

# Stalking Awareness And Prevention



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**Goal: Recognize a Course of Conduct  
as it Relates to Stalking and to  
Conduct an effective investigation.**

# Objectives

1. Identify the Elements of Simple Stalking.
2. Identify the Elements of Aggravated Stalking.
3. Identify the Elements Punishments for Aggravated Stalking.
4. Define “Course of conduct” as it pertains to Stalking.
5. Define “without lawful authority” as it pertains to Stalking.
6. Identify the Elements of a Restraining Order.
7. Identify the expiration of a Temporary Restraining Order.
8. Identify the expiration of a Permanent Restraining Order.
9. Identify the Punishments of a Restraining Order.

# Harassment

## NRS 200.571

(a) Without lawful authority, the person knowingly threatens:

(1) To cause bodily injury in the future to the person threatened or to any other person;

(2) To cause physical damage to the property of another person;

(3) To subject the person threatened or any other person to physical confinement or restraint; or

(4) To do any act which is intended to substantially harm the person threatened or any other person with respect to his physical or mental health or safety; and

(b) The person by words or conduct places the person receiving the threat in *reasonable fear* that the threat will be carried out.

# Punishment for Harassment

- (a) For the first offense, is guilty of a misdemeanor.
  
- (b) For the second or any subsequent offense, is guilty of a gross misdemeanor.

# Elements of Stalking

## NRS 200.575



1. A person
2. Without Lawful Authority.
3. Engages in a “**Course of Conduct.**”
4. That would cause a **REASONABLE PERSON** to feel *terrorized, frightened, intimidated, or harassed.*
5. That *actually* causes a victim to feel terrorized, frightened, intimidated, or harassed.

# Definitions

“**Without lawful authority**” includes acts which are initiated or continued without the victim’s consent. The term does not include acts which are otherwise protected or authorized by constitutional or statutory law, regulation or order of a court of competent jurisdiction, including, but not limited to:

- (1) Picketing which occurs during a strike, work stoppage or any other labor dispute.
- (2) The activities of a reporter, photographer, cameraman or other person while gathering information for communication to the public if that person is employed or engaged by or has contracted with a newspaper, periodical, press association or radio or television station and is acting solely within that professional capacity.
- (3) The activities of a person that are carried out in the normal course of his lawful employment.
- (4) Any activities carried out in the exercise of the constitutionally protected rights of freedom of speech and assembly

*\* Marriage is not an exception to stalking*

# Definitions

1. Engages in a “**Course of Conduct.**”

Course of Conduct means a pattern of conduct which consist of a series of acts over time that evidences a continuity of purpose directed at a specific person

- \* \*look at timeframe

## Punishment for Stalking

- (a) For the first offense, is guilty of a misdemeanor.
- (b) For any subsequent offense, is guilty of a gross misdemeanor.



# Aggravated Stalking



## Elements of Aggravated Stalking

- a. A person
  - b. Commits the crime of stalking and
  - c. Threatens the person with the intent to cause him to be placed in *reasonable fear of death or substantial bodily harm*.
- In simple stalking, a **REASONABLE PERSON** has to feel *terrorized, frightened, intimidated, or harassed*

# Punishment for Aggravated Stalking



**Category B felony:** by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$5,000

# Stalking with Use of the Internet



A person who commits the crime of stalking with the use of an Internet or network site or electronic mail or any other similar means of communication to publish, display or distribute information in a manner that substantially increases the risk of harm or violence to the victim

Punishment: a Category C felony 1-5 years

# Restraining Orders

## NRS 200.591

A person who reasonably believes that the crime of stalking, aggravated stalking or harassment is being committed against him may ask a court for a Restraining Order that orders the adverse part to:

(a) 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.

(b) Refrain from contacting, intimidating, threatening or otherwise interfering with the victim of the alleged crime and any other person, including a member of the family or the household of the victim, specifically named by the court.

# Temporary Restraining Orders

1. A temporary order may be granted with or without notice to the adverse party
2. A temporary order expires within *30 days*, as the court fixes.
3. If a petition for an extended order is filed within the period of a temporary order, the temporary order remains in effect until the hearing on the extended order is held.

# Extended Restraining Orders



An extended order expires within such time, *not to exceed 1 year.*

A temporary order may be converted by the court, upon notice to the adverse party and a hearing, into an extended order effective for no more than 1 year

# Punishments for Restraining Orders



1. A temporary order is guilty of a gross misdemeanor.
2. An extended order is guilty of a category C felony.
3. Any court order issued pursuant to this section must:
  - (a) Be in writing;
  - (b) Be *personally served* on the person to whom it is directed;  
and
  - (c) Contain the warning that violation of the order:
    - (1) Subjects the person to immediate arrest.
    - (2) Is a gross misdemeanor if the order is a temporary order.
    - (3) Is a category C felony if the order is an extended order.

# Enforcement of Restraining Orders



A peace officer, *without a warrant*, may arrest and take into custody a person when the peace officer has reasonable cause to believe that:

- (a) An order has been issued to the person to be arrested;
- (b) The person to be arrested has received a copy of the order; and
- (c) The person to be arrested is acting in violation of the order.

Any law enforcement agency in this state may enforce a court order issued

# Questions / Discussion

