

TCFV Supports Strengthening

the Texas Stalking Statute to Increase Safety for High-Risk Survivors

Issue

For over 80% of stalking victims the perpetrator is someone they know. Stalking is a known lethality indicator for victims of family violence, 85% of female victims of attempted intimate-partner homicide by male partners were stalked in the 12 months prior to the attack. The ever-expanding reach of technology in our daily lives creates significant potential for abusive partners to more easily track, monitor, and stalk their victims. Reporting stalking is the most common interaction between a victim and the criminal legal system prior to attempted or completed intimate-partner homicide.

Background

Texas's current stalking statute lacks clarity particularly in cases where the stalker is a current, or former, intimate partner with a history of domestic abuse. Even the most mundane actions – something as simple as dropping off groceries at the victim's home – can indicate a direct threat intended to scare the victim. Prosecutors indicate the statute as cumbersome and difficult to use as currently written, leaving many **victims of family violence left without meaningful protection under current stalking law.**



Stalking triples the risk of intimate-partner homicide.



Intimate partner stalkers are more likely to approach, threaten, and harm their victims.

Solution

INCREASING THE STALKING STATUTE'S EFFECTIVENESS AND APPLICATION

These changes to the law center survivors' experience and offer survivors enhanced access to safety:

- » Updating the mental-state threshold for violating the statute to include **intentionally** engaging in conduct prohibited by the statute.
- » Expanding the description of how a victim perceives the stalker's actions beyond the harassment standard, to include feeling **terrified or intimidated** the most common intended action of intimate partner violence stalking.
- » Applying the reasonable-person standard narrowly to a reasonable person **under the same circumstances as the victim.**
- » Reconciling the statute with Texas Code of Criminal Procedure §38.46, which allows a prosecutor to **present evidence regarding any existing or previous relationship** between the stalker and their victim.

Incorporating these changes will allow for more effective application of the Texas stalking statute, which will in turn ensure victims can seek protection and justice under this law as intended.

"...stalking just doesn't stop...I contacted the police a few times and they straight-up told me... 'Not saying that we don't believe you...stalking is one of the hardest things to prove". – TEXAS SURVIVOR