Victims

Participants stressed that stalking also affects secondary victims, such as children and other family members, friends, co-workers, and other acquaintances. These individuals can suffer because:

- They may become an object of the stalker's attacks as a way of controlling the primary victim.
- They may witness stalking acts against the primary victim.
- They may be traumatized as they try to support the primary victim.
- They may be affected indirectly as a result of the stalking (e.g., a friend misses work in order to assist the victim, or children miss school because they are fleeing the stalker).

Participants were particularly concerned about the plight of children who witness stalking or who are stalked themselves. A number of service providers at the meeting expressed alarm that in situations where stalkers and victims have children in common, courts sometimes require victims and their children to stay in the same State as their stalkers.

Costs of Stalking to Victims

Although there are no comprehensive nationwide data on the overall cost of stalking, it was obvious from participant feedback that victims experience enormous losses. The focus group cited several losses to victims that are directly attributable to stalking: property damage and

destruction, physical and emotional injuries requiring short- and long-term medical and mental health treatment, lost wages, expenditures related to hiding from the stalkers and maintaining safety, and pain, suffering, and an overall reduced quality of life.

It can quickly become very costly for stalking victims to maintain safety and health given the long-term nature of the crime and the multitude of tactics that stalkers employ. However, the extensive financial assistance and/or resources these victims require are simply not available in most communities.

While many State crime compensation programs will cover some expenses related to stalking (e.g., counseling), some States do not cover expenses unless a violent incident has occurred. Most State programs do not cover the range of victim expenses related to relocation, such as moving costs and lost wages.

As a consequence of stalking, one victim was fired from her job and forced to declare bankruptcy.

The NVAW survey also addressed the cost of stalking. It reported that 26 percent of the stalking victims said their victimization caused them to lose time from work. The survey authors attributed this lost time to the same reasons identified by the focus group: to attend court hearings, meet with a psychologist or other mental health professional, avoid contact with the assailant, and consult with an attorney. Seven percent of the victims responding to the NVAW survey said they never returned to work. For those victims who returned to work, the average time missed due to their stalking victimization was 11 days.¹⁸

Professionals Who Can Help

Victims of stalking require a wide range of services from victim assistance providers, victim advocates, justice system

personnel, and other community professionals. These service providers must:

- Validate that the stalking experienced by the victim is indeed occurring.
- Understand the complexity of the crime and the danger posed by stalkers.
- Have the capacity to provide effective intervention strategies that protect and support victims and restrict stalkers.

Service providers, victim advocates, and criminal justice personnel need to provide immediate assistance to victims dealing with stalking. They must be sensitive to the victim's need for confidentiality and ensure that information pertaining to the victim is not released to a third party without the victim's permission. After providing information on safety planning and resources, those working with stalking victims need to respect and support the decisions victims make concerning their own safety, even when they do not agree with victims' decisions.¹⁹

Communities generally lack justice system personnel, victim assistance providers, and advocates with sufficient knowledge or capacity to provide specialized assistance for stalking victims, particularly for those who are being stalked by strangers or acquaintances or through the Internet. The focus group reported that other community professionals, such as doctors, mental health providers, welfare and child protection workers, daycare providers, school staff, employers, and church leaders, also lack knowledge about how to identify and respond to stalking.

Response Tailored to Individual Circumstances

Victim experiences vary due to multiple factors, which must be taken into account when developing effective responses to promote victim safety and restrict the

actions of stalkers. Specifically, victims emphasized that it is important not to evaluate the stalker's behavior based on the victim's relationship with the stalker. Instead, those working with stalking victims should incorporate prior knowledge of each particular stalker with studied behavior patterns of stalkers in general to develop a proper response. Because stalking behavior is unpredictable, mechanisms must be in place to protect victims if and when stalking escalates.

Promising Practice: Individualized Response

In 1996, the Victim Services Stalking Unit of the Queens, New York, Criminal Court Program received funding from the New York Crime Victims Board to provide services to stalking victims, regardless of whether the victim was physically injured in the course of the stalking crimes. The unit offers stalking victims crisis intervention and emotional support, assistance with assessing risk and safety planning, defense kits, instruction on keeping logs of evidence for court, and legal advocacy and case management throughout the criminal justice system. It also offers victims fact sheets, brochures, and tip cards, written in both English and Spanish. For more information, call 718-286-6084 (Kew Gardens, NY).

Many communities have justice system and victim assistance resources set up to help domestic violence victims assess their risk of danger and plan for safety. These resources may or may not be sufficient to help victims who are stalked by partners or former partners.

Underserved Populations of Victims

Stalking victims may face further obstacles to getting help because their communities are not prepared to provide the individualized attention and services they need, due to factors such as:

- Physical, cognitive, or emotional disabilities.
- Language capacity.
- Cultural and ethnic background.
- Socioeconomic status.
- Place of residence, such as a rural area or college campus.
- Gender.
- Sexual orientation.
- Immigration status.
- Religion.
- Race.

Agencies need specific training and technology to assist these victims successfully. For example, victims with hearing disabilities need to be able to communicate with others to get help. Assisting agencies should have TTY/TDD machines and the capacity to use them, know how to use phone relay systems, and have quick access to sign-language interpreters. Victims with a wide range of experiences, resources, or capabilities need individuals with appropriate sensitivities and cultural backgrounds to advocate for them, particularly in interactions with agencies not equipped to deal with victims from diverse communities.

Interventions by the Criminal Justice System

Focus group participants recounted several types of criminal justice interventions that may be effective in maintaining victim safety and holding offenders accountable. They include:

- Swift and timely law enforcement response.
- Dispatchers who address victim safety first and officers who make every attempt to arrest stalkers.
- Investigation of each case thoroughly and aggressively with the goal of charging stalkers with the fullest range of crimes possible.
- Assistance for victims in assessing stalkers' potential lethality and developing safety plans.
- Instruction for victims on how to document stalking activities and use equipment to collect evidence such as an answering machine, tape recorder, camera, or video camera.
- Helping victims obtain restraining orders or referring victims to advocates who can assist them in obtaining restraining orders and a quick response to any violations of these orders.
- Aggressive prosecution and court responses that keep stalkers away from victims after charges are filed, such as high bonds that may help keep stalkers incarcerated before or during trials, or requests that no contact be a condition of pretrial release.
- Providing victims with information about stalking crimes, legal remedies, and referrals to community resources.

- Helping victims keep personal information confidential throughout criminal justice proceedings (e.g., a stalker’s attorney should not be able to obtain information that the stalker can use to threaten or harass the victim).
- Proactive prosecution and court responses that involve effective strategies to deter stalkers from further acts of stalking and to protect victims, such as the electronic monitoring of stalkers as part of sentencing.
- Notifying victims of stalkers’ pending release from correctional or mental facilities and the conditions of their probation, along with assistance in post-release safety planning and protection.

general lack of understanding about the seriousness of the issue. Gaps in responses, such as incorrectly charging stalking crimes and failing to enforce restraining orders against stalkers, can result in increased danger for victims.

Other barriers to effective criminal justice system intervention include stalker manipulation of the justice system and heavy evidence collection burdens on victims. For example, some stalkers successfully shift attention away from themselves by claiming that victims are stalking them or by accusing victims of child abuse or neglect. At the same time, they continue to stalk the victims. Moreover, realizing their cases will not go forward in the criminal justice system without sufficient evidence, many victims spend a lot of time and energy keeping detailed logs of stalking incidents and collecting supporting documentation. In fact, in order to obtain evidence that the crime of stalking has been committed, victims often have to endure more stalking acts.

Promising Practice: Interventions by the Criminal Justice System

The Dover, New Hampshire, Police Department recently received an Office of Community Oriented Policing Services (COPS) grant to establish an antistalking unit and develop antistalking countermeasures. The countermeasures will comprise the following: vertical investigation and prosecution, streamlined investigation methods and use of technology to enhance investigations, use of global positioning satellite technology to monitor offenders, and development of victim safety strategies, including assistance with relocation. To coordinate victim relocation, the unit will partner with one or more agencies to help victims maintain safety during transitions to their new locations. For more information, call 603-743-6140.

Some justice agencies and professionals have developed creative strategies to combat stalking and help victims maintain their safety. However, many criminal justice agencies lack the capacity to provide the comprehensive protection needed by stalking victims, often due to a lack of effective antistalking laws or agency protocols addressing stalking. There is also a

One participant said that stalking is one of the few crimes where victims who want their cases to go forward are cast as their own investigators and required to do things that professionals usually do.

In order to pursue justice system remedies, stalking victims often meet with investigators and prosecutors, gather evidence, fill out paperwork, petition the court for protection orders, and testify against stalkers. They may have to miss work and lose wages, provide for child-care, and find transportation. Not only does justice system involvement often present financial and logistical problems for victims, it also may increase the danger they face. Stalkers may try to make contact with victims as they travel to and

from government buildings. Many victims view incarceration of their stalker as a temporary reprieve and are consumed by fear of their offenders' pending release. For some victims, however, even incarceration fails to end the violence; their stalkers continue to terrorize them from prisons or mental institutions by sending them threatening letters.

Assistance and Advocacy for All Victims

Although it is imperative that the criminal justice system provide stalking victims with support, information, and advocacy throughout criminal proceedings, victims also need nonlegal resources and assistance to maintain their safety, such as:

- Confidential emergency shelter for victims who are in immediate danger.
- Crime-specific crisis intervention and support for victims, family, and friends.

- Assistance in cutting off stalkers' access to information about victims.
- Access to safety-enhancing equipment such as cell phones and body alarms.
- Help in protecting children and other dependents from stalkers, including representation in family courts to revoke stalkers' custody rights.

As long as they feel any risk, victims need ongoing advocacy and assistance with planning for their safety, as well as access to resources to implement their plans. Some victims may feel so endangered that they are compelled to make significant changes to hide from their stalkers, such as altering their identity or relocating to another area, and will need comprehensive assistance similar to that provided through witness protection programs.

CHAPTER 4

STATE STALKING LEGISLATION UPDATE— 1998, 1999, AND 2000 SESSIONS

States have enacted stalking legislation increasingly in each of the past 3 years. In part, this reflects a growing understanding of the impact of stalking behavior. New legislative topics are being addressed today that were not foreseeable when legislators first addressed stalking crimes 10 years ago. The 3-year review below summarizes stalking legislation from 1998 to 2000. It does not include final information from about 12 legislatures that were still in session when this review was completed in August 2000.

In 1998, the 44 State legislatures in session and the District of Columbia enacted more than 150 new laws directed at violence against women. Of these, legislatures in 11 States passed laws amending their stalking and related criminal laws, including 2 States that passed new stalking injunction laws (see table 1). In 1999, the 49 State legislatures in session and the District of Columbia enacted more than 300 laws relating to violence against women. Of these, legislatures in 26 States passed laws related to stalking (see table 2). By August 2000, 20 of the 44 State legislatures in session had enacted 27 stalking related laws (see table 3). Overall, fewer than 200 enactments in the 2000 legislative year addressed violence against women issues.²⁰

Many other laws directed at helping victims of domestic violence also may apply when stalking behavior is related to domestic violence. For example, laws requiring that a jurisdiction give full faith and credit to other jurisdictions' protection orders may apply either to orders prohibiting stalking as an element of domestic violence or to antistalking orders. Similarly, laws providing confidentiality for victims of domestic violence may be used by stalking victims when the stalker is a

current or former intimate partner under the State domestic violence law. Hence, this list of new laws is not all inclusive.

The new laws explicitly directed at stalking behavior primarily change either the definition of or the penalty for stalking or authorize courts to issue antistalking protection orders. Other new laws authorize arrest of misdemeanor stalkers and prohibit firearm possession when an antistalking order has been issued.

Stalking and Related Cases: 1990–2000

Challenges to State Antistalking Laws

Although it has been only 10 years since the first stalking law was enacted, the passage of these laws in all 50 States has sparked considerable litigation over their constitutionality and scope. In reviewing and interpreting stalking laws, courts often have drawn on cases involving similar penal statutes—those criminalizing harassment and those involving threats.²¹ These laws not only deal with related behavior, but they also use the kind of terms and phrases (e.g., annoy, repeatedly) that may be the subject of legal attack by defendants. Thus, analysis of stalking laws must examine all three types of criminal laws and statutes covering threats and harassment by telephone.

This review identified 464 State and 17 Federal stalking and related cases in which challenges to antistalking and related laws were addressed.²² Among these were a total of 157 stalking cases, including 2 Federal cases. The stalking cases involved predominantly constitutional challenges (124 cases in 34 States and the District of Columbia), typically based on

Table 1: State Stalking Law Update 1998

State	Stalking Law
Arizona	Adds a new criminal code provision creating the crime of aggravated harassment where there is a court injunction in effect and harassment occurs or the offender has a prior domestic violence conviction. Aggravated harassment is a Felony 6 crime.
	Increases the penalty for stalking from a Class 4 to a Class 3 felony and expands the types of threats covered by the law.
	Expands the types of behavior covered by the harassment law.
	Authorizes the issuance of a harassment injunction against a juvenile defendant and extends the period during which the order is effective from 6 months to 1 year.
California	Extends the definition of “credible threat” to include threats through electronic media such as fax machines, pagers, and computers (cyberstalking).
Connecticut	Adds stalking to the list of crimes for which a court may issue a criminal restraining order following conviction.
Georgia	Amends the definition of stalking by substituting the term “fear for such person’s safety” for the phrase “fear of death or bodily harm,” and adds a requirement of a pattern of harassing or intimidating behavior.
	Authorizes the sentencing court to order psychological evaluation of the offender, to issue a permanent restraining order, and to require treatment as a condition of a nonincarcerative sentence.
Iowa	Adds a requirement that local agencies collect information about the incidence of stalking and report it to the State.
	Rewrites the offense of stalking in violation of a court order.
	Adds provisions requiring a magistrate to issue a protective no-contact order at arraignment of persons arrested for stalking or harassment where the magistrate finds probable cause and that a threat to safety exists. Upon conviction, the order is to be modified and extended for 5 years with a permitted 5-year renewal. The orders are to be entered into the law enforcement registry for protective orders. Law enforcement officers must arrest where there is probable cause that the offender has violated the court order. Violations of the order are punishable by contempt of court with a minimum unsuspended 7-day sentence.
Nebraska	Expands the definition of stalking.
	Authorizes issuance of an antiharassment protection order and provides for warrantless arrest for violation of the order. The law provides for full faith and credit for out-of-State antiharassment orders. Violation of a valid order is a Class 2 misdemeanor.
New Hampshire	Makes confidential any communications between a stalking victim and a crime counselor.
New Jersey	Increases the penalty for stalking to a crime of the 3rd degree if the stalking occurred while the offender was incarcerated or on probation or parole.
	Increases the penalty for harassment to a crime of the 4th degree if harassment occurred while the offender was incarcerated or on probation or parole.

Table 1: State Stalking Law Update 1998 (continued)

State	Stalking Law
Ohio	Authorizes issuance of a civil antistalking protection order.
	Amends a provision limiting the increase in penalty for a second offense of stalking or telephone harassment to a crime against the same person.
Rhode Island	Authorizes a bail commissioner to issue a no-contact order against persons charged with domestic violence.
Virginia	Amends the language of the statute authorizing the issuance of a stalking protection order.
	Makes violation of a stalking protection order a Class 1 misdemeanor.
	Increases the penalty for stalking from misdemeanor 2 to misdemeanor 1.
	Authorizes arrest without a warrant of persons alleged to have violated an antistalking order of protection.
	Prohibits purchase or transportation of a firearm by any person subject to a stalking order of protection.

Table 2: State Stalking Law Update 1999

State	Stalking Law
California	Adds stalking to the list of crimes where continuances may be granted if the prosecutor has a conflict with another proceeding.
	Requires the sheriff to notify the prosecutor in cases where a defendant charged with stalking is released on bail. The prosecutor must give notice of a bail hearing to victims, who have the right to be present and heard by the court on bail. Unless good cause is shown, the court must issue a protective order, the violation of which results in a no-bail warrant.
	Authorizes a court to issue an ex parte protection order against stalking when requested by a member of a community college police department.
Colorado	Consolidates civil restraining orders issued by municipal and district courts against assaults, domestic abuse, stalking, and emotional abuse of the elderly into one order.
	Makes editorial changes to the stalking law. Increases the penalty from Class 6 to Class 5 felony and Class 5 to Class 4 for second conviction, and authorizes enhanced sentencing.
Florida	Enacts a three-strikes law that applies to aggravated stalking offenses.
Hawaii	Provides that knowing violation of a temporary restraining order against harassment is a misdemeanor and extends the period of the order's effectiveness to 90 days.
Idaho	Creates a new misdemeanor offense of trespass of privacy.

Table 2: State Stalking Law Update 1999 (continued)

State	Stalking Law
Kansas	Provides that prior stalking of a victim is a factor in determining whether aggravating circumstances exist in the application of sentencing guidelines.
Louisiana	Authorizes the court to provide notice of a stalking conviction to the defendant's employer.
	Increases the age that triggers an enhanced penalty for stalking a minor from age 12 to under 18.
	Requires the court to consider threat or danger to the victim in determining pretrial release for a defendant charged with stalking.
Maine	Requires employers to provide leave for specified crime victims from work to attend court, receive medical treatment, or obtain services to remedy a crisis caused by domestic violence, sexual assault, or stalking.
	Amends victim compensation law to include coverage for psychological injuries due to threats of bodily harm.
Michigan	Prohibits use of the Internet or a computer system to communicate for purposes of stalking a minor.
Nebraska	Forbids persons convicted of domestic violence or subject to a stalking protective order from obtaining a permit to possess explosive materials.
Nevada	Increases the penalties for aggravated stalking and a second stalking conviction to 2 to 15 years.
	Requires peace officer certification training to include instruction on stalking.
New Hampshire	Authorizes the court to impose protective detention or electronic monitoring for persons charged with domestic violence, stalking, or order violations where danger to the victim is found, and authorizes revocation of bail under similar conditions.
	Amends the definition of harassment to include electronic communication generated by computers.
New Jersey	Replaces the requirement for actual fear as an element of stalking with a requirement that the defendant acts knowing that actions would place a reasonable person in fear of bodily injury or death.
New York	Creates a new crime of stalking, providing for misdemeanor penalties for engaging in a course of conduct knowing that it will result in harm or fear of harm to safety, mental health, or employment. Multiple victimizations or prior victimizations of a single victim/family increase misdemeanor penalties. Use or threat of the use of a weapon, prior commission of a predicate crime in the past 5 years, or stalking a minor under age 14 increases the penalty to a Class E felony. Stalking resulting in actual injury is a Class D felony.
North Carolina	Adds electronic mail to the law, making it a misdemeanor to threaten by telephone.
North Dakota	Adds clarifying language that harassment includes electronic communication.
Ohio	Amends stalking law provisions relating to mentally ill defendants.
	Increases the penalties for stalking to a felony where a threat of physical harm is made, the victim is a minor, the stalker possesses a weapon or violates a protection order, and other factors are present, including a single repeat offense. Adds a clause that repeated interference with performance of a public duty may constitute a pattern of conduct.

Table 2: State Stalking Law Update 1999 (continued)

State	Stalking Law
Oklahoma	Creates the crime of false electronic communications, defined as misrepresenting the identifying information about message origin or sending information that is false, malicious, or misleading and injures a person.
Oregon	Amends the telephone harassment law to omit the requirement that the victim be caused to answer the telephone.
Pennsylvania	Adds electronic communication to the definition of terroristic threat.
	Makes editorial changes in the harassment law and adds threatening or obscene words, language, drawings, or actions to the definition of "course of conduct."
	Expands the definition of harassment by communication to include electronic communications and other provisions. Creates the offense of stalking by communication or address and makes a conviction for stalking by communication where there has been a prior incident of violence a felony.
South Dakota	Includes victims of stalking in the definition of victim under the Crime Victims' Act.
Utah	Adds violation of a stalking injunction to the elements of stalking crime and increases the level of the crime from a Class B misdemeanor to a Class A misdemeanor. A second conviction for stalking is now a 3rd degree felony instead of a Class A misdemeanor. The court is authorized to issue a permanent stalking injunction when it holds in abeyance any conviction or plea. Violation of the order is a 3rd degree felony.
Virginia	Specifies that a stalking protection order may specifically prohibit contact of any kind with the victim or victim's family.
Washington	Authorizes the district court to transfer civil antiharassment cases to superior court in specified instances.
	Adds stalking and violation of a court order to the sentencing guidelines of Category V offenses.
	Amends harassment and stalking laws to include acts involving electronic communication.

Table 3: State Stalking Law Update 2000

State	Stalking Law
Arizona	Authorizes employers to seek an injunction against harassment of employees at the workplace.
California	Establishes procedures for participants in the Address Confidentiality for Victims of Domestic Violence and Stalking program to bring a petition for name change that keeps the name change confidential.
	Provides for establishment of training of parole officers to supervise stalkers on release from prison.

Table 3: State Stalking Law Update 2000 (continued)

State	Stalking Law
Colorado	Amends the telephone harassment law to include harassment by use of a computer.
	Authorizes issuance of civil restraining orders against juveniles over age 10, and makes related amendments.
Georgia	Amends stalking law to include acts undertaken by computer and other electronic communications, and expands the crime of stalking to include publication of personal information about a victim when an order of protection has been issued that thereby causes a third party to harass or intimidate the victim.
Illinois	Amends stalking law to include threats against a family member and further clarifies that incarceration is not a bar to prosecution for stalking and that stalking threats may be implicit in part.
Kentucky	Amends stalking law to expand the types of protective orders for which violations result in an increased penalty for stalking.
Maine	Expands authority for warrantless arrests in misdemeanor cases to include stalking and related crimes where the arrestee and victim are members of the same family.
Massachusetts	Creates crime of criminal harassment for actions that seriously alarm the victim and result in substantial emotional distress.
Minnesota	Amends harassment law to include communication by electronic means.
	Limits application of harassment law to instances where there is a substantial adverse effect on the victim, and requires petitions for orders of protection to include such allegations before an order may be issued.
Mississippi	Expands the types of orders of protection for which violations increase the penalty for stalking.
New Hampshire	Adds new situations to the definition of stalking, and authorizes issuance of civil orders of protection.
	Establishes an address confidentiality program for victims of stalking and other violence against women crimes.
North Carolina	Creates the crime of cyberstalking.
Oklahoma	Establishes the crime of using a computer or computer system to harass or threaten another person or to put a person in fear of physical harm or death.
South Dakota	Restricts contact between a defendant arrested for stalking and the victim.
Tennessee	Creates the crime of invasion of privacy.
Utah	Makes a technical correction to the stalking law.
Vermont	Creates an address confidentiality program for victims of stalking and other violence against women crimes.
	Provides that telephone harassment or threats includes communication by electronic means and that the jurisdiction where such a crime is committed includes both the jurisdiction where the message is sent and where it is received.

Table 3: State Stalking Law Update 2000 (continued)

State	Stalking Law
Washington	Creates the crime of knowingly using a false identity to send undesired mail to another for purposes of harassment or intimidation and provides for civil damages.
	Decreases filing fees for petitions to obtain a court order against harassment.
Wisconsin	Provides that court fees in civil harassment order proceedings are not to be charged to the victim but rather paid by the respondent if he or she is convicted of violating the protection order.

vagueness, overbreadth, and related First Amendment issues. The review also looked at the relationship between the stalker and the victim in cases in which the relevant statutes were challenged. This review found that 56 of the 129 stalking cases for which relationship information was available involved nonintimate partners. This category included 14 cases involving stranger stalking; the other non-partner cases covered relationships such as neighbors, ex-employees, psychiatrist-patient, judge-litigant, and landlord-tenant. In 38 cases, the perpetrator had a dating relationship with the victim, including several in which the perpetrator cohabited with the victim. In many States, stalking against a former dating partner can be classified as domestic violence for the purpose of obtaining a court order of protection. In 35 cases, the perpetrators stalked former wives from whom they were divorced or separated. Almost all of the reported cases in which statutes were challenged involved male stalkers.

Among the stalking-related cases, 56 involved harassment and 100 involved threats. These cases were selected for review because they involved either an important legal question with implications for interpretation of the stalking law at issue or a situation similar to stalking in which questions of sufficiency of the evidence affected the court decision. In 41 of the harassment cases and 36 of the threat cases, the defendant raised constitutional challenges. There were 43 harassment and 64 threat cases involving statutory construction issues. Many of the 56

harassment cases raised constitutional and statutory construction issues.

Other types of cases covered by this review included 20 telephone threat cases, 85 telephone harassment cases, 8 letter threat or harassment cases, and 6 electronic threat or harassment cases. In addition, 47 cases involved protection orders, typically stalking charges related to violation of a protection order. Three cases involved civil suits for damages based on civil stalking laws or some other invasion of privacy. Among these cases were 87 constitutional law decisions and 51 statutory construction decisions. There were also five cases in which defendants raised jurisdictional or other constitutional challenges to Federal laws.

The list of cases in appendix A does not necessarily include all relevant reported cases, although a significant effort was made to identify such cases.²³ The review excluded reported decisions that involved solely evidentiary issues where no constitutional or statutory interpretation issues were decided.²⁴ Threat and harassment cases that were totally unrepresentative of stalking concerns also were excluded, while included, for example, were threats and verbal abuse of police officers.²⁵

In general, court decisions reviewed here measured constitutional challenges based on overbreadth by whether the law prohibits acts rather than speech and by whether it contains an intent to cause a specified harm. Vagueness claims generally were evaluated based on whether the harmful acts barred by the law are of such specificity that an ordinary person would

not fail to understand what is prohibited. Therefore, statutes that criminalize acts that include an intent to cause harm as an element of the offense were most likely to pass constitutional muster. This finding is consistent with the precepts underlying the Model Anti-Stalking Code,²⁶ which limits its scope to acts that create a fear of serious injury and include an intent component.

The review in appendix A identifies each case by the name of the litigants, type of law involved, and case citation and gives a brief summary of the court's decision. Court rulings apply only to the specific statutory language used in the case before the court. Thus, while there may be general agreement among the courts within a State on a particular legal issue, such an agreement may not be relevant to the language used in a particular State statute. With this important caveat, review of the cases suggests the following:

1. Most stalking statutes meet constitutional minimums. Inclusion of an intent requirement resolves most vagueness challenges. However, the use of terms such as "annoy" or "alarm" without limiting definitions makes a law vulnerable to challenge on the basis that it is unconstitutionally vague. Statutes have been upheld that establish a rebuttable presumption of intent where there is evidence that the victim requested that the stalking conduct end. Most statutes require that the prohibited acts include a threat component, that the defendant intend to cause or know of the victim's fear of death or serious injury and that the victim's fear be reasonable.
2. A finding of contempt for a violation of a protection order does not generally prevent a second prosecution for the substantive stalking offense on double jeopardy grounds. Some courts may require, however, that the acts constituting stalking be different from those underlying the charge of violating the order. There is no agreement among the courts that evidence of a prior restraining order may be admitted to show the defendant's intent or course of action, but a prior order may be used to show victim fear. Courts differ on whether a collateral attack may be permitted on the validity of a court order in protection order violation proceedings.
3. Harassment laws are vulnerable to a constitutional challenge where the prohibited speech is not limited to "fighting words." "Fighting words" refers to language that is likely to lead to a physical confrontation. Such language is entitled to less protection under the First Amendment.
4. It is permissible for threat laws that include a reasonable fear requirement to equate reckless behavior by the perpetrator with intent to cause reasonable fear for the victim. In some States, actual terror is not required, merely that fear would be reasonable under the circumstances and that there is an intent to terrorize. An intent to carry out the threat is not an element of the crime, and physical acts alone may constitute a threat. The absence in most States of statutory language defining stalking to include implied threats is made even more significant by the lack of court rulings in many of these same States interpreting threat laws to include implied or conditional threats.
5. Harassment and threat laws apply to communications delivered through third parties where such delivery may be reasonably anticipated or intended.
6. Telephone harassment and threat laws usually focus on the intent of the caller, not the response of the person called, because invasion of privacy is an implicit second element of the crime. Intent must be complemented by proof of harassment or threatening

acts. A law barring intent alone without regard to the actual contents of the communication will be overbroad. A few courts do, however, require that victim fear result from a telephone threat, depending on the specific language of the statute involved. Courts also are split on whether harassing intent must be the sole purpose of the communication or may coexist with legitimate motives for the communication.

7. Prosecution of electronic harassment by fax, Internet, citizen band radio, or other means may require specific statutory language prohibiting the use of these medias to harass.
8. Jurisdiction or venue lies in the locality or State where a non-face-to-face threat or harassment communication is received. Jurisdiction also may lie in the location from which the communication was sent.
9. Intrastate communication that involves interstate intermediaries to deliver the message confers Federal jurisdiction over the crime where a Federal statute applies to the conduct.

In the first 10 years since stalking has been criminalized, most courts have recognized the legitimacy of the States' interest in protecting citizens against stalking. Accordingly, courts generally have affirmed the constitutionality of antistalking legislation when weighed against First Amendment concerns. However, a number of courts have struck down related laws that lack specific fighting words requirements to narrow their scope. Courts also are beginning to accommodate legal

complications often resulting from the repetitive nature of the stalking crime, in some cases allowing separate prosecutions for protection order violations and substantive offenses. However, there is no broad agreement across jurisdictions that these offenses may be tried separately without raising double jeopardy concerns.

Unfortunately, at least two major gaps remain in States' legislative initiatives against stalking and their interpretations by the courts. State legislatures and courts frequently fail to recognize implied or conditional threats in their construction of the stalking crime. Stalkers who follow, repeatedly contact, and otherwise terrorize their victims in a persistent and even obsessive manner may slip through the cracks of the criminal justice system if they refrain from spelling out their threats. Such legislative loopholes need to be addressed.

In addition, current stalking legislation lacks explicit bars to harassment via electronic media such as telephones, fax machines, e-mail, and the Internet. By and large, courts are not interpreting older legislation to cover recently developed communications technologies. Such narrow interpretation of antistalking codes does not cover cyberstalking and other modes of high-tech terrorization. Thus, many States may need to enact specific legislative bans on the use of such media for stalking purposes. When use of these communications technologies crosses State lines, however, courts have agreed that Federal jurisdiction is conferred. To date, prosecution under Federal laws may have been more successful than State prosecution in bringing high-tech stalkers to justice.

Appendix A summarizes the status of State cases filed through August 2000.

CHAPTER 5

FEDERAL PROSECUTIONS

The Violence Against Women Act of 1994 (VAWA) made it a Federal offense to cross State or tribal lines to commit domestic violence or to violate a protection order.²⁷ It is also a Federal offense to possess a firearm while under a domestic violence protection order or if convicted of a misdemeanor crime of domestic violence.²⁸ Although the vast majority of domestic violence cases continue to be prosecuted at the State, local, and tribal levels, these statutory tools enable Federal law enforcement to prosecute certain cases in cooperation with the local authorities.

A Federal interstate stalking law, 18 U.S.C. § 2261A, was enacted in 1996. This statute prohibited individuals from traveling across a State line with the intent to injure or harass another person and, in the course of or as a result of that travel, placing that person in reasonable fear of the death of, or serious bodily injury to, that person or a member of that person's immediate family. The statute also criminalized the same conduct within the special maritime and territorial jurisdiction of the United States regardless of whether a State line was crossed. Courts may sentence offenders to 10 years if the offense results in serious bodily injury to the victim or if the offender uses a dangerous weapon, 20 years if permanent disfigurement or life-threatening bodily injury results, and a life sentence if death of the victim results.

The Violence Against Women Act of 2000 (VAWA 2000) amended the Federal interstate stalking law to include travel across State and national boundaries, as well as travel into or out of Indian country and within the special maritime and territorial jurisdiction of the United States.²⁹ VAWA 2000 also expanded the Federal statute to cover certain travel or conduct with the intent to kill, injure, harass, or intimidate another person, whereas the law

originally covered only the intent to injure or harass. Moreover, it is now a violation of Federal law to place the victim in reasonable fear of the death of, or serious bodily injury to, the victim's current or former intimate partner. Finally, the new statute criminalizes the use of the mail or any facility of interstate or foreign commerce to engage in a course of conduct that places the victim in reasonable fear of the death of, or serious bodily injury to, the victim, a member of the victim's immediate family, or a spouse or intimate partner of the victim. This new provision covers cyberstalking in which the perpetrator and the victim are in different States or tribal jurisdictions or within the special maritime and territorial jurisdiction of the United States. The penalties for the Federal stalking offenses remain the same as those enacted in 1996.

Vigorous prosecution of the VAWA and VAWA-related offenses is a top priority for the Justice Department. After passage of these laws, the Department asked each U.S. Attorney's Office (USAO) to designate a Point of Contact for the prosecution of the Federal domestic violence and stalking laws. In 1997, the Office for Victims of Crime funded a position of VAWA Specialist assigned to the Executive Office for U.S. Attorneys (EOUSA) to focus exclusively on training and technical assistance for the VAWA Points of Contact and victim witness coordinators on the prosecution of Federal domestic violence and stalking cases. The position, originally funded for a year, was extended for a second year. In November 1998, EOUSA created a permanent VAWA Specialist position, in full recognition of the importance of these cases and the continuing need for training and technical assistance.

These prosecution efforts have been successful because the USAOs have forged partnerships with their State, local, and tribal counterparts, allowing USAOs

to bring Federal cases where appropriate. As of October 2000, the Justice Department had prosecuted 35 cases against 39 stalkers under the interstate stalking provision and had won convictions of 25 defendants in 23 cases (11 cases were still pending disposition as of that date).³⁰ In all but 1 of the 35 cases, the stalker was male. In one case, the male stalker had a female accomplice, and in another the stalker's mother and father were his accomplices. In 34 of the 35 cases, the victim was female, and in 27 cases the stalker and victim were current or former intimate partners. Three cases involved workplace stalking. As of October 2000, 18 defendants have been sentenced and 7 are awaiting sentencing.

In the 14 sentences handed down since March 1998, the penalties have ranged from 13 months and supervised release to life imprisonment. Defendants pleaded guilty in 10 of these cases. In one case, in which the defendant was sentenced to 13 months of incarceration and 3 years of supervised release, he also was ordered to pay restitution and to have no contact with the victim. The next highest sentence included an upward departure by the judge, which resulted in 21 months of incarceration and 3 years of supervised release. In another case, the defendant received a 22-month sentence and was ordered to pay the victim \$7,000, which included moving costs the victim incurred trying to escape the stalking. Another defendant was sentenced to 60 months of incarceration and 3 years of supervised release for interstate violation of a protection order, interstate stalking, and arson. Other sentences included consecutive sentences on 4 stalking counts totaling 20 years and 4 life sentences (including 1 consecutive life sentence) for a defendant who stalked, kidnapped, shot, and murdered the victim.

Case Examples

The following are examples of cases that have been prosecuted under the Federal interstate stalking statute.

The USAO for the Western District of Texas prosecuted a defendant who traveled from Alabama to Texas, where he terrorized his ex-wife and three grown sons. The defendant, who had been in Federal custody in Alabama for making interstate threatening phone calls to another ex-wife, traveled to Texas after he lost custody of a minor child. At sentencing, the court considered the defendant's lengthy history of abusing the 4 stalking victims—a history that included beatings, torture, abandonment, threats to kill, stabbing, and burning—and departed upward from the sentencing guidelines to impose the maximum sentence of 20 years.

In a case prosecuted in the Eastern District of North Carolina, the defendant, who previously had been verbally abusive toward his wife, assaulted and threatened to kill her while she was visiting him in the State where he was studying to receive a license to practice medicine. When she returned to their home State, he continued to threaten her over the telephone, and he arrived at her home one day after threatening to kill her. He was sentenced to 22 months and was ordered to pay the victim \$7,000 in restitution.

In another case, the defendant had been convicted in Nevada of assaulting his wife and had served a 6-month sentence for the offense. After his release from prison, he called the victim in California and threatened that he would come after her and would destroy her car. While subject to a protection order in Nevada, he traveled to California and set fire to his wife's car. He was sentenced to 60 months of incarceration and 3 years of supervised release.

Another defendant, who had been abusing his wife for several years, threatened to kill her sister, who was a police officer in a neighboring State. He also threatened to kill a man whom he accused of being involved with his wife. The day after he made these threats, the defendant was found approximately a quarter mile from the home of his wife's sister, armed with a revolver and an automatic weapon.

He has been convicted of interstate stalking and awaits sentencing.

In a case prosecuted in the District of Maine, the defendant, after losing custody of his children, traveled to the State where his wife, from whom he was separated, was living. An accomplice lured his wife's brother and boyfriend out of the house, and the defendant killed them both. He and his accomplice then kidnapped his wife and drove her to New York where they were found in a motel room. The defendant was convicted of interstate domestic violence, interstate stalking, kidnapping, and interstate violation of a protection order. He received a life sentence.

Another defendant forced his wife to travel from Florida to Kentucky, where he and an accomplice sexually assaulted her. He also harassed his wife, obtained false arrest warrants for her, and posted signs seeking information on her whereabouts and offering a reward for any such information. The defendant was convicted at trial of interstate domestic violence, interstate violation of a protection order, and interstate stalking. At sentencing, the judge departed upward and sentenced the defendant to 87 months in prison and 3 years of supervised release.

Conclusion

The Federal antistalking statute is a valuable tool for prosecuting cases where the interstate nature of the offense may complicate effective State investigation and prosecution. U.S. Attorneys can prosecute cases that they could not pursue previously unless the case met the elements of the VAWA offenses for crossing State or tribal lines to commit domestic violence or violation of a protection order.

While the interstate stalking law was not intended to supplant State and local prosecution of stalking crimes, the Federal Government has an important role to play in supplementing State and local efforts. In some cases, a Federal prosecution may carry a more severe and appropriate punishment for an offender than a prosecution

under a similar State law. If a defendant has traveled from State to State, local law enforcement officials may have difficulty gathering evidence. Federal prosecution is not as problematic because of the nationwide resources of the FBI. In other cases, a State prosecutor may request that the case be referred for Federal prosecution because, once detained by a Federal court, a defendant is more likely to remain in custody prior to trial.

The Justice Department is committed to prosecuting cases under the VAWA and VAWA-related statutes and to building partnerships with State, local, and tribal counterparts. These efforts include sponsorship of and participation in local and regional conferences addressing the dynamics of domestic violence, prosecution of domestic violence cases, and training on the Federal domestic violence and stalking laws. The audiences for these training conferences and workshops have included State, local, and tribal law enforcement, prosecutors, judges, victim advocates, and Federal law enforcement. While recognizing that outreach extends beyond the traditional role of USAOs, the Justice Department supports these efforts to ensure a Federal presence in interstate stalking and domestic violence cases. Referrals of Federal cases have come from police officers, district attorneys, shelter workers, victim advocates, and others who come in contact with domestic violence and stalking victims. In addition, this outreach will continue to include representatives of the FBI and the Bureau of Alcohol, Tobacco and Firearms. The readiness of Federal law enforcement to respond to case referrals and to investigate and prosecute stalking cases is critical to our efforts.

The Violence Against Women Office, EOUSA and its VAWA Specialist, and the rest of the Justice Department will continue to support USAOs in education and training efforts in their jurisdictions and in prosecution of cases under the Federal domestic violence and stalking laws.

NOTES

¹ 18 U.S.C. § 2261A (1996).

² “Cyberstalking: A New Challenge for Law Enforcement and Industry,” Attorney General’s Report to the Vice President, U.S. Department of Justice, August 1999.

³ Statutes that require a showing of a credible threat may be problematic in the prosecution of stalking cases. Stalkers often do not threaten their victims overtly or in person; rather, they engage in conduct that, when taken in context, would cause a reasonable person to fear violence. In the context of cyberstalking, a credible threat requirement would be even more problematic because the stalker, sometimes unknown to the victim, may be located a great distance away and, therefore, the threat might not be considered credible. The better approach, codified in the Federal interstate stalking statute, 18 U.S.C. § 2261A, is to prohibit conduct that places a person in reasonable fear of death or bodily injury.

⁴ Tjaden, Patricia, and Nancy Thoennes, *Stalking in America: Findings From the National Violence Against Women Survey*, National Institute of Justice and The Centers for Disease Control and Prevention, April 1998.

⁵ Fisher, B.S., F.T. Cullen, J. Belknap, and M.G. Turner, “Being Pursued: Stalking Victimization in a National Study of College Women.” (From a forthcoming report on sexual violence against college women funded by the U.S. Department of Justice, National Institute of Justice).

⁶ The information was gathered through informal surveys of State attorneys general, USAOs, and, to a lesser extent, local prosecutors’ offices. Victim accounts were given voluntarily through outreach conducted by the Violence Against Women Office of the U.S. Department of Justice.

In addition, the American Prosecutors Research Institute of the National District Attorneys Association compiled a report with background information on cyberstalking, which provided valuable information on current law enforcement efforts.

⁷ These States are Alabama, Alaska, Arizona, California, Connecticut, Delaware, Hawaii, Illinois, Indiana, Maine, Massachusetts, Michigan, New Hampshire, New York, Oklahoma, and Wyoming. Arkansas and Maryland have enacted statutes that cover harassment via electronic communications outside their stalking statutes.

⁸ “Telecommunications device” excludes interactive computer services to insulate the service provider from liability but not to insulate an individual user from liability for his or her criminal behavior. Accordingly, the Justice Department successfully argued that a modem was a telecommunications device within the meaning of the statute. Therefore, an individual who uses a modem to connect to the Internet and harass an individual is likely to fall within the terms of the statute. See *American Civil Liberties Union v. Reno*, 929 F. Supp. 824, 829 n.5 (E.D. Penn. 1996), *aff’d*, 521 U.S. 844 (1997); *Apollomedia Corporation v. Reno*, 19 F. Supp.2d 1081 (N.D. Cal. 1998), *aff’d*, U.S. 119 S.Ct. 1450 (U.S. Apr. 19, 1999).

⁹ Neal Miller of the Institute for Law and Justice conducted this survey. The survey was completed in February of 1999.

¹⁰ “Fighting words” refers to language that is likely to lead to a physical confrontation.

¹¹ There was about a 60-percent response rate to the first mailing. A second mailing was sent out to the nonrespondents, bringing the response for the survey to more than 80 percent.

¹² *Stalking in America: Findings From the National Violence Against Women Survey*, supra note 4.

¹³ Burt, M.R., et al., *2000 Report: Evaluation of the STOP Formula Grants To Combat Violence Against Women*, Washington, DC: The Urban Institute, March 2000.

¹⁴ *Stalking in America: Findings From the National Violence Against Women Survey*, supra note 4 at p. 7.

¹⁵ *Id.* at p. 9.

¹⁶ *Id.* at p. 11.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.* at p. 14.

²⁰ This information was gathered from government Web sites, commercial legislative reporters, and telephone interviews with selected State legislative research bureau staff. Neal Miller of the Institute for Law and Justice conducted the study.

²¹ Criminal laws involving threats include intimidation and extortion statutes, which involve threats as punishment for past and future acts. Excluded from this review are cases prosecuted under these related laws where the facts show behavior totally unrelated to stalking. See, e.g., *Coates v. City of Cincinnati*, 402 U.S. 611 (1971) (public disturbance of the peace) and *State v. Kansas*, 629 P.2d 748 (Ka. Ct. App. 1981) (hate crime threats).

²² The review was primarily limited to published court decisions. However, unpublished decisions that were available at a State court Web site were included where relevant according to the criteria stated above.

²³ The most significant omission is the exclusion of most decisions prior to 1970 on the assumption that the older cases are largely repetitive of more recent decisions.

²⁴ See, e.g., *Soldona v. State*, 466 S.E.2d 655 (Ga. Ct. App. 1996) (insufficient evidence claim) and *People v. Garrett*, 36 Cal. Rptr. 2d 33 (Ct. App. 1994) (evidence admissibility challenge). See also *Kirkendoll v. State*, 945 S.W.2d 400 (Ark. Ct. App. 1997) (defendant charged with stalking claimed failure of waiver of right to counsel in *pro se* defense).

²⁵ See, e.g., *Robinson v. State*, 615 So.2d 112 (Ala. Ct. Crim. App. 1992). Other examples of excluded cases include *People v. Thomas*, 148 Cal. Rptr. 52 (Ct. App. 1978) (threat against witness testifying at future trial) and *People v. Mirmirani*, 178 Cal. Rptr. 172 (1982) (political terrorism threat).

²⁶ National Criminal Justice Association, *Project To Develop a Model Anti-Stalking Code for States*, National Institute of Justice Research Report, Washington, DC: National Institute of Justice, U.S. Department of Justice, October 1993.

²⁷ Violence Against Women Act of 1994 § 40231, 18 U.S.C. §§ 2261, 2262. These provisions also prohibit causing a spouse or intimate partner to cross State or tribal lines by force, coercion, duress, or fraud and, in the course of or as a result of such conduct, committing domestic violence or violating a protection order.

²⁸ See 18 U.S.C. § 922(g)(8)–(9).

²⁹ Violence Against Women Act of 2000 § 1107, 18 U.S.C. § 2261A.

³⁰ In one case, the defendant was convicted of assault under 18 U.S.C. § 113 but was acquitted on the interstate stalking charge. In another case, the defendant was placed in pretrial diversion.

APPENDIX A

STALKING AND RELATED CASES

This table summarizes information compiled by the Institute for Law and Justice on the status of State cases filed through August 2000. For each State, the cases are listed in the following order based on the nature of the offense: stalking, threat, telephone threat, harassment, and telephone harassment.

State	Case	Type of Law	Citation	Issue/Holding
AL	<i>Culbreath v. State</i>	Stalking	667 So. 2d 156 (Ct. Crim. App. 1995), <i>reh'g denied</i> , 5/26/95, <i>cert. denied</i> , 8/4/95	Vagueness, overbreadth claims rejected (intent requirement ameliorates any vagueness problem; reasonable person standard inferred from assault law antecedents).
	<i>State v. Randall</i>	Stalking	669 So. 2d 223 (Ct. Crim. App. 1995)	Vagueness, overbreadth claims rejected (terms "repeated" and "series" are not vague).
	<i>Ivey v. State</i>	Stalking	698 So. 2d 179 (Ct. Crim. App. 1995), <i>aff'd</i> , 698 So.2d 187 (Ala. 1997)	Vagueness and overbreadth claims rejected under <i>Culbreath</i> . Prior conviction for contempt of court is not double jeopardy.
	<i>Hayes v. State</i>	Stalking	717 So. 2d 30 (Ct. Crim. App. 1997), <i>reh'g denied</i> , 12/19/97, <i>cert. pending</i> , 1/6/98; released for publication 10/6/98	Intent to carry out threat not required, but ability to carry out threat required; substantial emotional distress standard used, rather than fear of death or serious bodily injury.
	<i>Tanner v. City of Hamilton</i>	Telephone threat	668 So. 2d 157 (Ct. Crim. App. 1995)	Harassment must include "fighting words" language.
	<i>Ex parte N.W.</i>	Harassment	1999 Ala. LEXIS 244 (1999)	Harassment is not lesser included offense of menacing because conviction for the latter does not require fulfilling elements of crime of harassment.
	<i>Brooks v. City of Birmingham</i>	Harassment	485 So. 2d 385 (Ct. Crim. App. 1985)	Vagueness and overbreadth claims rejected (statute limited to fighting words).
	<i>Conkle v. State</i>	Harassment	677 So. 2d 1211 (Ct. Crim. App. 1995)	Verbal threat not constituting fighting words is not harassment.
	<i>T.W. v. State</i>	Harassment	665 So. 2d 987 (Ct. Crim. App. 1995), <i>reh'g denied</i> , 5/5/95	Harassment may include obscene gestures that constitute fighting words to ordinary person.
	<i>B.E.S. v. State</i>	Harassment	629 So. 2d 761 (Ct. Crim. App. 1993)	Fighting words are not present to support harassment charge (neither threat nor "probability of physical retaliation").

State	Case	Type of Law	Citation	Issue/Holding
AL (continued)	<i>South v. City of Mountain Brook</i>	Telephone harassment	688 So. 2d 292 (Ct. Crim. App. 1996)	First Amendment claim rejected (telephone harassment does not involve face-to-face contact; fighting words doctrine inapposite).
	<i>Donley v. City of Mountain Brook</i>	Telephone harassment	429 So. 2d 603 (Ct. Crim. App. 1982), <i>rev'd on other grounds</i> , 429 So. 2d 618 (1983)	Vagueness and overbreadth claims rejected (intentional acts of telephoning undercut vagueness and overbreadth arguments).
AK	<i>Petersen v. State</i>	Stalking	930 P.2d 414 (Ct. App. 1996)	Vagueness, overbreadth, and substantive due process claims rejected (term “repeated” is not vague, means more than once, citing <i>Konrad</i> ; “knowing” conduct requirement defeats claim of potential for inadvertent violation; substantial core of covered cases much larger than any overbreadth potential). Statute only reaches telephone calls made solely to threaten or harass; reasonable person standard used.
	<i>Wyatt v. State</i>	Threat	778 P.2d 1169 (Ct. App. 1989)	Victim’s fear from threat must be reasonable; reckless behavior standard implies reasonable fear.
	<i>Allen v. State</i>	Telephone threat	759 P.2d 541 (Ct. App. 1988)	Overbreadth claim rejected (defendant’s acts constituted reckless behavior with knowledge of falseness of report). Statute bars reckless acts taken with knowledge of falseness of reports; victim fear required.
	<i>Konrad v. State</i>	Telephone threat	763 P.2d 1369 (Ct. App. 1988)	Vagueness and overbreadth claims rejected (term “repeated” means more than once).
	<i>McKillop v. State</i>	Telephone harassment	857 P.2d 358 (Ct. App. 1993)	Vagueness and overbreadth claims rejected (statute bars only calls having no legitimate communication purpose where only purpose is to annoy).
	<i>Jones v. Anchorage</i>	Telephone harassment	754 P.2d 275 (Ct. App. 1988)	Vagueness and overbreadth claims rejected (intent test used, rather than subjective response of victim).
AZ	<i>State v. Musser</i>	Telephone threat	954 P.2d 1053 (Ct. App. 1997)	Overbroad (lawful threats included in statute’s scope; law covers threats made during call made by victim, minimizing invasion of privacy element of crime).
	<i>State v. Weinstein</i>	Telephone threat	898 P.2d 513 (Ct. App. 1995)	Overbroad (law covers common business practices).

State	Case	Type of Law	Citation	Issue/Holding
AZ (continued)	<i>Baker v. State</i>	Telephone threat	494 P.2d 68 (Ct. App. 1972)	Overbroad (use of obscene language not evidence per se of intent to harass or threaten).
	<i>State v. Hagen</i>	Telephone harassment	558 P.2d 750 (Ct. App. 1976) <i>reh'g denied</i> , 5/9/76, <i>rev. denied</i> , 1/4/77	Vagueness and overbreadth claims rejected (by specifying intent and nature of prohibited behavior, statute does not violate First Amendment; statute gave fair warning where conduct is clearly proscribed).
AR	<i>Reeves v. State</i>	Stalking	5 S.W.3d 41 (1999)	Condition of probation banishing defendant from State for 7 years violates State constitution.
	<i>Wesson v. State</i>	Stalking	896 S.W.2d 874 (1995)	Immediate ability to carry out threat not required under both terroristic threat and stalking laws.
	<i>Dye v. State</i>	Stalking evidence	17 S.W.3d 505 (Ct. App. 2000)	Evidence of firearm and ammunition purchase is relevant to capacity to carry out threat.
	<i>Warren v. State</i>	Threat	613 S.W.2d 97 (1981)	Overlap with assault law (imminent injury threat versus protracted threats) not unconstitutional. Threats need not be over long period of time.
	<i>Arnold v. State</i>	Threat	2000 Ark. App. LEXIS 483 (Ct. App. 2000)	Victim testimony about prior criminal acts of defendant to prove victim fear is not relevant to whether or with what purpose threat was made.
	<i>Hartzog v. State</i>	Threat	2000 Ark. App. LEXIS 235 (Ct. App. 2000)	Evidence of intent to threaten may be inferred from victim's reasonable fear.
	<i>Knight v. State</i>	Threat	758 S.W.2d 12 (Ct. App. 1988)	Threat must be intended to instill fear; threat to third party did not do this (boasting).
	<i>State v. Musser</i>	Telephone harassment	977 P.2d 131 (1999)	Overbreadth claim rejected because of lack of real and substantial danger of threat to protected speech, especially in context of law regulating, in part, conduct.
	<i>State v. Hagen</i>	Telephone harassment	558 P.2d 750 (Ct. App. 1976)	Intent to harass must exist at time call is made.
CA	<i>People v. Heilman</i>	Stalking	30 Cal. Rptr. 2d 422 (Ct. App. 1994), <i>rev. denied</i> , 8/25/94	Vagueness claim rejected (term "repeatedly" is not vague in conjunction with intent requirement).
	<i>People v. Tran</i>	Stalking	54 Cal. Rptr. 2d 650 (Ct. App. 1996), <i>rev. denied</i> , 10/16/96	Vagueness claim rejected (phrase "conduct serves no legitimate purpose" is not vague).

State	Case	Type of Law	Citation	Issue/Holding
CA (continued)	<i>People v. McClelland</i>	Stalking, stalking order	49 Cal. Rptr. 2d 587 (Ct. App.), <i>rev. denied</i> , 4/17/96, 1996 Cal. LEXIS 2160 (1996)	Vagueness claim rejected (terms “harasses” and “credible threat” are sufficiently definite; terms “willfully” and “maliciously” are defined in penal code). Statute violation requires violation of both stalking bar and order for mandatory felony penalty.
	<i>People v. Falck</i>	Stalking	60 Cal. Rptr. 2d 624 (Ct. App.), <i>rev. denied</i> , 4/16/97, 1997 Cal. LEXIS 1974 (1997)	Vagueness and overbreadth claims rejected (statute provides fair warning to offender and guidelines for police enforcement; term “safety” in “fear for safety” is not vague). Intent requirement refers only to intent to create fear. Intent to cause fear inferred from continuation of communications despite victim acts to avoid him and warnings from police and courts.
	<i>People v. Halgren</i>	Stalking	61 Cal. Rptr. 2d 176 (Ct. App. 1996)	Vagueness and overbreadth claims rejected (term “credible threat” is not vague, since intent to create fear also required; no inhibition of protected speech).
	<i>People v. Ewing</i>	Stalking	90 Cal. Rptr. 2d 177 (Ct. App. 1999)	Vagueness challenge rejected because terms “alarms,” “annoys,” “torments,” and “terrorizes” that constitute “harassment” under statute have clear dictionary definitions, especially in context of reasonable person standard. Phrase “severe and substantial emotional distress” requires evidence of degree, frequency, and duration of victim distress.
	<i>People v. Borrelli</i>	Stalking	91 Cal. Rptr. 2d 851 (Ct. App. 2000)	Vagueness, overbreadth, and First Amendment challenges rejected (threats are not protected speech, and term “safety” is widely and commonly used, including multiple statutory uses). Nine acts over 15-month period sufficient to show a single course of action rather than being nine isolated acts.
	<i>People v. Kelley</i>	Stalking, stalking order	60 Cal. Rptr. 2d 653 (Ct. App.), <i>rev. denied</i> , 4/23/97, 1997 Cal. LEXIS 2366 (1997)	Double jeopardy not violated where acts in one course of conduct occur after contempt violation found.
	<i>People v. Gams</i>	Stalking, stalking order	60 Cal. Rptr. 2d 423 (Ct. App.), <i>rev. denied</i> , 4/16/97, 1997 Cal. LEXIS 2032 (1997)	Due process claim rejected (victim cannot consent to violation of order; hence, there can be no entrapment by victim).

State	Case	Type of Law	Citation	Issue/Holding
CA (continued)	<i>People v. Norman</i>	Stalking	89 Cal. Rptr. 2d 806 (Ct. App. 1999)	Victim fear from stalking need not occur at the same time as the stalking threats were made.
	<i>People v. McCray</i>	Stalking	67 Cal. Rptr. 2d 872 (Ct. App. 1997) <i>rev. denied</i> , 1/14/98, 1998 Cal. LEXIS 52 (1998)	Term “repeated” refers only to following, since harassment definition requires proof of a course of conduct (no need to show repeated acts of harassment).
	<i>People v. Carron</i>	Stalking	44 Cal. Rptr. 2d 328 (Ct. App.), <i>rev. denied</i> , 12/14/95, 1995 Cal. LEXIS 7521 (1995)	Intent to commit harm irrelevant; intent is to create fear. Reasonable fear test used for threat effect.
	<i>People v. Butler</i>	Stalking	88 Cal. Rptr. 2d 210 (Ct. App. 1999)	Stalking is an offense subject to civil commitment of mentally disordered offender, since amended law covers crimes involving threat of force.
	<i>People v. Bolin</i>	Threat	956 P.2d 374 (1998)	Threat is not required to be unconditional.
	<i>People v. Gudger</i>	Threat	34 Cal. Rptr. 2d 510 (Ct. App. 1994)	Overbreadth claim rejected (specific intent requirement limits overbreadth problem). Conditional threat covered by statute.
	<i>People v. Fisher</i>	Threat	15 Cal. Rptr. 2d 889 (Ct. App. 1993)	Overbreadth claim rejected (no constitutional requirement that only intent to carry out threat can be penalized; not protected speech).
	<i>People v. Hudson</i>	Threat	6 Cal. Rptr. 2d 690 (Ct. App. 1992), <i>rev. denied</i> , 7/23/92	Overbreadth claim rejected (intent to carry out threat not required by constitution or by statute; third party to threat passing on threat to victim covered by law).
	<i>In re David L.</i>	Threat	286 Cal. Rptr. 398 (Ct. App. 1991), <i>rev. denied</i> , 1/16/92	Overbreadth claim rejected (statute does not reach substantial amount of protected speech). Threat can be communicated by third person.
	<i>People v. Teal</i>	Threat	71 Cal. Rptr. 2d 644 (Ct. App. 1998), <i>rev. denied</i> , 5/13/98	Threat does not require that defendant saw or knew victim was home at time threat was made outside home.
	<i>People v. Brown</i>	Threat	25 Cal. Rptr. 2d 76 (Ct. App. 1993) (<i>overruled by Bolin</i>)	Conditional threat not covered by statute (to construe explicit language of unconditional threat to include conditional threat raises constitutional issues).
	<i>People v. Dias</i>	Threat	60 Cal. Rptr. 2d 443 (Ct. App.), <i>rev. denied</i> , 4/16/97, 1997 Cal. LEXIS 2152 (1997)	Conditional threat covered by statute.

State	Case	Type of Law	Citation	Issue/Holding
CA (continued)	<i>People v. Mendoza</i>	Threat	69 Cal. Rptr. 2d 728 (Ct. App. 12/19/97)	Ambiguous words may constitute threat when context taken into account, such as history of gang involvement.
	<i>People v. Martinez</i>	Threat	62 Cal. Rptr. 2d 303 (Ct. App. 1997), <i>rev. denied</i> , 6/25/97	Threat meaning of ambiguous words gained from surrounding circumstances.
	<i>People v. Stanfield</i>	Threat	38 Cal. Rptr. 2d 328 (Ct. App. 1995), <i>rev. denied</i> , 6/1/95	Conditional threat covered by statute (apparent condition, but condition is illusory).
	<i>People v. Allen</i>	Threat	40 Cal. Rptr. 2d 7 (Ct. App. 1995)	“Sustained fear” element of threat statute met (sustained means more than momentary; 15 minutes until police arrived was sufficient).
	<i>People v. Brooks</i>	Threat	31 Cal. Rptr. 2d 283 (Ct. App. 1994), <i>rev. denied</i> , 9/29/94	Conditional threat covered by statute (<i>contra Brown</i>).
	<i>People v. Garrett</i>	Threat	36 Cal. Rptr. 2d 33 (Ct. App. 1994)	Evidence of prior abuse relevant to questions of intent to threaten and to victim’s “sustained fear.”
	<i>People v. Andrews</i>	Threat	89 Cal. Rptr. 2d 683 (Ct. App. 1999)	Jury may infer that defendant intended that third party would inform victim of threat.
	<i>People v. Lopez</i>	Threat, civil commitment	88 Cal. Rptr. 2d 252 (Ct. App. 1999)	Threat of future violence is predicate offense under mentally disordered offender law authorizing civil commitment.
	<i>People v. Toledo</i>	Attempted threat	96 Cal. Rptr. 2d 640 (Ct. App. 2000)	Attempted threat can occur where threat made but not communicated to victim or victim not fearful where reasonable person would be. Overbreadth challenge rejected (an attempt requires threat, which is not protected speech).
	<i>People v. Hernandez</i>	Telephone harassment	283 Cal. Rptr. 81 (Ct. App. 1991), <i>rev. denied</i> , 10/3/91	Vagueness and overbreadth claims rejected (no real danger of compromising First Amendment protections).
CO	<i>People v. Baer</i>	Stalking	973 P.2d 1225 (1999)	Vagueness and overbreadth claims rejected (statutory language interpreted to mean that credible threat can occur before, during, or after stalking behavior; as interpreted, overbreadth claim is inapposite, since protected speech not reached; reasonable person test of threat undercuts vagueness).

State	Case	Type of Law	Citation	Issue/Holding
CO (continued)	<i>People v. Bastian</i>	Stalking	981 P.2d 203 (Ct. App. 1998)	Ex post facto objection rejected (although one element of crime occurred before law change increased penalty, crime was only completed after increased penalty took effect).
	<i>People v. Hines</i>	Threat	780 P.2d 556 (1989) (<i>en banc</i>)	Conditional threat covered by statute where contingency controlled by defendant.
	<i>People v. Smith</i>	Harassment	862 P.2d 939 (1993) (<i>en banc</i>)	Overbroad (lacks fighting words limitation, and is limited in application to privacy protection).
	<i>People v. Norman</i>	Harassment	703 P.2d 1261 (1985) (<i>en banc</i>)	Void for vagueness (“annoy” or “alarm” bar goes to core of law, but terms are undefined and without limiting standards).
	<i>Van Meveren v. County Court</i>	Harassment	551 P.2d 716 (1976)	Vagueness and overbreadth claims rejected (“repeatedly” is not vague due to common usage; fighting words limitation limits law’s application).
	<i>Bolles v. People</i>	Harassment	541 P.2d 80 (1975) (<i>en banc</i>)	Overbroad (antiabortion mailing and many other types of communication are protected speech; adding phrase “without legitimate purpose” would render law void for vagueness).
	<i>Aguilar v. People</i>	Disorderly conduct	886 P.2d 725 (1994) (<i>en banc</i>)	Overbroad (lacks fighting words limitation).
	<i>People v. Weeks</i>	Telephone harassment	591 P.2d 91 (1979) (<i>en banc</i>)	Vagueness and overbreadth claims rejected (can only speculate if others are deterred from engaging in protected speech out of fear of violating statute; prohibition on telephone calls containing obscene speech strikes proper balance between defendant’s need to communicate and victim’s right to privacy and autonomy).
	<i>People v. McBurney</i>	Telephone harassment	750 P.2d 916 (1988) (<i>en banc</i>)	Overbreadth claim rejected (terms “annoy” and “alarm” must be read in context with intent requirement and law’s limitation to telephone messages).
CT	<i>State v. Jackson</i>	Stalking	742 A.2d 812 (App. Ct. 2000)	Vagueness and overbreadth claims rejected (citing <i>Marsala</i> and <i>Culmo</i>).

State	Case	Type of Law	Citation	Issue/Holding
CT (continued)	<i>State v. Marsala</i>	Stalking	688 A.2d 336 (App. Ct.), <i>cert. denied</i> , 690 A.2d 400 (1997)	Vagueness and overbreadth claims rejected (quoting <i>Culmo</i> , the statute does not implicate speech or expression, but criminalizes conduct only when undertaken with the requisite intent).
	<i>State v. Cummings</i>	Stalking, harassment	701 A.2d 663 (App. Ct.), <i>cert. denied</i> , 702 A.2d. 645 (1997)	Vagueness claim against stalking law rejected (citing <i>Marsala</i>). Vagueness claim against harassment law rejected (citing <i>Snyder</i>).
	<i>State v. Culmo</i>	Stalking	642 A.2d 90 (Super. Ct. 1993)	Right to travel, vagueness, and overbreadth claims rejected (statute in its entirety gives sufficient warning; vagueness claims with respect to terms “physical safety,” “willful,” “repeatedly,” “following,” and “lying in wait” are vitiated by intent requirement; reasonable person standard has both objective and subjective elements; no First Amendment rights implicated, since speech used to prove crime, not as crime itself; no infringement on right to travel, since intent requirement limits application of law).
	<i>Champagne v. Gintick</i>	Stalking	871 F. Supp. 1527 (D. Conn. 1994)	Overbreadth claim rejected in denying injunction; statute does not reach substantial amount of constitutionally protected conduct.
	<i>State v. Snyder</i>	Mail harassment	717 A.2d 240 (App. Ct. 1998)	Vagueness and overbreadth claims rejected (statute proscribes abusive conduct, not speech; prior judicial interpretation of “annoyances” saves law from vagueness).
	<i>State v. Snyder</i>	Mail harassment	672 A.2d 535 (App. Ct.), <i>cert. denied</i> , 676 A.2d 1375 (1996)	Scope of law includes third-party communications. Direct communication not required where intent to harass exists.
	<i>State v. Marsala</i>	Telephone harassment	684 A.2d 1199 (1996), <i>cert. denied</i> , 688 A.2d 329 (1997)	Vagueness claim rejected on procedural grounds.
	<i>State v. Lewtan</i>	Telephone harassment	497 A.2d 60 (App. Ct. 1985)	Evidence from victim’s tape of phone calls properly admitted.
	<i>Gormley v. Director</i>	Telephone harassment	632 F.2d 938 (2d Cir.), <i>cert. denied</i> , 449 U.S. 1023 (1980)	Overbreadth claim rejected (risk of chilling free speech remote and minor compared to evil addressed by statute).

State	Case	Type of Law	Citation	Issue/Holding
CT (continued)	<i>State v. Anonymous</i>	Telephone harassment	389 A.2d 1270 (App. Sess. Conn. Super. 1978)	Overbreadth claim rejected (law regulates conduct, not speech; no need to limit terms “annoy” and “alarm” to fighting words as was required for disorderly conduct statute in same case).
DE	<i>Snowden v. State</i>	Stalking	677 A.2d 33 (1996)	Vagueness claim rejected (term “repeatedly” refers to one series of acts, not two or more series for “harassment”). Following on public roads not constitutionally protected activity.
	<i>Bilinski v. State</i>	Threat	462 A.2d 409 (1983)	Terroristic threat is lesser offense under extortion.
DC	<i>United States v. Smith</i>	Stalking	685 A.2d 380 (1996), <i>cert. denied</i> , 118 S. Ct. 152 (1997)	Vagueness, overbreadth claims rejected (intent requirement in conjunction with “repeatedly” and “emotional distress” is constitutionally sufficient). Objective “reasonable” fear test required. Terms “repeatedly” and “course of conduct” do not require two series of acts, merely one.
	<i>Postell v. United States</i>	Threat	282 A.2d 551 (1971)	Conditional threats covered by statute.
	<i>United States v. Baish</i>	Telephone threat	460 A.2d 38 (1983)	Jurisdiction lies in District where recipient of threatening call received call.
FL	<i>State v. Johnson</i>	Stalking, protective order	676 So. 2d 408 (1996) <i>reh’g denied, corrected</i> , 21 Fla. L. Weekly S311 (Fla. 1996)	Double jeopardy claim based on contempt of court order conviction rejected (crimes have separate elements).
	<i>Bouters v. State</i>	Stalking	659 So. 2d 235, <i>cert. denied</i> , 516 U.S. 894 (1995)	Vagueness and overbreadth claims rejected (conduct described by statute is not protected and is clearly criminal; reasonable person standard avoids vagueness problem).
	<i>State v. Kahles</i>	Stalking	657 So. 2d 897 (1995), <i>aff’g</i> , 644 So. 2d 512 (Ct. App. 1994)	Vagueness, overbreadth claims rejected (citing <i>Bouters</i>).
	<i>Folsom v. State</i>	Stalking	654 So. 2d 128 (1995), <i>aff’g</i> , 638 So. 2d 591 (Dist. Ct. App. 1994)	Overbreadth claim rejected (citing <i>Bouters</i>).
	<i>Gilbert v. State</i>	Stalking	659 So. 2d 233 (1995), <i>aff’g</i> , 639 So. 2d 191 (Dist. Ct. App. 1994)	Vagueness and overbreadth claims rejected (citing <i>Bouters</i>).
	<i>Huffine v. State</i>	Stalking	655 So. 2d 103 (1995), <i>aff’g</i> , 648 So. 2d 783 (Dist. Ct. App. 1994)	Vagueness and overbreadth claims rejected (citing <i>Bouters</i>).

State	Case	Type of Law	Citation	Issue/Holding
FL (continued)	<i>Pallas v. State</i>	Stalking	654 So. 2d 127 (1995), <i>aff'g</i> , 636 So. 2d 1358 (Dist. Ct. App. 1994)	Vagueness and overbreadth claims rejected (citing <i>Bouters</i>).
	<i>Williams v. State</i>	Stalking, domestic violence order	658 So. 2d 665 (Ct. App. 1995), <i>aff'd</i> , 673 So. 2d 486 (1996) (citing <i>Johnson</i>)	Vagueness and overbreadth claims rejected (citing <i>Bouters</i>).
	<i>Perez v. State</i>	Stalking	656 So. 2d 484 (1995), <i>aff'g</i> , 648 So. 2d 784 (Dist. Ct. App. 1994)	Overbreadth claim rejected (citing <i>Bouters</i>).
	<i>Salatino v. State</i>	Stalking	660 So. 2d 627 (1995), <i>aff'g</i> , 644 So. 2d 1035 (Dist. Ct. App. 1994)	Vagueness and overbreadth claims rejected (citing <i>Bouters</i>).
	<i>State v. Barron</i>	Stalking	637 So. 2d 384 (Dist. Ct. App. 1994)	Vagueness and overbreadth claims rejected (citing <i>Bouters</i>).
	<i>State v. Baugher</i>	Stalking	637 So. 2d 384 (Ct. App. 1994)	Vagueness and overbreadth claims rejected (citing <i>Bouters</i>).
	<i>State v. Tremmel</i>	Stalking	644 So. 2d 102 (Ct. App. 1994)	Overbreadth claim rejected (citing <i>Kahles</i>).
	<i>Varney v. State</i>	Stalking	659 So. 2d 234 (1995), <i>aff'g</i> , 638 So. 2d 1063 (Dist. Ct. App. 1994)	Vagueness and overbreadth claims rejected (citing <i>Bouters</i>).
	<i>Altingeyik v. State</i>	Stalking	659 So. 2d 692 (1995), <i>aff'g</i> , 649 So. 2d 943 (Dist. Ct. App. 1994)	Vagueness and overbreadth claims rejected (citing <i>Kahles</i>).
	<i>Daniels v. State</i>	Stalking	658 So. 2d 927 (1995), <i>aff'g</i> , 639 So. 2d 624 (Dist. Ct. App. 1994)	Overbreadth claim rejected (citing <i>Bouters</i>).
	<i>Koshel v. State</i>	Stalking	659 So. 2d 232, <i>cert.</i> <i>denied</i> , 1116 S. Ct. 245 (1995), <i>aff'd on other</i> <i>grounds</i> , 689 So. 2d 1229 (Dist. Ct. App. 1997)	Overbreadth claim rejected (citing <i>Bouters</i>).
	<i>Morrison v. State</i>	Stalking	658 So. 2d 1038 (Ct. App. 1995)	Vagueness and overbreadth claims rejected (citing <i>Kahles</i>).
	<i>Polson v. State</i>	Stalking	654 So. 2d 127 (1995), <i>aff'g</i> , 636 So. 2d 695 (Dist. Ct. App. 1994)	Overbreadth claim rejected (citing <i>Bouters</i>).
	<i>Ratcliffe v. State</i>	Stalking	660 So. 2d 1384 (1995), <i>aff'g</i> , 651 So. 2d 1205 (Dist. Ct. App. 1995)	Overbreadth claim rejected (citing <i>Bouters</i>).
	<i>State v. Gonzalez</i>	Stalking	651 So. 2d 185 (Ct. App. 1995)	Vagueness and overbreadth claims rejected (citing <i>Kahles</i> and <i>Bouters</i>).
	<i>State v. Foster</i>	Stalking	661 So. 2d 58 (Ct. App. 1995)	Overbreadth claim rejected (citing <i>Bouters</i>).

State	Case	Type of Law	Citation	Issue/Holding
FL (continued)	<i>Blount v. State</i>	Stalking	654 So. 2d 126 (1995), <i>cert. denied</i> , 516 U.S. 849 (1995)	Overbreadth claim rejected (citing <i>Bouters</i>).
	<i>Saiya v. State</i>	Stalking	654 So. 2d 128 (1995) (citing <i>Bouters</i>).	Overbreadth claim rejected
	<i>Rosen v. State</i>	Stalking	644 So. 2d 531 (Ct. App. 1994), <i>cert. denied</i> , 1648 So.2d 724 (1994)	Vagueness and overbreadth claims rejected (citing <i>Kahles</i>).
	<i>Higgins v. State</i>	Stalking	656 So. 2d 483 (Ct. App. 1995)	Vagueness claim rejected (citing <i>Bouters</i>).
	<i>Marinelli v. State</i>	Stalking	706 So. 2d 1374 (Ct. App. 1998)	Double jeopardy triggered by two convictions for stalking where there was one course of action.
	<i>Goosen v. Walker</i>	Stalking	714 So. 2d 1149 (Ct. App. 1998)	Repeated videotaping of neighbors not conduct within constitutionally protected activity exception of statute.
	<i>McKinnon v. State</i>	Stalking	712 So. 2d 1259 (Ct. App. 1998)	State need not prove intent to cause fear, only that fear occurred as result of intentional acts.
	<i>Butler v. State</i>	Stalking	715 So. 2d 339 (Ct. App. 1998)	Reconciliation between harassing events goes against “continuity of purpose” element of stalking definition.
	<i>Waldowski v. State</i>	Stalking	708 So. 2d 1015 (Ct. App. 1998)	Jury not permitted to speculate that defendant was the unknown source of false complaints of child abuse as part of stalking pattern of conduct.
	<i>Gilbreath v. State</i>	Telephone harassment	650 So. 2d 10, <i>cert. denied</i> , 514 U.S. 1112 (1995)	Vagueness claim rejected (terms “offend” and “annoy” deleted from law as too vague; terms “abuse,” “threaten,” and “harass” not vague).
	<i>State v. Elder</i>	Telephone harassment	382 So. 2d 687 (1980)	Overbreadth claim rejected (law aimed at conduct, not content of speech).
	<i>State v. Keaton</i>	Telephone harassment	371 So. 2d 86 (1979)	Overbroad (bar against obscene calls is not limited to those where intent is to harass).
GA	<i>Crenshaw v. State</i>	Stalking	515 S.E.2d 642 (Ct. App. 1999)	Showing course of conduct is valid basis for witness testimony about prior similar harassment by defendant.

State	Case	Type of Law	Citation	Issue/Holding
GA (continued)	<i>Johnson v. State</i>	Stalking	449 S.E.2d 94 (1994)	Vagueness and overbreadth claims rejected (intent requirement overcomes any potential vagueness in nonconsensual contact language; constitution does not require that threat produce substantial emotional distress, merely fear).
	<i>Fly v. State</i>	Stalking	494 S.E.2d 95 (Ct. App.), <i>cert. denied</i> , 1998 Ga. LEXIS 329, <i>cert. denied</i> , 119 S. Ct. 125 (1998)	Vagueness and overbreadth claims rejected (citing <i>Johnson</i> for holding that conduct is not protected by First Amendment).
	<i>Kinney v. State</i>	Stalking	477 S.E.2d 843 (Ct. App. 1996), <i>cert. denied</i> , 1997 Ga. LEXIS 205 (1997), <i>aff'd</i> , 506 S.E.2d 441 (Ct. App. 1998)	Vagueness claim rejected (term “to contact” well understood and, in conjunction with intent requirement, law passes muster). Double jeopardy triggered by charge of stalking after conviction for violation of protective order involving same acts.
	<i>Robinson v. State</i>	Stalking	456 S.E.2d 68 (Ct. App. 1995), <i>cert. denied</i> , 1995 Ga. LEXIS 619 (1995)	Term “to contact” is readily understood.
	<i>State v. Rooks</i>	Stalking	468 S.E.2d 354 (1996)	Stalking not the same as common law assault; attempted stalking can be a crime, although attempted assault is not.
	<i>Todd v. State</i>	Stalking, threat	498 S.E.2d 142 (Ct. App. 1998)	Telephone harassment may be lesser included offense of terroristic threat except where there is no evidence raising lesser charge. Evidence of prior rape is admissible as showing intent, victim fear, and course of conduct.
	<i>Lanthrip v. State</i>	Threat	218 S.E.2d 771 (1975)	Vagueness and overbreadth claims rejected (term “threat” commonly understood; threats are never protected speech).
	<i>Masson v. Slaton</i>	Threat	320 F. Supp. 669 (N.D. Ga. 1970)	Vagueness and overbreadth claims rejected (threats are not protected speech).
	<i>Boone v. State</i>	Threat	274 S.E.2d 49 (Ct. App. 1980)	Victim terror not required, focus is on conduct of making threat; conditional threats not covered by law are those “made merely to preserve the status quo.”
	<i>Constantino v. State</i>	Telephone harassment	255 S.E.2d 710, <i>cert. denied</i> , 444 U.S. 940 (1979)	Vagueness claim rejected (intent to harass is crux of law; hence, no vagueness in relying on subjective response of victim to show harassment).

State	Case	Type of Law	Citation	Issue/Holding
GA (continued)	<i>Harris v. State</i>	Telephone harassment	380 S.E.2d 345 (Ct. App. 1989)	Message left on machine sufficient to constitute harassment, since law bars intent to harass plus calls.
	<i>Troncalli v. Jones</i>	Civil stalking suit	513 S.E.2d 478 (Ct. App. 1999)	Civil suit for stalking is not authorized by criminal law.
HI	<i>State v. Chung</i>	Threat	862 P.2d 1063 (1993)	Threats not protected by First Amendment. Actual communication of threat not required where threats made “in reckless disregard” of likelihood that communication through third party will occur.
	<i>State v. Alston</i>	Threat	865 P.2d 157 (1994)	Threat via third party need not be communicated to victim (victim terror not required; statute merely requires that acts be made in “reckless disregard” of terror resulting).
	<i>In re Doe</i>	Threat	650 P.2d 603 (Ct. App. 1982)	Threat requires proof of intent or reckless disregard, rather than likelihood of threat being carried out.
	<i>State v. Meyers</i>	Telephone threat	825 P.2d 1062 (1992)	Jurisdiction lies in Hawaii where telephone call made to Hawaii resident.
	<i>Bailey v. Sanchez</i>	Harassment (civil)	1999 Haw. App. LEXIS 205 (Ct. App. 1999)	Equal protection violation claim rejected where statute provides for alternative bases for civil harassment injunction but requires intent only where lesser degree of threat exists.
	<i>In re Doe</i>	Harassment	869 P.2d 1304 (1994)	Free speech rights violated (harassment is form of disorderly conduct aimed at single person; police training precludes violent response to harassment acts in most incidents; hence, higher standard for fighting words when directed at police).
	<i>State v. Taliferro</i>	Harassment	881 P.2d 1264 (Ct. App. 1994)	State must show harassment acts likely to provoke violent response.
	<i>In re Doe</i>	Harassment	788 P.2d 173 (Ct. App. 1990)	Objective test to be used in determining if “harassment” was likely to provoke violent response.

State	Case	Type of Law	Citation	Issue/Holding
ID	<i>State v. Richards</i>	Telephone threat, telephone harassment	896 P.2d 357 (Ct. App. 1995)	Vagueness and overbreadth claims rejected (law directed at conduct, not speech; use of telephone solely to inflict injury is not protected; terms “obscene,” “lewd,” “lascivious,” and “indecent” connote language with vulgar sexual overtones; term “profane” means abusive cursing language; terms “harass” and “offend” are commonly used words).
IL	<i>People v. Bailey</i>	Stalking	657 N.E.2d 953 (1995)	Vagueness and overbreadth claims rejected (term “following” construed to require additional intent to advance threat to victim; threat is not protected speech when part of unlawful conduct).
	<i>People v. Nakajima</i>	Stalking	691 N.E.2d 153 (App. Ct. 1998), <i>appeal denied</i> , 699 N.E.2d 1035 (1998)	Vagueness and overbreadth challenges rejected (while <i>Bailey</i> not dispositive because challenge here is to new law, defendant failed to preserve claims). Due process claim based on absence of <i>mens rea</i> rejected.
	<i>People v. Cortez</i>	Stalking	676 N.E.2d 195 (App. Ct. 1996), <i>appeal denied</i> , 684 N.E.2d 1338 (1997)	Vagueness and overbreadth claims rejected (statute proscribes only culpable conduct requiring intent; terms “follows” and “surveillance” are not vague).
	<i>People v. Holt</i>	Stalking	649 N.E.2d 571 (App. Ct. 1995)	Vagueness and overbreadth claims rejected (explicit objective standards in law include reasonableness and intent components of stalking; no substantial infringement of protected rights). Statutory prohibition of stalking outside a building does not foreclose prosecution of stalking within the same building.
	<i>People v. Rand</i>	Stalking	683 N.E.2d 1243 (App. Ct. 1997), <i>appeal denied</i> , 1998 Ill. LEXIS 1832 (1998)	Vagueness and overbreadth claims rejected (citing <i>Cortez</i>).
	<i>People v. Zamudio</i>	Stalking	689 N.E.2d 254 (App. Ct. 1997)	Vagueness, overbreadth, and due process claims rejected (citing <i>Cortez</i>). Stalking is nothing more than one type of common law assault. Requirement for two separate acts inhibits discriminatory enforcement.
	<i>People v. Daniel</i>	Stalking	670 N.E.2d 861 (App. Ct. 1996), <i>appeal denied</i> , 677 N.E.2d 967 (1997)	Surveillance under law shown, although two-part building separated the two individuals.

State	Case	Type of Law	Citation	Issue/Holding
IL (continued)	<i>People v. Soto</i>	Stalking	660 N.E.2d 990 (App. Ct. 1995)	Prior protective order issuance cannot be used alone to prove earlier threats because higher level of proof required in criminal case.
	<i>People v. Krawiec</i>	Stalking	634 N.E.2d 1173 (App. Ct. 1994)	Acts in furtherance of a threat do not require violence or even intent to commit violence. “Under surveillance” requires only that defendant remain in the vicinity, regardless of whether victim is present (e.g., “lying in wait”).
	<i>People v. Young</i>	Telephone threat	727 N.E.2d 386 (App. Ct. 2000)	Proof of location to determine court’s jurisdiction uses reasonable doubt standard.
	<i>People v. Peterson</i>	Letter threat (intimidation)	715 N.E.2d 1221 (App. Ct. 1999); 1999 Ill. App. LEXIS 591 (1999)	First Amendment challenge rejected (threats not protected speech). Testimony about victim’s response to letter threats admissible, since it tends to show reasonableness of fear. Intent to carry out threat not element of crime.
	<i>People v. Parkins</i>	Telephone harassment	396 N.E.2d 22 (1979), <i>appeal dismissed</i> , 446 U.S. 901 (1980)	Overbreadth claim rejected (terms “abuse” and “harass” take restricted meaning from word “threaten” in statute).
	<i>People v. Klick</i>	Telephone harassment	362 N.E.2d 329 (1977)	Overbroad (statute applies to any call made with intent to annoy; no “unreasonable manner” limitation to save law can be inferred, since crime occurs when call made regardless of subsequent conversation content).
	<i>People v. Karich</i>	Telephone harassment, order violation	687 N.E.2d 1169 (App. Ct. 1997)	Violation of protection order based on numerous telephone calls requires evidence that telephone call content was intended to be harassing, notwithstanding statutory presumption that calls resulted in emotional distress.
	<i>People v. Reynolds</i>	Domestic violence protection order	706 N.E.2d 49 (App. Ct. 1999)	Vagueness and overbreadth challenges to law’s use of term “harassment” rejected, notwithstanding that complained-of acts differ from examples in statute where harassment presumed, since listing not exhaustive and defendant’s intent to intimidate was not proper purpose.
IN	<i>Johnson v. State</i>	Stalking	648 N.E.2d 666 (Ct. App. 1995)	Vagueness claim rejected (intent requirement prevents vagueness).

State	Case	Type of Law	Citation	Issue/Holding
IN (continued)	<i>Johnson v. State</i>	Stalking	721 N.E.2d 327 (Ct. App. 1999)	Due process challenge to sentencing enhancement rejected where defendant stalked victim while prior stalking complaint was pending (no need for first charge to have resulted in conviction; hence, no denial of right to jury trial on issue). Reasonable for legislature to enact enhancement; not equal protection violation. Defendant's actions over 5- or 6-hour period were sufficient to constitute course of action under stalking law. Jury could infer fear where no direct victim testimony given; evidence of prior acts not double jeopardy when used to prove victim's state of mind.
	<i>Landis v. State</i>	Stalking	704 N.E.2d 113 (1998)	Proof of prior similar acts may be admitted into case in chief, but prior convictions admitted only into sentencing hearing.
	<i>Burton v. State</i>	Stalking, stalking order, privacy invasion	665 N.E.2d 924 (Ct. App. 1996)	Double jeopardy claim rejected with respect to stalking and privacy invasion convictions (charging facts for both offenses overlapped, however).
	<i>Waldon v. State</i>	Stalking	684 N.E.2d 206 (Ct. App. 1997)	Jury could infer intent to threaten and fear from victim description of 6 encounters in public places within 1 year.
	<i>Haynes v. State</i>	Harassment, intimidation	656 N.E.2d 505 (Ct. App. 1995)	Double jeopardy claim rejected, since intimidation and harassment are distinct crimes.
	<i>Leuteritz v. State</i>	Telephone harassment	534 N.E.2d 265 (Ct. App. 1989)	Telephone harassment law not applicable unless call has only nonlegitimate purpose; reasonable person test of intent.
	<i>Hott v. State</i>	Telephone harassment	400 N.E.2d 206 (Ct. App. 1980), <i>transfer denied</i> , 409 N.E.2d 1082, <i>cert. denied</i> , 449 U.S. 1132 (1981)	First Amendment claim rejected (obscene telephone calls violated victim's privacy and are not protected).
IA	<i>State v. Limbrecht</i>	Stalking	600 N.W.2d 316 (1999)	The several acts under complaint constitute threatening course of conduct even if individual acts in isolation could be seen as only harassing.
	<i>State v. Bellows</i>	Stalking	596 N.W.2d 509 (1999)	Violation of out-of-State stalking protection order may be used to enhance penalties for stalking in State. This is not enforcement of order under full faith and credit clause.

State	Case	Type of Law	Citation	Issue/Holding
IA (continued)	<i>State v. Neuzil</i>	Stalking	589 N.W.2d 708 (1999)	Stalking is general intent crime (act is committed without regard to results).
	<i>State v. Mulvany</i>	Harassment	600 N.W.2d 291 (1999)	First-degree harassment is not lesser included offense of stalking where stalking may be proved without harassment.
	<i>State v. Fratzke</i>	Letter harassment	446 N.W.2d 781 (1989)	Overbreadth claim rejected based on statutory interpretation (statutory requirement that communication have no legitimate purpose eliminates overbreadth objection; however, offensive language cannot take away legitimate purpose of protesting government action; fighting words standard is especially high when police officers are target).
	<i>State v. Jaeger</i>	Telephone harassment	249 N.W.2d 688 (1977)	Vagueness claim rejected (phrase “obscene, lewd, or profane” not vague due to specific intent element of law).
KS	<i>State v. Rucker</i>	Stalking	987 P.2d 1081 (1999)	Vagueness claim rejected where legislative amendments now provide objective standard and include statutory definition for harassment, course of conduct, and credible threat. Phrase “repeated course of conduct” not vague but of common understanding. Terms “apparent ability” and “legitimate purpose” are based on objective standard and not vague.
	<i>State v. Bryan</i>	Stalking	910 P.2d 212 (1996)	Void for vagueness (undefined terms “alarms,” “annoys,” and “harasses” are vague and without objective measure; term “following” is sufficiently comprehensible).
	<i>State v. Gunzelman</i>	Threat	502 P.2d 705 (1972)	Vagueness claims rejected (terms “threat” and “terrorize” are adequately defined by code and dictionary).
	<i>State v. Miller</i>	Threat	629 P.2d 748 (Ct. App. 1981)	Cross burning is physical act that constitutes threat; speech not required.
	<i>State v. Knight</i>	Threat	549 P.2d 1397 (1976)	Threat may be implied; third-person involvement in carrying out threat permitted where intent to terrorize exists.
	<i>State v. Thompson</i>	Telephone harassment	701 P.2d 694 (1985)	Overbreadth claim rejected (intent to harass is element of crime, not missing from law).

State	Case	Type of Law	Citation	Issue/Holding
KY	<i>Poindexter v. Commonwealth</i>	Stalking	1996 Ky. App. LEXIS 156 (Ct. App. 1996)	Vagueness and overbreadth claims rejected.
	<i>Welch v. Commonwealth</i>	Stalking probation	988 S.W.2d 506 (Ct. App. 1999)	Violation of no-contact provision where continued harassing hang-up calls made without conversation.
	<i>Thomas v. Commonwealth</i>	Threat	574 S.W.2d 903 (Ct. App. 1978)	Overbreadth and vagueness claims rejected (terms “threat” and “terrorize” well understood; threats not protected speech). Threat may be conditional; victim fear of immediate harm not needed; intent to complete threat not relevant.
	<i>Musselman v. Commonwealth</i>	Harassment	705 S.W.2d 476 (1986)	Void for vagueness and overbroad (law lacks fighting words limitation, which cannot be added by judicial interpretation).
	<i>United States v. Sturgill</i>	Harassment	563 F.2d 307 (6th Cir. 1977)	Overbroad (citing <i>Gooding v. Wilson</i> , 405 U.S. 518 (1972), and <i>Acker v. Texas</i> , 430 U.S. 962 (1977)).
	<i>Yates v. C.</i>	Telephone harassment	753 S.W.2d 874 (Ct. App. 1988)	Vagueness and overbreadth claims rejected (fighting words doctrine inapplicable to private communications by telephone; law regulates harassing conduct, not speech).
LA	<i>State v. Meunier</i>	Telephone harassment	354 So.2d 535 (1978)	Vagueness and overbreadth claims rejected (terms “annoy,” “harass,” and “embarrass” “take color” from surrounding words, limiting their scope).
	<i>State v. Martin</i>	Telephone harassment	491 So.2d 458 (Ct. App. 1986)	Specific intent to harass may be inferred from voluntary act that rationally may be expected to annoy or harass.
ME	<i>State v. Thibodeau</i>	Threat	686 A.2d 1063 (1996)	Objective reasonableness of victim fear is not essential element of threatening, since intent to place in fear is sufficient.
	<i>State v. Porter</i>	Threat	384 A.2d 429 (1978)	Overbreadth claim rejected (threats not protected speech). Statute interpreted to apply only to person who made threat or to third party who adopts threat in repeating it.
	<i>State v. Lizotte</i>	Threat	256 A.2d 439 (1969)	Intent to carry out threat and actual fear are not required; crime committed is causing fear to ordinary person.
	<i>State v. Ilsley</i>	Letter threat, harassment order	595 A.2d 421 (1991)	Letter to third party in same home violated harassment order.

State	Case	Type of Law	Citation	Issue/Holding
ME (continued)	<i>State v. Hills</i>	Harassment order	574 A.2d 1357 (1990)	Vagueness claims rejected (term “harassment” is commonly understood).
	<i>State v. Cropley</i>	Harassment	544 A.2d 302 (1988)	Overbreadth claim rejected (harassing conduct not protected speech).
MD	<i>Streater v. State</i>	Stalking, protective order	724 A.2d 111 (1999)	Prior criminal acts evidenced on face of protective order admitted into evidence are not admissible to show intent without hearing by trial judge on possible prejudice.
	<i>Piper v. Layman</i>	Stalking, protective order	726 A.2d 887 (Ct. Spec. App. 1999)	Validity of protective order not moot where permanent order is recorded.
	<i>Caldwell v. State</i>	Harassment	337 A.2d 476 (Ct. Spec. App. 1975)	Vagueness claims rejected (intent requirement saves statute from vagueness).
	<i>Pall v. State</i>	Harassment	699 A.2d 565 (Ct. Spec. App. 1997)	Statute requires warning to cease and desist harassing conduct.
	<i>Galloway v. State</i>	Letter harassment	744 A.2d 1070 (Ct. Spec. App. 2000)	Vagueness and overbreadth challenges rejected (terms “alarm” and “serious annoyance” not vague where law requires specific intent to harass; less need for notice where words are in common use and defendant has been asked to stop behavior; law regulates conduct not speech). Evidence shows invasion of privacy, which is target of law.
	<i>Von Lusch v. State</i>	Telephone harassment	387 A.2d 306 (Ct. Spec. App. 1978), <i>cert. denied</i> , 283 Md. 740 (1978)	First Amendment claim rejected (harassment not protected speech). Harassment purpose need not be sole intent of actor.
MA	<i>Commonwealth v. Kwiatkowski</i>	Stalking, stalking order	637 N.E.2d 854 (1994)	Void for vagueness in instant case (statute could be interpreted to require more than two patterns of conduct). For future, only single pattern or series of events will need to be shown.
	<i>Commonwealth v. Matsos</i>	Stalking	657 N.E.2d 467 (1995)	<i>Kwiatkowski</i> does not apply retroactively to convictions before decision made where vagueness claim not raised at trial; defendant’s behavior came squarely within statute’s bar.
	<i>Commonwealth v. Delaney</i>	Stalking, protective order	682 N.E.2d 611 (1998), <i>cert. denied</i> , 118 S. Ct. 714 (1998)	Intent not required for violation of protective order. Constitutional issue raised but not argued.

State	Case	Type of Law	Citation	Issue/Holding
MA (continued)	<i>Commonwealth v. Alphas</i>	Stalking, order violation	762 N.E.2d 575 (1999)	Stay-away order in divorce decree is equal to order of protection for purposes of enhancement under stalking law for violation of an order.
	<i>Commonwealth v. Butler</i>	Harassment order	661 N.E.2d 666 (App. Ct. 1996)	Overbreadth claim against no-contact order rejected (term “contact” is clear). Anonymous sending of flowers violated order.
	<i>Commonwealth v. Basile</i>	Abuse prevention order	712 N.E.2d 633 (App. Ct. 1999)	No-contact provision of court order may be violated by mere presence in vicinity of victim; jury must infer whether contact was intended.
	<i>Commonwealth v. Richards</i>	Electronic harassment	690 N.E.2d 419 (1998)	Fax not covered by law against annoying telephone calls.
	<i>Commonwealth v. Wotan</i>	Telephone harassment	665 N.E.2d 976 (1996)	Term “repeatedly” requires three or more harassing calls.
	<i>Commonwealth v. Strahan</i>	Telephone harassment	570 N.E.2d 1041 (App. Ct. 1991), <i>rev. denied</i> , 576 N.E.2d 685 (1991)	Desire to harass must be sole purpose of calls to sustain conviction, notwithstanding harassing effect.
MI	<i>People v. White</i>	Stalking	536 N.W.2d 876 (Ct. App. 1995)	Vagueness claims rejected (statutes provide fair notice; term meanings can be easily ascertained, and terms possess common and generally accepted meaning). Rebuttable presumption of stalking after being asked to discontinue contacts provides due process, since connection to victim’s state of mind and fear is reasonable. Not double jeopardy for defendant to first plead to misdemeanor charge with different dates from later felony plea.
	<i>People v. Ballantyne</i>	Stalking	538 N.W.2d 106 (Ct. App. 1995)	Vagueness and overbreadth claims rejected (citing <i>White</i>).
	<i>Staley v. Jones</i>	Stalking	2000 WL 1013970 (W.D. Mich. 2000)	Double jeopardy claim rejected for lack of standing (only charged with one crime). Vagueness challenge accepted in part (phrase “includes, but not limited to” is read to modify statute’s concern with nonconsensual contact; phrases “constitutionally protected action” and “legitimate purpose,” as interpreted in <i>White</i> , are overbroad, infringing on both press rights and right to petition government).

State	Case	Type of Law	Citation	Issue/Holding
MI (continued)	<i>People v. Coones</i>	Stalking	550 N.W.2d 600 (Ct. App. 1996)	Not double jeopardy to punish stalking and contempt of court for order violation. Violation of protective order and bond conditions make contact acts per se “illegitimate,” notwithstanding ends-justify-means argument that acts were to preserve marriage.
	<i>People v. Kieronski</i>	Stalking	542 N.W.2d 339 (Ct. App. 1995)	Stalking not limited to face-to-face contacts.
	<i>Haverbush v. Powelson</i>	Harassment civil liability (emotional distress)	551 N.W.2d 206 (Ct. App. 1996), <i>appeal denied</i> , 564 N.W.2d 37 (1997)	Intentional emotional distress injury award affirmed (extreme and outrageous behavior proved; reasonableness test for intent is same as reckless behavior).
	<i>People v. Taravella</i>	Telephone harassment	350 N.W.2d 780 (Ct. App. 1984)	Vagueness, overbreadth claims rejected (statute provides clear warning; law punishes maliciously intended conduct, not speech).
MN	<i>State v. Orsello</i>	Stalking	554 N.W.2d 70 (1996)	Vagueness claims rejected (interpreting law to require specific intent to harass or stalk with adverse effects).
	<i>State v. Loewen</i>	Stalking	565 N.W.2d 714 (Ct. App.), <i>rev. granted</i> , 1997 Minn. LEXIS 685 (1997)	<i>Orsello</i> rule retroactive.
	<i>State v. Romans</i>	Stalking	1997 WL 600455 (Ct. App. 1997)	<i>Orsello</i> rule retroactive (citing <i>Loewen</i>).
	<i>State v. Bowen</i>	Stalking	560 N.W.2d 709 (Ct. App. 1997)	<i>Orsello</i> specific intent rule applied retroactively to require new trial to prove intent to harass.
	<i>State v. Davisson</i>	Stalking	1997 WL 292159 (Ct. App. 1997), <i>rev'd on other grounds</i> , 1998 WL 747135 (Ct. App. 1998)	<i>Orsello</i> intent requirement met.
	<i>State v. Davis</i>	Stalking, harassment	1997 WL 259946 (Ct. App. 1997), <i>rev. denied</i> , 8/5/97	<i>Orsello</i> requires reversal of conviction for engaging in pattern of harassment, but not stalking.
	<i>State v. Schweppe</i>	Threat	237 N.W.2d 609 (1975)	Intent may be established through reasonable inferences from circumstances of the incident, including victim reaction. Defendant may be prosecuted for terrorizing or causing extreme fear through third party where defendant knew or should have known threat was likely to be passed on to victim.

State	Case	Type of Law	Citation	Issue/Holding
MN (continued)	<i>State v. Marchand</i>	Threat	410 N.W.2d 912 (Ct. App. 1987), <i>rev. denied</i> , 10/2/87	Terroristic threats include threats of future actions. A continuing tirade in face of victim's evident fear is circumstantial evidence of intent and negates any claim of transitory anger.
	<i>State v. Murphy</i>	Threat	545 N.W.2d 909 (1996), <i>remanded</i> , 1997 Minn. App. LEXIS 1236 (1997)	Physical acts alone may constitute threat.
	<i>State v. Dolgalevsky</i>	Threat	2000 Minn. App. LEXIS 341 (Ct. App. 2000)	History of hostility and victim reaction provide circumstantial evidence of intent to create fear.
	<i>State v. Tellinghuisen</i>	Threat	1998 Minn. App. LEXIS 558, <i>appeal denied</i> , 7/16/98; 1998 Minn. LEXIS 432 (1998)	Conditional threats covered under statute. Threat context relevant where defendant had history of violent abuse toward victim.
	<i>State v. Fisher</i>	Threat	354 N.W.2d 29 (1984)	Defendant knew or should have known that threat to third party would be communicated to victim. Evidence of prior threats admissible to show intent and motive; transitory anger defense rebutted by evidence of prior threats and continuing tirade for 6 hours.
	<i>State v. Idowu</i>	Threat	2000 Minn. App. LEXIS 36 (Ct. App. 2000)	Direct communication of threat to victim not required.
	<i>State v. Spencer</i>	Threat, harassment order	1998 Minn. App. LEXIS 856 (1998)	Evidence that victim applied for protection order after threat issued was probative of meaning of threat even if victim's reaction not an element of the crime. However, admission of order itself was prejudicial, since it tends to show judge already found threat to have been made.
	<i>State v. Jones</i>	Threat	451 N.W.2d 55 (Ct. App. 1990)	Transitory anger not covered.
	<i>State v. Lavastida</i>	Threat	366 N.W.2d 677 (Ct. App. 1985)	Instruction on transitory anger defense not required when instructions submitted covered all elements of the crime.
	<i>State v. Kehren</i>	Threat	2000 Minn. App. LEXIS 15 (Ct. App. 2000)	Instructions on elements of crime sufficient to allow trial judge to refuse instruction on transitory anger where arguments permitted during trial; victim fear helps show intent.
	<i>Sykes v. State</i>	Threat	578 N.W.2d 807 (Ct. App. 1998), <i>remanded</i> , 1997 Minn. App. LEXIS 1236 (1997)	Court has jurisdiction over threat originating in England where received in State.

State	Case	Type of Law	Citation	Issue/Holding
MN (continued)	<i>Prell v. State</i>	Harassment	1998 WL 2408 (Ct. App. 1998), <i>rev. denied</i> , 3/26/98	<i>Orsello</i> intent rule not applicable to harassment pattern, only underlying acts.
	<i>State v. Machholz</i>	Harassment	574 N.W.2d 415 (1998)	Overbroad, protected speech (statute not limited to nonexpressive conduct, and offensive conduct in a public meeting not directed at any individual did not constitute fighting words).
	<i>State v. Schmidt</i>	Harassment, stalking	612 N.W.2d 871 (2000), <i>aff'g</i> 1999 Minn. App. LEXIS 958 (Ct. App. 1999)	Conviction voided under <i>Machholz</i> not a bar to new charges under stalking section of law because not affected by ruling.
	<i>State v. Anderson</i>	Harassment	1996 WL 722099 (Ct. App. 1996)	Double jeopardy to use earlier plea involving same acts in proving pattern for enhanced penalty.
	<i>State v. Mullen</i>	Harassment	577 N.W.2d 505 (1998)	<i>Orsello</i> intent rule does not require proving intent to commit pattern, just underlying crimes.
	<i>Robbinsdale Clinic v. Pro-Life Action Ministries</i>	Harassment	515 N.W.2d 88 (Ct. App. 1994), <i>rev. denied</i> , 1994 Minn. LEXIS 445 (1994)	Constitutionality of underlying order may be collaterally attacked on appeal of contempt conviction. Order overbroad because harassment injunction not content neutral. No presumption that clinic acts on behalf of patients in not desiring to hear message.
	<i>Asgian v. Schnorr</i>	Harassment protective order	1996 WL 557410 (Ct. App. 1996), <i>rev. denied</i> , 12/4/96	First Amendment protection not infringed by order that places narrow limits on communication and is content neutral.
	<i>State v. Egge</i>	Harassment protection order	611 N.W.2d 573 (Ct. App. 2000)	Protection order of no contact was violated when defendant instigated third-party harassment.
	<i>Hamlin v. Barrett</i>	Harassment protective order	1999 Minn. App. LEXIS 733 (Ct. App. 1999)	Single instance of harassment may be basis of order issuance even without finding that conduct likely to reoccur.
	<i>State v. Badiner</i>	Telephone harassment	412 N.W.2d 810 (Ct. App. 1987)	Statute does not require that intent to harass be sole purpose of call.
MS	<i>Shackelford v. Shirley</i>	Telephone threat	948 F.2d 935 (5th Cir. 1991)	Overbreadth claim rejected (no realistic danger of substantial compromise of First Amendment protection).
MO	<i>State v. Cartwright</i>	Stalking	17 S.W.3d 149 (Ct. App. 2000)	Victim's delay in calling police does not nullify defendant's intent to cause fear.

State	Case	Type of Law	Citation	Issue/Holding
MO (continued)	<i>State v. Dawson</i>	Stalking	985 S.W.2d 941 (Ct. App. 1999)	Similar transaction evidence that was not proven to be committed by defendant cannot be used to prove course of conduct.
	<i>Wallace v. Van Pelt</i>	Stalking protection order	969 S.W.2d 380 (Ct. App. 1998)	Vague threats in context of reasonable conversation to work out problems belie likelihood of reasonable substantial emotional distress.
	<i>State v. Martin</i>	Stalking	940 S.W.2d 6 (Ct. App. 1997)	Expert medical testimony not needed to prove substantial emotional distress; not akin to “substantial emotional injury” requiring such evidence.
	<i>State v. Schleiermacher</i>	Stalking order violation	924 S.W.2d 269 (1996)	Vagueness challenge rejected (term “lingering outside” gives sufficient notice against slowing down or staying near residence of victim).
	<i>Alexander v. State</i>	Harassment	864 S.W.2d 354 (Ct. App. 1993)	Overbreadth claim rejected (threat made in civil lawsuit pleading not protected speech; relevancy required for privilege to attach).
	<i>State v. Koetting (I)</i>	Telephone harassment	616 S.W.2d 822 (1981) (<i>en banc</i>)	Vagueness and overbreadth claims rejected (phrases “for the purposes of frightening or disturbing another person” and “uses coarse language offensive to one of average sensibility” use common words and are not vague; invitation to prostitution was offensive language; statute applies only to protect privacy interests in own home and is not overbroad).
	<i>State v. Koetting (II)</i>	Telephone harassment	691 S.W.2d 328 (Ct. App. 1985)	Overbreadth claim rejected (citing <i>Koetting I</i>). Intent to harass need not be sole aim.
	<i>State v. Creech</i>	Telephone harassment	983 S.W.2d 169 (Ct. App. 1998)	State need not prove victim asked defendant to stop calling before counting of “repeated” calls begins.
	<i>State v. Rafaeli</i>	Telephone harassment	905 S.W.2d 516 (Ct. App. 1995)	Specific intent to frighten or disturb required; may be one of several purposes.
	<i>State v. Placke</i>	Telephone harassment	733 S.W.2d 847 (Ct. App. 1987)	Messages left on answering machine fall within purview of law. Repeated calls means more than one.
	<i>State v. Patterson</i>	Telephone harassment	534 S.W.2d 847 (Ct. App. 1976)	Statute requires that sole purpose of call be to harass victim.

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MT	<i>State v. Cooney</i>	Stalking	894 P.2d 303 (1995)	Free speech claim rejected (telephone “love” calls inflicted injury and lacked social value; not protected speech). Venue lies in any county where any act occurred, including receipt of letter.
	<i>State v. Martel</i>	Stalking	902 P.2d 14 (1995)	Vagueness and overbreadth claims rejected (terms “repeatedly,” “harassing,” and “intimidating” are well understood; terms “reasonable apprehension” and “substantial emotional distress” are subject to reasonable person test; intent requirement reinforces conclusion; conduct, not speech, prohibited by law; no showing of infringement).
	<i>State v. Kaplan</i>	Stalking	910 P.2d 240 (1996)	Challenge to mental illness verdict disallowed, since not conviction.
	<i>State v. Ross</i>	Intimidation, letter threat	889 P.2d 161 (1995)	Overbreadth claims rejected (threatening speech not protected).
	<i>State v. Lance</i>	Threat	721 P.2d 1258 (1986)	Overbreadth claim rejected (threats to take hostage not protected speech).
	<i>Wurtz v. Risley</i>	Threat	719 F.2d 1438 (9th Cir. 1983)	Overbroad (no requirement that threat produce victim fear; threat to “commit any criminal offense” could apply to minor victimless offenses). Threats need not be intended to be carried out; creating fear is crux of crime.
	<i>State v. Baugatz</i>	Order violation	2000 Mont. LEXIS 151 (2000)	Vagueness challenge to order violation law rejected (term “knowing” has generally understood meaning when used as prerequisite for criminal enforcement of order).
NE	<i>State v. Schmailzl</i>	Threat	502 N.W.2d 463 (1993), <i>appeal dismissed</i> , 534 N.W.2d 743 (1995) (lack of appellate jurisdiction)	Vagueness and overbreadth claims rejected (“threats” and “threatens” are terms of common usage; threats to commit violent crime not protected speech).
	<i>State v. Bourke</i>	Threat	464 N.W.2d 805 (1991)	Vagueness claim rejected (phrase “reckless disregard of the risk of causing such terror” defined by prior cases defining “reckless”).
	<i>State v. Mayo</i>	Threat	464 N.W.2d 798 (1991)	Vagueness claim rejected (citing <i>Bourke</i>).

State	Case	Type of Law	Citation	Issue/Holding
NE (continued)	<i>State v. Hamilton</i>	Threat	340 N.W.2d 397 (1983)	Void for vagueness (term “threat” undefined; Model Penal Code language requiring intent to terrorize fatally omitted).
	<i>State v. Fisher</i>	Threat	343 N.W.2d 772 (1984)	Void for vagueness (citing <i>Hamilton</i>).
	<i>State v. Saltzman</i>	Threat	458 N.W.2d 239 (1990)	No requirement for intent to act on threat.
	<i>State v. Kipf</i>	Telephone threat	450 N.W.2d 397 (1990)	Vagueness and overbreadth claims rejected (intent to harass without any permissible purpose is object of law; phrase “indecent, lewd, lascivious, or obscene” has sexual connotation).
	<i>Langford v. City of Omaha</i>	Harassment	755 F. Supp. 1460 (D. Neb. 1989), <i>appeal dismissed without op.</i> , 978 F.2d 1263 (8th Cir. 1992)	Void for vagueness (term “annoy” vague; no standard for measuring whose sensitivity determines annoyance; terms “legitimate” and “obscene” communications not defined by ordinance). Vagueness claim rejected for subsection prohibiting repeated anonymous communication (specific intent to harass saves ordinance).
NV	No cases			
NH	No cases			
NJ	<i>State v. Saunders</i>	Stalking, harassment	695 A.2d 262 (App. Div. 1997), <i>cert. denied</i> , 700 A.2d 881 (1997)	Overbreadth and vagueness claims rejected (nonverbal expressive behavior such as “following” can be banned; does not reach substantial amount of protected acts; terms “annoy” and “alarm” must be construed together as prohibiting serious harassment only; term “following” is commonly understood; specific intent requirement further clarifies law).
	<i>State v. Cardell</i>	Stalking	723 A.2d 111 (Super. Ct. 2000)	Vagueness and overbreadth challenges rejected (change in law from specific to general intent does not significantly increase scope to cover protected conduct, nor does statute limit defendant’s ability to go places where such behavior will not result in fear of injury or death; phrase “visual or physical proximity” not vague where statute makes clear what type of conduct is prohibited).
	<i>D.C. v. F.R.</i>	Stalking, domestic violence	670 A.2d 51 (App. Div. 1996)	Conduct before law’s implementation can be considered in injunction proceedings.

State	Case	Type of Law	Citation	Issue/Holding
NJ (continued)	<i>Rumbauskas v. Cantor</i>	Intrusion on seclusion tort	649 A.2d 853 (1994)	Tort of intrusion on seclusion (as from stalking) governed by 2-year statute of limitations as action for personal injury, not injury to rights of others (emotional, not economic, harm).
	<i>Grant v. Wright</i>	Harassment	536 A.2d 319 (App. Div.), <i>cert. denied</i> , 546 A.2d 493 (1988)	Single act does not meet statutory requirement for “course of alarming conduct” or “repeated acts.”
	<i>State v. Hoffman</i>	Letter harassment, protection order	695 A.2d 236 (1997), <i>rev’g</i> , 676 A.2d 565 (App. Div. 1996)	Vagueness and overbreadth claims rejected based on statutory interpretation (mailing of torn-up court order to estranged wife insufficient annoyance for harassment or contempt of court using invasion-of-privacy test but may constitute harassment for victim of domestic abuse; mailing violated protective order against “contact”).
	<i>State v. Hoffman</i>	Letter harassment	676 A.2d 565 (App. Div. 1996), <i>aff’d in part, rev’d in part</i> , 695 A.2d 236 (Sup. Ct. 1997)	Harassment law covers communication by mail. Term “annoyance” means causing alarm or serious annoyance, not merely nettlesome.
	<i>State v. J.T.</i>	Harassment protection order	683 A.2d 1166 (App. Div. 1996)	Evidence of positioning self to be seen on exit from house was “contact” violating order; course of conduct may arise from single incident of remaining in a single location with intent to harass.
	<i>Peranio v. Peranio</i>	Harassment protection order	654 A.2d 495 (App. Div. 1995)	Harassment protection order not warranted where no intent to harass, notwithstanding alarming statements.
	<i>Corrente v. Corrente</i>	Harassment protection order	657 A.2d 440 (App. Div. 1995)	Nonviolent harassment is not domestic violence warranting issuance of protective order.
	<i>Roe v. Roe</i>	Harassment protection order	601 A.2d 1201 (App. Div. 1992)	Preponderance of evidence standard used for proving violations of court order.
NM	<i>State v. Duran</i>	Stalking, harassment	966 P.2d 766 (Ct. App. 1998)	Double jeopardy where same acts prove stalking and harassment because same social policies underlie both laws; no significant intent requirement. Vagueness challenge to harassment law rejected (person of ordinary intelligence would know acts were unlawful).

State	Case	Type of Law	Citation	Issue/Holding
NM (continued)	<i>State v. Gattis</i>	Telephone harassment	730 P.2d 497 (Ct. App. 1986)	Vagueness and overbreadth claims rejected (intent requirement excludes innocent calls from law's scope; law directed at conduct, not speech; intent requirement also negates any vagueness problems; law uses words of common knowledge).
NY	<i>People v. Starkes</i>	Stalking	2000 N.Y. Misc. LEXIS 311 (Crim. Ct. N.Y. City 2000)	Victim fear not required for third-degree stalking, defendant need only intend to act in way likely to result in fear. Information must allege all elements of stalking crime.
	<i>People v. Payton</i>	Stalking	612 N.Y.S.2d 815 (Crim. Ct. N.Y. City 1994)	Course of conduct defined to mean series of acts over period of time, however short. Intention to place victim in fear is element of stalking (menacing) crime.
	<i>People v. Munn</i>	Threats, harassment	688 N.Y.S.2d 384 (Crim. Ct. N.Y. City 1999)	Harassment statute covers threats posted on Internet news group.
	<i>People v. Murray</i>	Menacing	635 N.Y.S.2d 928 (Crim. Ct. N.Y. City 1995)	Course of conduct may last for short time (6 or 8 minutes) where there is continuity of purpose in series of acts.
	<i>People v. Dietze</i>	Harassment	549 N.E.2d 1166 (1989)	Overbroad (law against annoying statements not limited to fighting words). Outburst without more is not a serious threat under the law.
	<i>People v. Wood</i>	Harassment	464 N.Y.S.2d 738 (1983)	Course of conduct must be more than isolated act.
	<i>People v. Viau</i>	Harassment	409 N.E.2d 1376 (1980)	Citizen band radio harassment not covered by law directed at telephone or written communication harassment.
	<i>People v. Hogan</i>	Harassment	664 N.Y.S.2d 204 (Crim. Ct. N.Y. City 1997)	Harassment requires course of conduct that is more than isolated acts. Protective order to avoid harassment refers to Penal Code; expanded definition would be unconstitutionally vague (failure to give notice).
	<i>People v. Forman</i>	Harassment protection order	546 N.Y.S.2d 755 (Crim. Ct. N.Y. City 1989)	Due process claim that defendant has right to hearing before issuance of criminal no-contact order as condition of bail release is rejected (emergency nature of order precludes preissuance hearing as long as prompt appeal available; danger of intimidation or injury standard is not vague; order to "refrain from offensive conduct" too vague for contempt enforcement).

State	Case	Type of Law	Citation	Issue/Holding
NY (continued)	<i>People v. Lamb</i>	Harassment	384 N.Y.S.2d 929 (City Ct. Rochester 1976)	Vagueness claim rejected (citing <i>People v. Harvey</i> , 123 N.E.2d 81 (1954)).
	<i>People v. Tralli</i>	Harassment	387 N.Y.S.2d 37 (N.Y. App. Term, 1976)	Course of conduct does not require repeated harassing acts.
	<i>People v. Shack</i>	Telephone harassment	86 N.Y.2d 529 (1995)	First Amendment, overbreadth, and vagueness claims rejected (law regulates only conduct and excludes “legitimate communications”; term “legitimate purpose” commonly understood to mean without expression of ideas other than threats).
	<i>People v. Caldwell</i>	Telephone harassment	661 N.Y.S.2d 436 (N.Y. App. Term. 1997), <i>appeal denied</i> , 89 N.Y.2d 1033 (1997)	Free speech claim rejected (citing <i>Shack</i>).
	<i>People v. Smith</i>	Telephone harassment	392 N.Y.S.2d 968 (N.Y. App. Term.), <i>cert. denied</i> , 434 U.S. 920 (1977)	Vagueness and overbreadth claims rejected (defendant’s behavior fits within core of statute’s bar). Construed to prohibit only acts likely to annoy or alarm with intent to harass.
	<i>People v. Wood</i>	Telephone harassment, protection order	698 N.Y.S.2d 122 (N.Y. App. Div. 1999)	Family court civil finding of contempt provides double jeopardy bar to city court criminal contempt proceeding where same actions underlie both proceedings. Charging five acts of telephone harassment permissible even where calls made close in time.
	<i>People v. Portnoy</i>	Telephone harassment	600 N.Y.S.2d 900 (Crim. Ct. N.Y. City 1993)	Pattern of repeated calls only means of inferring harassment intent; no pattern with only four calls in 2 weeks.
	<i>People v. Zullo</i>	Telephone harassment	650 N.Y.S.2d 926 (Dist. Ct. Nassau County 1996)	Single isolated incident not sufficient to constitute harassment.
	<i>People v. Miguez</i>	Telephone harassment	556 N.Y.S.2d 231 (Crim. Ct. N.Y. City 1990), <i>aff’d</i> , 590 N.Y.S.2d 156 (N.Y. App. Term. 1992)	Overbreadth claim rejected (law bars private, not public, communication; <i>Dietz</i> not controlling). Messages left on answering machine constitute communication under statute.
	<i>People v. Barhan</i>	Telephone harassment	556 N.Y.S.2d 441 (Crim. Ct. N.Y. City 1990)	Communicating in manner likely to cause annoyance or harm may be proven by one or several calls over time.

State	Case	Type of Law	Citation	Issue/Holding
NY (continued)	<i>People v. Liberato</i>	Telephone harassment	689 N.Y.S.2d 363 Crim. Ct. (N.Y. City 1999)	Single call can constitute harassment where no legitimate purpose for call, only threats and intimidating utterances.
	<i>People v. Rusciano</i>	Telephone harassment	656 N.Y.S.2d 822 (Just. Ct. Westchester County 1997)	Aggravated harassment requires communication; telephone calls must be completed calls. While course of conduct needed for simple harassment, single alarming communication can be aggravated harassment.
NC	<i>State v. Ferebee</i>	Stalking	529 S.E.2d 686 (Ct. App. 2000)	Stalking law making warning to desist an element of the crime bars entry into evidence acts occurring before warning.
	<i>State v. Roberson</i>	Threat	247 S.E.2d 8 (Ct. App. 1978)	Conditional threat covered by law where condition was without legal authority.
	<i>Radford v. Webb</i>	Telephone threat and harassment	446 F. Supp. 608 (W.D.N.C. 1978), <i>aff'd</i> , 596 F.2d 1205 (4th Cir. 1979)	Overbread (laws bar not only obscenity but also merely vulgar or profane communications).
	<i>State v. Camp</i>	Telephone harassment	295 S.E.2d 766 (Ct. App. 1982), <i>appeal dismissed</i> , 299 S.E.2d 216 (1982)	Overbreadth and vagueness claims rejected (law prohibits conduct, not speech; law adequately warns).
	<i>In re Simmons</i>	Telephone harassment	210 S.E.2d 84 (Ct. App. 1974)	Vagueness and overbreadth claims rejected (law appropriate and sufficiently narrow).
	<i>State v. Boone</i>	Telephone harassment	340 S.E.2d 527 (Ct. App. 1986), <i>cert. denied</i> , 347 S.E.2d 442 (1986)	Term “repeatedly” does not require more than one call per day.
ND	<i>Svedberg v. Stammess</i>	Stalking protection order	525 N.W.2d 678 (1994)	Disorderly conduct order not First Amendment violation (fighting words when said to 14-year-old boy). Phrase “reasonable grounds” equated with probable cause for issuing order.
	<i>State v. Olson</i>	Threat	552 N.W.2d 362 (1996)	Threat made to third party in reckless disregard of possible communication to victim.
	<i>State v. Carlson</i>	Threat	559 N.W.2d 802 (1997)	Intent relates to causing fear, rather than intending actually to carry out threat.
	<i>State v. Touche</i>	Threat	549 N.W.2d 193 (1996)	Testimony about protective order may be used to show victim fear.
	<i>State v. Hondl</i>	Threat	506 N.W.2d 404 (1993)	Assault is not lesser included offense of terrorizing.

State	Case	Type of Law	Citation	Issue/Holding
ND (continued)	<i>Wishnatsky v. Huey</i>	Harassment protection order	560 N.W.2d 878 (1997), <i>aff'd</i> , 584 N.W.2d 859 (Ct. App. 1998)	Disorderly conduct protection order denied for failure to show pattern of intimidation; two instances of meeting by happenstance not enough.
	<i>Cave v. Wetzel</i>	Harassment protection order	545 N.W.2d 149 (1996)	Phrase “reasonable grounds to believe” equated with probable cause in determining whether injunction should issue.
	<i>Williams v. Spilovoy</i>	Harassment protection order	536 N.W.2d 383 (1995)	Conclusory claims of threats or harassment without factual detail showing harassment do not support issuance of no-contact order.
	<i>State v. Monson</i>	Probation	518 N.W.2d 171 (1994)	Term “contact” in no-contact order defined to exclude attendance at public forum; “contact” means communication or coming together.
OH	<i>City of Toledo v. Emery</i>	Stalking	2000 Ohio App. LEXIS 2880 (Ct. App. 2000)	Free speech claim rejected (liberty rights to videotape victims are superseded by victims’ right to privacy). Direct threat of harm not required; showing series of acts likely to result in fear of harm is enough.
	<i>State v. Smith</i>	Stalking	709 N.E.2d 1245 (Ct. App. 1998)	First Amendment challenge rejected (law regulates conduct, not speech). Vagueness and overbreadth claims rejected (term “pattern of conduct” is simple and easy to understand; <i>scienter</i> requirement vitiates any other claim of vagueness; whatever First Amendment protection for picketing exists, defendant crossed line in uttering threats). Picketing activity can be used as acts constituting “course of conduct.” Explicit threats not required. Expert testimony not needed to prove mental distress.
	<i>State v. Dario</i>	Stalking	665 N.E.2d 759 (Ct. App. 1995)	Vagueness and overbreadth claims rejected with knowing or intent requirement (defendant aware that conduct will result in another’s fear; stalking not protected behavior; phrase “pattern of conduct” defined by statute; phrase “closely related in time” sufficiently clear to ordinary persons).
	<i>State v. Schwab</i>	Stalking	695 N.E.2d 801 (Ct. App. 1997)	Vagueness claim rejected (phrase “mental distress” sufficiently clear). Expert testimony not needed to prove mental distress.

State	Case	Type of Law	Citation	Issue/Holding
OH (continued)	<i>State v. Francway</i>	Stalking	1995 WL 491104 (Ct. App.), also, 1995 Ohio App. LEXIS 3384 (1995), <i>rev. denied</i> , 659 N.E.2d 313 (1996)	Vagueness and overbreadth claims rejected (term “mental distress” is sufficient to put defendant on notice; no illicit restriction on right to travel).
	<i>State v. Fleming</i>	Stalking	1996 WL 100962 (Ct. App. 1996), <i>dismissed, appeal not allowed</i> , 669 N.E.2d 856 (1996)	Void for vagueness claim rejected (citing <i>Francway</i>).
	<i>State v. Benner</i>	Stalking	644 N.E.2d 1130 (Ct. App. 1994)	Vagueness claim rejected (not facially void, and conduct not unprotected speech).
	<i>State v. Bilder</i>	Stalking	651 N.E.2d 502 (Ct. App. 1994), <i>dismissed</i> , 649 N.E.2d 278 (1995), <i>stay denied</i> , 651 N.E.2d 1013 (1995), <i>cert. denied</i> , 516 U.S. 1009 (1995), <i>reaff’d</i> , 1996 Ohio App. LEXIS 4837 (1996)	Overbreadth claim rejected (stalking not protected conduct). Two confrontations closely related in time constitute “pattern of conduct” under law. Expert testimony not needed to prove mental distress.
	<i>City of Dayton v. Smith</i>	Stalking	646 N.E.2d 917 (Ohio Mun. Ct. Dayton 1994)	Vagueness and overbreadth claims rejected (phrase “pattern of conduct” adequately defined by statute; no substantial infringement shown).
	<i>State v. Tichon</i>	Stalking	658 N.E.2d 16 (Ct. App.), <i>appeal dismissed</i> , 654 N.W.2d 986 (1995)	Mental distress may be proved without expert testimony.
	<i>State v. Wasmire</i>	Stalking	94 WL 476462 (Ct. App. 1994)	Awareness that conduct will cause harm and fear and that actions were directed at the victim required.
	<i>State v. Manny</i>	Threat	1992 WL 113246 (Ct. App. 1992)	Threat may be made to third party where defendant “knows” that it will be communicated to victim.
	<i>State v. Denis</i>	Threat	678 N.E.2d 996 (Ct. App.), <i>aff’d</i> , 1996 Ohio App. LEXIS 5498 (1996)	Proof of victim fear required.
	<i>Felton v. Felton</i>	Harassment protective order	679 N.E.2d 672 (1997)	Court may issue protective order even where divorce decree already orders no harassment, since order gains more protection from police. Preponderance of evidence standard used for issuing order.
<i>State v. Bonifas</i>	Telephone harassment	632 N.E.2d 531 (Ct. App. 1993)	Intent to harass, not subjective annoyance of victim, must be proved.	

State	Case	Type of Law	Citation	Issue/Holding
OH (continued)	<i>State v. Mollenkopf</i>	Telephone harassment	456 N.E.2d 1269 (Ct. App. 1982)	Vagueness claim rejected (statute gave sufficient notice).
	<i>State v. Gibbs</i>	Telephone harassment	1999 Ohio App. LEXIS 3992 (Ct. App. 1999)	Overbreadth claim rejected on privacy grounds where State criminalizes telephone calls made despite request not to call, regardless of any legitimate nature of call content.
OK	<i>State v. Saunders</i>	Stalking	886 P.2d 496 (Ct. Crim. App. 1994)	Vagueness claim rejected (intent “triggers” law; rebuttable presumption of intent from victim request to discontinue behavior is rational).
OR	<i>State v. Rangel</i>	Stalking	977 P.2d 379 (1999)	Overbreadth claim rejected (law focuses on effects achieved by speech; a prohibition on threats, although not directly specified, is permitted by First Amendment where law also requires ability to carry out threat, intent to carry out threat, and reasonable person standard for fear).
	<i>State v. Maxwell</i>	Stalking, stalking protection order	998 P.2d 680 (Ct. App. 2000)	Vagueness challenge to terms of protection order rejected (term “visual or physical presence” has plain and ordinary meaning). Defendant knew when entering a room where victim was that he was capable of being seen by victim. Words are required to prove threat where simple presence results in fear. Order violation does not require evidence of threat.
	<i>State v. Norris-Romine</i>	Stalking protection order	894 P.2d 1221 (Ct. App.), <i>rev. denied</i> , 900 P.2d 509 (1995)	Void for vagueness (phrase “without legitimate purpose” is not self-explanatory and lacks sufficient warning of what is barred).
	<i>Hanzo v. deParrie</i>	Stalking protection order	953 P.2d 1130 (Ct. App. 1998)	Overbroad as applied (abortion protester “contacts” involved expression that did not constitute a threat and was not “unwanted” under statute that requires “threat”).
	<i>State v. Orton</i>	Stalking protection order, contempt	904 P.2d 179 (Ct. App. 1995)	Void for vagueness (phrase “without legitimate purpose” for judging postissuance behavior is vague, citing <i>Norris-Romine</i>). Collateral bar doctrine does not defeat claim that order provision is vague.

State	Case	Type of Law	Citation	Issue/Holding
OR (continued)	<i>Shook v. Ackert</i>	Stalking protection order	952 P.2d 1044 (Ct. App. 1998)	Overbreadth claim rejected (statute authorizing protection order not facially overbroad in specification of what order contents may be, since court will determine on case-by-case basis what communication is constitutionally permitted).
	<i>Delgado v. Souders</i>	Stalking protection order	934 P.2d 1132 (Ct. App. 1997), <i>rev. granted</i> , 943 P.2d 633 (1997)	Vagueness claim rejected (terms “contact,” “alarm,” and “personal safety” not vague). Statute does not abridge right to travel.
	<i>Starr v. Eccles</i>	Stalking protection order	900 P.2d 1068 (Ct. App. 1995)	Void for vagueness (citing <i>Norris-Romine</i> for ruling that “legitimate purpose” phrase is vague).
	<i>Wayt v. Goff</i>	Stalking protection order	956 P.2d 1063 (Ct. App. 1998)	Because police officer did not indicate contacts were unwanted, statutory requirements for injunction were not met.
	<i>Johnson v. McGrew</i>	Stalking protection order	902 P.2d 1209 (Ct. App.), <i>rev. denied</i> , 907 P.2d 248 (1995)	Right to counsel does not apply to appeal of protection order violation proceeding (civil, not criminal prosecution).
	<i>State v. Moyle</i>	Telephone threat	705 P.2d 740 (1985) (<i>en banc</i>)	Vagueness and overbreadth claims rejected (threats not protected when statute is interpretively limited; reasonable fear and intent to provoke this fear must exist; fear of violence against family limited to felonious acts; term “alarm” interpreted to mean fear from danger due to threat of felony violence; other terms are defined in Code; intent implied in law). There must be actual threat to exclude protected hyperbole, rhetorical excess, and impotent expressions of anger.
	<i>State v. Harrington</i>	Harassment	680 P.2d 666 (Ct. App.), <i>rev. denied</i> , 685 P.2d 998 (1984)	Overbroad (statute punishes speech regardless of intent or effect on listener; goes beyond fighting words to “likely to provoke a disorderly response”).
	<i>State v. Sanderson</i>	Harassment	575 P.2d 1025 (Ct. App. 1978)	Void for vagueness (terms “alarms” and “seriously annoys” are vague; latter is a dragnet provision not subject to judicial limiting).
	<i>State v. Ray</i>	Telephone harassment	733 P.2d 28 (1987)	Void for vagueness and overbroad (law reaches too far, even to recipient of call who uses annoying language).

State	Case	Type of Law	Citation	Issue/Holding
OR (continued)	<i>State v. Blair</i>	Telephone harassment	601 P.2d 766 (1979) (<i>en banc</i>)	Void for vagueness (phrase “likely to cause alarm” too broad; statute lacks any requirement of actual harm or fear).
	<i>State v. Hibbard</i>	Telephone harassment	823 P.2d 989 (Ct. App. 1991)	Overbreadth and vagueness claims rejected (law focuses on telephoning conduct, not speech; dicta that call must have no purpose to communicate; law not vague (citing <i>Lowery</i>)).
	<i>State v. Lowery</i>	Telephone harassment	693 P.2d 1343 (Ct. App. 1985) (<i>per curiam</i>)	Vagueness claim rejected (no merit to claim).
	<i>State v. Larsen</i>	Telephone harassment	588 P.2d 41 (Ct. App. 1978)	Vagueness claim rejected (law directed at specific conduct of using telephone with intent to harass).
	<i>State v. Zeit</i>	Telephone harassment	539 P.2d 1130 (Ct. App. 1975)	Vagueness claim rejected (person of common intelligence would know law was violated).
	<i>State v. Sallinger</i>	Telephone harassment	504 P.2d 1383 (Ct. App. 1972)	Vagueness claim rejected (statute provides adequate notice of prohibited conduct; law intended to cover batteries).
	<i>State v. Wilson</i>	Telephone harassment	724 P.2d 840 (Ct. App. 1986), <i>rev. denied</i> , 732 P.2d 915 (1987)	Law requires victim actually to be placed in fear.
	<i>State v. Lopez</i>	Telephone harassment	949 P.2d 1237 (Ct. App. 1997), <i>rev. denied</i> , 326 Or. 465 (1998)	Husband answering telephone for victim does not meet statutory requirement of “causing” victim to answer call.
	<i>State v. Norgard</i>	Telephone harassment	967 P.2d 499 (Ct. App. 1998) (<i>en banc</i>), <i>rev. denied</i> , 1999 Or. LEXIS 436 (1999)	Use of answering machine to replay messages meets statutory requirement that defendant “cause” victim to answer call.
PA	<i>Commonwealth v. Schierscher</i>	Stalking, harassment	668 A.2d 164 (Super. Ct. 1995), <i>appeal denied</i> , 688 A.2d 171 (1997)	Vagueness and overbreadth claims rejected (stalking not protected behavior; “speech designed to coerce through fear and intimidation” not protected).
	<i>Commonwealth v. Miller</i>	Stalking, domestic violence order	689 A.2d 238 (Super. Ct. 1997), <i>appeal denied</i> , 695 A.2d 785 (1997)	Overbreadth claim rejected (intent requirement obviates such a finding). Order does not violate constitutional right to travel (no intrastate right to travel).
	<i>Commonwealth v. Urrutia</i>	Stalking	653 A.2d 706 (Super. Ct. 1995), <i>appeal denied</i> , 661 A.2d 873 (1995)	Proof of no legitimate purpose not required, <i>contra</i> harassment law. Evidence of civil protection order may be used to show intent and course of conduct.

State	Case	Type of Law	Citation	Issue/Holding
PA (continued)	<i>Commonwealth v. Davis</i>	Stalking	737 A.2d 797 (Super. Ct. 1999)	Testimony about prior attempt to hit victim with car admissible evidence of pattern of behavior and not excludable as “prior bad act.”
	<i>Commonwealth v. Roefaro</i>	Stalking	691 A.2d 472 (Super. Ct. 1997)	Double jeopardy claim rejected (evidence of prior convictions admissible to prove course of conduct element of stalking crime, since otherwise defendant would get one “free stalk” following stalking conviction).
	<i>Commonwealth v. Leach</i>	Stalking	729 A.2d 608 (Super. Ct. 1999)	Each act involved in stalking may be a separate count of stalking in indictment even where each act is part of course of conduct making up stalking, since each new act creates new course of conduct.
	<i>Commonwealth v. Reese</i>	Stalking harassment	725 A.2d 191 (Super. Ct. 1999), <i>appeal denied</i> , 7/9/99, 1999 Pa. LEXIS 1947 (1999)	Harassment is lesser included offense of stalking.
	<i>Commonwealth v. Green</i>	Threat	429 A.2d 1180 (Super. Ct. 1981)	Vagueness claim rejected (term “terrorize” described with requisite precision).
	<i>Commonwealth v. Bunting</i>	Threat	426 A.2d 130 (Super. Ct. 1981)	Vagueness claims rejected (statute gives fair warning).
	<i>Commonwealth v. Kelley</i>	Threat	664 A.2d 123 (Super. Ct. 1995), <i>appeal denied</i> , 674 A.2d 1068 (1996)	Evidence not needed to prove victim was actually frightened. Threat to third party done in reckless disregard of risk of causing terror; intent to terrorize may be inferred.
	<i>Commonwealth v. Kidd</i>	Threat	442 A.2d 826 (Super. Ct. 1982)	Spur of moment anger leading to threat may undercut actual intent to cause fear.
	<i>Commonwealth v. Tizer</i>	Threat	684 A.2d 597 (Super. Ct. 1996)	Neither ability to carry out threat nor victim belief that threat was carried out is essential element of terrorizing. Spur of moment defense for threats made in anger not applicable where no argument in progress and victim made no threats of any sort.
	<i>Commonwealth v. Cancilla</i>	Threat	649 A.2d 991 (Super. Ct. 1994)	Threats through third party (911 call) done in reckless disregard of risk of causing terror.

State	Case	Type of Law	Citation	Issue/Holding
PA (continued)	<i>Commonwealth v. Anneski</i>	Threat	525 A.2d 373 (Super. Ct.), <i>appeal denied</i> , 532 A.2d 19 (1987)	Neither ability to act nor actual victim fear required by statute. Spur-of-moment threat made in transitory anger not covered by law.
	<i>Commonwealth v. Campbell</i>	Threat	625 A.2d 1215 (Super. Ct. 1993)	Threat through third party done in reckless disregard of causing terror. Intent to cause terror is controlling, not whether threat fully understood.
	<i>Commonwealth v. Ferrer</i>	Threat	423 A.2d 423 (Super. Ct. 1980)	Threat to commit crime of violence may be inferred from speech.
	<i>Commonwealth v. Ashford</i>	Threat	407 A.2d 1328 (Super. Ct. 1979)	Statute does not require present ability to carry out threat.
	<i>Commonwealth v. Hardwick</i>	Threat	445 A.2d 796 (Super. Ct. 1982)	Intent to carry out threat not part of crime, only intent to terrorize is needed.
	<i>Commonwealth v. Hudgens</i>	Threat	582 A.2d 1352 (Super. Ct. 1990)	Spur-of-moment excited utterance defense that threat made in anger during dispute is not available where victim made no threats of any kind and defendant brandished weapon. Ability to carry out threat not required.
	<i>Commonwealth v. Duncan</i>	Harassment	363 A.2d 803 (Super. Ct. 1976)	Vagueness and overbreadth claims rejected (no political content to instant speech; statute requires intent). Speaking can constitute course of conduct under harassment law.
	<i>Commonwealth v. Townley</i>	Harassment	722 A.2d 1098 (Super. Ct. 1998)	Harassment not lesser included offense of assault, where the former requires intent but the latter crime does not.
	<i>Commonwealth v. Hendrickson</i>	Harassment by fax	724 A.2d 315 (1999)	Vagueness and overbreadth claims rejected (statute directed at conduct, not content of speech; intent requirement limits overbreadth possibility; common meanings of statutory terms sufficient to give warning, especially where intent requirement to harass is part of law).
	<i>Commonwealth v. Lewis</i>	Telephone harassment	30 Pa. D. & C.2d 133 (1962)	Vagueness and overbreadth claims rejected (obscenity not protected speech).

State	Case	Type of Law	Citation	Issue/Holding
RI	<i>State v. Fonseca</i>	Stalking	670 A.2d 1237 (1996)	Vagueness claims rejected (phrase “repeatedly follows or harasses” not vague and does not potentially require two series of harassing acts).
	<i>State v. Breen</i>	Stalking	673 A.2d 75 (1996)	Constitutionality challenge rejected (citing <i>Fonseca</i>).
SC	<i>State v. Brown</i>	Telephone harassment	266 S.E.2d 64 (1980)	Vagueness and overbreadth claims rejected (law interpreted to require evidence of sole intent to make obscene, threatening, or harassing calls).
SD	<i>State v. McGill</i>	Stalking	536 N.W.2d 89 (1995)	Vagueness claim rejected (terms “willful,” “maliciously,” “repeatedly,” “follows,” and “harass” are not vague because they are in common usage, citing decisions in other States).
	<i>State v. Hoxie</i>	Stalking	963 S.W.2d (1998)	Rule requiring State to narrow allegations from among numerous claimed actions (testimony “election”) that applies to single act charge not applicable to stalking, which subsumes a series of acts.
	<i>State v. Hauge</i>	Letter harassment, protection order	547 N.W.2d 173 (1996)	First Amendment and overbreadth challenges rejected (protection orders serve valid purpose of protecting the vulnerable if order was potentially overbroad; proper challenge was to seek order modification, not its violation).
	<i>State v. Diede</i>	Telephone harassment	319 N.W.2d 818 (1982)	Vagueness and overbreadth claims rejected (“repeated” means more than one call; term “anonymous” is not vague).
TN	<i>State v. Lakatos</i>	Telephone harassment	900 S.W.2d 699 (Ct. Crim. App. 1994)	Vagueness and overbreadth claims rejected (phrase “without a legitimate purpose of communication” limited by intent and alarm requirements; law regulates conduct, not speech).
	<i>State v. Carter</i>	Telephone harassment	687 S.W.2d 292 (Ct. Crim. App. 1984)	Vagueness claim rejected (words “lewd,” “lascivious,” and “obscene” are sufficient descriptions).
TX	<i>Long v. State</i>	Stalking	931 S.W.2d 285 (Ct. Crim. App. 1996)	Void for vagueness (statute needs reasonable fear and knowledge clauses; predicate act nexus to stalking missing).

State	Case	Type of Law	Citation	Issue/Holding
TX (continued)	<i>Clements v. State</i>	Stalking	19 S.W.3d 442 (Ct. App. 2000)	Vagueness and overbreadth claims rejected (law specifies what conduct is prohibited and includes intent provision; attempt to “save” marriage not constitutionally protected conduct requiring close scrutiny of law). Events occurring before law’s enactment admissible as showing victim state of mind; this does not constitute element of crime.
	<i>Escobedo v. State</i>	Stalking	2000 WL 795307 (Ct. App. 2000)	Vagueness and State due process challenges rejected (person of ordinary intelligence knows what law means).
	<i>Dues v. State</i>	Threat	634 S.W.2d 304 (Ct. Crim. App. 1982)	Present inability to carry out threat and victim fear irrelevant to defendant intent to terrorize.
	<i>Bryant v. State</i>	Threat	905 S.W.2d 457 (Ct. App. 1995)	Conditional threat based on future acts not within statute’s requirement of fear of “imminent” danger.
	<i>George v. State</i>	Threat	841 S.W.2d 544 (Ct. App. 1992), <i>aff’d on discretionary rev.</i> 890 S.W.2d 73 (Ct. Crim. App. 1994)	Defendant intent cannot be inferred from victim response, since actual fear not required. Ability or intention to carry out threat irrelevant.
	<i>Gonzales v. State</i>	Threat	2000 Tex. App. LEXIS 5555 (Ct. App. 2000)	Victim fear not element of crime, only defendant intent to create fear. Victim fear may be relevant to immediacy of threat, which is element of crime.
	<i>Cook v. State</i>	Threat	940 S.W.2d 344 (Ct. App. 1997)	Intent inferred from acts, words, and conduct; conditional threat covered where proximity between condition and threatened harm exists.
	<i>Webb v. State</i>	Retaliation (threats)	991 S.W.2d 408 (Ct. App. 1999)	Vagueness and overbreadth claims rejected (threat not protected speech; conditional threat based on position as potential witness is reasonable interpretation of statutory term “retaliate”).
	<i>Puckett v. State</i>	Retaliation	801 S.W.2d 188 (Ct. App. 1990)	Claim of First Amendment protection as applied to facts of case rejected (threats not protected speech).

State	Case	Type of Law	Citation	Issue/Holding
TX (continued)	<i>Kramer v. Price</i>	Harassment	712 F.2d 174 (5th Cir. 1983), <i>on reh</i> , 723 F.2d 1164 (5th Cir. 1984) (<i>per curium</i>) (vacating panel opinion on other grounds and affirming decision)	Void for vagueness (terms “annoy” and “alarm” have not been construed by State courts to limit their scope; unclear by what standard to measure annoyance).
	<i>Townsend v. State</i>	Telephone harassment	1999 Tex. App. LEXIS 9561 (Ct. App. 1999)	Vagueness and overbreadth claims rejected.
	<i>DeWillis v. State</i>	Telephone harassment	951 S.W.2d 212 (Ct. App. 1997) (<i>habeas denial</i>), <i>direct appeal aff’d</i> , 1998 Tex. App. LEXIS 431 (Ct. App. 1998)	Vagueness claim rejected (new law specifically defines the conduct necessary to harass; reasonable person standard implied in use of term “another”).
	<i>May v. State</i>	Telephone harassment	765 S.W.2d 438 (Ct. Crim. App. 1989) (<i>en banc</i>)	Void for vagueness (crime depends on sensitivity of victim rather than on use of reasonable person standard; terms “annoys” and “alarms” not defined).
	<i>Bader v. State</i>	Telephone harassment	773 S.W.2d 769 (Ct. App. 1989)	Vagueness and overbreadth claims rejected (phrase “what alarms people” adequately defined; use of reasonable standard provides measure for law).
	<i>Alobaidi v. State</i>	Telephone harassment	433 S.W.2d 440 (Ct. Crim. App.), <i>cert. denied</i> , 393 U.S. 943 (1968)	Equal protection claim rejected (claim that statutory exception to its application for legitimate communications discriminates by permitting one class of callers to use obscene language but not another misreads statute; challenged phrase refers to harassing communications only).
	<i>Manemann v. State</i>	Telephone harassment	878 S.W.2d 334 (Ct. App. 1994)	Objective test must be used to measure threat. Threats may be implicit. Ability to act not required by law.
	<i>Kramer v. State</i>	Letter harassment	605 S.W.2d 861 (Ct. Crim. App. 1980)	Vagueness and overbreadth claims rejected (terms “coarse” and “offensive” not vague, since core of law is intent to harass, thus preventing subjective standard of blame; law does not deal with public communication).

State	Case	Type of Law	Citation	Issue/Holding
UT	<i>Salt Lake City v. Lopez</i>	Stalking	935 P.2d 1259 (Ct. App. 1997)	Vagueness and overbreadth claims rejected (term “emotional distress” defined by tort law to mean outrageous and intolerable behavior; law directed at threatening, not innocent, associations).
	<i>State v. Spainhower</i>	Threat	988 P.2d 452 (Ct. App. 1999)	Victim fear not element of crime but can be considered by jury.
VT	<i>State v. Goyette</i>	Harassment protection order	691 A.2d 1064 (1997)	Validity of scope of protective order based on stipulations of fact may not be collaterally attacked in criminal trial.
	<i>State v. Wilcox</i>	Telephone harassment	628 A.2d 924 (1993)	Intent to harass must exist when telephone call is made rather than arising during conversation, although intent to harass need not be sole purpose of call.
VA	<i>Parker v. Commonwealth</i>	Stalking	485 S.E.2d 150 (Ct. App. 1997), <i>cert. denied</i> , 118 S. Ct. 1510 (1998)	Vagueness and overbreadth claims rejected based on reasonable fear and knowledge provisions (adequately inform of law’s proscription).
	<i>Woolfolk v. Commonwealth</i>	Stalking	447 S.E.2d 530 (Ct. App. 1994)	Vagueness and overbreadth claims rejected (reasonable great distress meaning given to “emotional stress” language; statute construed to include “having no legitimate purpose”).
	<i>Bowen v. Commonwealth</i>	Stalking	499 S.E.2d 20 (Ct. App. 1998)	Statute requires actual knowledge of victim fear rather than “reasonably should have known” standard.
	<i>Perkins v. Commonwealth</i>	Threat	402 S.E.2d 229 (Ct. App. 1991)	Vagueness challenge rejected.
	<i>Wyatt v. Commonwealth</i>	Threat (arson)	1998 Va. App. LEXIS 167 (Ct. App. 1998)	Victim delay in reporting threat goes to credibility of testimony about fear rather than to proving lack of concern.
	<i>Jones v. Commonwealth</i>	Threat (arson)	1999 Va. App. LEXIS 127 (Ct. App. 1999)	It is for the jury to determine credibility where victim delays report of threat to police.
	<i>Henry v. Commonwealth</i>	Threat (arson)	1997 Va. App. LEXIS 404 (Ct. App. 1997)	Evidence of prior bad acts subsequent to threat admissible to show reasonableness of victim fear.
	<i>Saunders v. Commonwealth</i>	Letter threat	523 S.E.2d 509 (Ct. App. 2000)	Statute requires proof of <i>mens rea</i> , not malice for criminal intent.

State	Case	Type of Law	Citation	Issue/Holding
VA (continued)	<i>Johnson v. Marcel</i>	Harassment	465 S.E.2d 815 (Ct. App. 1996)	Harassment by landlord in violation of protective order equated to common law trespass as cause of action.
	<i>Walker v. Dillard</i>	Telephone harassment	523 F.2d 3 (4th Cir.), <i>cert. denied</i> , 423 U.S. 906 (1975)	Overbroad (application of statute not limited to caller; use of terms “vulgar” and “profane” undefined).
WA	<i>State v. Lee</i>	Stalking	957 P.2d 741 (1998), <i>aff’g</i> , 917 P.2d 159 (Ct. App. 1996)	Vagueness and overbreadth claims rejected (no constitutionally protected right to travel under First Amendment; term “follows” not vague; no right to follow another; “without lawful authority” may be applied to “following”).
	<i>State v. Ainslie</i>	Stalking	11 P.3d 318 (Ct. App. 2000)	Void for vagueness challenge rejected (person of ordinary understanding would have known that he or she was stalking).
	<i>State v. Petz</i>	Stalking	1999 Wash. App. LEXIS 1565 (Ct. App. 1999)	First Amendment claim of protection for posting of fliers rejected (nontraditional political conduct, not speech, regulated; any potential overbreadth may be dealt with on case-by-case basis).
	<i>State v. Partowkia</i>	Stalking	1999 Wash. App. LEXIS 1228 (Ct. App. 1999)	Vagueness and overbreadth challenges rejected.
	<i>State v. Wilson</i>	Stalking	1999 Wash. App. 1049 (Ct. App. 2000)	Defendant knew or should have known of wife’s fear from his erratic behavior of appearing in locations where she was despite court order.
	<i>State v. Clemonts</i>	Stalking	2000 Wash. App. LEXIS 220 (Ct. App. 2000)	Evidence was sufficient to show specific person was target of stalking behavior.
	<i>State v. Taylor</i>	Stalking	2000 Wash. App. LEXIS 643 (Ct. App. 2000)	Court not obligated to require defendant to plead not guilty by reason of insanity.
	<i>State v. Emery</i>	Stalking sentencing	1999 Wash. App. LEXIS 1654 (Ct. App. 1999)	Defendant’s taking advantage of position as employee to gain information to facilitate stalking justifies enhanced sentence.
	<i>State v. Alvarez</i>	Threat	904 P.2d 754 (1995) (<i>en banc</i>)	One act of harassment threat sufficient without pattern of conduct required.
	<i>State v. J.M.</i>	Threat	6 P.3d 607; 2000 Wash. App. LEXIS 1452 (Ct. App. 2000)	State need not prove defendant knew that threat said to third person would be transmitted to victim nor that victim fear would result.

State	Case	Type of Law	Citation	Issue/Holding
WA (continued)	<i>City of Seattle v. Allen</i>	Threat	911 P.2d 1354 (Ct. App. 1996)	Defendant charged under statute directed at threat of future injury may instead have actually committed assault by threat of immediate injury.
	<i>City of Seattle v. Huff</i>	Telephone threat	767 P.2d 572 (1989) (<i>en banc</i>)	Vagueness and overbreadth claims rejected (non-public forum speech over telephone may be regulated even where non-fighting words involved and are viewpoint neutral; terms “intimidate,” “harass,” and “torment” narrowly defined; intent requirement makes law even less vague).
	<i>State v. Maciolek</i>	Threat	676 P.2d 996 (1984) (<i>en banc</i>)	Vagueness claim rejected (definition of “weapons” and weapon “use” understandable to average person; even if “deadly weapon” potentially vague at its outer limits, no such problem exists in this case).
	<i>State v. Pierce</i>	Telephone threat	1999 Wash. App. LEXIS 1231 (Ct. App. 1999)	State need not prove victim fear as result of threat.
	<i>State v. Savaria</i>	Telephone threat	919 P.2d 1263 (Ct. App. 1996)	Victim fear need not be of precise threat.
	<i>State v. Williams</i>	Harassment	991 P.2d 107 (Ct. App. 2000)	Vagueness and overbreadth challenges rejected (law does not reach substantial amount of protected speech due to intent, “malicious” acts, and “reasonable fear” provisions; term “mental health,” when read in context of law, gives adequate notice).
	<i>State v. Costello</i>	Harassment	2000 Wash. App. LEXIS 5 (Ct. App. 2000)	Evidence of offer to fight immediately does not satisfy future harm element of harassment law.
	<i>State v. Ragin</i>	Harassment	972 P.2d 519 (Ct. App. 1999)	Evidence of prior bad acts relevant to proving reasonable fear element of harassment crime.
	<i>State v. Klinke</i>	Harassment	1999 Wash. App. LEXIS 1614 (Ct. App. 1999)	Evidence of violation of protective order admissible to prove element of crime, reasonable victim fear.
	<i>City of Redmond v. Burkhart</i>	Telephone harassment	991 P.2d 717 (Ct. App. 2000)	Law encompasses instances where intent to harass arises during telephone call, in addition to those calls where intent to harass was basis for making calls.

State	Case	Type of Law	Citation	Issue/Holding
WA (continued)	<i>State v. Smith</i>	Harassment	759 P.2d 372 (1988) (<i>en banc</i>)	Vagueness claim rejected (phrase “without lawful authority” valid because one can look to readily ascertainable sources of law to test conduct).
	<i>City of Bellevue v. Lorang</i>	Telephone harassment	992 P.2d 496 (1999) (<i>en banc</i>)	First Amendment and vagueness challenges upheld (term “profane” to describe harassing speech has religious connotation that is not content neutral; statute provides no guide to law enforcement responding to complaint).
	<i>State v. Alexander</i>	Telephone harassment	888 P.2d 175 (Ct. App. 1995)	Vagueness and overbreadth claims rejected (terms “embarrass” and “profane” not overbroad; statute not overbroad in toto because it regulates conduct, not speech; terms “anonymously” and “repeatedly” are in common usage).
	<i>State v. Dyson</i>	Telephone harassment	872 P.2d 1115 (Ct. App. 1994)	Vagueness and overbreadth claims rejected (intent requirement makes any impact on speech minimal, especially in view of its focus on “indecent” speech that is given minimal First Amendment protections; phrase “extremely inconvenient hour” gives adequate notice).
	<i>Perkins v. State</i>	Telephone harassment	402 S.E.2d 229 (Ct. App. 1991)	Vagueness and overbreadth challenges rejected (statute interpreted to require <i>mens rea</i> and limited to obscene language; as such, does not reach substantial amount of protected speech; intent requirement ensures law provides adequate notice).
	<i>City of Everett v. Moore</i>	Telephone harassment	683 P.2d 617 (Ct. App. 1984)	Void for vagueness (no clear line as to what is criminal and what is not, e.g., always coming late to meetings can be annoying but not criminal). Overbroad (statute not limited to telephone calls; alarming behavior can have legitimate purpose, e.g., fire alarm).
WV	<i>State v. Thorne</i>	Harassment, threat	333 S.E.2d 817, <i>cert. denied</i> , 474 U.S. 996 (1985)	Overbreadth claim rejected (statute does not prohibit communicative speech).
	<i>Thorne v. Bailey</i>	Harassment	846 F.2d 241 (4th Cir. 1988)	Overbreadth claim rejected (statute criminalizes conduct, not speech).

State	Case	Type of Law	Citation	Issue/Holding
WI	<i>State v. Rapey</i>	Stalking	581 N.W.2d 593 (Ct. App. 1998); 1998 Wisc. App. LEXIS 264 (1998)	Vagueness and overbreadth challenges rejected (statute provides fair notice; protected expression not reached by law aimed at intolerable behavior). No violation of right to travel.
	<i>State v. Ruesch</i>	Stalking	571 N.W.2d 898 (Ct. App. 1997)	Vagueness, overbreadth, and equal protection claims rejected (overbreadth doctrine not applicable to right of intrastate travel; intent and reasonable person standard defeat vagueness challenge; statutory exclusion for labor picketing is rational).
	<i>State v. Sveum</i>	Stalking, harassment	584 N.W.2d 137 (Ct. App. 1998)	Threats made prior to harassing acts may be found by jury to “accompany” harassing acts. Single act provoking fear sufficient to prove fear from “course of conduct.”
	<i>Bachowski v. Salamone</i>	Harassment protection order	407 N.W.2d 533 (1987)	Vagueness and overbreadth challenges rejected (provisions of law requiring intent and absence of any legitimate purpose, as well as course of conduct element, provide specificity and ensure protected speech is not reached). Injunction was too broad where order included acts not proved at trial.
	<i>State v. Schordie</i>	Harassment protection order	570 N.W.2d 881 (Ct. App. 1997)	Attempt to run over victim also violated no-contact order.
	<i>State v. Clark</i>	Harassment protection order	571 N.W.2d 925 (Ct. App. 1997)	Collateral attack on harassment order not permitted in criminal violation proceeding.
	<i>Katie T. v. Justin R.</i>	Harassment protection order	555 N.W.2d 651 (Ct. App. 1996)	Student harassment order against another student required appointment of guardians <i>ad litem</i> to be paid by county.
	<i>Sarazin v. Hudson</i>	Harassment protection order	555 N.W.2d 411 (Ct. App. 1996)	Evidence of harassment sufficient for order issuance.
	<i>State v. Nienhardt</i>	Harassment protection order	537 N.W.2d 123 (Ct. App. 1995)	Travel condition of probation for violating harassment order upheld where order prohibits entry into town where victim of telephone harassment lives.

State	Case	Type of Law	Citation	Issue/Holding
WI (continued)	<i>State v. Bouzek</i>	Harassment protection order	484 N.W.2d 362 (Ct. App. 1992)	Collateral attack not permitted against underlying injunction in criminal proceeding for its violation.
	<i>Croop v. Sweeney</i>	Harassment injunction	605 N.W.2d 664 (Ct. App. 1999)	Order provision against possession of firearm not supported by evidence when no indication of past ownership of gun.
	<i>Aderman v. Greenwood</i>	Harassment injunction	587 N.W.2d 215 (Ct. App. 1998)	One act of harassment involving force is sufficient basis for order issuance.
	<i>State v. Greene</i>	Harassment injunction	573 N.W.2d 900 (Ct. App. 1997) (table)	Violation of no-contact bail condition is bail jumping; restitution to victim's employer for costs to protect victim struck down (only victim eligible).
	<i>State v. Dronso</i>	Telephone harassment	279 N.W.2d 710 (Ct. App. 1979)	Overbroad (phrase "intent to annoy" too encompassing because it includes communicative speech intended to annoy).
WY	<i>Luplow v. State</i>	Stalking	897 P.2d 463 (1995)	Vagueness and overbreadth claims rejected (law is content neutral; terms "harass" and "substantial" adequately defined by law, and term "emotional distress" defined by prior civil cases).
	<i>Garton v. State</i>	Stalking	910 P.2d 1348 (1996)	Vagueness and overbreadth claims rejected (citing <i>Luplow</i>). Not denial of equal protection to increase penalties for stalking in violation of probation condition (valid public purpose in this classification).
	<i>Vit v. State</i>	Civil liability	909 P.2d 953 (1996)	Vagueness and overbreadth claims rejected (citing <i>Luplow</i>).
US	<i>United States v. Sweeney</i>	Stalking	48 M.J. 117 (Ct. App. Armed Forces 1998)	Testimony of former wife about defendant's stalking is admissible to prove stalking intent against second wife.
	<i>United States v. Young</i>	Interstate stalking (18 U.S.C. § 2261A)	1999 U.S. App. LEXIS 32721 (4th Cir. 1999)	Tenth Amendment and vagueness challenges rejected (statute contains interstate travel requirement; defendant lacks standing to claim vagueness, since his acts fall within statute's scope of conduct prohibition).
	<i>United States v. Alkhabaz</i>	Electronic threat	104 F.3d 1492 (6th Cir. 1997), <i>aff'g</i> , <i>United States v. Baker</i> , 890 F. Supp. 1375 (E.D. Mich. 1995)	Interstate threats by e-mail to third party not covered by Federal threat law (statute requires intimidation element).

State	Case	Type of Law	Citation	Issue/Holding
US (continued)	<i>United States v. Spruill</i>	Threat	114 F.3d 1178 (4th Cir. 1997) (Table), <i>cert. denied</i> , 118 S. Ct. 2347 (1998)	Federal threat law requires that bomb threat be pled and proved.
	<i>United States v. Fulmer</i>	Threat (18 U.S.C. §115(a)(1)(B))	108 F.3d 1486 (1st Cir. 1997)	Jury may determine that ambiguous statement is true threat. Test of threat is reasonable recipient, not reasonable sender.
	<i>United States v. Whiffen</i>	Telephone threat (18 U.S.C. § 875(c))	121 F.3d 18 (1st Cir. 1997)	Test of threat, based on general intent requirement, is whether defendant's actions may reasonably be construed to be threat by recipient.
	<i>United States v. Aman</i>	Letter threat (18 U.S.C. § 876)	31 F.3d 550 (7th Cir. 1994), <i>aff'd after remand</i> , 54 F.3d 779 (7th Cir. 1995)	Subjective (by victim) measure of threatening content to be used over showing actual intent to threaten.
	<i>United States v. Bellrichard</i>	Letter threat (18 U.S.C. § 876)	994 F.2d 1318 (8th Cir. 1993)	First Amendment claim rejected (conditional threats may be "true threats"; use of outrageous terms does not turn threat into political speech).
	<i>Apollomedia Corp. v. Reno</i>	Electronic harassment (47 U.S.C. § 223(a)(1)(A))	19 F. Supp.2d 1081 (1998), <i>aff'd</i> , 119 S. Ct. 1450 (1999)	Vagueness claim rejected (use of term "indecent" and intent requirement redundant with use of term "obscene" to describe communications barred by statute).
	<i>United States v. Lampley</i>	Interstate telephone harassment and threats (18 U.S.C. § 875(c); 47 U.S.C. § 223(a)(1)(D))	573 F.2d 783 (3rd Cir. 1978)	Vagueness and First Amendment challenges rejected (law not directed at mere communication because of intent requirement; no requirement that language used be itself harassing; vagueness claim vitiated by intent requirement).
	<i>United States v. Twine</i>	Interstate telephone and mail threats (18 U.S.C. §§ 875(c), 876)	853 F.2d 676 (9th Cir. 1988)	Specific intent to threaten required.
	<i>United States v. Francis</i>	Interstate telephone threat (18 U.S.C. § 875(c))	164 F.3d 120 (2nd Cir. 1999), <i>rev'g</i> , 975 F. Supp. 288 (S.D.N.Y. 1997)	Call forwarding service across State lines provides jurisdiction to Federal court. Government must show general intent to act; need not prove intent to be threatening.

State	Case	Type of Law	Citation	Issue/Holding
US (continued)	<i>United States v. Freeman</i>	Interstate telephone threat (18 U.S.C. § 875(c))	176 F.3d 575 (1st Cir. 1999)	Plea of guilty subsumes claim that prank calls not within scope of threatening telephone calls law; standard is whether defendant “reasonably should have known” call would be taken as threat.
	<i>United States v. Kammersell</i>	Interstate threat (18 U.S.C. § 875(c))	196 F.3d 1137 (10th Cir. 1999), <i>aff’g</i> , 7 F. Supp.2d 1196, <i>adopting</i> , 1998 U.S. Dist. LEXIS 8712, 8719 (D. Utah 1998)	Threatening communication using the Internet to person in same State creates Federal jurisdiction under Commerce Clause.
	<i>United States v. Popa</i>	Telephone harassment (47 U.S.C. § 223)	187 F.3d 672 (D.C. Cir. 1999)	Statute violates First Amendment as applied to defendant’s calls to U.S. Attorney’s Office, regardless of annoying nature.
	<i>Baird v. Perez</i>	Telephone harassment 42 U.S.C. § 1983	1999 U.S. Dist. LEXIS 8814 (S.D.N.Y. 1999)	Telephone harassment by police officer not violation of constitutionally protected privacy rights.
	<i>United States v. Darsey</i>	Interstate telephone harassment (47 U.S.C. § 233(a)(1)(D))	342 F. Supp. 311 (E.D. Pa. 1972)	Harassing phone call law not applicable unless harassment was sole motive for calls.

APPENDIX B

BIBLIOGRAPHY

- Abrams, K.M., and G.E. Robinson. "Stalking, Part I: An Overview of the Problem." *Canadian Journal of Psychiatry* 43(5) (June 1998): 473–476.
- Abrams, K.M., and G.E. Robinson. "Stalking, Part II: Victims' Problems With the Legal System and Therapeutic Considerations." *Canadian Journal of Psychiatry* 43(5) (June 1998): 477–481.
- Ackerman, E., and D. Whitman. "When Obsession Turns Ominous." *US News & World Report* (November 24, 1997): 43.
- Alldrige, P. "Threat Offenses—A Case for Reform." *Criminal Law Review* 3 (1994): 176–186.
- Allen, M.J. "Look Who's Stalking: Seeking a Solution to the Problem of Stalking." *Web Journal of Current Legal Issues* 4 (1996).
www.newcastle.ac.uk/~nlawwww/1996/issue4/allen4.html.
- American Prosecutors Research Institute. *Mission Possible: Stopping Stalkers* (a comprehensive training curriculum) (Alexandria, VA: American Prosecutors Research Institute, 1997).
- American Prosecutors Research Institute. *Stalking: Prosecutors Convict and Restrict*. (Alexandria, VA: American Prosecutors Research Institute, 1997).
- Anderson, S.C. "Anti-Stalking Laws: Will They Curb the Erotomaniac's Obsessive Pursuit?" *Law and Psychiatry Review* 17 (1993): 171–185.
- "Annotation. Validity, Construction, and Application of Stalking Statutes." *American Law Review* 29(5) (1995): 487+.
- "Anti-Stalker Device." *Law and Order* 40(10) (October 1992): 4+.
- Aron, E., E.N. Aron, and J. Allen. "Motivations for Unreciprocated Love." *Personality and Social Psychology Bulletin* 24 (1998): 787–796.
- Attinello, K.L. "Anti-Stalking Legislation: A Comparison of Traditional Remedies Available for Victims of Harassment Versus California Penal Code Section 646.9 (California Anti-Stalking Law)." *Pacific Law Journal* 24(4) (July 1993): 1945–1980.
- Bachman, A., and A.L. Coker. "Police Involvement in Domestic Violence: The Interactive Effects of Victim Injury, Offender History of Violence, and Race." *Violence and Victims* 10(2) (1995): 91–106.
- Bachman, R., and L. Saltzman. "Violence Against Women: Estimates From the Redesigned Survey." In *Bureau of Justice Statistics Special Report* (Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, August 1995).
- Baker, D. "When CyberStalkers Walk." *ABA Journal* (December 1999): 50–54.
- Bane, V. "By Love Obsessed." *People Weekly* 48(2) (July 14, 1997): 65+.
- Banks, M.A. *Web Psychos, Stalkers, and Pranksters* (Albany, NY: Coriolis Group Books, 1997).

- Barton, G. "Taking a Byte Out of Crime: E-Mail Harassment and the Inefficacy of Existing Law." *Washington Law Review* 70 (April 1995): 465–490.
- Baty, J.A. "Alabama's Stalking Statutes: Coming Out of the Shadows." *Alabama Law Review* 48 (Fall 1996): 229.
- Batza, D.M., and M. Taylor. "Stalking in the Community and Workplace." In *Violence in Our Lives: Impact on Workplace, Home, and Community*, E.K. Caril, ed. (Boston, MA: Allyn and Bacon, 1999): 66–96.
- Baumeister, R.F., S.R. Wotman, and A.M. Stillwell. "Unrequited Love: On Heartbreak, Anger, Guilt, Scriptlessness, and Humiliation." *Journal of Personality and Social Psychology* 64 (1993): 377–394.
- Beck, A. "Murderous Obsession." *Newsweek* (July 13, 1992): 60.
- Benson, K. "Stalking Stopped in Its Tracks." *Police* 18(9) (September 1994): 36–39, 75.
- Bernstein, H.A. "Survey of Threats and Assaults Directed Toward Psychotherapists." *American Journal of Psychotherapy* 35 (1981): 542–549.
- Bernstein, S.E. "Living Under the Siege: Do Stalking Laws Protect Domestic Violence Victims?" *Cardoza Law Review* 15 (1993): 525–567.
- Berry, J.L., and P. Haden. "Psychose Passionnelle in Successive Generations." *British Journal of Psychiatry* 137 (1980): 574–575.
- Bette, M., and J. Maglitta. "IS Policies Target E-mail Harassment." *Computerworld* (February 13, 1995): 12.
- Bhaumik, S., and R.A. Collacott. "Erotomaniac Delusions in a Male With a Mental Handicap." *Journal of Intellectual Disability Research* 37(3) (1993): 1027–1031.
- Birmingham, L.N. "Closing the Loophole: Vermont's Legislative Response to Stalking." *Vermont Law Review* 18(2) (Winter 1994): 477–527.
- Bjerregaard, B. "Stalking and the First Amendment: A Constitutional Analysis of State Stalking Laws." *Criminal Law Bulletin* 32(4) (July–August 1996): 307–341.
- Blackburn, J., and D. Sweeney. "Obsessive Fans." *Vox* (May 1998): 22+.
- Borum, R., et al. "Threat Assessment: Defining an Approach for Evaluating Risk of Targeted Violence." *Behavioral Science and the Law* 17(3) (1999): 323–337.
- Bouchard, K.J. "Can Civil Damage Suits Stop Stalkers?" *Boston University Public Interest Law Journal* 6 (Winter 1997): 551+.
- Boychuk, M.K. "Are Stalking Laws Unconstitutionally Vague or Overbroad?" *Northwestern University Law Review* 88 (Winter 1994): 769+.
- Bradburn, W.E. "Stalking Statutes: An Ineffective Legislative Remedy for Rectifying Perceived Problems With Today's Injunction System." *Ohio Northern University Law Review* 19 (1992): 271.
- Bradfield, J.L. "Anti-Stalking Laws: Do They Adequately Protect Stalking Victims?" *Harvard Women's Law Journal* 21 (1998): 229–266.
- Bratslavsky, E., R.F. Baumeister, and K.L. Sommer. "To Love or Be Loved in Vain: The Trials and Tribulations of Unrequited Love." In *The Dark Side of Close Relationships*, B.H. Spitzberg and W.R. Cupach, eds. (Hillsdale, NJ: Lawrence Erlbaum Associates, 1998).

- Brewster M.P. *An Exploration of the Experiences and Needs of Former Intimate Stalking Victims* (Washington, DC: U.S. Department of Justice, National Institute of Justice, 1980).
- Brody, J.E. “Do’s and Don’ts for Thwarting Stalkers.” *The New York Times* (August 25, 1998): F7.
- Brown, C.N., E.R. Mark, et al. “New Laws To Protect You From Stalkers.” *Good Housekeeping* (August 1993): 155+.
- Browne, J.Z., and K. Gerwig. “Digital Restraint for Texas Stalker.” *NetGuide* (December 1996): 38+.
- Buckley, M. “Stalking Laws—Problem or Solution?” *Wisconsin Women’s Law Journal* 9(23) (1994): 23–66.
- Bumiller, E. “The Sister Who Made Amends: Her Brother Killed a Woman—Now She’s Fighting for Crime Victims.” *Washington Post* (May 9, 1995): C1.
- Burgess, A.W., T. Baker, and R. Halloran. “Stalking Behaviors Within Domestic Violence.” *Journal of Family Violence* 12(4) (December 1997): 389–403.
- Burt, M. *Violence Against Women Act of 1994: Evaluation of the STOP Block Grants to Combat Violence Against Women* (Washington, DC: The Urban Institute, 1996).
- Buzawa, E.S., and C.G. Buzawa. *Domestic Violence: The Criminal Justice Response*. 2d ed. (Thousand Oaks, CA: Sage Publications, 1996).
- Buzawa, E.S., G. Hotaling, and A. Klein. “The Response to Domestic Violence in a Model Court: Some Initial Findings and Implications.” *Behavioral Sciences and the Law* 16 (1998): 185–206.
- California Commission on Peace Officer Standards and Training. *Stalking: Telecourse Reference Guide* (Sacramento, CA: California Commission on Peace Officer Standards and Training, June 20, 1996).
- Campbell, K. “Stalking Again: *R v. Ireland*; *R v. Burstow*.” *The King’s College Law Journal* 9 (1998–1999): 144+.
- Carlson, M.J., S.D. Harris, and G.W. Holden. “Protective Orders and Domestic Violence: Risk Factors for Re-Abuse.” *Journal of Family Violence* 14 (1999): 205–226.
- Carmody, C. “Deadly Mistakes.” *ABA Journal* 80(9) (September 1994): 68–71.
- Carmody, C. “Stalking by Computer.” *ABA Journal* 80(9) (September 1994): 70+.
- “Cellular Phones Handed Out to Domestic Violence Victims.” *Community Police Digest* 1(16) (August 24, 1995): 7.
- Chaudhuri, M., and K. Daly. “Do Restraining Orders Help? Battered Women’s Experience With Male Violence and Legal Process.” In *Domestic Violence: The Changing Criminal Justice Response*, E.S. Buzawa and C.G. Buzawa, eds. (Westport, CT: Greenwood, 1992).
- Church, E.J. “But I Still Love You! Obsessive Love, Stalking, and the Pursuit of Remedies.” *The New Mexico Trial Lawyer* 26(9) (October 1998): 1, 203–212.
- Clede, B. “Monitoring Stalkers: Keeping Track Inexpensively.” *Law and Order* 41(11) (September 1993): 78–79.
- Coleman, F.L. “Stalking Behavior and the Cycle of Domestic Violence.” *Journal of Interpersonal Violence* 12(3) (1997): 420–432.

- “Comment: The Formation and Viability of Anti-Stalking Laws.” *Villanova Law Review* 39 (1994): 1387+.
- Cooper, M. *Criminal Harassment and Potential for Treatment: Literature Review and Annotated Bibliography* (Vancouver, Canada: BC Institute on Family Violence, 1994).
- Copelan, D. “Is Georgia’s Stalking Law Unconstitutionally Vague?” *Mercer Law Review* 45(2) (Winter 1994): 853–863.
- Cordes, R. “A Deputy’s Hunch Stops a Wife Stalker.” *Sheriff* 45(3) (May–June 1993): 29, 32.
- Cordes, R. “Watching Over the Watched: Greater Protection Sought for Stalking Victims.” *Trial* 29(12) (October 1993): 12–13.
- Corrado, M.L. “Criminal Law: Punishment and the Wild Beast of Prey: The Problem of Preventive Detention.” *Northwestern School of Law Journal of Criminal Law & Criminology* 86 (Spring 1996): 778.
- Craven, D. *Female Victims of Violent Crime: Bureau of Justice Statistics Special Findings* (Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, December 1996).
- Criminal Defense Newsletter* 19(4) (January 1996).
- Crisis Intervention and Time-Limited Cognitive Treatment* (Thousand Oaks, CA: Sage Publications, 1995).
- Crowley, R.R. “Crimes Against the Person: Provide Two Additional Means by Which Aggravated Stalking Statute May Be Violated.” *Georgia State University Law Review* 12 (October 1995): 105.
- Cupach, W.R., and B.H. Spitzberg. “When a Relationship Won’t End.” In *Case Studies in Interpersonal Communication: Processes and Problems*, D.O. Braithwaite and J.T. Woods, eds. (Belmont, CA: Wadsworth/Thomson Learning, 2000).
- Cupach, W.R., and B.H. Spitzberg. “Obsessive Relational Intrusion and Stalking.” In *The Dark Side of Close Relationships*, B.H. Spitzberg and W.R. Cupach, eds. (Hillsdale, NJ: Lawrence Erlbaum Associates, 1998).
- Current or Recently Completed Research in Domestic Violence and Child Abuse* (Washington, DC: U.S. Department of Justice, National Institute of Justice, 1994).
- Cupach, W.R., B.H. Spitzberg, and C.L. Carson. “Excessive Emotion: Toward a Theory of Obsessive Relational Intrusion and Stalking Perpetration.” In *Handbook of Personal Relationships*, 3d ed., S. Duck, ed. (New York, NY: Wiley, in press).
- D’Amico, M., and R.B. Bruno. “Cyberstalking Via the Net.” *NetGuide* (February 1997): 32.
- D’Antonio, M. “The Strangest Stalking Case Ever.” *Redbook* 187(2) (June 1996): 108+.
- Darny, S. “He’s Stalking Me—One Woman’s Story.” *The Washingtonian* 30(6) (March 1995): 72.
- David, J.W. “Is Pennsylvania’s Stalking Law Constitutional?” *University of Pittsburgh Law Review* 56 (1994): 205.
- Davis, J.A., and M.A. Chipman. “Stalkers and Other Obsessional Types: A Review and Forensic Psychological Typology of Those Who Stalk.” *Journal of Clinical Forensic Medicine* 4 (1997): 166–172.

- Davis, M.F., and S.J. Kraham. "Protecting Women's Welfare in the Face of Violence." *Fordham Urban Journal* 22 (Summer 1995):1, 141.
- Deirmenjjan, J.M. "Stalking in Cyberspace." *Journal of American Academy of Psychiatry and the Law* 17(3) (1999): 407–413.
- Delaware Statistical Analysis Center. *Domestic Violence in Delaware 1994: An Analysis of Victim to Offender Relationships With Special Focus on Stalking* (Dover, DE: Delaware Statistical Analysis Center, 1996).
- Diacovo, N. "California's Anti-Stalking Statute: Deterrent or False Sense of Security." *Southwestern University Law Review* 24 (1995): 389.
- Domestic Violence and Stalking: The Second Annual Report to Congress Under the Violence Against Women Act* (Washington, DC: U.S. Department of Justice, 1997).
- Douglas, J., and M. Olshaker. *Obsession* (New York, NY: Scribner, 1998).
- Dunlop, J.L. "Does Erotomania Exist Between Women?" *British Journal of Psychiatry* 153 (1988): 830–833.
- Dunn, J. "What Love Has To Do With It: The Cultural Construction of Emotions and Sorority Women Responses to Forcible Interactions." *Social Problems* 46 (August 1999): 440–459.
- Dunn, J. "No Place To Hide: Violent Pursuit in Public and Private." *In Perspective on Social Problems*, vol. 9 (Greenwich, CT: JAI Press 1997): 143–168.
- Dvorchak, R.J. *Someone Is Stalking Me: A True Story of Marriage, Murder, and Deadly Delusions in the Michigan Heartland* (New York, NY: Dell, 1993).
- Dworaczyk, K. *Rewriting the Stalking Law* (Austin, TX: House Research Organization, Texas House of Representatives, 1997).
- Dziegielewski, S.F., and A.R. Roberts. "Stalking Victims and Survivors: Identification, Legal Remedies, and Crisis Treatment." In *Crisis Intervention and Time-Limited Cognitive Treatment*, A.R. Roberts, ed. (Thousand Oaks, CA: Sage, 1995).
- Eckenwiler, M. "Net.Law." *NetGuide* (February 1996): 35+.
- Eisele, G.R., J.P. Watkins, and K.O. Matthews. "Workplace Violence at Government Sites." *American Journal of Industrial Medicine* 33(5) (May 1998): 485–492.
- El Paso Police Department, Domestic Violence Prevention Unit. *Stalking and Domestic Violence: Faces in the Shadows* (El Paso, TX: El Paso Police Department, Domestic Violence Prevention Unit, n.d.).
- "Electronic Warning Alerts Victim: Leads to Probationer's Arrest." *Alternatives to Incarceration* 2(3) (May–June 1996): 8+.
- Emerson, R.M., and K.O. Ferris. "On Being Stalked." *Social Problems* 45(3) (August 1998): 289+.
- Engley, H.L. "Psychiatrist's Book Details Life Under a Stalker's Obsession." *The Detroit News* (July 31, 1997).
- English, K., S. Pullen, and L. Jones. *Managing Adult Sex Offenders in the Community—A Containment Approach*. Research in Brief (Washington, DC: U.S. Department of Justice, National Institute of Justice, January 1997).
- Enoch, M.D. "Delusional Jealousy and Awareness of Reality." *British Journal of Psychiatry* 159 (Suppl. 14) (1991): 52–56.

- Evans, D.L., L.L. Jeckel, and N.E. Slott. "Erotomaniac: A Variant of Pathological Mourning." *Bulletin of the Menninger Clinic* 46 (1982): 507–520.
- Evans, R. "Every Step You Take: The Strange and Subtle Crime of Stalking." *Law Institute Journal* 68 (1994): 1021–1023.
- Fahnestock, J. "All Stock and No Action: Pending Missouri Stalking Legislation." *University of Missouri-Kansas City Law Review* (1993).
- Farnham, F.R., C.W. Ritchie, D.V. James, and H.G. Kennedy. "Pathology of Love." *Lancet* 350(1979): 710.
- Faulkner, R.P., and D.H. Hsiao. "And Where You Go I'll Follow: The Constitutionality of Antistalking Laws and Proposed Model Legislation." *Harvard Journal on Legislation* 31(1) (Winter 1994): 1–62.
- Fein, R.A., and B. Vossekuil. "Preventing Attacks on Public Officials and Public Figures: A Secret Service Perspective." In *The Psychology of Stalking*, J.R. Meloy, ed. (San Diego, CA: Academic Press, 1998).
- Fein, R.A., B. Vossekuil, and G. Holden. *Threat Assessment: An Approach To Prevent Targeted Violence*. Research in Brief (Washington, DC: U.S. Department of Justice, National Institute of Justice, September 1995).
- Fink, M. *Adolescent Sexual Assault and Harassment Prevention Curriculum* (Holmes Beach, FL: Learning Publications, 1999).
- "Five Steps To Take If You're Worried About Being Stalked." *Glamour* (June 1994): 90.
- Flowers, R.B. *The Victimization and Exploitation of Women and Children: A Study of Physical, Mental, and Sexual Maltreatment in the United States* (Jefferson, NC: McFarland & Company, 1994).
- Flynn, C.P. "New Jersey Antistalking Law: Putting an End to a 'Fatal Attraction.'" *Seton Hall Legislative Journal* 18 (1993): 297.
- "For Some, E-mail Becoming a Form of Harassment." *Black Issues in Higher Education* 12(24) (January 22, 1998): 9.
- Fremouw, W.J., D. Westrup, and J. Pennypacker. "Stalking on Campus: The Prevalence and Strategies for Coping With Stalking." *Journal of Forensic Sciences* 42(4) (July 1997): 666.
- Fritz, J.P. "A Proposal for Mental Health Provisions in State Anti-Stalking Laws." *The Journal of Psychiatry and Law* 23 (Summer 1995): 295.
- Furio, J. "Can New State Laws Stop the Stalker?" *Ms.* (January–February 1993): 90+.
- Gargan, J. "Stop Stalkers Before They Strike." *Security Management* 38(2) (February 1994): 31+.
- Gedatus, G.M. *Stalking* (Mankato, MN: LifeMatters, 2000).
- Gerberth, V.J. "Stalkers." *Law and Order* 40(10) (October 1992): 138–143.
- Gibeaut, J. "Fatal Failures: Special Report/Mental Health Law." *ABA Journal* 86 (January 2000): 40–48.
- Gill, M.S. "The Phone Stalkers." *Ladies Home Journal* 112(9) (September 1995): 82+.
- Gill, R., and J. Brockman. *A Review of Section 264 (Criminal Harassment) of the Criminal Code of Canada* (Canada: Research, Statistics and Evaluation Directorate, U.S. Department of Justice, 1996).

- Gilligan, M.J. "Stalking the Stalker: Developing New Laws To Thwart Those Who Terrorize Others." *Georgia Law Review* 27(1) (Fall 1992): 285–342.
- Goldberg, D. "Victim Can't Lift Court's Stalking Ban: Appeal Panel Cites Novel Behavioral Concept in Decision; 'Learned Helplessness.'" *The Los Angeles Daily Journal* (January 24, 1997): 1.
- Gondolf, E.W., J. McWilliams, B. Hart, and J. Stuehling. "Court Response to Petitions for Civil Protection Orders." *Journal of Interpersonal Violence* 9 (1994): 503–517.
- Goode, M. "Stalking: Crime of the Nineties?" *Criminal Law Journal* 19(1) (1995): 27+.
- Goodnough, D. *Stalking: A Hot Issue* (Berkeley Heights, NJ: Enslow, 2000).
- Goodwin, M. "Stalked!" *Woman's Day* 56(6) (March 16, 1993): 49+.
- Goodyear-Smith, F.A., et al. "Aggressive Acts and Assaults in Intimate Relationships: Towards an Understanding of the Literature." *Behavioral Science and the Law* 17(3) (1999): 285–304.
- Goom, S. "Whether Committed by Words Alone—Letters Inducing Fear of Violence—Whether Apprehension of 'Immediate' Violence." *Criminal Law Review* (August 1997): 576–588.
- Great Britain Home Office. "Stalking, the Solutions: A Consultation Paper" (London, England: Great Britain Home Office, 1996).
- Greenberg, S. "Threats, Harassment, and Hate On-Line: Recent." *Boston University Public Interest Law Journal* 6 (Spring 1997): 673+.
- Gregson, C.B. "California's Antistalking Statute: The Pivotal Role of Intent." *Golden Gate University Law Review* 28 (1998): 221–263.
- Gross, L. *To Have or To Harm: From Infatuation to Fatal Attraction* (New York, NY: Warner Books, 1994).
- Gross, L. *Understanding and Surviving America's Stalking Epidemic: A Special Report* (LaMesa, CA: Bear Publishing, 1994).
- Guy, R.A., Jr. "Nature and Constitutionality of Stalking Laws." *Vanderbilt Law Review* 46(4) (May 1993): 991–1029.
- Hager, B.D. "Workplace Stalking Incidents Call for Strong Prevention." *Business Press* 9(24) (October 11, 1996): 31+.
- Hager, B.D. "Stalking Incidents at Work Call for Preventive Measures." *Fairfield County Business Journal* 35(21) (May 20, 1996): 16.
- Haggard, T.R. "The South Carolina Anti-Stalking Statute: A Study in Bad Drafting." *South Carolina Lawyer* 5(5) (March 1997): 13.
- Hall, D.M. "The Victims of Stalking." In *The Psychology of Stalking*, J.R. Meloy, ed. (San Diego, CA: Academic Press, 1998).
- Hall, D.M. "Outside Looking In: Stalkers and Their Victims." *Dissertation Abstracts International* 58–08A (1997): 3314.
- Hankins, J.L. "Criminal Anti-Stalking Laws: Oklahoma Hops on the Legislative Bandwagon." *Oklahoma Law Review* 46 (Spring 1993): 109.
- Harmon, B.K. "Illinois' Newly Amended Stalking Law: Are All the Problems Solved?" *Southern Illinois University Law Journal* 10 (1994): 165.

- Harmon, R.B., R. Rosner, and H. Owens. "Sex and Violence in a Forensic Population of Obsessional Harassers." *Psychology, Public Policy, and Law* 4(1/2) (1998): 236–249.
- Harmon, R.B., R. Rosner, and H. Owens. "Obsessional Harassment and Erotomania in a Criminal Court Population." *Journal of Forensic Sciences* 40(2) (March 1995): 188–196.
- Hartman, L. *Solutions: The Women's Crisis Handbook* (Boston, MA: Houghton Mifflin, 1997).
- Hayes, C.L. "If That Man Is Following Her, Connecticut Is Going To Follow Him." *The New York Times* (June 5, 1992): B1.
- Hays, J.R., J.S.C. Romans, and M.K. Ritchhart. "Reducing Stalking Behaviors for College and University Counseling Services." *Journal of College Student Psychotherapy* 10(1) (1995): 57.
- Hendricks, J.E., and L. Spillane. "Stalking: What Can We Do To Forestall Tragedy?" *The Police Chief* 60(12) (October 1992): 4+.
- Hoffman, A. *Love Kills: The Stalking of Diane Newton King* (New York, NY: Avon Books, 1994).
- Holmes, R.M. "Stalking in America: Types and Methods of Criminal Stalkers." *Journal of Contemporary Criminal Justice* 9(4) (December 1993): 17+.
- Hueter, J.A. "Lifesaving Legislation: But Will the Washington Stalking Law Survive Constitutional Scrutiny?" *Washington Law Review* 72(1) (January 1997): 213–240.
- Hunzeker, D. "Stalking Laws." *State Legislative Report* 17(19) (October 1992).
- Infante, C. "The New Stalking Law." *Arkansas Lawyer* 28 (Fall 1994): 30.
- Ingrassia, M., and S. Holmes. "Open to Attack." *Newsweek* (January 17, 1994): 46+.
- Ingrassia, M., J. McCormick, et al. "Stalked to Death?" *Newsweek* (November 1, 1993): 27+.
- International Association of Chiefs of Police. *Protecting Victims of Domestic Violence: A Law Enforcement Officer's Guide to Enforcing Orders of Protection Nationwide* (Alexandria, VA: International Association of Chiefs of Police, 1999).
- "Investigations." *Law and Order* 42(5) (May 1, 1994): 89.
- Janal, D.S. *Risky Business: Protect Your Business From Being Stalked, Conned, or Blackmailed on the Web* (New York, NY: John Wiley, 1999).
- Jason, L.A., et al. "Female Harassment After Ending a Relationship: A Preliminary Study." *Alternative Lifestyles* 6 (1984): 259–269.
- Johnson, D.L. "A Team Approach to Threat Assessment." *Security Management* 38(9) (September 1994): 73+.
- Jordan, T. "The Efficacy of the California Stalking Law: Surveying Its Evolution, Extracting Insights From Domestic Violence Cases." *Hastings Women's Law Journal* 6(2) (Summer 1995): 363–383.
- Jowers, K. "We Can Control Stalking Problem, Say the Services." *Navy Times* 43(39) (July 4, 1994): 23.
- Kace, J.H. "Aftermath of Seeking Domestic Violence Protective Orders: The Victim's Perspective." *Journal of Contemporary Criminal Justice* 110(3) (September 1994): 204–219.

- Kachmar, A.J. "Review of Selected 1995 California Legislation; Crimes; Stalking." *Pacific Law Journal* 27 (Winter 1996): 589+.
- Kane, J. "Avoiding Cyber-Harassment." *Orlando Business Journal* 13(51) (May 23, 1997): 30+.
- Kappeler, V.E., B. Blumberg, and G.W. Potter. *Mythology of Crime and Criminal Justice*. 2d ed. (Prospect Heights, IL: Waveland Press, 1996).
- Karbarz, S.L. "The First Amendment Implications of Antistalking Statutes." *Journal of Legislation* 21 (1995): 333+.
- Katz, J.E. "Empirical and Theoretical Dimensions of Obscene Phone Calls to Women in the United States." *Human Communication Research* 21 (1994): 155–182.
- Kausch, O., and P.J. Resnick. "Psychiatric Assessment of the Violent Offender." In *Handbook of Psychological Approaches With Violent Offenders: Contemporary Strategies and Issues*, V.B. Van Hasselt and M. Hersen, eds. (Norwell, MA: Kluwer Academic Publishers, 1999).
- Keenehan, D., and A. Barlow. "Stalking: A Paradoxical Crime of the Nineties." *International Journal of Risk, Security and Crime Prevention* 2 (1997): 291–300.
- Keilitz, S., P.L. Hannaford, and H.S. Efkekan. *Civil Protection Orders: The Benefits and Limitations for Victims of Domestic Violence* (Washington, DC: U.S. Department of Justice, National Institute of Justice, 1996).
- Kienlen, K.K. "Developmental and Social Antecedents of Stalking." In *The Psychology of Stalking*, J.R. Melon, ed. (San Diego, CA: Academic Press, 1998).
- Kienlen, K.K., D.L. Birmingham, and M.J. Reid. "A Comparative Study of Psychotic and Nonpsychotic Stalking." *Journal of American Academy of Psychiatry and the Law* 25(3) (1997): 317–334.
- Kirwan, W.E. "Mistakes in Homicide Investigation." *Medical Trial Quarterly* 12(4) (June 1966): 23–43.
- Klein, M. "Stalking Situations." *American Demographics* 20(3) (March 1998): 32.
- Kolarik, G. *Prisoners of Fear* (New York, NY: Avon Books, 1995).
- Kolarik, G. "Stalking." *Family Circle* 106(7) (May 1993): 98+.
- Kolb, T.V. "North Dakota's Stalking Law: Criminalizing the Crime Before the Crime." *North Dakota Law Review* 70 (1994): 159.
- Kong, R. "Criminal Harassment." *Juristat* 16(12) (1996):1–13.
- Kowalski, S.K. "Michigan Stalking Law: Is It Constitutional?" *Michigan Bar Journal* 73 (1994): 926.
- Krueger, K. "Panel Presentation on Stalking." *University of Toledo Law Review* 25 (Winter 1995): 903.
- Kurt, J.L. "Stalking as a Variant of Domestic Violence." *Bulletin of the American Academy of Psychiatry and the Law* 23(2) (1995): 219–230.
- Landau, E. *Stalking* (New York, NY: Franklin Watts, 1996).
- Lane, J. "Threat Management Fills Void in Police Services." *The Police Chief* 59 (8) (August 1992): 27.

- Langan, P.A., and J.M. Dawson. *Spouse Murder Defendants in Large Urban Counties* (Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, September 1995).
- Lardner, G., Jr. *The Stalking of Kristin: A Father Investigates the Murder of His Daughter* (New York, NY: Onyx, 1995).
- Lawrence, T.M. "The Domestic Violence Pendulum: Has It Swung Too Far? Are Harassment Charges Now Being Used as a Sword Rather Than a Shield." *Seton Hall Law Review* 29(1) (1998):342–266.
- Lawson-Cruttenden, T. "The Government's Proposed Stalking Law—A Discussion Paper." *Family Law* 26 (1996): 755–758.
- Lawson-Cruttenden, T. "Is There a Law Against Stalking?" *New Law Journal* 146(6736) (1996): 418–420.
- Lawson-Cruttenden, T., and B. Hussain. "Psychological Assault and Harassment." *New Law Journal* 146(6759) (1996): 1326–1327.
- Lee, R.K. "Romantic and Electronic Stalking in a College Context." *William & Mary Journal of Women and the Law* 4 (1998): 373–466.
- Leibs, S. "Mail Aggression." *NetGuide* 2(6) (June 1995): 71+.
- Leidig, M.W. "The Continuum of Violence Against Women: Psychological and Physical Consequences." *Journal of American College Health* 40 (1992): 149–155.
- Leong, G.B. "De Clerambault Syndrome (Erotomania) in the Criminal Justice System: Another Look at This Recurring Problem." *Journal of Forensic Sciences* 39(2) (March 1994): 378–385.
- Levin, S. "The High Price of Fame." *Women's Sports & Fitness* (April 1994): 23+.
- Lewin, T. "New Laws Address Old Problem: The Terror of Stalker's Threats." *The New York Times* (February 8, 1993): A1.
- Lindsay, W.R., S. Olley, C. Jack, F. Morrison, and A.H.W. Smith. "The Treatment of Two Stalkers With Intellectual Disabilities Using a Cognitive Approach." *Journal of Applied Research in Intellectual Disabilities* 11 (1998): 333–344.
- Lindsey, M. *Terror of Batterer Stalking: A Guideline for Intervention* (Littleton, CO: Gylantic Publishing Company, 1993).
- Lingg, R.A. "Stopping Stalkers: A Critical Examination of Anti-Stalking Statutes." *St. John's Law Review* 67(2) (Spring 1993): 347–381.
- Leio, J.R., and J.A. Herschler. "The Stalking of Clinicians by Their Patients." In *The Psychology of Stalking*, J.R. Melon, ed. (San Diego, CA: Academic Press, 1998).
- Lipson, G.S., and M.J. Mills. "Stalking, Erotomania, and the Tarasoff Cases." In *The Psychology of Stalking*, J.R. Melon, ed. (San Diego, CA: Academic Press, 1998).
- Lloyd-Goldstein, R. "De Clerambault On-Line: A survey of Erotomania and Stalking From the Old World to the World Wide Web." In *The Psychology of Stalking*, J.R. Melon, ed. (San Diego, CA: Academic Press, 1998).
- Lloyd-Rogers, J. "Law Enforcement Tries To Catch Up With Online Stalkers." *Business Journal Serving San Jose and Silicon Valley* (October 27, 1997): 14+.
- Los Angeles Police Department. *Threat Management Unit Guidelines* (Los Angeles, CA: Los Angeles Police Department, February 1999).

- Los Angeles Police Department Threat Management Unit. *Stalking Victim's Handbook* (Los Angeles, CA: Los Angeles Police Department, n.d.).
- Loving, B. "DMV Secrecy: Stalking and Suppression of Speech Rights." *The Catholic University of America Commlaw Conspectus* 4 (Summer 1996): 203.
- Lowney, K.S., and J. Best. "Stalking Strangers and Lovers: Changing Media Typifications of a New Crime Problem." In *Images of Issues: Typifying Contemporary Social Problems*, 2d ed., J. Best, ed. (New York, NY: Aldine de Gruyter, 1995).
- MacFarlane, B.A. "People Who Stalk People, Part 1." *The Advocate* 57 (March 1999): 201–216.
- MacFarlane, B.A. "People Who Stalk People, Part 2." *The Advocate* 57 (May 1999): 353–377.
- Malefyt, M.B., K.M. Little, and A.H. Walker. *Promising Practices: Improving the Criminal Justice System's Response to Violence Against Women* (Washington, DC: U.S. Department of Justice, National Institute of Justice, 1998).
- Malestic, S. "When Love Becomes Obsession." *Single Parent* 37(2) (Summer 1994): 23+.
- Manitoba Law Reform Commission. *Stalking* (Winnipeg, Canada: Manitoba Law Reform Commission, 1997).
- Markman, R.M.D., and R. Labrecque. *Obsessed: The Stalking of Theresa Saldana* (New York, NY: William Morrow, 1994).
- Marks, C.A. "The Kansas Stalking Law: A 'Credible Threat' to Victims: A Critique of the Kansas Stalking Law and Proposed Legislation." *Washburn Law Journal* 36(3) (Summer 1997): 468–498.
- Maschke, K.J., ed. *The Legal Response to Violence Against Women* (New York, NY: Garland, 1997).
- Maze, R. "Protection From Stalking Could Get Stronger." *Air Force Times* (July 29, 1996): 17.
- McAnaney, K., L.A. Curliss, and C.E. Abeyta-Price. "From Imprudence to Crime: Anti-Stalking Laws." *Notre Dame Law Review* 68(4) (April 1993): 819–909.
- McCann, J.T. "Risk of Violence in Stalking Cases and Legal Case Management." *Pennsylvania Bar Association Quarterly* 69(3) (1998): 117–122.
- McCann, J.T. "Subtypes of Stalking (Obsessional Following) in Adolescents." *Journal of Adolescence* 21(6) (December 1998): 667–675.
- McCreedy, K.R., and B.G. Dennis. "Sex-Related Offenders and Fear of Crime on Campus." *Journal of Contemporary Criminal Justice* 12(1) (1996): 68–81.
- McFarlane, J.M., et al. "Stalking and Intimate Partner Femicide." *Homicide Studies* 3(4) (1999).
- McReynolds, G. "The Enemy You Know." *Sacramento Magazine* 22(1) (January–February 1996): 39–41+.
- Meloy, J.R. "Threats, Stalking, and Criminal Harassment." In *Clinical Assessment of Dangerousness*, G. Pinard and L. Pagani, eds. (New York, NY: Cambridge University Press, 2001).
- Meloy, J.R. "Stalking: An Old Behavior, A New Crime." *Psychiatric Clinics of North America* 22(1) (March 1999): 85–99.

- Meloy, J.R. "The Psychology of Stalking." In *The Psychology of Stalking*, J.R. Meloy, ed. (San Diego, CA: Academic Press, 1998).
- Meloy, J.R. "A Case Study of Stalking: 'All I Wanted Was To Love You.'" In *Contemporary Rorschach Interpretation*, J.R. Meloy et al., eds. (Mahwah, NJ: Lawrence Erlbaum Associates, 1997):177–190.
- Meloy, J.R. "The Clinical Risk Management of Stalking: 'Someone Is Watching Over Me.'" *American Journal of Psychotherapy* 51(2) (1997): 174–184.
- Meloy, J.R. "A Clinical Investigation of the Obsessional Follower: 'She Loves Me, She Loves Me Not.'" In *Explorations in Criminal Psychopathology*, L. Schlesinger, ed. (Springfield, IL: Charles C. Thomas, 1996).
- Meloy, J.R. "Demographic and Clinical Comparison of Obsessional Followers and Offenders With Mental Disorders." *American Journal of Psychiatry* 152(2) (February 1995): 258+.
- Meloy, J.R. "Unrequited Love and the Wish To Kill: Diagnosis and Treatment of Borderline Erotomania." *Bulletin of the Menninger Clinic* 53(6) (November 1989): 477–492.
- Meloy, J.R., P.Y. Cowett, et al. "Domestic Protection Orders and the Prediction of Subsequent Criminality and Violence Toward Protectees." *Psychotherapy* 34 (1996): 447–458.
- Meloy, J.R., and S. Gothard. "Demographic and Clinical Comparison of Obsessional Followers and Offenders With Mental Disorders." *American Journal of Psychiatry* 152 (2) (1995): 258–263.
- Menzies, R.P.Z.D., et al. "Prediction of Dangerous Behaviour in Male Erotomania." *British Journal of Psychiatry* 166 (1995): 529–536.
- Meyers, J. "Cultural Factors in Erotomania and Obsessional Following." In *The Psychology of Stalking*, J.R. Meloy, ed. (San Diego, CA: Academic Press, 1998).
- Michigan Legislature. *Domestic Violence, Stalking, Date Rape: An Information Guide* (Lansing, MI: The Michigan Legislature, 1995).
- Milano, S.M. *Defending Our Lives: Protecting Yourself From Domestic Violence and Stalking* (Chicago, IL: Noble, 1995).
- Miller, R.N. "'Stalk Talk': A First Look at Anti-Stalking Legislation." *Washington and Lee Law Review* 71 (January 1997): 213+.
- Milton, J., and J.L. Jankins. "Criminal Law: Criminal 'Anti-Stalking' Laws: Oklahoma Hops on the Legislative Bandwagon." *Oklahoma Law Review* 49 (Spring 1993): 46+.
- Minnesota Coalition Against Sexual Assault. *Minnesota Coalition Against Sexual Assault Training Manual* (Minneapolis, MN: Minnesota Coalition Against Sexual Assault, n.d.).
- Mintz, E.E. "Obsession With the Rejecting Beloved." *Psychoanalytic Review* 67(4) (1980): 479–492.
- Mohandie, K., C. Hatcher, and D. Raymond. "False Victimization Syndromes in Stalking." In *The Psychology of Stalking*, J.R. Meloy, ed. (San Diego, CA: Academic Press, 1998).
- Mohandie, K., et al. "Suicide and Violence Risk in Law Enforcement: Practical Guidelines for Risk Assessment, Prevention, and Intervention." *Behavioral Science and the Law* 17(3) (1999): 357–376.

- Monaghan, P. "Beyond the Hollywood Myths: Researchers Examine Stalkers and Their Victims." *Chronicle of Higher Education* 44(26) (March 6, 1998): A17+.
- Montesino, B. "I'll Be Watching You: Strengthening the Effectiveness and Enforceability of State Anti-Stalking Statutes." *Loyola of Los Angeles Entertainment Law Journal* 13 (1993): 545–586.
- Morin, K.S. "The Phenomenon of Stalking: Do Existing State Statutes Provide Adequate Protection?" *San Diego Justice Journal* 1(1) (Winter 1993): 123.
- Morville, D.A. "Stalking Laws: Are They Solutions for More Problems?" *Washington University Law Quarterly* 71 (1993): 921+.
- Moses-Zirkos, S. "Psychologists Question Anti-Stalking Laws' Utility." *APA Monitor* 23(10)(1992): 53.
- Mullen, P.E. "Jealousy: The Pathology of Passion." *British Journal of Psychiatry* 158 (1991): 593–601.
- Mullen, P.E., and M. Pathe. "The Pathological Extensions of Love." *British Journal of Psychiatry* 164 (1994): 614–623.
- Mullen, P.E., and M. Pathe. "Stalking and the Pathologies of Love." *Australian and New Zealand Journal of Psychiatry* 28(3) (September 1994): 469.
- Mullen, P.E., M. Pathe, and R. Purcell. *Stalkers and Their Victims* (New York, NY: Cambridge University Press, 2000).
- Mullen, P.E., M. Pathe, R. Purcell, and G.W. Stuart. "Study of Stalkers." *American Journal of Psychiatry* 156(8) (1999): 1244–1249.
- Mullins, R. "Employers Need Rules for Office E-mail." *Business Journal Serving Greater Milwaukee* 14(49) (October 5, 1997): 26+.
- Murray, F.S. "A Preliminary Investigation of Anonymous Nuisance Telephone Calls to Females." *Psychological Record* 18 (1967): 395–400.
- Murray, F.S., and L.C. Beran. "A Survey of Nuisance Telephone Calls Received by Males and Females." *Psychological Record* 18 (1968): 107–109.
- Mustaine, E.E., and R. Tewksbury. "A Routine Activities Theory Explanation for Women's Stalking Victimization." *Violence Against Women* 5(1) (1999): 43–62.
- National Criminal Justice Association. *Regional Seminar Series on Implementing Antistalking Codes* (Washington, DC: U.S. Department of Justice, Bureau of Justice Assistance, June 1996).
- National Criminal Justice Association. "Three Courts Uphold Stalking Laws: Two States Clarify Statutory Language." *NCJA Justice Bulletin* 14(9) (September 1994): 12–14.
- National Criminal Justice Association. *Project To Develop a Model Antistalking Code for States* (Washington, DC: U.S. Department of Justice, National Institute of Justice, October 1993).
- National Institute of Justice. *Current or Recently Completed Research in Domestic Violence and Child Abuse* (Washington, DC: U.S. Department of Justice, National Institute of Justice, 1994).
- "National Violence Against Women Survey Results Released." *Police Chief* 65(7) (July 1998): 78.

- Nehilla, T.J. "Applying Stalking Statutes to Groups—A First Amendment Freedom of Speech Analysis." *Dickinson Law Review* 99 (Summer 1995): 1071.
- Nestadt, G., et al. "Obsessions and Compulsions in the Community." *Acta Psychiatrica Scandinavica* 89 (1994): 219–224.
- Nicastro, E.M., A.V. Cousins, and B.H. Spitzberg. "The Tactical Face of Stalking." *Journal of Criminal Justice* (in press).
- O'Malley, S., and S.A. Newman. "Horror in Brooklyn Heights." *New York* 27(23) (June 6, 1994): 24+.
- "One in 12 U.S. Women Surveyed Says She's Been Stalked Once." *News for You* (December 10, 1997): 2.
- "One Woman's Nightmare." *Essence* 24(6) (October 1993): 72+.
- O'Reilly, G.W. "Illinois' Stalking Statute: Taking Unsteady Aim at Preventing Attacks." *John Marshall Law Review* 26(4) (Summer 1993): 821–864.
- Orion, D. *I Know You Really Love Me: A Psychiatrist's Journal of Erotomania, Stalking, and Obsessive Love* (Indianapolis, IN: Macmillan General Reference, 1997).
- Orion, D.R. "Dear Doctor, I Know You Love Me..." *Medical Economics* 72(5) (March 1995): 143+.
- Palarea, R.E., M.S. Zona, J.C. Lane, and J. Langhinrichsen-Rohling. "The Dangerous Nature of Intimate Relationship Stalking: Threats, Violence, and Associated Risk Factors." *Behavioral Science and the Law* 17(3) (1999): 269–283.
- Pathe, M., and P.E. Mullen. "The Impact of Stalkers on Their Victims." *British Journal of Psychiatry* 170 (January 1997): 12–17.
- Pathe, M., P.E. Mullen, and R. Purcell. "Stalking: False Claims of Victimization." *British Journal of Psychiatry* 173 (February 1999): 170–172.
- Patton, E.A. "Stalking Laws: In Pursuit of a Remedy." *Rutgers Law Journal* 25(2) (Winter 1994): 465–515.
- Perez, C. "Stalking: When Does Obsession Become a Crime?" *American Journal of Criminal Law* 20(2) (Winter 1993): 263–280.
- Phillips, R.C. "Ins and Outs of Restraining Orders." *Law Enforcement Quarterly* (May–June 1997): 5–8.
- Phipps, M.P. "North Carolina's New Anti-Stalking Law: Constitutionally Sound, But Is It Really a Deterrent?" *North Carolina Law Review* 71(6) (September 1993): 1933–1953.
- Pilon, M. *Anti-Stalking Laws: The United States and Canadian Experience* (Ottawa, Canada: Library of Parliament, Research Branch, 1993).
- Poling, B.E. "Stalking: Is the Law Hiding in the Shadows of Constitutionality?" *Capitol University Law Review* 23(1994): 279.
- Potter, D.C. "The Jake Baker Case: True Threats and New Technology." *Boston University Law Review* 79 (1999): 779–805.
- Proctor, M. "Stalking: A Behavioral Overview With Case Management Strategies." *Journal of California Law Enforcement* 29(3) (September 1995): 63–69.
- "Protecting the Victims." (Editorial) *The Los Angeles Daily Journal* (January 24, 1996): 6. (From the Klamath Falls, OR, *Herald and News*.)

- Raskin, D.E., and K.E. Sullivan. "Erotomania." *American Journal of Psychiatry* 131 (1974): 1033–1035.
- Reichert, J.L. "Study Tracks Stalking in the United States." *Trial* 34(8) (August 1998): 89+.
- "Research Roundup." *Spectrum: The Journal of State Government* 71(4) (Fall 1998): 20.
- Riggs, S., M. Romano, J. Starkweather, and B. Waaler. *Domestic Stalking: Prevalence, Protection, and Policies* (Williamsburg, VA: College of William and Mary, Center for Public Policy Research December 1997).
- "Right or Wrong?" *Managing Office Technology* 41(9) (September 1996): 10.
- Roberts, A.R. *Crisis Intervention and Time-Limited Cognitive Treatment* (Thousand Oaks, CA: Sage Publications, 1995).
- Roberts, A.R., and S.F. Dziegielewski. "Assessment Typology and Intervention With the Survivors of Stalking." *Aggression and Violent Behavior* 1(4) (Winter 1996): 359–368.
- Romans, J.S.C., J.R. Hays, and T.K. White. "Stalking and Related Behaviors Experienced by Counseling Center Staff Members From Current or Former Clients." *Professional Psychology, Research and Practice* 27(6) (December 1996): 595.
- Roscha, N. "The Anti-Stalking Law of Ohio: Will It Pass Constitutional Muster?" *University of Dayton Law Review* 19(2) (Winter 1994): 749–781.
- Rosman, J.B. "Survey of Florida Law: Domestic Violence, Recent Amendments to the Florida Statutes." *Nova Law Review* 20 (1995): 117.
- Ross, E.S. "E-mail Stalking: Is Adequate Legal Protection Available?" *The John Marshall Journal of Computer and Information Law* 13(3) (Spring 1995): 405.
- Rudden, M., J. Sweeney, and A. Frances. "Diagnosis and Clinical Course of Erotomaniac and Other Delusional Patients." *American Journal of Psychiatry* 147 (1990): 625–628.
- Russell, M.L. "Back to the Basics: Resisting Novel and Extreme Approaches to the Law of Personal Jurisdiction and the Internet." *The University of Memphis Law Review* 30 (1999): 157–183.
- Safran, C. "A Stranger Was Stalking Our Little Girl." *Good Housekeeping* 215(5) (November 1992): 185.
- Salame, L. "A National Survey of Stalking Laws: A Legislative Trend Comes to the Aid of Domestic Violence Victims and Others." *Suffolk University Law Review* 27(67) (Spring 1993): 67–111.
- Samuels, A. "Stalking Defined." *Statute Law Review* 18(3) (1997): 244–249.
- Sandberg, D.A., D.E. McNiel, and R.L. Binder. "Characteristics of Psychiatric Inpatients Who Stalk, Threaten, or Harass Hospital Staff After Discharge." *American Journal of Psychiatry* 155(8) (August 1998): 1102–1105.
- Sanford, B.S. "Stalking Is Now Illegal: Will a Paper Law Make a Difference?" *Thomas M. Cooley Law Review* 10(2) (May 1993): 409–442.
- Saunders, R. "The Legal Perspective on Stalking." In *The Psychology of Stalking*, J.R. Melon, ed. (San Diego, CA: Academic Press, 1998).
- Savitz, L. "Obscene Phone Calls." In *Critique and Explanation: Essays in Honor of Gwynne Nettier*, T.F. Hartnagel and R.A. Silverman, eds. (New Brunswick, NJ: Transaction, 1986): 149–158.

- Saxl, M.V. "The Struggle to Make Stalking a Crime: A Legislative Road Map of How to Develop Effective Stalking Legislation in Maine." *Seton Hall Legislative Journal* 23(1) (1998): 57–100.
- Schaum, M., and K. Parrish. *Stalked! Breaking the Silence on the Crime of Stalking in America* (New York, NY: Pocket Books, 1995).
- Schell, B.H. *Stalking, Harassment, and Murder in the Workplace: Guidelines for Protection and Prevention* (Westport, CT: Quorum Books, 2000).
- Schelong, K.M. "Domestic Violence and the State: Responses to and Rationales for Spousal Battering, Marital Rape, and Stalking." *Marquette Law Review* 78 (Fall 1994): 79+.
- Schreibman, T. "Scary Stalking Statistics." *New Woman* (March 1998): 61.
- Schwartz-Watts, D., and D.W. Morgan. "Violent Versus Nonviolent Stalkers." *Journal of the American Academy of Psychiatry and the Law* 26(2) (1998): 241–245.
- Schwartz-Watts, D., D.W. Morgan, and C.J. Barnes. "Stalkers: The South Carolina Experience." *Journal of the American Academy of Psychiatry and the Law* 25(4) (1997): 541–545.
- Scocas, E., et al. *Domestic Violence in Delaware, 1994: An Analysis of Victim to Offender Relationships* (Dover, DE: Delaware Statistical Analysis Center, 1996).
- Serant, C. "Stalked." *Essence* 24(6) (October 1993): 72+.
- Sheffield, C.J. "The Invisible Intruder: Women's Experiences of Obscene Phone Calls." *Gender and Society* 3 (1989): 483–488.
- Shields, J.M. "Harassment: A Simple Charge, With a Complicated Application." *New York State Bar Journal* 70(3) (March–April 1998).
- Skalias, L., and B. Davis. *Stalked: A True Story* (Arlington, TX: Summit, 1994).
- Skoler, G. "The Archetypes and Psychodynamics of Stalking." In *The Psychology of Stalking*, J.R. Meloy, ed. (San Diego, CA: Academic Press, 1998).
- Sloan, C.O. "Standing Up to Stalkers: South Carolina's Antistalking Law Is a Good First Step." *South Carolina Law Review* 45(2) (Winter 1994): 383–427.
- Smith, M.D., and N.N. Morra. "Obscene and Threatening Telephone Calls to Women: Data From a Canadian National Survey." *Gender & Society* 8 (1994): 584–596.
- Smolove, J. "Voice of the Torturer: An Abducted Girl's Mother Helps Track a Man Who May Have Harassed Her by Phone for Two Decades." *Time* 146(25) (December 18, 1995): 51.
- Snow, R.L. *Stopping a Stalker: A Cop's Guide to Making the System Work for You* (New York, NY: Plenum, 1998).
- Sohn, E.F. "Antistalking Statutes: Do They Actually Protect Victims?" *Criminal Law Bulletin* 30(3) (May–June 1994): 203–241.
- Soyka, M., G. Naber, and A. Volcker. "Prevalence of Delusional Jealousy in Different Psychiatric Disorders: An Analysis of 93 Cases." *British Journal of Psychiatry* 158 (1991): 549–553.
- Spence-Diehl, E. *Stalking: A Handbook for Victims* (Holmes Beach, FL: Marketing Manager Learning Publications, 1999).

- Spencer, A.C. "Stalking and the MMPI-2 in a Forensic Population." Ph.D. dissertation. University of Detroit Mercy, 1998.
- Spitzberg, B.H. "An Analysis of Empirical Estimates of Rape and Sexual Coercion." *Violence and Victims* (In press).
- Spitzberg, B.H. "Sexual Coercion." In *The Dark Side of Close Relationships*, B.H. Spitzberg and W.R. Cupach, eds. (Hillsdale, NJ: Lawrence Erlbaum Associates, 1998).
- Spitzberg, B.H. "Intimate Violence." In *Competence in Interpersonal Conflict*, W.R. Cupach and D.J. Canary, eds. (New York, NY: McGraw-Hill, 1997): 174-201.
- Spitzberg, B.H., A.M. Nicastro, et al. "Exploring the Interactional Phenomenon of Stalking and Obsessive Relational Intrusion." *Communication Report* 11(1) (Winter 1998): 33-48.
- Spitzberg, B.H., and J. Rhea. "Obsessive Relational Intrusion and Sexual Coercion Victimization." *Journal of Interpersonal Violence* 14 (1999): 3-20.
- Stalking and Domestic Violence: The Third Annual Report to Congress Under the Violence Against Women Act* (Washington, DC: U.S. Department of Justice, 1998).
- "Stalking: It's More Than Just a TV Star's Gag Material." *Security Management Bulletin* 2416 (August 25, 1995): 1-3.
- Stasi, L. "Someone Is Stalking Me." *Ladies Home Journal* 114(1) (January 1997): 323+.
- State Justice Institute. *Validity and Use of Evidence Concerning Battering and Its Effects in Criminal Trials: Report Responding to Section 40507 of the Violence Against Women Act* (Alexandria, VA: State Justice Institute, 1996).
- Stearns, H.M. "Stalking Stuffers: A Revolutionary Law To Keep Predators Behind Bars." *Santa Clara Law Review* 35 (1995): 1027+.
- Steinman, L.I. "Despite Anti-Stalking Laws, Stalkers Continue To Stalk: Are These Laws Constitutional and Effective?" *St. Thomas Law Review* 6 (1993): 213+.
- Strack, Gail. "Questions for Domestic Violence: Police Follow-Up Investigation." San Diego City Attorney's Office, December 1997.
- Streshinsky, S. "The Stalker and His Prey." *Glamour* (August 1992): 238+.
- Strikis, S.A. "Stopping Stalking." *Georgetown Law Journal* 81 (August 1993): 2771+.
- "Study Shows Stalking Is Serious Problem." *Jet* (December 22, 1997): 24.
- Sweeney, H.M. *The Professional Paranoid: How To Fight Back If Stalked, Surveilled, Investigated, or Targeted by Any Agency, Organization, or Individual* (Venice, CA: Feral House, 1998).
- Taibbi, R. "Stalking." *Current Health* 21(6) (February 1995): 18+.
- Tain, P. "Stalking in the Court of Appeal (United Kingdom) *R. v. Liddle*." *Solicitors Journal* 808(1) (August 20, 1999).
- Tarrier, N., and R. Beckett. "Morbid Jealousy: A Review and Cognitive-Behavioural Formulation." *British Journal of Psychiatry* 157 (1990): 319-326.
- Tharp, M. "In the Mind of a Stalker." *US News & World Report* (February 17, 1992): 28+.
- Thomas, K.R. "The Problem of the Persistent Suitor." *Federal Bar News & Journal* 41(9) (October 1994): 620-625.

- Thomas, K.R. "How To Stop the Stalker: State Antistalking Laws." *Criminal Law Bulletin* 29(2) (March–April 1993): 124–136.
- Thomas, K.R. *Anti-Stalking Statutes: Background and Constitutional Analysis* (Washington, DC: Congressional Research Service, Library of Congress, 1992).
- Thompson, T. "When Eager Lover Becomes the Relentless Stalker." *Washington Post* (April 17, 1994): A1.
- Timmreck, T.C. "Overcoming the Loss of a Love: Preventing Love Addiction and Promoting Positive Emotional Health." *Psychological Reports* 66 (1990): 512–528.
- Tjaden, P. *The Crime of Stalking: How Big Is the Problem?* Research Preview (Washington, DC: U.S. Department of Justice, National Institute of Justice, November 1997).
- Tjaden, P., and N. Thoennes. *Prevalence, Incidence, and Consequences of Violence Against Women: Findings From the National Violence Against Women Survey*. Research in Brief (Washington, DC: U.S. Department of Justice, National Institute of Justice, November 1998).
- Tjaden, P., and N. Thoennes. *Stalking in America: Findings From the National Violence Against Women Survey*. Research in Brief (Washington, DC: U.S. Department of Justice, National Institute of Justice, April 1998).
- Tolhurst, K.W. "A Search for Solutions: Evaluating the Latest Anti-Stalking Developments and the National Institute of Justice Model Stalking Code." *William & Mary Journal of Women and the Law* 1(1) (Fall 1994): 269.
- Toobin, J. "Annals of Law: Stalking in L.A." *The New Yorker* 73(2) (February 1997): 72.
- Travegia, E., and S. Hutter. "I Was Terrorized by a Stalker!" *YM* 41(9) (November 1993): 60+.
- Truppa, M. "Suburban Prosecutors Call Stalking Law Too Strict." *Chicago Daily Law Bulletin* (February 12, 1993): 3.
- Tucker, J.T. "Stalking the Problems With Stalking Laws: The Effectiveness of Florida Statutes Section 784.048." *Florida Law Review* 45(4) (September 1993): 609–707.
- Turl, P. "Stalking Is a Public Problem." *The New Law Journal* 144(6647) (May 1994): 632.
- Tuston, A., and J.C. Smith. "Case and Comment: Inflicting Harm." *Criminal Law Review* (May 1996): 331–334.
- Tuten, L., and E. Sherman. "I Was Stalked." *McCall's* 122(1) (August 1995): 55+.
- Urick, M. *Women in Danger: How To Avoid Domestic Violence, Stalking, Rape, and Other Violent Crimes* (Flint, MI: Burnishing Tree, 1995).
- U.S. Congress. House. Committee on the Judiciary. *Report on the Interstate Stalking Punishment and Prevention Act of 1996*. 104th Cong., 2d Sess., May 6, 1996, Rept. 104–557 (Washington, DC: Government Printing Office, 1996).
- U.S. Congress. House. Subcommittee on Civil and Constitutional Rights of the Committee on the Judiciary. *Crimes of Violence Motivated by Gender*. Hearing, November 16, 1993 (Washington, DC: Government Printing Office, 1993).
- U.S. Congress. Senate. Committee on the Judiciary. *Combating Violence Against Women: Hearing May 16, 1996, on S. 1729, a Bill To Amend Title 18, United States Code, With*

Respect to Stalking. 104th Cong., 2d Sess., Rept. 104–842 (Washington, DC: Government Printing Office, 1994).

U.S. Congress. Senate. Committee on the Judiciary. *Antistalking Proposals: Hearings Before the Committee on the Judiciary on Combating Stalking and Family Violence*. 103d Cong., 1st Sess., March 17, 1993, Rept. 103–206 (Washington, DC: Government Printing Office, 1993).

U.S. Congress. Senate. Committee on the Judiciary. *Antistalking Legislation: Hearing Before the Senate Judiciary Committee*. 102d Cong., 2d Sess., September 19, 1992 (Washington, DC: Government Printing Office, 1992).

U.S. Congress. Senate. Committee on the Judiciary. *Antistalking Legislation: Hearing September 29, 1992, on S.2922, a Bill To Assist the States in the Enactment of Legislation To Address the Criminal Act of Stalking Other Persons*. 102d Cong., 2d Sess., Rept. 102–1073 (Washington, DC: Government Printing Office, 1992).

Varn, R.J., and C. McNeal. “Point/Counterpoint: Are Anti-Stalking Laws Fatally Flawed?” *State Government News* 36(8) (August 1993): 9.

Walker, J.M. “Antistalking Legislation: Does It Protect the Victim Without Violating the Rights of the Accused?” *Denver University Law Review* 71(1) (1993): 273.

Walker, L.E., and J.R. Meloy. “Stalking and Domestic Violence.” In *The Psychology of Stalking*, J.R. Meloy, ed. (San Diego, CA: Academic Press, 1998).

Wallace, H. *Family Violence: Legal, Medical, and Social Perspectives* (Needham Heights, MA: Allyn and Bacon, 1996).

Wallace, H. “A Prosecutor’s Guide to Stalking.” *The Prosecutor* 29(1) (1995): 26–30.

Wallace, H. “Stalkers: The Constitution and Victim Remedies.” *Criminal Justice* 10(1) (Spring 1995): 16–19.

Wallace, H., and K. Kelty. “Stalking and Restraining Orders: A Legal and Psychological Perspective.” *Journal of Crime and Justice* 18(2) (1995): 99–111.

Wallace, J.H., and J. Silverman. “Stalking and Post Traumatic Stress Syndrome.” *Police Journal* 69(3) (1996): 203–206.

Wallis, M. “Outlawing Stalkers.” *Policing Today* (UK) 2(4) (1996): 25–29.

Walsh, K.L. “Comment: Safe and Sound at Last? Federalized Anti-Stalking Legislation in the United States and Canada.” *Dickinson Journal of International Law* 14 (Winter 1996): 373.

Ward, C. “Minnesota’s Anti-Stalking Statute: A Durable Tool to Protect Victims From Terroristic Behavior.” *Law and Inequality: A Journal of Theory and Practice* 12(2) (June 1994): 613–647.

Warner, P.K. “Aural Assault: Obscene Telephone Calls.” *Qualitative Sociology* 11 (1988): 302–318.

Waugh, D. “Stalking.” *Canadian Medical Association Journal* 154(7) (April 1996): 1088.

Way, C.R. “The Criminalization of Stalking: An Exercise in Media Manipulation and Political Opportunism.” *McGill Law Journal* 39(2) (June 1994): 379.

Welch, J.M. “Stalking and Anti-Stalking Legislation: A Guide to the Literature of a New Legal Concept.” *RSR: Reference Services Review* 213(3) (1995): 53.

- Wells, C. "Stalking: The Criminal Law Response." *Criminal Law Review* 7(7) (July 1997): 463–470.
- Wells, K. "Stalker Interviews Are Crucial." *Law Enforcement Quarterly* (November 1996–January 1997): 9–12, 31.
- Wells, K. "California's Anti-Stalking Law a First." *Law Enforcement Quarterly* (August–October 1996): 1–12.
- Westrup, D. "Applying Functional Analysis to Stalking Behavior." In *The Psychology of Stalking*, J.R. Meloy, ed. (San Diego, CA: Academic Press, 1998).
- Westrup, D., and W.J. Fremouw. "Stalking Behavior: A Literature Review and Suggested Functional Analytic Assessment Technology." *Aggression and Violent Behavior: A Review Journal* (in press).
- Westrup, D., et al. "The Psychological Impact of Stalking on Female Undergraduates." *Journal of Forensic Science* 44(3) (May 1999): 554–557.
- Wexler, S. "Crime of Stalking." *Law Enforcement Technology* 25(6) (June 1998): 34–37.
- White, S.G., and J.S. Cawood. "Threat Management of Stalking Cases." In *The Psychology of Stalking*, J.R. Meloy, ed. (San Diego, CA: Academic Press, 1998).
- Whitelaw, K. "Fear and Dread in Cyberspace." *US News & World Report* 121(18) (November 4, 1996): 50.
- Whitney, K. "Western Australia's New Stalking Legislation." *The University of Western Australia Law Review* 28(2) (July 1999): 293+
- Wickens, J.C. "Michigan's New Anti-Stalking Laws: Good Intentions Gone Awry." *Detroit College of Law Review* 1994(1) (Spring 1994): 157–209.
- Williams, W.L., J. Lane, and M.A. Zona. "Stalking: Successful Intervention Strategies." *Police Chief* 63(2) (February 1996): 24–26.
- Wills, C. "Stalking: The Criminal Law Response." *Criminal Law Review* (July 1997): 463–470.
- Wisconsin Department of Justice. *Report of 1996 Arrests for Stalking/Harassment in Wisconsin* (Madison, WI: Wisconsin Department of Justice, 1996).
- Wolffe, B. "Stalking Workplace Violence: Threats to Employees Require Prompt and Reasonable Responses by Management." *Legal Times* (May 29, 1995): 32.
- Wright, C. *Everything You Need to Know About Dealing With Stalking* (Newburyport, MA: Rosen Publishing, 1999).
- Wright, J.A., A.G. Burgess, A.W. Burgess, and A.T. Laszlo. "A Typology of Interpersonal Stalking." *Journal of Interpersonal Violence* 11(4) (December 1996): 487–502.
- Wright, J.A., A.G. Burgess, and J.E. Douglas. "Investigating Stalking Crimes." *Journal of Psychosocial Nursing and Mental Health* 33(9) (September 1995): 38.
- Yearwood, D.L., and R.L. Lubitz. "Domestic Violence in North Carolina: Utilizing Court Data for Policy Formulation." *Justice Research and Policy* 1(1) (1999): 51–66.
- Zona, M.A., R.E. Palarea, and J.C. Lane. "Psychiatric Diagnosis and the Offender-Victim Typology of Stalking." In *The Psychology of Stalking*, J.R. Meloy, ed. (San Diego, CA: Academic Press, 1998).

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