

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 840

To establish a national program to reduce the incidence of stalking.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 1993

Mr. KENNEDY (for himself, Mr. MEEHAN, Mr. NEAL of Massachusetts, and Mr. ROYCE) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To establish a national program to reduce the incidence  
of stalking.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “National Stalker Re-  
5       duction Act of 1993”.

6       **SEC. 2. FINDINGS.**

7       The Congress finds that—

8               (1) stalking, which is the willful, malicious, and  
9       repeated following or harassing by an individual who  
10      makes a threat with the intent to place another indi-

1       vidual in imminent fear of death or serious bodily in-  
2       jury, often is part of a pattern of behavior within  
3       the scope of domestic violence;

4               (2) there is insufficient data available to deter-  
5       mine the extent and number of incidents of stalking;

6               (3) nearly 30 percent of all female murders are  
7       attributed to domestic violence;

8               (4) State criminal statutes often do not apply  
9       to stalking, and more than 50 percent of the States  
10      have failed to enact legislation that includes stalk-  
11      ing; and

12              (5) the prolonged suffering of victims from  
13      stalking has been frequently reported by the media,  
14      and victims, their families, and friends.

15 **SEC. 3. ENACTMENT OF STATE ANTI-STALKING LEGISLA-**  
16 **TION.**

17       (a) PROGRAMS REGARDING STALKING.—Section  
18 501(b) of title I of the Omnibus Crime Control and Safe  
19 Streets Act of 1968 is amended—

20              (1) by striking the period at the end of para-  
21      graph (21) and adding “; and”; and

22              (2) by adding at the end the following:

23              “(22) programs that increase awareness, re-  
24      porting, and prevention of stalking.”.

1           (b) FORMULA GRANT REDUCTION FOR NONCOMPLI-  
2 ANCE.—Section 506 of title I of the Omnibus Crime Con-  
3 trol and Safe Streets Act of 1968 is amended by adding  
4 at the end the following:

5           “(g) In order not to reduce the funds available under  
6 this subpart by 25 percent (for redistribution to other par-  
7 ticipating States), a State shall, on the first day of each  
8 fiscal year succeeding the first fiscal year beginning after  
9 September 30, 1994, meet the following requirements:

10           “(1) Have in effect throughout the State in  
11 such fiscal year a law which—

12           “(A) makes it unlawful for an individual to  
13 willfully, maliciously, and repeatedly follow or  
14 harass another individual while making a threat  
15 with the intent to place such individual in immi-  
16 nent fear of death or serious bodily injury;

17           “(B) provides a minimum penalty of—

18           “(i) in the case of a first offense, a  
19 fine of not less than \$1,000 or imprison-  
20 ment for not more than 5 years, or both;

21           “(ii) in the case of violation of a tem-  
22 porary or permanent vacate, restraining, or  
23 no-contact order or judgment issued under  
24 State law, imprisonment for not less than  
25 one year, but not more than 5 years;

1                   “(iii) in any other case, imprisonment  
2                   for not less than 2 years, but not more  
3                   than 10 years.

4                   “(2) Require that the State, in consultation  
5                   with State or local domestic violence coalitions, de-  
6                   velop training programs for law enforcement, judi-  
7                   cial, and court personnel.

8                   “(3) Require each public agency in the State  
9                   which employs law enforcement officers or judicial  
10                  personnel to report information regarding domestic  
11                  violence offenses to a designated statewide central  
12                  registry in the State.

13                  “(4) Require judicial personnel to search and  
14                  examine the central registry of statewide domestic  
15                  violence records when petitioned for a civil restrain-  
16                  ing order.

17                  “(5) Require judicial personnel to report infor-  
18                  mation regarding a defendant to law enforcement  
19                  personnel when an outstanding warrant exists.”.

20 **SEC. 4. STATE DATA BASES.**

21                  (a) ALLOCATION RESERVATION.—Subject to sub-  
22                  section (d), each State which receives funds under section  
23                  506 of the Omnibus Crime Control and Safe Streets Act  
24                  of 1968 in a fiscal year shall allocate not less than 5 per-

1 cent of such funds for the development of records regard-  
2 ing stalking and other forms of domestic violence.

3 (b) DEVELOPMENT OF RECORDS.—The development  
4 of records referred to in subsection (a) shall include—

5 (1) the development or expansion of maintain-  
6 ing records regarding the dispositions of all com-  
7 plaints and arrests for stalking and other forms of  
8 domestic violence;

9 (2) the full automation of such records; and

10 (3) the frequency and quality of reports sent to  
11 the Bureau of Justice Statistics.

12 (c) The Director, in consultation with the Director  
13 of the Bureau of Justice Statistics, shall establish guide-  
14 lines for the fulfillment of the requirements specified in  
15 subsections (a) and (b) of this section.

16 (d) In accordance with such guidelines as the Direc-  
17 tor shall issue and at the request of a State, the Director  
18 may—

19 (1) waive compliance with subsection (a) by  
20 such State; or

21 (2) authorize such State to reduce the mini-  
22 mum amount such State is required to allocate  
23 under subsection (a);

24 if the Director finds that the quality of the States' records  
25 regarding stalking and domestic violence complaints and

1 arrests does not warrant expending the amount allocated  
2 under subsection (a).

3 **SEC. 5. NATIONAL INFORMATION.**

4 (a) DEFINITIONS.—Not later than 6 months after the  
5 date of the enactment of this Act, the Bureau of Justice  
6 Statistics shall define terms that relate to stalking and  
7 make such definitions available to individuals and groups  
8 that request such information.

9 (b) COLLECTION OF DATA.—Not later than 2 years  
10 after the date of the enactment of this Act, the Bureau  
11 of Justice Statistics, in coordination with the Federal Bu-  
12 reau of Investigation and the States, shall compile a na-  
13 tional data base regarding stalking civil protective orders  
14 and other forms of domestic violence.

15 **SEC. 6. REPORTING.**

16 The Director of the Bureau of Justice Assistance  
17 shall submit to the Congress an annual report, beginning  
18 one year after the date of the enactment of this Act, that  
19 evaluates the effectiveness of State anti-stalking efforts  
20 and legislation.

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