



Legislation Text

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Res. No. 587

Resolution calling on the New York State Legislature to pass legislation that would make stalking by technological means illegal and increase the penalties for such acts.

By Council Members Vallone Jr., Cabrera, Comrie, Ferreras, Fidler, Gentile, Koppell, Lander, Rose, Vacca, Williams, Nelson and Halloran

Whereas, The Stalking Resource Center at the National Center for Victims of Crime defines stalking as “a course of action directed at a specific person that would cause a reasonable person to feel fear;” and

Whereas, The incidence of stalking by technological means is growing at a dangerous and alarming rate throughout the country, inducing terror in victims and, in some cases, escalating to face-to-face encounters and physical violence; and

Whereas, Stalking by technological means can involve the use of electronic monitoring, which includes illegal wiretapping, global positioning systems, video surveillance and computer spyware, as well as cyberstalking, which includes emails and instant messages; and

Whereas, According to the Bureau of Justice Statistics at the United States Department of Justice, one in four stalking victims were subject to cyberstalking and one in thirteen were subject to electronic monitoring in 2006; and

Whereas, Due to the anonymous nature of the internet and the availability of personal information online, cyberstalking is becoming very attractive to would-be offenders and increasingly difficult to prosecute; and

Whereas, The seriousness of the crime of electronic monitoring and cyberstalking cannot be overstated given the real threat a stalker represents, the disruption in the life of the victim, the facility with which a stalker

can influence third parties to harass or threaten a victim, and the numerous instances of stalking escalating to face-to-face encounters, physical violence, and homicide; and

Whereas, When New York enacted its stalking laws in 1999, no one foresaw the use of technological means to commit stalking crimes; and

Whereas, In light of the prevalence of cyberstalking and electronic monitoring, the law must be updated to prohibit the use of technology in any form in the furtherance of stalking and to increase the penalty for such use; and

Whereas, Several bills are pending in the New York State Legislature to address this growing problem, including A.5113/S.5364, which would create the new crimes of electronic stalking in the first, second and third degrees and add these crimes to the list of offenses that would qualify for inclusion in the New York State DNA Data Bank and the New York State Sex Offender Registry; and

Whereas, Another pending bill, A.9772/S.6897, would add the definition of stalking by technological means to the section of the penal code relating to assault and other offenses and would create new subdivisions within the definition of stalking in the first, second and third degrees to include stalking by technological means; and

Whereas, Common-sense legislation must be adopted that treats electronic stalking with the same intolerance and gravity as offline or conventional stalking; and

Whereas, An amendment to current law is a crucial element of creating a much stronger deterrent for potential electronic stalkers, while ensuring that guilty electronic stalkers are incarcerated for a sufficient and appropriate amount of time; now, therefore, be it

Resolved, That the Council of the city of New York calls upon the New York State Legislature pass legislation that would make stalking by technological means illegal and increase the penalties for such acts.