

## Federal Interstate Stalking Law



The National Center for Victims of Crime  
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# Federal Interstate Stalking Law

18 U.S.C. § 2261A <sup>(1)</sup>	Interpretation
<p>Whoever (1) travels in interstate or foreign commerce or within the special maritime and territorial jurisdiction of the United States, or enters or leaves Indian country, with the intent to kill, injure, harass, or intimidate 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, a member of the immediate family (as defined in section 115) of that person, or the spouse or intimate partner of that person; or (2) with the intent (A) to kill or injure a person in another State or tribal jurisdiction or within the special maritime and territorial jurisdiction of the United States; or (B) to place a person in another State or tribal jurisdiction or within the special maritime and territorial jurisdiction of the United States, in reasonable fear of the death of, or serious bodily injury to (i) that person; (ii) a member of the immediate family (as defined in section 115) of that person; or (iii) a spouse or intimate partner of that person, uses the mail or any facility of interstate or foreign commerce to engage in a course of conduct that places that person in reasonable fear of the death of, or serious bodily injury to, any of the persons described in clauses (i) through (iii), shall be punished as provided in § 2261(b).</p>	<p>§ 2261A(1) makes it a federal crime to travel across state, tribal or international lines to stalk someone. The stalker must have the intent to kill, injure, harass, or intimidate the victim, who must be placed in reasonable fear of death or serious bodily injury. The victim's family members, spouse or intimate partners are also protected.</p> <p>§ 2261A(2) makes it a federal crime to stalk someone across state, tribal or international lines, using regular mail, e-mail, or the Internet (i.e., cyberstalking). The stalker must have the intent to kill or injure the victim, or to place the victim, a family member, or a spouse or intimate partner of the victim in fear of death or serious bodily injury.</p> <p>§ 2261A(1) and (2) make it a federal crime to stalk someone within the special or maritime jurisdiction of the U.S. This includes federal lands such as national parks and military bases.</p> <p>If you have any questions about the interpretation of these provisions, contact the U.S. Attorney's Office in your district.</p>
Key Definitions	
<p>"Spouse or Intimate Partner" (See 18 U.S.C. § 2266(7)(A)(ii))</p> <ul style="list-style-type: none"> <li>• A spouse or former spouse of the target of the stalking;</li> <li>• A person who shares a child in common with the target of the stalking;</li> </ul>	<p><b>"Serious Bodily Injury"</b> [See 18 U.S.C. § 2119(2) and 18 U.S.C. § 1365(g)(3) and(4)]</p> <p>Bodily injury (see below) which involves (A) a substantial risk of death; (B) extreme physical pain; (C) protracted and obvious disfigurement; or (D) protracted loss or impairment of the</p>

<sup>1</sup> 118 U.S.C. § 2261A was originally enacted on September 23, 1996. In November 2000, the federal statute was amended as part of the Violence Against Women Act (VAWA) of 2000.

<ul style="list-style-type: none"> <li>• A person who cohabits or has cohabited as a spouse with the target of the stalking; or</li> <li>• Any other person similarly situated to a spouse who is protected by the domestic and family violence laws of the state or tribal jurisdiction where the injury occurred or the victim resides.</li> </ul> <p>"Course of Conduct" (See 18 U.S.C. § 2266(2))</p> <p>A pattern of conduct composed of two or more acts, evidencing a continuity of purpose.</p>	<p>function of a bodily member, organ, or mental faculty. This includes any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States would violate section 2241 (aggravated sexual abuse) or 2242 (sexual abuse) of this title.</p> <p><b>"Bodily Injury"</b> (See U.S.C. § 1365(g)(4))</p> <p>(A) a cut, abrasion, bruise, or disfigurement; (B) physical pain; (C) illness; (D) impairment of the function of a bodily member, organ, or mental faculty; or (E) any other injury to the body, no matter how temporary.</p> <p><b>"Immediate Family"</b> (See 18 U.S.C. § 115(c)(2))</p> <p>Immediate family includes the individual's spouse, parents, siblings, children, or any other person living in the individual's household related by blood or marriage.</p>
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To report a violation of this federal law, contact the FBI or U.S. Attorney's Office in your district.

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