



George Gascón
District Attorney

April 2, 2014

The Honorable Tom Ammiano
Chair of Committee on Public Safety
State Capitol Room 3146
Sacramento, CA 94249

AB 1982- Stalking Victim Protection - Sponsor

Chair Ammiano,

It is my pleasure to write to you today as the sponsor of AB 1982. California has the distinct honor of having been the first state in the nation to implement a stalking statute back in 1991. Since then, however, we have fallen behind states across the country that have updated their laws in order to reflect our growing understanding of the crime and the corresponding behavior. AB 1982 will bring our statute in line with the Model Stalking Code developed by the National Institutes of Justice. It will change the crime from specific intent to general intent, and it will make necessary changes to the evidence code to put stranger-stalking cases on equal procedural footing with stalking cases involving domestic violence. These changes are absolutely essential to effectively protect victims of stalking.

Under current California stalking law, the State must prove the stalker's intentions; that not only did they intend to stalk their victim, but that they made a credible threat and that they were acting with the specific intent to place their victim in fear for their safety. This bill will shift the focus from the stalker's motives to the stalking itself. As a result, California's courts will consider whether the stalking behavior was sufficient to put a reasonable person in fear for their safety. With fewer than 50 percent of victims being explicitly threatened by their stalkers, far too many Californians are not protected under current law.

More than half of the states across the country have a version of a general intent requirement in their stalking laws. It's time to update our stalking statute to ensure it reflects our understanding of the behavior, and to adequately protect victims. Thank you for your leadership on this issue and for your commitment to public safety.

Sincerely,


George Gascón
District Attorney