

March 09, 2005: Sanchez Introduces Groundbreaking Legislation to Criminalize Stalking in the Military

Sanchez Introduces Groundbreaking Legislation to Criminalize Stalking in the Military

WASHINGTON--Today, Congresswoman Loretta Sanchez introduced a bill to define and prohibit the offense of stalking by members of the armed forces. If adopted, it would be the first time the Uniform Code of Military Justice (UCMJ) would address the specific issue of stalking. Since 1990, all 50 states and the District of Columbia have enacted stalking laws, and the Congress has enacted a federal law to prosecute interstate stalking (18 U.S.C. § 2261A).

Stalking is a serious crime that often intersects with domestic violence and assault, including sexual assault. In the most serious cases, stalking leads to the death of the victim. One in 12 women, and one in 45 men are stalked during their lifetime, and although the Department of Defense does not specifically track stalking offenses, it is widely accepted that patterns of crime within the military closely mirror those of civilian populations.

“The truth is, we need a measure that supports due process by giving all members of the armed forces fair notice that this behavior is criminal and may be punished by court martial,” said Sanchez, adding that many stalking defendants have used the lack of a criminal stalking statute as their defense. “In *United States vs. Rowe*, the appellant argued that he did not know his conduct was criminal because “stalking is not defined in the UCMJ.” While this due process challenge failed as a technical matter of law, it highlights the need to define stalking as a serious criminal offense under all circumstances.”

This legislation would directly address the problem of stalking, enhance good order and discipline in the military services, improve the UCMJ, and empower commanders and military prosecutors. In addition, it would:

- Serve as a deterrent to would-be offenders by sending a clear message that stalking is a criminal offense under all circumstances
- Give commanders a powerful tool to end stalking in its early stages—before a stalker’s behavior escalates
- Provide a more effective tool for the prosecution of stalking offenses, by expressly defining the crime of stalking

Congresswoman Sanchez worked closely with the National Center for Victims of Crime (NCVC) on this legislation. The NCVC is the nation's leading resource and advocacy organization for crime victims.