

WV Laws

ARTICLE 2. CRIMES AGAINST THE PERSON.
§61-2-9a. Stalking, harassment

- (a) Stalking. Any person who engages in a course of conduct directed at another person with the intent to cause the other person to fear for his or her personal safety, the safety of others, or suffer substantial emotional distress, or causes a third person to so act, is guilty of a misdemeanor.
- (b) Harassment. Any person who harasses, or repeatedly makes credible threats against another is guilty of a misdemeanor.
- (g) Any person who harasses or stalks another person with the intent to cause the person to physically injure himself or herself, or to take his or her own life, or who continues to harass or stalk another, knowing or having reason to know that the person is likely to physically injure himself or herself, or to take his or her own life based, in whole or in part, on such harassment or stalking, is guilty of a felony.

“Course of conduct” means a pattern of conduct composed of two or more acts in which a defendant directly, indirectly, or through a third party by any action, method, device, or means:

- (a) Follows, monitors, observes, surveils, or threatens a specific person or persons;
- (b) Engages in other nonconsensual contact and/or communications, including contact through electronic communication, with a specific person or persons; or
- (c) Interferes with or damages a person’s property or pet

Federal Laws

Federal legislation adds protections for stalking victims. 18 USC §2261 and §2261A make it a crime to cross a state line in order to stalk or harass another person, a spouse, or partner. Prohibitions include using the mail, computers or electronic communications to harass or intimidate, as well as stalking or harassment in United States jurisdictions.

Other federal statutes cover actions that may be connected with stalking victimization, such as interstate violation of a protection order (18 USC §2262), interstate communication making threats to kidnap or injure a person (18 USC §875(c)), and use of telecommunications devices to abuse, harass or threaten a specific person in the District of Columbia or in interstate or foreign situations (47 USC §223(a)).

If you are a victim of sexual assault or stalking, contact your local rape crisis center. Help is available 24/7.

Advocating a Way for Adults and Youth (AWAY)

Beckley
304-255-2559

Centers Against Violence (CAV)

Elkins
304-636-8433
800-339-1185

CONTACT Huntington

Huntington
866-399-7273

Eastern Panhandle Empowerment Center (EPEC)

Martinsburg
304-263-8292

Family Crisis Center (FCC)

Keyser
800-698-1240

Family Crisis Intervention Center (FCIC)

Parkersburg
800-794-2335

Family Refuge Center (FRC)

Lewisburg
800-645-6334

HOPE, Inc.

Fairmont
304-367-1100

Rape and Domestic Violence Information Center (RDVIC)

Morgantown
304-292-5100

REACH - The Counseling Connection

Charleston
304-340-3676

Sexual Assault Help Center (SAHC)

Wheeling
800-884-7242

Stop Abusive Family Environments (SAFE)

Welch
800-688-6157

Or

National Sexual Assault Hotline

1-800-656-HOPE

West Virginia Foundation for Rape Information and Services, Inc.

www.fris.org



STALKING

West Virginia Foundation
for Rape Information and Services



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STALKING...

“A pattern of behavior directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others; or suffer substantial emotional distress.” (SPARC, 2023)

Know the Facts

Anyone can be stalked. However, certain factors—such as gender and age—may increase the risk.

- An estimated 1 in 6 women and 1 in 17 men in the United States have been victims of stalking during their lifetimes (Smith et al., 2018)
- In West Virginia, 1 in 6 women and 1 in 15 men have been stalked during their lifetimes (Smith et al., 2017)
- Roughly half of victims are stalked by an acquaintance or stranger (Smith et al., 2017)

Stalking behaviors should always be taken seriously. Stalking can be violent and escalate over time. It most likely will not stop if it is just ignored. In fact, ignoring the behavior sometimes seems to cause the behaviors to increase in frequency and/or become more disturbing. Stalking often precedes more violent behaviors, including assault and murder.

Stalking & Harassment Behaviors

The following behaviors could be considered stalking or harassment, depending on the circumstances, the intent, and the impact on the victim. Note that this list is not all-inclusive.

- Surveillance or watching the victim (sitting in a car in front of the victim’s house, going through the victim’s trash, contacting the victim’s family and friends, etc.)
- Pursuing/following the victim
- Unexpected appearances where the victim works, lives, goes to school, or visits
- Approaching or confronting the victim, perhaps even in violation of a protective order
- Telephone harassment, which might include playing disturbing music, hang-ups, or threats
- Sending/giving unwanted gifts, letters, or emails to the victim
- Monitoring of telephone calls or computer use
- Use or misuse of technology, including social media, to stalk and harass
- Spreading rumors or otherwise defaming the victim’s character
- Vandalism or other destruction of property
- Threats to the victim, their family/friends, or pets
- Physical attacks and/or sexual assault

Sexual Violence and Stalking

In the vast majority of both stalking and sexual violence cases, the victim and offender know one another. Stalking can occur as part of planning a sexual assault as well as monitoring a victim after an assault. For example, as part of their course of conduct, a stalker could:

- Follow, surveil, or seek information about the victim from others while planning a sexual assault
- Unexpectedly show up and/or monitor the victim’s routine and eventually isolate them
- Send or threaten to send photos of a sexual nature in relation to the sexual assault
- Spread sexual rumors or publicly humiliate the victim with information about the sexual assault
- Impersonate the victim online
- Threaten sexual assault, to share sexual images or information, or to spread sexual rumors
- Blackmail the victim in exchange for sexual activity, photos, or videos
- Create nonconsensual sexual images (photoshop, deepfake)

Safety Planning

While stalking victims cannot control their stalkers, they can take steps to increase their safety. Developing a safety plan creates a working document to address personal safety and the safety of loved ones, as well as ways to protect sensitive information (e.g., financial records and passwords). A safety plan itself does not guarantee safety, but can be a tool to identify activities, resources, and people to reduce the risk of harm.

Possible Safety Strategies

- **Keeping a phone handy at all times.**
- **Spending more time with friends or trusted family members** rather than alone.
- **Being less predictable.** Consider changing grocery stores, taking a different route to work, using public transportation, or staying with family/friends for a few days.
- **Taking any threats, whether explicit or implied, seriously.** Identify when it is necessary to notify law enforcement or seek a protective order. The local rape crisis center can provide additional information, advocacy, and support.
- **Explicitly instructing businesses, agencies, schools, workplaces, family, friends, and others not to give out personal information.**
- **Using caution when sharing personal and location information.** Posting details on social media/networking sites can provide stalkers with locations, pictures, and information that can compromise safety.
- **Addressing safety issues related to the misuse of technology by stalkers.** Changes may be needed to email addresses and other online or app account information (passwords and access codes).
- **Trusting your instincts about people and places.**
- **Calling 911 or driving to the nearest police station if you are in danger.**

Protective Orders

A protective order can increase safety through a court order requiring the stalker to stay away. In West Virginia, a victim of sexual violence, domestic violence or stalking can request a protective order through their county magistrate court—a Personal Safety Order (PSO) for victims in non-domestic relationships or a Domestic Violence Protective Order (DVPO). Rape crisis centers and domestic violence shelters provide free assistance in obtaining a protective order.



For additional information visit

www.fris.org