**Background**

“A good working definition of stalking is a course of conduct directed at a specific person that would cause a reasonable person to feel fear. Stalking is serious, often violent, and can escalate over time.” - NCVC’s Stalking Resource Center

Millions of individuals are stalked annually, with females disproportionately affected. Stalking is associated with poor mental health, chronic health conditions, injury, disability, and death. The crime is difficult to identify and prevent due to complex and unpredictable behaviors, minimalization and normalization of behaviors, and variance in stalking laws. The Model Stalking Code was drafted, at Congress’ request, as a framework for the states to draft stalking legislation. State statutes and the Model Code are outdated leaving gaps for protections for victims. There is a public health need to update the 2007 National Center for Victims of Crime’s Model Stalking Code Revisited: Responding to the New Realities of Stalking.

**Objective**

The objective of this policy analysis was to research and analyze current, relevant and reliable data to provide evidence-based recommendations for updating the National Center for Victims of Crime’s Model Stalking Code Revisited: Responding to the New Realities of Stalking.

**Aims**

Conduct a comprehensive literature review exploring the public health burden of stalking in the United States

Conduct a comprehensive review of existing federal and state legislation addressing stalking in the United States

Propose recommendations based upon analyses for amending the Model Stalking Code Revisited: Responding to the New Realities of Stalking.

**Methods**

The proposed recommendations were informed by:

- A comprehensive literature review conducted to explore stalking and related terms using the databases: PubMed, Google Scholar, and Science Direct
- A comprehensive comparative review of current federal and state criminal and civil stalking legislation
- A comparative review of the legislation and the Model Stalking Code Revisited: Responding to the New Realities of Stalking, and legislation in other states
- Drafting of proposed Model Stalking Code Revisited: Responding to the New Realities of Stalking revisions based upon compilation, synthesis and analyses. Based upon compilation, synthesis and analyses, two policy options were proposed to address the problems. The options were developed based upon review and assessment of peer-reviewed scholarly articles, government sources including past/current and proposed legislation and administrative regulations as well as reports from key opinion leaders.

**Results**

**Recommendations from Peer-Reviewed Literature**

Categorize all stalking offenses, even for first time offenses, as felonies to convey seriousness of the crime.

Mandate stalkers undergo a mental health evaluation, followed by professional counseling if deemed needed.

Mandate mental health treatment.

Analysis of Existing Federal and State Legislation Addressing Stalking

31 states refer to the overall crime of stalking as one category, and do not subclassify the crime of stalking into separate categories. Categorization of the crime of stalking varies greatly among the states.

The two legal punishments for stalking are predominantly misdemeanors (a crime punishable by no more than a year in prison). In addition to the two primary levels of punishment, there is also a class or designation of the severity of the crime of punishment. Punishments vary among the states in terms of the severity of punishments.

5 states require a court ordered psychiatric evaluation and counseling for persons convicted of stalking. Two states require registration as a sexual offender pursuant. Thirteen states have civil stalking laws allowing victims to recover damages.

**Conclusion**

The research shows that state legislation is not keeping pace with the evolving sophisticated tactics used to commit stalking. Outdated legislation can pose as a barrier to prosecution and arrests. Stalking is a highly pervasive gendered crime in the United States. Women experience stalking at alarmingly higher rates compared to men, and it often intersects with Intimate Partner Violence. When stalking is involved, it is a major risk factor for domestic violence related homicide. There is a public health need to address stalking due to the adverse health and economic outcomes it has on individuals and society.

This research has demonstrated the need for amending the Model Stalking Code Revisited: Responding to the New Realities of Stalking. The Model Code is a key resource for the states to utilize when seeking to draft tougher stalking legislation.