

Stalking bill gets serious consideration in N.C. House

By Jennifer Friedman
Staff Writer

State and local lawmakers and law enforcement officers are hopeful that a proposed stalking bill will make life a little bit safer in the Tar Heel state.

The bill, currently under consideration in the N.C. House, would make

stalking a criminal offense. Stalking includes following a person with intent to cause emotional distress.

Rep. Anne Barnes, D-Orange, who planned to introduce a similar bill next year, said she felt the bill was both necessary and timely. "I think it's greatly needed," she said. "I'm delighted to have a chance to act on it this session."

The stalking law would help stop crimes before they happen, Barnes said. "Previously) laws didn't provide for punishment until something actually happened," she said. "Of course, you want to stop (crime) before it happens."

Lee Rosen, chairman of the Domestic Violence Committee of the American Bar Association, said the bill would help law enforcement officials achieve tougher punishment in cases of assault and conveyed threats.

"There are lots of different people chasing other people around," Rosen said. "You do end up with people who act in crazy ways and... you need a way

to get at these people in a serious way."

Alternative laws concerning assaults and threats only allow for a slap on the wrist, Rosen said. "(Convicted criminals) often wind up with suspended sentences and not very serious punishments," he said. "This allows for serious punishment."

Impetus for the bill comes from the rising number of women who try to escape violent husbands or lovers, only to be followed, Rosen said.

"The law would almost exclusively be used by battered women," he said. "We've got battered women who move from state to state to escape."

But David Smoot, a Raleigh psychologist, said that while the law could have a positive psychological effect on victims of domestic violence, it would not stop the violence from occurring.

"It takes (the women) out of the victim's role and into a more assertive role," he said. "This shows that they have options to take action, to defend themselves, and to stand up for their own rights."

Retired N.C. Supreme Court Justice Harry Martin said he thought the crime described in the statute was covered in other state statutes and did not need to be repeated in a new bill.

"We already have the crime of assault, to be guilty of which requires only that the person have fear of being injured," he said. "We also have the crime of threats. You can also get injunctions against it. This seems to be duplicating."

But duplicity does not necessarily

mean that the bill should not be passed, he said. "It may create some more business for lawyers," Martin joked.

Attorney Nick Herman also said he thought the bill was superfluous and political in nature. "A situation where someone is intimidating someone else by virtue of following them — maybe saying something and then following them again — is an assault."

Many people think that the term assault refers only to attempted physical contact, Herman said. "The definition of assault is the intentional infliction or apprehension of offensive bodily contact. For example, if someone were to go up to another and say, 'I'm going to beat you to a pulp,' that's an assault."

"This deals with a pattern of threats and is seeking to make that a crime. It's political because otherwise (such actions) would also fit the classic definition of an assault or communicating threats."



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