

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 22.
CRIMINAL OFFENSES AND PENALTIES.

CHAPTER 31A.
STALKING.

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CHAPTER 31A. STALKING.

§ 22-3131. LEGISLATIVE INTENT.

(a) The Council finds that stalking is a serious problem in this city and nationwide. Stalking involves severe intrusions on the victim's personal privacy and autonomy. It is a crime that can have a long-lasting impact on the victim's quality of life, and creates risks to the security and safety of the victim and others, even in the absence of express threats of physical harm. Stalking conduct often becomes increasingly violent over time. The Council recognizes the dangerous nature of stalking as well as the strong connections between stalking and domestic violence and between stalking and sexual assault. Therefore, the Council enacts this law to encourage effective intervention by the criminal justice system before stalking escalates into behavior that has even more serious or lethal consequences.

(b) The Council enacts this stalking statute to permit the criminal justice system to hold stalkers accountable for a wide range of acts, communications, and conduct. The Council recognizes that stalking includes a pattern of following or monitoring the victim, or committing violent or intimidating acts against the victim, regardless of the means.

(Dec. 10, 2009, D.C. Law 18-88, § 501, 56 DCR 7413.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) addition, see § 501 of Omnibus Public Safety and Justice Emergency Amendment Act of 2009 (D.C. Act 18-181, August 6, 2009, 56 DCR 6903).

For temporary (90 day) addition, see § 501 of Omnibus Public Safety and Justice Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-227, October 21, 2009, 56 DCR 8668).

Legislative History of Laws

Law 18-88, the "Omnibus Public Safety and Justice Amendment Act of 2009", as introduced in Council and assigned Bill No. 18-151, which was referred to the Committee on Public Safety and the Judiciary. The bill as adopted on first and second readings on June 30, 2009, and July 31, 2009, respectively. Signed by the Mayor on August 26, 2009, it was assigned Act No. 18-189 and transmitted to both Houses of Congress for its review. D.C. Law 18-88 became effective on December 10, 2009.

§ 22-3132. DEFINITIONS.

For the purposes of this chapter, the term:

- (1) "Any device" means electronic, mechanical, digital or any other equipment, including: a camera, spycam, computer, spyware, microphone, audio or video recorder, global positioning system, electronic monitoring system, listening device, night-vision goggles, binoculars, telescope, or spyglass.
- (2) "Any means" includes the use of a telephone, mail, delivery service, e-mail, website, or other method of communication or any device.
- (3) "Communicating" means using oral or written language, photographs, pictures, signs, symbols, gestures, or other acts or objects that are intended to convey a message.
- (4) "Emotional distress" means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling;
- (5) "Financial injury" means the monetary costs, debts, or obligations incurred as a result of the stalking by the specific individual, member of the specific individual's household, a person whose safety is threatened by the stalking, or a person who is financially responsible for the specific individual and includes:
 - (A) The costs of replacing or repairing any property that was taken or damaged;
 - (B) The costs of clearing the specific individual's name or his or her credit, criminal, or any other official record;

- (C) Medical bills;
 - (D) Relocation expenses;
 - (E) Lost employment or wages; and
 - (F) Attorney's fees.
- (6) "Personal identifying information" shall have the same meaning as provided in § 22-3227.01(3).
- (7) "Specific individual" or "individual" means the victim or alleged victim of stalking.
- (8) "To engage in a course of conduct" means directly or indirectly, or through one or more third persons, in person or by any means, on 2 or more occasions, to:
- (A) Follow, monitor, place under surveillance, threaten, or communicate to or about another individual;
 - (B) Interfere with, damage, take, or unlawfully enter an individual's real or personal property or threaten or attempt to do so; or
 - (C) Use another individual's personal identifying information.

(Dec. 10, 2009, D.C. Law 18-88, § 502, 56 DCR 7413.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) addition, see § 502 of Omnibus Public Safety and Justice Emergency Amendment Act of 2009 (D.C. Act 18-181, August 6, 2009, 56 DCR 6903).

For temporary (90 day) addition, see § 502 of Omnibus Public Safety and Justice Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-227, October 21, 2009, 56 DCR 8668).

Legislative History of Laws

For Law 18-88, see notes following § 22-3131.

§ 22-3133. STALKING.

- (a) It is unlawful for a person to purposefully engage in a course of conduct directed at a specific individual:
- (1) With the intent to cause that individual to:
 - (A) Fear for his or her safety or the safety of another person;
 - (B) Feel seriously alarmed, disturbed, or frightened; or
 - (C) Suffer emotional distress;
 - (2) That the person knows would cause that individual reasonably to:
 - (A) Fear for his or her safety or the safety of another person;
 - (B) Feel seriously alarmed, disturbed, or frightened; or
 - (C) Suffer emotional distress; or
 - (3) That the person should have known would cause a reasonable person in the individual's circumstances to:
 - (A) Fear for his or her safety or the safety of another person;
 - (B) Feel seriously alarmed, disturbed, or frightened; or
 - (C) Suffer emotional distress.
- (b) This section does not apply to constitutionally protected activity.
- (c) Where a single act is of a continuing nature, each 24-hour period constitutes a separate occasion.
- (d) The conduct on each of the occasions need not be the same as it is on the others.

(Dec. 10, 2009, D.C. Law 18-88, § 503, 56 DCR 7413.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) addition, see § 503 of Omnibus Public Safety and Justice Emergency Amendment Act of 2009 (D.C. Act 18-181, August 6, 2009, 56 DCR 6903).

For temporary (90 day) addition, see § 503 of Omnibus Public Safety and Justice Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-227, October 21, 2009, 56 DCR 8668).

For Law 18-88, see notes following § 22-3131.

§ 22-3134. PENALTIES.

(a) Except as provided in subsections (b) and (c) of this section, a person who violates § 22-3133 shall be fined not more than \$1,000, imprisoned for not more than 12 months, or both.

(b) A person who violates § 22-3133 shall be fined not more than \$10,000, imprisoned for not more than 5 years, or both, if the person:

(1) At the time, was subject to a court, parole, or supervised release order prohibiting contact with the specific individual;

(2) Has one prior conviction in any jurisdiction of stalking any person within the previous 10 years;

(3) At the time, was at least 4 years older than the specific individual and the specific individual was less than 18 years of age; or

(4) Caused more than \$ 2,500 in financial injury.

(c) A person who violates § 22-3133 shall be fined not more than \$25,000, imprisoned for not more than 10 years, or both, if the person has 2 or more prior convictions in any jurisdiction for stalking any person, at least one of which was for a jury demandable offense.

(d) A person shall not be sentenced consecutively for stalking and identify theft based on the same act or course of conduct.

(Dec. 10, 2009, D.C. Law 18-88, § 504, 56 DCR 7413.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) addition, see § 504 of Omnibus Public Safety and Justice Emergency Amendment Act of 2009 (D.C. Act 18-181, August 6, 2009, 56 DCR 6903).

For temporary (90 day) addition, see § 504 of Omnibus Public Safety and Justice Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-227, October 21, 2009, 56 DCR 8668).

§ 22-3135. JURISDICTION.

(a) An offense shall be deemed to be committed in the District of Columbia if the conduct on at least one occasion was initiated in the District of Columbia or had an effect on the specific individual in the District of Columbia.

(b) A communication shall be deemed to be committed in the District of Columbia if it is made or received in the District of Columbia or, if the specific individual lives in the District of Columbia, it can be electronically accessed in the District of Columbia.

(Dec. 10, 2009, D.C. Law 18-88, § 505, 56 DCR 7413.)