

STALKING PROTECTION ORDERS BY STATE
APRIL 28, 2006

State	Statute	Nature of Proceeding	Definition	Who qualifies for an order	What must the victim show	Standard of Proof	What does the Order Provide	Cost of Order	How does respondent receive notice	Gun Restrictions	Consequence if order is knowingly violated	How do Police know the Order exists
ALASKA	A.S. §18.65.850	Civil Protective Order for Stalking	“Stalking” defined as violations of A.S. 11.41.260 (stalking in the first degree) or A.S. 11.41.270 (stalking in the second degree). “...if the person knowingly engages in a course of conduct that recklessly places another person in fear of death or physical injury, or in fear of death or physical injury of a family member. A.S. 11.41.270.	A person who reasonably believes that they are a victim of stalking that is not a crime involving domestic violence. A parent or guardian on behalf of a minor.	Respondent has committed stalking against the petitioner, regardless of whether the respondent appears at the hearing.	Preponderance of the evidence	1) prohibit the respondent from threatening to commit or committing stalking; 2) prohibit the respondent from telephoning, contacting or otherwise communicating directly or indirectly with the petitioner or designated household member of the petitioner specifically named by the court; 3) direct the respondent to stay away from the residence, school or place of employment of the petitioner, or any specified place frequented by the petitioner ONLY if the respondent has been provided actual notice of opportunity to appear and be heard on the petition.	No filing fee	Court shall have the order delivered to appropriate local law enforcement agency for expedited service. Service of process is same as for domestic violence protection orders set forth in A.S. 18.66.160. A peace officer shall use “every reasonable means to serve process”. Petitioner may also use any other available means to serve process.	Statute is silent	Each order must state “Violation of this order may be a misdemeanor, punishable by up to one year of incarceration and a fine of up to \$5,000”	Statute is silent
CALIFORNIA	Cal. Civ. P. Code Ann. §527.6	Civil – Harassment Restraining Order	646.9. (a) Any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in	A person who has suffered harassment (12 and older)	shows reasonable proof of harassment	clear and convincing evidence	Injunctive relief	No fee	defendant shall be personally served	Yes	misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000), or by imprisonment in a	Petitioner gives to law enforcement

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CALIFORNIA			reasonable fear for his or her safety, or the safety of his or her immediate family is guilty of the crime of stalking, punishable by imprisonment in a county jail for not more than one year, or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment, or by imprisonment in the state prison.								county jail for not more than one year, or by both that fine and imprisonment.	
COLORADO	Colo.Rev. Stat. Ann.§13-14-102	Civil process and mandatory criminal process	C.R.S.A. § 18-9-111 A person commits stalking if directly, or indirectly through another person, such person knowingly:(I) Makes a credible threat to another person and, in connection with such threat, repeatedly follows, approaches, contacts, or places under surveillance that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship; or (II) Makes a credible threat to another person and, in connection with such threat, repeatedly makes any form of communication with that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship, regardless of whether a conversation ensues; or(III) Repeatedly follows, approaches, contacts, places under surveillance, or makes any form of communication with another person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship in a manner that would cause a reasonable person to suffer serious emotional	10 years of age or older	Victim of stalking	is of the opinion that the defendant has committed acts constituting grounds for issuance of a civil protection order and that unless restrained will continue to commit such acts	Restraining a party from threatening, molesting, or injuring any other party or the minor child of either of the parties; Restraining a party from contacting any other party or the minor child of either of the parties; Excluding a party from the family home; Excluding a party from the home of another; Awarding temporary care and control of any minor children of either party	No filing fee	Personal service, or mail	Unclear	Criminal contempt	Court electronically transfer into central registry

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COLORADO			distress and does cause that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship to suffer serious emotional distress. For purposes of this subparagraph (III), a victim need not show that he or she received professional treatment or counseling to show that he or she suffered serious emotional distress.									
FLORIDA	F.S.A. §784.046	Civil Petition for Protective Injunction	Stalking" defined as any person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person. "Aggravated stalking" includes additional element to stalking, such as "with intent to place person in reasonable fear of death or bodily injury", if the person is a minor under 16, if committed after an injunction for protection. 784.048.	Any person who is the victim of stalking or aggravated stalking or the parent or legal guardian of any minor child who is living at home on behalf of minor child.	Incidents (including specific facts and circumstances)	Statute is silent	Such relief as the court deems proper, including an injunction: (a) enjoining the respondent from committing any acts of violence. (b) ordering such other relief as the court deems necessary for the protection of the petitioner, including injunctions or directives to law enforcement agencies as provided in the statute.	No filing fee.	Sheriff or law enforcement agency serves respondent as soon as possible any day or time. Only law enforcement officers are authorized to serve a temporary injunction. Upon petitioner's request, courts may order law enforcement officer to accompany petitioner to serve the injunction provided by petitioner on respondent located but not yet served.	Unclear	Law officers may use arrest powers to enforce terms of injunction. A court may enforce through civil or criminal contempt proceeding and a monetary assessment. If respondent is arrested for violating injunction, held in custody until brought before court to enforce injunction and set bail pending a hearing. A willful violation (by behavior specifically listed in the statute) is a first degree misdemeanor and punishable as such. 784.047	Entry into Statewide Verification System that allows electronic transmission of the injunction (must be inputted within 24 hours)
MARYLAND	Md. Cts. and Jud.	Civil Peace Orders	Stalking "stalking" means a malicious course of conduct that includes	Victim of stalking	The nature and extent of the act specified for	clear and convincing evidence	Refrain from committing or	Not indicated	By mail	No	Criminal prosecution and imprisonment or	Petitioner serves LE

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MARYLAND	P. Code Ann. §§3-1501 – 1509		approaching or pursuing another where the person intends to place or knows or reasonably should have known the conduct would place another in reasonable fear: of serious bodily injury; of an assault in any degree; of rape or sexual offense or attempted rape or sexual offense in any degree; of false imprisonment; or of death; or that a third person likely will suffer any of the acts listed in item of this subsection.		which the relief is being sought, including information known to the petitioner concerning previous harm or injury resulting		threatening to commit an act specified in § 3-1503(a) (rape or sex offense) against the petitioner; Refrain from contacting, attempting to contact, or harassing the petitioner; Refrain from entering the residence of the petitioner; Remain away from the place of employment, school, or temporary residence of the petitioner; (v) Direct the respondent or petitioner to participate in professionally supervised counseling; (vi) Order either party to pay filing fees and costs of a proceeding under this subtitle. (2) If the judge issues an order the order shall contain only the relief that is minimally necessary to protect the petitioner.				fine or both	

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MICHIGAN	Michigan Compiled Laws § 600.2950a	Civil Petition for Personal Protection Order	“Stalking” and “Aggravated Stalking” defined in Michigan Penal Code 750.411h & 750.411i.. Stalking means 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. Aggravated stalking if offense is also in violation of restraining order the respondent knows of, violation of injunction, violation of condition or parole, probation, pretrial release, or if respondent made a credible threat against victim or victim’s family, or if previous conviction for stalking.	An individual who petitions the court EXCEPT a court shall not issue the order if: the respondent is the unemancipated minor child of the petitioner, the petitioner is the unemancipated minor of the respondent, or if the respondent is less than 10 years old.	Facts that constitute stalking as defined in Michigan Penal Code §750.411h and §750.411i. Relief may be sought and granted regardless of whether respondent has been criminally charged or convicted.	Statue is silent.	To restrain or enjoin an individual in conduct that is prohibited in Michigan Penal Code definition of “stalking” and “aggravated stalking”.	No fee	Served personally or by registered or certified mail, return receipt requested to last known address or by any other manner provided in Michigan court rules. If respondent is under 18, service also made on the parent, guardian or custodian.	Yes	If respondent is 17 or older, immediate arrest and civil & criminal contempt powers of court – if found guilty of contempt, imprisoned for not more than 93 days and fined no more than \$500. If under 17, taken into custody and subject to dispositional alternatives listed in probate code MCL 712A.18	Law enforcement agency immediately enters the order into the L.E.I.N. (Law Enforcement Information Network)
MINNESOTA	Minn. Stat. Ann. §609.748	Civil – Harassment Restraining Order	"Harassment" includes: (1) a single incident of physical or sexual assault or repeated incidents of intrusive or unwanted acts, words, or gestures that have a substantial adverse effect or are intended to have a substantial adverse effect on the safety, security, or privacy of another, regardless of the relationship between the actor and the intended target;	A person who is a victim of harassment may seek a restraining order from the district court in the manner provided in this section. The parent, guardian, or stepparent of a minor who is a victim of harassment may seek a restraining order from the district court on behalf of the minor.	specific facts and circumstances from which relief is sought.	the court finds at the hearing that there are reasonable grounds to believe that the respondent has engaged in harassment.	to cease or avoid harassment of petitioner or to have no contact petitioner	No fee	Personal service must be affected	Yes	violation of the order is a misdemeanor. And/or civil contempt	shall be forwarded by the court administrator within 24 hours to the local LE with jurisdiction over the residence of the applicant. LE shall make available to other LE through a system for verification, information as to the existence and status of any order
MISSOURI	Missouri Statutes §455.005	Civil Order of Protection	“Stalking” is when an adult purposely and repeatedly engages in an unwanted course of conduct	Any adult who has been the victim of stalking.	A verified petition alleging such stalking by	Preponderance of the evidence	May include: 1) restraining the respondent from abusing,	No filing fees, court costs or bonds	LE served upon respondent or mailed to last known address.	Unclear	Arrest – see §455.085 providing guidance to law enforcement	A copy of the order is issued to the local law enforcement agency where

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			that causes alarm to another person when it is reasonable in that person's situation to have been alarmed by the conduct.		respondent		threatening to abuse, molesting, stalking or disturbing the peace of the petitioner; 2) restraining the respondent from entering the premises of petitioner's dwelling unit; 3) restraining the respondent from communicating with the petitioner in any manner or through any medium and 4) temporary custody of minor children where appropriate. (Also DV related remedies including visitation, custody, child support, etc)		Failure to serve or mail does not affect the validity or enforceability of order.		regarding arrest (primary physical aggressor-domestic violence context) Court may punish willful violation to same extent as provided by law for contempt of court.	petitioner resides and entered the same day into MULES (Missouri Uniform law Enforcement System).
MONTANA	Mont. Code Ann. §40-15	Civil	Stalking as defined in 45-5-220 A person commits the offense of stalking if the person purposely or knowingly causes another person substantial emotional distress or reasonable apprehension of bodily injury or death by repeatedly: (a) following the stalked person; or (b) harassing, threatening, or intimidating the stalked person, in person or by mail, electronic communication, as defined in 45-8-213, or any other action, device, or method. (2) This section does not apply to a constitutionally protected activity	Victim of stalking as defined in 45-5-220	Petitioner shall file a sworn petition that states that the petitioner is in reasonable apprehension of bodily injury	Not stated	Prohibits any further threats or contact, residence exclusion; 1500 ft. stay away worksite or other specified place	No cost	Personal service, mail, publication	Yes	"Violation of this order is a criminal offense under 45-5-220 or 45-5-626 and may carry penalties of up to \$10,000 in fines and up to a 5-year jail sentence.	The clerk of court, shall, within 24 hours, mail a copy of the order, to the appropriate LE agencies designated, which shall, within 24 hours after receipt of the order, enter the order into the database of the national crime information center

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NEBRASKA	Neb.Rev.St . § 28-311.02; 28-311.03;28-311.09; 28-311.10	Civil – Harassment Protection Order	Any person who willfully harasses another person with the intent to injure, terrify, threaten, or intimidate commits the offense of stalking.	Victim of harassment or stalking – no age limit	Victim of stalking	Not stated	enjoining the respondent from (a) imposing any restraint upon the person or liberty of the petitioner, (b) harassing, threatening, assaulting, molesting, attacking, or otherwise disturbing the peace of the petitioner, or (c) telephoning, contacting, or otherwise communicating with the petitioner.	No Fee	The respondent was given reasonable notice and an opportunity to be heard sufficient to protect the respondent's right to due process before the order was issued;	No	Arrest or contempt	petitioner provides the peace officer with a copy of a harassment protection order or the peace officer determines that such an order exists after communicating with the local law enforcement agency
NEVADA	N.R.S. §200.591	Civil & Criminal	Stalking, aggravated stalking or criminal harassment A person who, without lawful authority, willfully or maliciously engages in a course of conduct that would cause a reasonable person to feel terrorized, frightened, intimidated or harassed, and that actually causes the victim to feel terrorized, frightened, intimidated or harassed, commits the crime of stalking.(200.575)	person who reasonably believes that the crime of stalking, aggravated stalking or harassment is being committed against him by another person may petition any court of competent jurisdiction for a temporary or extended order	Specific circumstances and facts as victim of stalking	Unclear	Stay away from the home, school, business or place of employment of the victim of the alleged crime and any other location specifically named by the court. Refrain from contacting, intimidating, threatening or otherwise interfering with the victim of the alleged crime and any other person named in the order, including, without limitation, a member of the family or the	No Fee	Be personally served on the person to whom it is directed;	No	An extended order is guilty of a category C felony and shall be punished as provided in NRS 193.130 .	Each court that issues an order pursuant to NRS 200.591 shall transmit, as soon as practicable, a copy of the order to all law enforcement agencies within its jurisdiction.

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NEVADA							household of the victim of the alleged crime. Comply with any other restriction which the court deems necessary to protect the victim of the alleged crime or to protect any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged crime.					
NEW HAMPSHIRE	N.H. Rev. Stat. § 173	Civil – Protective Order	N.H. Rev. Stat. § 633:3-a A person commits the offense of stalking if such person: (a) Purposely, knowingly, or recklessly engages in a course of conduct targeted at a specific person which would cause a reasonable person to fear for his or her personal safety or the safety of a member of that person's immediate family, and the person is actually placed in such fear; (b) Purposely or knowingly engages in a course of conduct targeted at a specific individual, which the actor knows will place that individual in fear for his or her personal safety or the safety of a member of that individual's immediate family; or (c) After being served with, or otherwise provided notice of, a protective order pursuant to RSA 173-B, RSA 458:16 , or paragraph III-a of this section, or an order pursuant to RSA 597:2 that	No age limit	A finding of abuse shall mean the defendant represents a credible threat to the safety of the plaintiff.	Preponderance of Evidence	the court shall grant such relief as is necessary to bring about a cessation of abuse; Restraining the defendant from abusing the plaintiff. (2) Restraining the defendant from entering the premises and curtilage where the plaintiff resides, except when the defendant is accompanied by a peace officer and is allowed entry by the plaintiff for the sole purpose of retrieving personal	No filing fee	Notice of the action and of the facts alleged against the defendant shall be given to the defendant, either personally or as provided in paragraph III.	Yes	A willful violation of this order is a crime, as well as contempt of court. Violations of the protective provisions shall result in arrest and may result in imprisonment."	A copy of any order made under this chapter which prohibits any person from abusing another shall be promptly transmitted to the local law enforcement agency having jurisdiction to enforce such order

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NEW HAMPSHIRE			<p>prohibits contact with a specific individual, purposely, knowingly, or recklessly engages in a single act of conduct that both violates the provisions of the order and is listed in paragraph II(a).</p> <p>(a) "Course of conduct" means 2 or more acts over a period of time, however short, which evidences a continuity of purpose. A course of conduct shall not include constitutionally protected activity, nor shall it include conduct that was necessary to accomplish a legitimate purpose independent of making contact with the targeted person. A course of conduct may include, but not be limited to, any of the following acts or a combination thereof: (1) Threatening the safety of the targeted person or an immediate family member.(2) Following, approaching, or confronting that person, or a member of that person's immediate family.(3) Appearing in close proximity to, or entering the person's residence, place of employment, school, or other place where the person can be found, or the residence, place of employment or school of a member of that person's immediate family.(4) Causing damage to the person's residence or property or that of a member of the person's immediate family.(5) Placing an object on the person's property, either directly or through a third person, or that of an immediate family member. (6) Causing injury to that person's pet, or to a pet belonging to a member of that person's immediate family.</p>				<p>property specified by the court.</p> <p>(3) Restraining the defendant from contacting the plaintiff or entering the plaintiff's place of employment, school, or any specified place frequented regularly by the plaintiff or by any family or household member.</p> <p>(4) Restraining the defendant from abusing the plaintiff, plaintiff's relatives, regardless of their place of residence, or plaintiff's household members in any way.</p> <p>(5) Restraining the defendant from taking, converting, or damaging property in which the plaintiff may have a legal or equitable interest.</p>					

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OKLAHOMA	Okla.State. Ann. Tit. 22,§60.2	Civil – Protective Order	"Stalking" means the willful, malicious, and repeated following of a person by an adult, emancipated minor, or minor thirteen (13) years of age or older, with the intent of placing the person in reasonable fear of death or great bodily injury;	Victim of domestic abuse, stalking, harassment, rape Any adult or emancipated minor household member on behalf of family or household member who is a minor or incompetent or any minor age 16 or 17	Stalking by non family or household member or former dating relationship required to report to law enforcement	Preponderance of evidence	the court may impose any terms and conditions in the protective order that the court reasonably believes are necessary	No filing fee	Service by LE or Sheriff, Petitioner takes copy to LE	Unclear	Misdemeanor offense	Petitioner gives copies to LE – LE responsible for notifying other LE which may include entry into National Crime Info Center database
OREGON	O.R.S. § 163.738	Civil Protective Order	The person intentionally, knowingly or recklessly engages in repeated and unwanted contact with the other person or a member of that person's immediate family or household thereby alarming or coercing the other person; (ii) It is objectively reasonable for a person in the victim's situation to have been alarmed or coerced by the contact; and (iii) The repeated and unwanted contact causes the victim reasonable apprehension regarding the personal safety of the victim or a member of the victim's immediate family or household.	163.744 A person may initiate an action seeking a citation under ORS 163.735 by presenting a complaint to a law enforcement officer or to any law enforcement agency.	The complaint shall be a statement setting forth with particularity the conduct that is the basis for the complaint. The petitioner must affirm the truth of the facts in the complaint.	preponderance of the evidence	In the order, the court shall specify the conduct from which the respondent is to refrain, which may include all contact listed in ORS 163.730 and any attempt to make contact listed in ORS 163.730 . The order is of unlimited duration unless limited by law. LE officer shall report the results of any investigation arising from a complaint under ORS 163.744 to the district attorney within three days after presentation of the complaint.	No filing fee	Personal Service	Unclear	Violating a court's stalking protective order is a Class A misdemeanor	Through the complaint process or copy given to local LE

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SOUTH CAROLINA	SC ST §16-3-1700 and 16-3-1750	Civil	"Stalking" means a pattern of words, whether verbal, written, or electronic, or a pattern of conduct that serves no legitimate purpose and is intended to cause and does cause a targeted person and would cause a reasonable person in the targeted person's position to fear:(1) death of the person or a member of his family;(2) assault upon the person or a member of his family;(3) bodily injury to the person or a member of his family;(4) criminal sexual contact on the person or a member of his family; (5) kidnapping of the person or a member of his family; or (6) damage to the property of the person or a member of his family.	Victim of criminal stalking	A complaint and motion for a restraining order may be filed The complaint must: allege the defendant is engaged in harassment in the first or second degree or stalking and must state the time, place, and manner of the acts complained of, and other facts and circumstances upon which relief is sought;	Upon a showing of good cause	abusing, threatening to abuse, or molesting the plaintiff or members of the plaintiff's family; (2) entering or attempting to enter the plaintiff's place of residence, employment, education, or other location; and (3) communicating or attempting to communicate with the plaintiff in a way that would violate the provisions of this article.	No cost	court shall serve the defendant with a certified copy	No	Violation of this order is a criminal offense punishable by thirty days in jail, a fine of five hundred dollars, or both".	Copy given to local LE
SOUTH DAKOTA	S.D. Codified Law §§22-19A-8 – 2219A-17	Civil Protective Order	SDCL § 22-19A-1Any person: (1) Who willfully, maliciously, and repeatedly follows or harasses another person; (2) Who makes a credible threat to place that person in reasonable fear of death or great bodily injury; or (3) Who willfully, maliciously, and repeatedly harasses another person by means of any verbal, electronic, digital media, mechanical, telegraphic, or written communication	Victim of stalking or physical injury as a result of an assault or a crime of violence as defined in 22-1-2-(9)	Petitioner must allege existence of stalking, physical injury stating specific facts and circumstance	Preponderance of Evidence	Restrain party from committing acts of stalking, or physical injury as a result of an assault or a crime of violence as defined in 22-1-2(9) Lasts up to 3 years	Not stated	Personal service	No	Class 1 misdemeanor or Class 6 Felony if another assault	Victim gives certified copy to county law enforcement agency. That agency is responsible for other agencies w/in the county to know of the order.
VIRGINIA	Va. Code Ann. § 19.2-152.10	Civil Protective Order	§ 18.2-60.3. Stalking Any person who who on more than one occasionengages in conduct directed at another person with the intent to place, or when he knows or reasonably should know that the conduct places that other person in	Victim of criminal stalking	Victim of criminal stalking	upon the issuance of a warrant for a criminal offense (stalking)	Prohibiting such contacts by the respondent with the petitioner or family or household members of the	No Coast	copy of the protective order shall be served on the respondent and provided to the petitioner as soon as possible	Unclear	Except as otherwise provided, a violation of a protective order issued under this section shall	shall enter into the Virginia Criminal Information Network system

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VIRGINIA			reasonable fear of death, criminal sexual assault, or bodily injury to that other person or to that other person's family or household member is guilty of a Class 1 misdemeanor.				petitioner as the court deems necessary for the health or safety of such persons; and Any other relief necessary to prevent criminal offenses that may result in injury to person or property, or acts of stalking, communication or other contact of any kind by the respondent.				constitute contempt of court.	

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