**Know the Law and Where to Get Help**

**Stalking Statute:** North Dakota Century Code (NDCC) 12.1-17-07.1

No person may intentionally stalk another person NDCC 12.1-17-07.1(2)

**Definitions**

“Stalk” means to engage in an intentional course of conduct directed at a specific person which frightens, intimidates, or harasses that person, and that serves no legitimate purpose. The course of conduct may be directed toward that person or a member of that person’s immediate family and must cause a reasonable person to experience fear, intimidation, or harassment.

“Course of conduct” means a pattern of conduct consisting of two or more acts evidencing a continuity of purpose. The term does not include constitutionally protected activity.

“Immediate family” means a spouse, parent, child, or sibling. The term also includes any individual who regularly resides in the household or who within the prior six months regularly resided in the household.

**Prosecution**

In any prosecution under this section, it is not a defense that the actor was not given actual notice that the person did not want the actor to contact or follow the person; nor is it a defense that the actor did not intend to frighten, intimidate, or harass the person. An attempt to contact or follow a person after being given actual notice that the person does not want to be contacted or followed is “prima facie” evidence (evident from the facts) that the actor intends to stalk that person. In any prosecution under this section, it is a defense that a private investigator licensed under NDCC chapter 43-30 or a peace officer licensed under NDCC chapter 12-63 was acting within the scope of employment.

**Penalties**

A first offense is a Class A misdemeanor; the penalty can increase to a Class C felony if it is a second offense or a similar offense from another court in North Dakota, if the stalking violates a protection order, or if the stalker has been convicted of certain other crimes in another state involving the same victim.

**FOR MORE INFORMATION**

[See the Stalking Information and Incident Log](http://cawsnorthdakota.org)
STALKING DEFINED

Stalking is a course of conduct directed at a specific person that would cause a reasonable person to feel fear. It involves one person’s obsessive behavior toward another person. The stalker’s actions may be motivated by an intense affection for or an extreme dislike of the victim. Initially, stalking will usually take the form of annoying, threatening, or obscene phone calls, electronic communication, text messages, or letters. The calls may start with one or two a day, but can quickly escalate. Stalkers may conduct surveillance of the victim, often following every move they make with the help of technology.

Stalking can also happen to anyone. Often, stalking behavior can extend to other family members or third parties. A victim can be stalked for days, weeks, or even years.

MYTHS ABOUT STALKING

MYTH: You can’t be stalked by someone you’re dating.
FACT: If your “friend” tracks your every move in a way that causes you fear, THAT IS STALKING.

MYTH: Technology is too expensive for most stalkers to use.
FACT: Stalkers can buy easy-to-use surveillance equipment and software for as little as $30.

MYTH: If you confront the stalker, he or she will go away.
FACT: Stalkers seldom “just” stop. Victims should seek help from local advocacy centers to stop the stalking.

MYTH: Stalking is annoying, not illegal.
FACT: Stalking is a crime in all 50 states, the District of Columbia, and all U.S. Territories.

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MYTH: Only celebrities and other famous people experience stalking.
FACT: The majority of the 6.6 million people who were stalked in one year were ordinary citizens.

MYTH: If you ignore stalking, it will go away.
FACT: Stalkers seldom “just” stop. Victims should seek help from local advocacy centers to stop the stalking.

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STALKING INCIDENT LOG

Use the following example to create your own stalking log. Document stalking/harassment incidents.

INCIDENT TYPES

• Receiving hate mail
• Electronic stalking via email, GPS, spyware
• Drive-bys
• Vandalized personal property
• Receiving unwanted objects
• Receiving unwanted notes

If you’re a victim of stalking...

Remember that this is not your fault, and you don’t deserve to be stalked or abused in a relationship of any kind.

The majority of stalking takes place between people who have known each other intimately. Domestic violence stalkers, as a category, constitute the most dangerous and potentially lethal group of stalkers. Abusers often rationalize their inappropriate behavior by blaming the victim and often feel that their victims belong to them, are theirs to control, or punish for trying to leave. Local advocacy centers across the state can help you plan for your safety while leaving an abusive situation.

You might...

• Feel fear of what the stalker will do.
• Feel vulnerable, unsafe and not know who to trust.
• Feel anxious, irritable, impatient or on edge.
• Feel depressed, hopeless, overwhelmed, tearful or angry.
• Feel stressed, including having trouble concentrating, sleeping or remembering things.
• Have eating problems, such as appetite loss, forgetting to eat or overeating.
• Have flashbacks, disturbing thoughts, feelings or memories.
• Feel confused, frustrated or isolated because other people don’t understand why you are afraid.