Stalking resource center

Summary of Changes from VAWA 2013 Related to Stalking

Criminal Provisions Relating to Stalking/Cyberstalking

Federal Stalking law amended as follows:

- **Presence** added **-** "whoever travels in interstate or foreign commerce **or is present** within special maritime and territorial jurisdiction of US…"
- **Intimidate** added to list of intended actions - "with intent to kill, injure, harass, **intimidate**, or place under surveillance…"
- **Emotional distress** – changed to "**causes, attempts to cause, or would be reasonably expected to cause substantial emotional distress**..."
- **Cyberstalking** section added- **"electronic communication service or electronic communication system of interstate commerce** or any **other** facility of interstate or foreign commerce…."

Stalking.--Section2261A of title 18, United States Code, is amended to read as follows:

§ 2261A. **Stalking**

Whoever--

(1) travels in interstate or foreign commerce **or is present** within the special maritime and territorial jurisdiction of the United States, or enters or leaves Indian country, with the intent to kill, injure, harass, **intimidate**, or place under surveillance with intent to kill, injure, harass, or intimidate another person, and in the course of, or as a result of, such travel **or presence engages in conduct that—**

(A) places that person in reasonable fear of the death of, or serious bodily injury to--

(i) that person;

(ii) an immediate family member (as defined in section 115) of that person; or

(iii) a spouse or intimate partner of that person; or

(B) causes, **attempts to cause, or would be reasonably expected to cause substantial emotional distress to a person described in clause (i), (ii), or (iii) of subparagraph (A); or**

(2) with the intent to kill, injure, harass, **intimidate**, or place under surveillance with intent to kill, injure, harass, or intimidate another person, uses the mail, any interactive computer service **or electronic communication service or electronic communication system of interstate**

commerce, or any **other** facility of interstate or foreign commerce to engage in a course of conduct that—

(A) places that person in reasonable fear of the death of or serious bodily injury to a person described in clause (i), (ii), or (iii) of paragraph (1)(A); or

(B) **causes, attempts to cause, or would be reasonably expected to cause substantial emotional distress to a person described in clause (i), (ii), or (iii) of paragraph (1)(A),**

shall be punished as provided in section 2261(b) of this title.

Reporting of Campus Crime Statistics (The Clery Act)

- Under the Higher Education Act, the Clery Act is amended and adds the reporting of campus crime statistics for domestic violence, dating violence, and **stalking.**
- Adds the following requirements to the submission of the institution's Annual Security Report - a statement of policy must be submitted regarding:
  - its programs to prevent domestic violence, dating violence, sexual assault, and **stalking.**
  - the procedures that will be followed once an incident of these crimes has been reported, including a statement of the standard of evidence that will be used during any disciplinary proceeding .
  - educational programs to promote the awareness of these crimes, which must include primary prevention and awareness programs for incoming students and new employees, as well as ongoing prevention and awareness programs for students and faculty, and includes:
    - a statement that the institution prohibits these offenses;
    - the definition of each offense in its jurisdiction;
    - safe and positive options for bystander intervention;
    - information on risk reduction to recognize the warning signs of abusive behavior.
  - possible sanctions the institution may impose following a disciplinary proceeding on any of these crimes.
  - procedures victims should follow if they have been victimized by any of these crimes, including information in writing about:
    - the importance of preserving evidence;
    - reporting the offense;
    - options regarding reporting to law enforcement and campus authorities, and/or obtaining orders of protection/restraining orders.
  - procedures for institutional disciplinary action in cases of these crimes, including statements that such proceedings must:
    - provide a prompt, fair, and impartial investigation and resolution;
    - be conducted by officials who receive annual training on issues related to these crimes, and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;
    - entitle the victim and offender to the same opportunity to have others present during a disciplinary proceeding, including the opportunity to be accompanied by an advisor of their choice;
    - simultaneously inform both the victim and the offender, in writing, of:
      - the outcome of the disciplinary proceeding;
      - the procedures for appealing the outcome;
      - any change in the outcome that occurs prior to the time the outcome becomes final;

        - when the outcome becomes final.
    - information about how the institution will protect the confidentiality of victims.
    - written notification to students about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims on-campus and in the community.
    - written notification to victims about options for changing their academic, living, transportation, and employment situations, if requested by the victim and such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.
    - a student or employee who reports to the institution that they have been a victim of one of these crimes must be provided with a written explanation of the student or employee's rights and options.

Stalking and Grant Programs

STOP Grants

- Adds **stalking** to the list of crimes covered (all covered crimes are now stalking, domestic violence, dating violence, and sexual assault).
- Purpose of grant includes:
    - Developing and promoting state, local, or tribal legislation and policies that enhance best practices for responding to these four crimes.
    - Developing, enlarging, or strengthening programs and projects to provide services and responses targeting male and female victims of these four crimes, whose ability to access traditional services and responses is affected by their sexual orientation or gender identity.
    - Developing, enhancing, or strengthening prevention and educational programming to address these four crimes, with not more than 5% of the amount allocated to a state to be used for this purpose.
    - Provide the appropriate training and education about these four crimes.
    - To develop and implement training programs for prosecutors and other prosecution-related personnel regarding best practices to ensure offender accountability, victim safety, and victim consultation in cases regarding these four crimes.
    - To develop or strengthen policies, protocols, and training for law enforcement, prosecutors, and judiciary in recognizing, investigating, and prosecuting instances of these four crimes against immigrant victims.
    - To develop and promote state, local, or tribal legislation and policies that enhance best practices for responding to these four crimes, including the appropriate treatment of victims.

Grants to Encourage Arrest Policies and Enforcement of Protection Orders (GTEAP)

- Adds **stalking** to the following grant purposes:
    - To coordinate computer tracking systems and provide the appropriate training and education about domestic violence, dating violence, sexual assault, and **stalking** to ensure communication between police, prosecutors, parole and probation officers, and both criminal and family courts.
    - To develop or strengthen policies and training for police, prosecutors, and judiciary in recognizing, investigating, and prosecuting instances of domestic violence, dating violence, sexual assault, and **stalking** against older individuals and individuals with disabilities.

- To develop and implement training programs for prosecutors and other prosecution-related personnel regarding best practices to ensure offender accountability, victim safety, and victim consultation in cases involving domestic violence, dating violence, sexual assault, and **stalking.**
- To develop or strengthen policies, protocols, and training for law enforcement, prosecutors, and judiciary in recognizing, investigating, and prosecuting instances of domestic violence, dating violence, sexual assault, and **stalking** against immigrant victims.
- To develop and promote state, local, or tribal legislation and policies that enhance best practices for responding to the crimes of domestic violence, dating violence, sexual assault, and **stalking** including the appropriate treatment of victims.

- Adds **stalking** to the following requirement:
  - Eligible grantees must certify that their laws, policies, and practices do not require victims to bear costs associated with prosecution of any misdemeanor or felony domestic violence, dating violence, sexual assault, or **stalking** offense, or in connection with the filing, issuance, registration, or service of a protection order to protect a victim of these offenses.

Grants for Legal Assistance for Victims

- Adds **stalking** to the following requirement:
  - To be eligible for a grant to provide legal assistance, any person providing legal assistance under the grant must demonstrate expertise in providing legal assistance to victims of domestic violence, dating violence, sexual assault, or **stalking** in the targeted population; or must be partnered with an entity or person that has demonstrated expertise; and has completed or will complete training on domestic violence, dating violence, **stalking**, or sexual assault and related legal issues.

Grants to Support Families in the Justice System

- New section that authorizes the Attorney General to make grants to states, units of local government, courts (including juvenile courts), Indian tribal governments, nonprofit organizations, legal service providers, and victim services providers to improve the response of all aspects of the civil and criminal justice system to families with a history of domestic violence, dating violence, sexual assault, or **stalking**, or in cases involving allegations of child sexual abuse.

Grants for Outreach and Services to Underserved Populations

- Entire section was re-written and includes **stalking**:
  - To develop and implement outreach strategies targeted at adult or youth victims of domestic violence, dating violence, sexual assault, or **stalking** in underserved populations and to provide victim services to meet the needs of adult and youth victims of domestic violence, dating violence, sexual assault, and **stalking** in underserved populations.

Improving Services for Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking

- **Stalking** added in following section:
  - Developing programs and strategies that focus on the specific needs of victims of domestic violence, dating violence, sexual assault, and **stalking** who reside in remote rural and geographically isolated areas.

Enhance Training and Services to End Abuse in Later Life

- Following new section added which includes **stalking**:
  - Eligible entities receiving a grant may use the funds to provide training programs to assist attorneys, health care providers, faith-based leaders, or other community-based organizations in recognizing and addressing instances of abuse in later life, including domestic violence, dating violence, sexual assault, **stalking**, exploitation, and neglect; or conduct outreach activities/awareness campaigns to ensure that victims of abuse in later life, including domestic violence, dating violence, sexual assault, stalking, exploitation, and neglect receive appropriate assistance.

CHOOSE Children and Youth Grants

- Old section repealed and new section added which still includes **stalking.**
- Purpose of grants is to develop, expand, and strengthen victim-centered interventions and services that target youth who are victims of domestic violence, dating violence, sexual assault, **stalking**, and sex trafficking.

Grants to Combat Violent Crimes on Campuses

- Adds the following minimum grant requirements for grantees which include **stalking**:
  - To develop or adapt and provide developmental, culturally appropriate, and linguistically accessible print or electronic materials to address both prevention and intervention in domestic violence, dating violence, sexual violence, and **stalking**.
  - To develop or adapt population specific strategies and projects for victims of domestic violence, dating violence, sexual assault, and **stalking** from underserved populations on campus.
  - Establish a mandatory prevention and education program on domestic violence, dating violence, sexual assault, and **stalking** for all incoming students.
  - Train all campus law enforcement to respond effectively to domestic violence, dating violence, sexual assault, and **stalking.**
  - Train all members of campus disciplinary boards to respond effectively to situations involving domestic violence, dating violence, sexual assault, or **stalking.**

Violence Reduction Practices (SMART)

- Consolidates several grant programs into one, and still includes **stalking**:
  - Purpose is preventing domestic violence, dating violence, sexual assault, and **stalking** by taking a comprehensive approach that focuses on youth, children exposed to violence, and men as leaders and influencers of social norms.
  - The purposes for grant programs include:
    - Teen dating violence awareness and prevention;
    - children exposed to violence and abuse; and
    - engaging men as leaders and role models.

Healthcare System Grants

- Consolidates several grant programs for providing education to healthcare professionals, and still includes **stalking**:
  - Purpose is to develop or enhance and implement education programs for medical, nursing, dental, and other health profession students and residents to prevent and respond to domestic violence, dating violence, sexual assault, and **stalking** and to improve the response of clinics,

public health facilities, hospitals and other health settings (including behavioral and mental health programs).

Grants to Indian Tribal Governments

- Adds the following grants purposes which include **stalking**:
  - Provide services to address the needs of youth who are victims of domestic violence, dating violence, sexual assault, sex trafficking, or **stalking**, including support for the non-abusing parent or caretaker of the youth.
  - Develop and promote legislation and policies that enhance best practices for responding to violence crimes against Indian women, including the crimes of domestic violence, dating violence, sexual assault, sex trafficking, and **stalking**.

Grants to Indian Tribal Coalitions

- Adds **stalking** to grant purposes:
  - Assisting Indian tribes in developing and promoting state, local, and tribal legislation and policies that enhance best practices for responding to violent crimes against Indian women, including the crimes of domestic violence, dating violence, sexual assault, **stalking**, and sex trafficking.

Other

Definitions

- Adds **stalking** to the new term **Population Specific Services** and defines it as – "victim-centered services that address the safety, health, economic, legal, housing, workplace, immigration, confidentiality, or other needs of victims of domestic violence, sexual assault, or **stalking**, and that are designed primarily for and targeted to a specific underserved population."
- Adds **stalking** to **Stalking and Human Trafficking** – victim services and legal assistance under VAWA include services to victims of domestic violence, dating violence, sexual assault, or **stalking** who are also victims of severe forms of trafficking in persons.

Safe Homes

- Applies to federal covered housing programs.
- Concerns housing rights, section re-written and still includes **stalking**:
  - An applicant or a tenant of housing assisted under a covered housing program may not be denied admission to, denied assistance under, terminated from, or evicted from housing on the basis that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or **stalking**, if the applicant or tenant otherwise qualifies for admission, assistance, participation, or occupancy

Immigration

- Adds **stalking** for **Petitions for U visas** – Section 101(a)(15)(U)(iii) of the Immigration and Nationality Act is amended by inserting **stalking** after sexual exploitation.