



A Citizen's Guide to
Michigan Anti-Stalking Laws

Stalking

Understand
your rights

On January 1, 1993, Michigan joined 28 other states by criminalizing stalking behavior in an effort to protect victims of harassment and put an end to stalking. When Governor John Engler signed Public Acts 251, 260, 261, and 262 of 1992, he provided Michigan citizens with the strongest anti-stalking laws in the nation.



Due to the fact that much of the conduct of the typical non-assaultive stalker is not illegal, the legislature took extreme caution to draft a definition of stalking that will be easy to use and will not infringe on the constitutional or other rights of citizens.

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.”

Michigan Penal Code MCLA750.411 h

In this definition, “willful course of conduct” refers to a pattern of behavior 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.

**ANYONE CAN BE A STALKER.
ANYONE CAN BE A VICTIM OF STALKING.**

Victims can take precautions, such as:

- Traveling with friends.
- Trying not to walk alone.
- Changing your telephone number to an unlisted number.
- 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 explaining the situation to your employer so that they may protect you at work.

WHAT TO DO IF...

No one wants or deserves to be stalked. You are the victim, not the criminal. Suggestions of what to do if stalked are listed below. 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.
- 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 or all of the following:
 - Name and address of the stalker, if possible.
 - Documentation (personal journal or diary) of the stalker's activities.
 - Taped recording(s) of threatening or harassing telephone calls.
 - Videotape 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 received).

STALKING TAKES MANY FORMS

According to the anti-stalking laws, a person can be charged with stalking for willfully and repeatedly contacting another individual, without permission, causing that person to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

Under these laws, assailants could be charged with stalking for repeatedly:

- Following or appearing within the sight of the targeted victim.
- Approaching or confronting the targeted victim in a public or private place.
- Appearing at the workplace or residence of the targeted victim.
- Entering or remaining on the targeted victim's property.
- Contacting the targeted victim by telephone.
- Sending mail or electronic mail to the targeted victim.

WHO ARE THE VICTIMS?

Unfortunately, stalking is not a rare or unusual occurrence. Anyone can be a victim of stalking – ordinary citizens or celebrities. According to the statistics listed below, your chance of being a victim of stalking is high, especially if you are a woman.

- One out of 20 adults will be stalked in their lifetime.
- One-third of women in domestic violence shelters are victims of stalking.

CRIMINAL PENALTIES

Under Michigan Law, stalking may be either a misdemeanor, or a felony depending upon whether the stalking involved aggravating circumstances [MCLA 750.411h].

Misdemeanor stalking is punishable by:

- Up to one year imprisonment, or
- Up to \$1,000 in fines, or both.
- Up to five years probation. The order of probation may include an order to:
 - Not stalk anyone.
 - Not have contact with the victim.
 - Be evaluated to determine the need for treatment or counseling (at the stalker's expense).

Aggravated stalking is stalking with one or more of the following aggravating circumstances:

- At least one of the stalker's acts was in violation of a court order, such as a personal protection order, order of probation, parole or bond.
- The stalker has been convicted of stalking in the past.
- The stalker's conduct includes one or more threats to kill or physically harm the victim – or a member of the victim's household or family.
- The victim is less than 18 at the time of the stalking and the stalker is at least five years older than the victim.

When an individual is convicted of aggravated stalking the punishment is:

- Up to five years imprisonment, or
- Up to \$10,000 in fines, or both.
- Five years probation, up to lifetime probation.

The order of the probation is the same as that of the misdemeanor, with the following addition:

- The stalker is not allowed contact with the victim's family members or with people in the victim's household.

ANYONE CAN BE A STALKER - someone you know well, a casual acquaintance, or a total stranger. Often stalkers are former romantic partners of their victims.

YOUR RIGHTS

Exercise your legal rights:

- Notify the police in the areas where the stalking took place.
- Get an anti-stalking restraining order from your local circuit court (this order states that the stalker is to have no contact with the victim; if violated, criminal penalties will follow). This will not only protect you, but also assist the law enforcement agency in enforcing the anti-stalking law. It also increases the penalties should the stalker violate the restraining order. [MCLA 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. [MCLA 600.2954]
- As a victim, your best weapon against a stalker is the local law enforcement agency. They are a means of protection as well as a source for referrals. However, it is also important to have support from your friends and family during this emotionally distressing time.



For further information, contact:

**Your Local
Law Enforcement Agency**

or any of the following:

**National Domestic
Violence Hotline**

1-800-799-7233

TDD line

1-800-787-3224

**Michigan Women's
Commission**

517-373-2884



Anne Norlander, Chairwoman
Martha Truscott, Executive Director

Michigan Domestic
Violence Prevention
and Treatment Board

*FAMILY
INDEPENDENCE
AGENCY*

Douglas E. Howard, Director

*Michigan Department
of Community Health*



John Engler, Governor
James K. Haveman, Jr., Director