

INTERSTATE STALKING PUNISHMENT AND PREVENTION
ACT OF 1996

MAY 6, 1996.—Committed to the Committee of the Whole House on the State of the
Union and ordered to be printed

Mr. MCCOLLUM, from the Committee on the Judiciary,
submitted the following

R E P O R T

[To accompany H.R. 2980]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 2980) to amend title 18, United States Code, with respect to stalking, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Interstate Stalking Punishment and Prevention Act of 1996”.

SEC. 2. PUNISHMENT OF INTERSTATE STALKING.

(a) **IN GENERAL.**—Title 18, United States Code, is amended by inserting after section 2261 the following:

“§ 2261A. Interstate stalking

“Whoever travels across a State line or within the special maritime and territorial jurisdiction of the United States with the intent to injure or harass another person, and in the course of, or as a result of, such travel places that person in reasonable fear of the death of, or serious bodily injury (as defined in section 1365(g)(3) of this title) to, that person or a member of that person’s immediate family (as defined in section 115 of this title) shall be punished as provided in section 2261 of this title.”.

(b) **CONFORMING AMENDMENTS.**—

(1) Section 2261(b) of title 18, United States Code, is amended by inserting “or section 2261A” after “this section”.

(2) Sections 2261(b) and 2262(b) of title 18, United States Code, are each amended by striking “offender’s spouse or intimate partner” each place it appears and inserting “victim”.

(3) The chapter heading for chapter 110A of title 18, United States Code, is amended by inserting “**AND STALKING**” after “**VIOLENCE**”.

(4) The table of chapters at the beginning of part I of title 18, United States Code, is amended by striking

“110A. Domestic violence 2261”
and inserting:

“110A. Domestic violence and stalking 2261”.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 110A of title 18, United States Code, is amended by inserting after the item relating to section 2261 the following new item:

“2261A. Interstate stalking.”.

PURPOSE AND SUMMARY

In the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), Congress established a new federal offense aimed at stalkers of current or former spouses or intimate partners. This offense did not address cases in which the victim was unrelated to the stalker. H.R. 2980, the “Interstate Stalking Punishment and Prevention Act of 1996” was introduced to address this insufficiency.

H.R. 2980 would establish a new federal crime for crossing a State line, or otherwise entering a federal jurisdiction for the purpose of injuring or harassing another person, when such action places the person in reasonable fear of bodily harm. The authorized penalties are the same as those provided for in the current interstate domestic violence offense.

BACKGROUND AND NEED FOR THE LEGISLATION

Over the last few years, the problem of stalking has grown tremendously, plaguing law enforcement officials at all levels. Well-publicized cases involving celebrities has served to highlight the frightening dimensions of this crime.

In some instances, the stalking victim has to move to a new residence, at times in a new state, to escape the tormentor. Yet moving does not guarantee an end to the victim’s nightmare. Some victims have been followed by their stalkers to the new state. This interstate stalking has made it increasingly difficult for law enforcement officials to investigate and prosecute the crime.

This bill establishes a new federal crime for crossing a State line, or otherwise entering federal jurisdiction, for the purpose of injuring or harassing another person. This bill does not generally federalize the offense of stalking. Rather, it ensures that this crime of stalking is given force and effect in all areas clearly within the responsibility of the federal government.

When a stalker operates across State lines, or travels in other areas within the jurisdiction of the federal government, it is very difficult for local law enforcement to conduct an effective investigation. In these instances, it is the proper role for federal law enforcement to investigate and prosecute the crime.

The federal government would only have jurisdiction in these limited interstate instances. There are tremendous stalking problems that local law enforcement can address. Congress encourages local police to enforce trespassing, harassment and threatening as a method of preventing the stalker from continuing the crime.

Stalking is a frightening and cowardly crime. Victims often feel trapped within their own homes. Family members and co-workers are also frequently threatened. Congress should do everything in its power to assist law enforcement in the apprehension and conviction of these predators.

The Justice Department is supportive of this legislation.

HEARINGS

The Committee's Subcommittee on Crime held one day of hearings on H.R. 2980 on March 7, 1996. Testimony was received from two witnesses, Representative Edward R. Royce of California, and Mr. Kevin V. DiGregory, Deputy Assistant Attorney General, representing the Department of Justice. No additional material was submitted.

COMMITTEE CONSIDERATION

On March 21, 1996, the Subcommittee on Crime met in open session and ordered reported favorably the bill H.R. 2980, as amended, by a voice vote, a quorum being present. On April 24, 1996, the Full Committee met in open session and ordered reported favorably the bill H.R. 2980 with amendment by voice vote, a quorum being present.

VOTE OF THE COMMITTEE

There were no recorded votes.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 2(1)(3)(A) of rule XI of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT FINDINGS

No findings or recommendations of the Committee on Government Reform and Oversight were received as referred to in clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 2(1)(3)(B) of House rule XI is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 2(1)(C)(3) of rule XI of the Rules of the House of Representatives, the Committee sets forth, with respect to H.R. 2980, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 30, 1996.

Hon. HENRY J. HYDE,
*Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 2980, the Interstate Stalking Punishment and Prevention Act of 1996, as ordered reported by the House Committee on the Judiciary of April 24, 1996. CBO estimates that enacting the bill could lead to increases in both direct spending and receipts, but the amounts involved would be less than \$500,000 a year. Because H.R. 2980 could affect direct spending and receipts, pay-as-you-go procedures would apply. The bill contains no mandates, as defined in Public Law 104-4, and would impose no direct costs on state, local, or tribal governments.

H.R. 2980 would establish a new federal crime related to interstate stalking. Violators of the bill's provisions would be subject to criminal fines and imprisonment. The imposition of new fines could cause governmental receipts to increase through greater penalty collections, but we estimate that any such increase would be less than \$500,000 annually. Criminal fines would be deposited in the Crime Victims Fund and would be spent in the following year. Thus, direct spending from the fund would match the increase in revenues with a one-year lag.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Mark Grabowicz and Stephanie Weiner.

Sincerely,

JAMES L. BLUM
(For June E. O'Neill, Director).

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(1)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that H.J. Res. 1 will have no significant inflationary impact on prices and costs in the national economy.

SECTION-BY-SECTION ANALYSIS

Section 1. Short Title.—This section states that the short title of the bill is the “Interstate Stalking Punishment and Prevention Act of 1996.”

Sec. 2. Punishment of Interstate Stalking.—This section amends title 18, United States Code, to establish a new federal offense for crossing a State line or otherwise entering Federal jurisdiction for the purpose of injuring or harassing another person, when such action places the person in reasonable fear of bodily harm.

The section also amends sections 2261(b) and 2262(b) of title 18, United States Code, by striking the language, “offender’s spouse or intimate partner,” and replacing it with the word “victim.” These latter changes are necessary because the bill expands the application of these two sections to include conduct relating to the stalking of strangers.

AGENCY VIEWS

The Committee received a letter from the U.S. Department of Justice providing Administration views on H.R. 2980, and other bills. The letter addressed the issues presented in H.R. 2980, in pertinent part, as follows:

H.R. 2980—INTERSTATE STALKING PUNISHMENT AND PREVENTION ACT

The proposed Interstate Stalking Punishment and Prevention Act of 1996 would enact an interstate stalking offense (proposed 18 U.S.C. 2261A). The proposed offense is modeled on the existing interstate domestic violence offense, 18 U.S.C. 2261. It would specifically cover traveling across a state line or entering or leaving Indian country with the intent to injure or harass another person, where the actor in the course of, or as a result of, such travel places that person in reasonable fear of death or serious bodily injury to the person or an immediate family member. The authorized penalties would be the same as those provided in 18 U.S.C. 2261.

In addition to proposing the new interstate stalking offense, the bill corrects a drafting problem in 18 U.S.C. 2262 (relating to interstate violations of protection orders). As currently drafted, the penalty provisions in 18 U.S.C. 2262 are facially narrower than the scope of the offense it defines, since the penalty provisions refer to harm to the offender's spouse or intimate partner, but the offense defined in subsection (a) could be premised on violation of a protection order issued for the benefit of any person. The bill corrects this problem by substituting references to the "victim" in the penalty provisions for references to "spouse or intimate partner."

The Department of Justice supports the enactment of this legislation. In essence, it fills a gap in existing federal law, which reaches interstate domestic violence (under 18 U.S.C. 2261) and interstate violations of protection orders (under 18 U.S.C. 2262), but does not cover essentially similar types of conduct where the victim has not had an intimate relationship with the offender and has not obtained a protection order. Since the scope of the proposed offense is generally limited to cases involving interstate movement of the offender, we do not believe that it will result in an excessive extension of federal jurisdiction or undermine state responsibility. Rather, like the existing offenses in 18 U.S.C. 2261–62, it will provide a supplementary measure for cases where the interstate nature of the offense may create difficulties for effective state investigation and prosecution.

In terms of drafting, we suggest the following corrections or refinements: (1) It would be advisable to add to 18 U.S.C. 2266 a definition of "harass," a term that appears without definition in 18 U.S.C. 2261 and proposed 18 U.S.C. 2261A. We would be pleased to work with the sponsors to devise an appropriate definition. (2) For consistency with the corresponding language in 18 U.S.C. 2261 (a)(1), proposed 18 U.S.C. 2261A should say "with the intent to injure, harass, or intimidate" rather than "with the intent to injure or harass." (3) The term "serious bodily injury" should be defined. This is a term often used in title 18, and its existing definition could be incorporated by reference by adding "(as defined in section 1365(g)(3) of this title)" after "serious bodily injury" in proposed 18

U.S.C. 2261A. (4) The phrase “of this title” should be inserted after “section 115” in proposed 18 U.S.C. 2261A. (5) The item for chapter 110A in the table of chapters for title 18, United States Code, should be amended to reflect the change in the chapter heading proposed in the bill (from “domestic violence” to “domestic violence and stalking”).

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 18, UNITED STATES CODE

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PART I—CRIMES

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|-------------|--|------------------|
| Chap. 1. | General provisions | Sec. 1 |
| | * * * * * | |
| | [110A. Domestic violence | 2261] |
| | 110A. <i>Domestic violence and stalking</i> | 2261 |
| | * * * * * | |

CHAPTER 110A—DOMESTIC VIOLENCE AND STALKING

| | |
|--|-----------|
| Sec. 2261. Interstate domestic violence. | * * * * * |
| 2261A. <i>Interstate stalking</i> | * * * * * |

§ 2261. Interstate domestic violence

- (a) * * *
- (b) PENALTIES.—A person who violates this section *or section 2261A* shall be fined under this title, imprisoned—
 - (1) for life or any term of years, if death of the [offender’s spouse or intimate partner] *victim* results;
 - (2) for not more than 20 years if permanent disfigurement or life threatening bodily injury to the [offender’s spouse or intimate partner] *victim* results;
 - (3) for not more than 10 years, if serious bodily injury to the [offender’s spouse or intimate partner] *victim* results or if the offender uses a dangerous weapon during the offense;
 - (4) as provided for the applicable conduct under chapter 109A if the offense would constitute an offense under chapter 109A (without regard to whether the offense was committed in the special maritime and territorial jurisdiction of the United States or in a Federal prison); and
 - (5) for not more than 5 years, in any other case,
 or both fined and imprisoned.

§ 2262. Interstate violation of protection order

(a) * * *

(b) PENALTIES.—A person who violates this section shall be fined under this title, imprisoned—

(1) for life or any term of years, if death of the [offender’s spouse or intimate partner] *victim* results;

(2) for not more than 20 years if permanent disfigurement or life threatening bodily injury to the [offender’s spouse or intimate partner] *victim* results;

(3) for not more than 10 years, if serious bodily injury to the [offender’s spouse or intimate partner] *victim* results or if the offender uses a dangerous weapon during the offense;

(4) as provided for the applicable conduct under chapter 109A if the offense would constitute an offense under chapter 109A (without regard to whether the offense was committed in the special maritime and territorial jurisdiction of the United States or in a Federal prison); and

(5) for not more than 5 years, in any other case, or both fined and imprisoned.

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§ 2261A. Interstate stalking

Whoever travels across a State line or enters or leaves Indian country with the intent to injure or harass another person, and in the course of, or as a result of, such travel places that person in reasonable fear of the death of, or serious bodily injury to, that person or a member of that person’s immediate family (as defined in section 115) shall be punished as provided in section 2261.

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