

CODE OF VIRGINIA
18.2 - 60.3
STALKING PENALTY

- A. Any person who on more than one occasion engages in conduct directed at another person with the intent to place, or with the knowledge that the conduct places, that other person in reasonable fear of death, criminal sexual assault, or bodily injury to that other person or to that other person's family or household member shall be guilty of a Class 1 misdemeanor.
- B. A third or subsequent conviction occurring within five years of a conviction for an offense under this section or for a similar offense under the law of any other jurisdiction shall be a Class 6 felony.

A person may be convicted under this section irrespective of the jurisdiction or jurisdictions within the Commonwealth wherein the conduct described in subsection A occurred, if the person engaged in that conduct on at least one occasion in the jurisdiction where the person is tried. Evidence of any such conduct which occurred outside the Commonwealth may be admissible, if relevant, in any prosecution under this section provided that the prosecution is based upon conduct occurring within the Commonwealth.

The *Code of Virginia* also provides that:

- Upon conviction for stalking, the court must issue an order prohibiting contact between the defendant and the victim or the victim's family or household member. (18.2-60.3D)
- The Department of Corrections, sheriff or regional jail director must notify, prior to release of an inmate, any victim of the offense who, in writing, requests notice, or any person designated in writing by the victim, provided the inmate was sentenced to a term of incarceration of at least forty-eight hours. The responsible agency above must also give notice, if an inmate escapes. (18.2-60.3E)
- Persons subject to protective orders may not purchase or transport any firearms. (18.2-308.1:4)

SAFETY ACTION PLAN

In addition to those already listed, you can take additional steps to maximize your safety.

1. Have your mail delivered to a post office box. Obtain an unlisted phone number. Change your Social Security number if the stalker is using it to track your whereabouts.
2. Inform your neighbors, employer, school, and/or church about the stalker. Insist that all of your personal information be kept confidential.
3. Install a loud, exterior alarm, and/or post a "NO TRESPASSING" sign visibly on the edge of your property. A dog is also an effective alarm. Install a car alarm, which can be activated easily if you are threatened.
4. Report threatening calls to the telephone company and to the police. Use *57, "call trace," if available in your area. Use of Caller ID (where available) may help to identify a stalker who is calling before you answer a call.
5. Report all threats sent by mail to the FBI.
6. If you move, do not leave a "paper trail."
 - Take all medical records.
 - Take children's school records.
 - Take children's immunization records.
 - Do not give the post office a forwarding address.
 - Pick up or forfeit deposit money.

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STALKING
A
GUIDE
FOR
VICTIMS



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STALKING FACTS

Stalking is a crime. In Virginia, stalking is defined as repeated conduct which places a person, or his or her family, in reasonable fear of death, sexual assault, or bodily injury. To convict a stalker, several legal elements of the crime must be proven to the court (See *Code of Virginia*, §18.2-60.3).

The stalking law went into effect on July 1, 1992. In 1998, the penalties associated with convictions were increased. A first conviction carries a penalty of not more than one year in jail and a \$2,500 fine (Class 1 misdemeanor). The penalty for a third or subsequent conviction within five years is not more than five years in prison and a \$2,500 fine (Class 6 felony).

Stalking is a unique crime, because stalkers are obsessed with controlling their victims' actions and feelings. Stalkers will frequently threaten and harass, and in many instances will actually physically injure their victims.

Stalking is a crime that can be committed against anyone, regardless of gender, race, sexual orientation, socioeconomic status, or geographic location.

- 1.4 million people are stalked annually.
- Only one half of stalking cases are reported to authorities, and 25% receive a restraining order.
- 1 in 20 women will be stalked in their lifetimes.
- 79% of women know their stalkers; 50% were in an intimate relationship with their stalker; 80% of these relationships were abusive.

**Statistics supplied by the National Institute of Justice, the National Violence Against Women survey conducted by the Center for Policy Research, and the National Center for Victims of Crime.*

IF YOU ARE BEING STALKED

Imminent Danger

Call 911. Go to a safe place—a police station, the home of a family member or friend unknown to the stalker, or a public area. If you are in a potentially dangerous situation, develop a safety plan and notify police.

Tell Everyone

Report the incident to law enforcement. Notify the Commonwealth's Attorney and ask for help from your local victim/witness program. Let them know you are afraid. Give friends, co-workers, and neighbors a description of the stalker. Ask them to document anything they see and record the time of the occurrence.

File Charges

Call police or go to the magistrate immediately and request a warrant each time the stalker breaks the law. The stalker may be arrested. If arrested, there is a possibility that the stalker will be bonded, and released. Ask that a condition of the bond be that there will be no contact with you. Obtain copies of all documents and the name of the magistrate.

Obtain A Protective Order

If a stalking warrant is issued, you may file for a protective order at the General District Court clerk's office. If the stalker is a family/household member, or you have children in common, contact the Court Service Unit at the Juvenile and Domestic Relations District Court.

Necessary Documentation

Record witness names, dates, times, locations, and what the stalker was doing, saying, wearing, driving (license number), etc. Obtain and keep copies of warrants, protective orders, court orders, etc.

Other Evidence

Physical evidence is a key component to convicting a stalker. If it can be done safely, photograph the stalker. Also, save and date all cards, letters, notes and envelopes from the stalker.

TAKING CARE OF YOURSELF

Develop A Support System

Tell supportive and understanding friends about each encounter with the stalker. You can also call your local victim/witness program and/or domestic violence shelter for help and information on support groups.

Managing Stress

You may begin to experience rage, terror, an inability to trust anyone, depression, etc. You are not going crazy. Your body and mind are simply reacting to the extreme stress caused by the continuing victimization.

Talking to someone who is trained to work with victims and survivors may help alleviate some of the symptoms that may be interfering with other aspects of your life. Possible resources include:

**Virginia Crime Victim Assistance
INFO-LINE
1-888-887-3418**

**Virginia Family Violence and
Sexual Assault Hotline
1-800-838-8238**

Development of this brochure was based on material provided by Family Crisis Support Services, Inc., Norton, VA.

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