

- Appearing at the victim’s workplace or residence.
- Entering onto or remaining on property owned, leased, or occupied by the victim.
- Contacting the victim by telephone.
- Sending mail or electronic communications (such as email or text messaging) to the victim.
- Placing an object on, or delivering an object to, property owned, leased, or occupied by the victim.

Do not minimize the danger of being stalked. Stalkers don’t just stop this harassing behavior. Victims should seek assistance from advocates, law enforcement and the courts to intervene to stop the stalking.

CRIMINAL PENALTIES

An individual who engaged in either misdemeanor or felony aggravated stalking can be arrested. Those arrested and found guilty of aggravated stalking may be subject to the following criminal penalties:

Misdemeanor Stalking penalties [MCL 750.411h]
A misdemeanor punishable by imprisonment for not more than one year or a fine of not more than \$1,000, or both.

If the victim was less than 18 years of age at any time during the individual’s course of conduct and the individual is 5 or more years older than the victim, a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$10,000, or both. The court may place an individual convicted of violating this section on probation for a term of not more than 5 years. If a term of probation is ordered, the court may, in addition to any other lawful condition of probation, order the defendant to do any of the following:

- Refrain from stalking any individual during the term of probation.
- Refrain from having any contact with the victim of the offense.
- Be evaluated to determine the need for psychiatric, psychological, or social counseling and if, determined appropriate by the court, to receive psychiatric, psychological, or social counseling at his or her own expense.

In a prosecution for a violation of this section, evidence that the defendant continued to engage in a course of conduct involving repeated unconsented contact with the victim after having been requested by the victim to discontinue the same or a different form of unconsented contact, and to refrain from any further unconsented contact with the victim, gives rise to a rebuttable presumption that the continuation of the course of conduct caused the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.



Aggravated stalking penalties [MCL 750.411i]
Aggravated stalking is a felony punishable for not more than 5 years or a fine of not more than \$10,000, or both.

If the victim was less than 18 years of age at any time during the individual’s course of conduct and the individual is 5 or more years older than the victim, by imprisonment for not more than 10 years or a fine of not more than \$15,000, or both.

The court may place an individual convicted of violating this section on probation for any term of years, but not less than 5 years. If a term of probation is ordered, the court may, in addition to any other lawful condition of probation, order the defendant to do any of the following:

- Refrain from stalking any individual during the term of probation.
- Refrain from any contact with the victim of the offense.
- Be evaluated to determine the need for psychiatric, psychological, or social counseling and, if determined appropriate by the court, to receive psychiatric, psychological, or social counseling at his or her own expense.

In a prosecution for misdemeanor or felony aggravated stalking, evidence that the defendant continued to engage in a course of conduct involving repeated unconsented contact with the victim after having been requested by the victim to discontinue the same or a different form of unconsented contact, and to refrain from any further unconsented contact with the victim, gives rise to a rebuttable presumption that the continuation of the course of conduct caused the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.



YOUR RIGHTS

Exercise your legal rights:

- Notify the police in the areas where the stalking took place.
- Get an anti-stalking personal protection order from the family division of the circuit court (this order may state that the stalker is to have no contact with the victim). Violation of an anti-stalking personal protection order is punishable by 93 days in jail and/or \$500 maximum fine. This will not only protect you, but also assist the law enforcement agency in enforcing the anti-stalking law. In addition, it increases the criminal penalties should the stalker violate the restraining order. [MCL 600.2950a]
- You may also bring a civil action against the stalker. This allows you to sue him or her for any damage that may have caused emotional harm, and may entitle you to exemplary damages and legal fees as well. [MCL 600.2954]

A Citizen’s Guide to Michigan’s Anti-Stalking Laws

STALKING Understanding Your Rights

STALKING IS A CRIME

Stalking is a course of conduct directed at a specific person that places a reasonable person in fear for her or his safety. It is against the law in every state. Stalking across state lines or in federal territories is illegal under federal law. Some stalking is connected with a relationship, beginning either during the relationship, or after it has ended. In these cases, the stalker is likely seeking to maintain or regain control over the victim. In other cases, the stalker may become fixated on a victim without ever having established a prior relationship with that person. Either type of stalker may keep the victim under surveillance or threaten her or him. All forms of stalking are unpredictable, and should be considered dangerous.

STALKING IS DEFINED AS:

“...a ‘willful course of conduct’ involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested, and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.”

In this definition, “willful course of conduct” refers to a pattern made up of a series of two or more separate noncontinuous acts which share the same purpose. The term “harassed” is defined as repeated or continuing unconsented contact directed toward a victim resulting in emotional distress. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose. [Michigan Penal Code]

WHO ARE THE VICTIMS?

Many people are stalked – not just celebrities.

- One in twelve women and one in 45 men will be stalked in their lifetimes.
- 1.4 million people are stalked in the United States each year.
- The average duration of stalking is 1.8 years.
- If stalking involves intimate partners, the average duration of stalking increases to 2.2 years.

Anyone Can Be A Stalker.

- The vast majority of stalking victims are ordinary people.
- Most stalkers are known by their victims.
- 87% of stalkers are men.
- Stalkers can be someone you know well, a casual acquaintance, or even a total stranger.
- Often stalkers are former romantic partners of their victims.

ANYONE CAN BE A STALKER.

ANYONE CAN BE A VICTIM OF STALKING.

WHAT TO DO IF ...

No one wants or deserves to be stalked. You are the victim, not the criminal. Stalking is harmful and intrusive. Stalking victims may suffer anxiety, insomnia, and severe depression as a result of being stalked. Victims often lose time from work or never return to work, and some even relocate to regain their sense of safety.

Suggestions of what to do if you are stalked are listed on the next panel. Every situation is different, so there are no set guidelines. Use your own judgment as to what actions to take.



If you think it would be safe, communicate to the stalker that you do not want any contact with him or her. Before doing this, however, it is important to have a safety plan in place. This safety plan includes steps you can take to increase your safety at home, at the work place and in public.

- Report to your local law enforcement agency that you are being stalked, whether or not you plan to file formal charges.
- Build your case against the stalker by providing the police with any and all of the following:
 - Name and address of the stalker, if possible.
 - Documentation (personal journal or diary) of the stalker’s activities. Write the details of each incident and its details right away after each incident [contemporaneous record].
 - Taped recording(s) of threatening or harassing telephone calls.

- Videotape or photographs of stalker’s actions.
- Basic identifying information (i.e. license plate number, make of car, personal appearance).
- List of contacts with the stalker (i.e. general time frame, place, what was said, letters or email messages received). Print a hard copy of offending emails.

Victims can take precautions, such as:

- Traveling with friends
- Trying not to walk alone.
- Changing your telephone number to an unlisted number. Ask that your telephone number be blocked. Screen calls with voice mail or an answering machine.
- Varying the times and routes you take to work or to frequently visited places.
- If it is safe to do so, notifying your family and friends, and explain the situation to your employer so that they may protect you at work.
- Tell someone you trust, such as a spouse, family member, close friend or qualified professional. You need emotional support.

STALKING TAKES MANY FORMS

According to the anti-stalking laws, “a person can be charged with stalking for willful repeated or continued harassment that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.” Under these laws, the assailants could be charged with stalking for repeatedly:

- Following or appearing within the sight of the victim.
- Approaching or confronting the victim in a public place or on private property.

For further information contact:

Michigan Department of Community Health

Crime Victims Services Commission

Department of Human Services

Michigan Women’s Commission

**Michigan Domestic Violence
Prevention and Treatment Board**

Michigan Department of State Police

Your local law enforcement agency

**National Domestic Violence Hotline
1-800-799-7233**

**or
1-800-787-3224 TTY**

**For web access, log onto
www.michigan.gov/domesticviolence**

Assistance is available in English and Spanish with access to more than 140 languages through interpreter services. Help is available 24 hours a day, seven days a week with information about the domestic violence program in your area. It’s confidential and free.

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