

(6) Whoever commits the crime of stalking in violation of a temporary or permanent civil or criminal injunction, restraining order, no-contact order, or other order described in section 2266 of title 18, United States Code, shall be punished by imprisonment for not less than 1 year.

(Added Pub. L. 103-322, title IV, §40221(a), Sept. 13, 1994, 108 Stat. 1926; amended Pub. L. 104-201, div. A, title X, §1069(b)(1), (2), Sept. 23, 1996, 110 Stat. 2656; Pub. L. 106-386, div. B, title I, §1107(a), Oct. 28, 2000, 114 Stat. 1497; Pub. L. 109-162, title I, §§114(b), 116(a), 117(a), Jan. 5, 2006, 119 Stat. 2988, 2989; Pub. L. 113-4, title I, §107(a), Mar. 7, 2013, 127 Stat. 77.)

AMENDMENTS

2013—Subsec. (a)(1). Pub. L. 113-4 inserted “is present” after “Indian country or” and “or presence” after “as a result of such travel”.

2006—Subsec. (a)(1). Pub. L. 109-162, §117(a), inserted “or within the special maritime and territorial jurisdiction of the United States” after “Indian country”.

Pub. L. 109-162, §116(a)(1), which directed substitution of “, intimate partner, or dating partner” for “or intimate partner”, was executed by making the substitution in two places to reflect the probable intent of Congress.

Subsec. (a)(2). Pub. L. 109-162, §116(a)(2), which directed substitution of “, intimate partner, or dating partner” for “or intimate partner”, was executed by making the substitution in two places to reflect the probable intent of Congress.

Subsec. (b)(6). Pub. L. 109-162, §114(b), added par. (6).

2000—Subsec. (a). Pub. L. 106-386 added subsec. (a) and struck out heading and text of former subsec. (a). Text read as follows:

“(1) CROSSING A STATE LINE.—A person who travels across a State line or enters or leaves Indian country with the intent to injure, harass, or intimidate that person’s spouse or intimate partner, and who, in the course of or as a result of such travel, intentionally commits a crime of violence and thereby causes bodily injury to such spouse or intimate partner, shall be punished as provided in subsection (b).

“(2) CAUSING THE CROSSING OF A STATE LINE.—A person who causes a spouse or intimate partner to cross a State line or to enter or leave Indian country by force, coercion, duress, or fraud and, in the course or as a result of that conduct, intentionally commits a crime of violence and thereby causes bodily injury to the person’s spouse or intimate partner, shall be punished as provided in subsection (b).”

1996—Subsec. (b). Pub. L. 104-201 inserted “or section 2261A” after “this section” in introductory provisions and substituted “victim” for “offender’s spouse or intimate partner” in pars. (1) to (3).

EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 113-4, §4, Mar. 7, 2013, 127 Stat. 64, provided that: “Except as otherwise specifically provided in this Act [see Tables for classification], the provisions of titles I, II, III, IV, VII, and sections 3, 602, 901, and 902 of this Act shall not take effect until the beginning of the fiscal year following the date of enactment of this Act [Mar. 7, 2013].”

§ 2261A. Stalking

Whoever—

(1) travels in interstate or foreign commerce or is present within the special maritime and territorial jurisdiction of the United States, or enters or leaves Indian country, with the intent to kill, injure, harass, intimidate, or place under surveillance with intent to kill,

injure, harass, or intimidate another person, and in the course of, or as a result of, such travel or presence engages in conduct that—

(A) places that person in reasonable fear of the death of, or serious bodily injury to—

(i) that person;

(ii) an immediate family member (as defined in section 115) of that person; or

(iii) a spouse or intimate partner of that person; or

(B) causes, attempts to cause, or would be reasonably expected to cause substantial emotional distress to a person described in clause (i), (ii), or (iii) of subparagraph (A); or

(2) with the intent to kill, injure, harass, intimidate, or place under surveillance with intent to kill, injure, harass, or intimidate another person, uses the mail, any interactive computer service or electronic communication service or electronic communication system of interstate commerce, or any other facility of interstate or foreign commerce to engage in a course of conduct that—

(A) places that person in reasonable fear of the death of or serious bodily injury to a person described in clause (i), (ii), or (iii) of paragraph (1)(A); or

(B) causes, attempts to cause, or would be reasonably expected to cause substantial emotional distress to a person described in clause (i), (ii), or (iii) of paragraph (1)(A),

shall be punished as provided in section 2261(b) of this title.

(Added Pub. L. 104-201, div. A, title X, §1069(a), Sept. 23, 1996, 110 Stat. 2655; amended Pub. L. 106-386, div. B, title I, §1107(b)(1), Oct. 28, 2000, 114 Stat. 1498; Pub. L. 109-162, title I, §114(a), Jan. 5, 2006, 119 Stat. 2987; Pub. L. 113-4, title I, §107(b), Mar. 7, 2013, 127 Stat. 77.)

AMENDMENTS

2013—Pub. L. 113-4 amended section generally. Prior to amendment, section related to stalking.

2006—Pub. L. 109-162 amended section catchline and text generally, revising and restating former provisions relating to stalking so as to include surveillance with intent to kill, injure, harass, or intimidate which results in substantial emotional distress to a person within the purview of the offense proscribed.

2000—Pub. L. 106-386 reenacted section catchline without change and amended text generally. Prior to amendment, text read as follows: “Whoever travels across a State line or within the special maritime and territorial jurisdiction of the United States with the intent to injure or harass another person, and in the course of, or as a result of, such travel places that person in reasonable fear of the death of, or serious bodily injury (as defined in section 1365(g)(3) of this title) to, that person or a member of that person’s immediate family (as defined in section 115 of this title) shall be punished as provided in section 2261 of this title.”

EFFECTIVE DATE OF 2013 AMENDMENT

Amendment by Pub. L. 113-4 not effective until the beginning of the fiscal year following Mar. 7, 2013, see section 4 of Pub. L. 113-4, set out as a note under section 2261 of this title.

§ 2262. Interstate violation of protection order

(a) OFFENSES.—

(1) TRAVEL OR CONDUCT OF OFFENDER.—A person who travels in interstate or foreign com-

merce, or enters or leaves Indian country or is present within the special maritime and territorial jurisdiction of the United States, with the intent to engage in conduct that violates the portion of a protection order that prohibits or provides protection against violence, threats, or harassment against, contact or communication with, or physical proximity to, another person, or that would violate such a portion of a protection order in the jurisdiction in which the order was issued, and subsequently engages in such conduct, shall be punished as provided in subsection (b).

(2) CAUSING TRAVEL OF VICTIM.—A person who causes another person to travel in interstate or foreign commerce or to enter or leave Indian country by force, coercion, duress, or fraud, and in the course of, as a result of, or to facilitate such conduct or travel engages in conduct that violates the portion of a protection order that prohibits or provides protection against violence, threats, or harassment against, contact or communication with, or physical proximity to, another person, or that would violate such a portion of a protection order in the jurisdiction in which the order was issued, shall be punished as provided in subsection (b).

(b) PENALTIES.—A person who violates this section shall be fined under this title, imprisoned—

(1) for life or any term of years, if death of the victim results;

(2) for not more than 20 years if permanent disfigurement or life threatening bodily injury to the victim results;

(3) for not more than 10 years, if serious bodily injury to the victim results or if the offender uses a dangerous weapon during the offense;

(4) as provided for the applicable conduct under chapter 109A if the offense would constitute an offense under chapter 109A (without regard to whether the offense was committed in the special maritime and territorial jurisdiction of the United States or in a Federal prison); and

(5) for not more than 5 years, in any other case,

or both fined and imprisoned.

(Added Pub. L. 103-322, title IV, §40221(a), Sept. 13, 1994, 108 Stat. 1927; amended Pub. L. 104-201, div. A, title X, §1069(b)(2), Sept. 23, 1996, 110 Stat. 2656; Pub. L. 104-294, title VI, §605(d), Oct. 11, 1996, 110 Stat. 3509; Pub. L. 106-386, div. B, title I, §1107(c), Oct. 28, 2000, 114 Stat. 1498; Pub. L. 109-162, title I, §117(b), Jan. 5, 2006, 119 Stat. 2989; Pub. L. 113-4, title I, §107(c), Mar. 7, 2013, 127 Stat. 78.)

AMENDMENTS

2013—Subsec. (a)(1). Pub. L. 113-4, which directed amendment of subsec. (a)(2) by inserting “is present” after “Indian country or”, was executed by making the insertion in subsec. (a)(1) to reflect the probable intent of Congress.

2006—Subsec. (a)(1). Pub. L. 109-162 inserted “or within the special maritime and territorial jurisdiction of the United States” after “Indian country”.

2000—Subsec. (a). Pub. L. 106-386 added subsec. (a) and struck out heading and text of former subsec. (a). Text read as follows:

“(1) CROSSING A STATE LINE.—A person who travels across a State line or enters or leaves Indian country with the intent to engage in conduct that—

“(A)(i) violates the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued; or

“(ii) would violate this subparagraph if the conduct occurred in the jurisdiction in which the order was issued; and

“(B) subsequently engages in such conduct, shall be punished as provided in subsection (b).

“(2) CAUSING THE CROSSING OF A STATE LINE.—A person who causes a spouse or intimate partner to cross a State line or to enter or leave Indian country by force, coercion, duress, or fraud, and, in the course or as a result of that conduct, intentionally commits an act that injures the person’s spouse or intimate partner in violation of a valid protection order issued by a State shall be punished as provided in subsection (b).”

1996—Subsec. (a)(1)(A)(ii). Pub. L. 104-294 substituted “violate this subparagraph” for “violate subparagraph (A)”.

Subsec. (b)(1) to (3). Pub. L. 104-201 substituted “victim” for “offender’s spouse or intimate partner”.

EFFECTIVE DATE OF 2013 AMENDMENT

Amendment by Pub. L. 113-4 not effective until the beginning of the fiscal year following Mar. 7, 2013, see section 4 of Pub. L. 113-4, set out as a note under section 2261 of this title.

§ 2263. Pretrial release of defendant

In any proceeding pursuant to section 3142 for the purpose of determining whether a defendant charged under this chapter shall be released pending trial, or for the purpose of determining conditions of such release, the alleged victim shall be given an opportunity to be heard regarding the danger posed by the defendant.

(Added Pub. L. 103-322, title IV, §40221(a), Sept. 13, 1994, 108 Stat. 1928.)

§ 2264. Restitution

(a) IN GENERAL.—Notwithstanding section 3663 or 3663A, and in addition to any other civil or criminal penalty authorized by law, the court shall order restitution for any offense under this chapter.

(b) SCOPE AND NATURE OF ORDER.—

(1) DIRECTIONS.—The order of restitution under this section shall direct the defendant to pay the victim (through the appropriate court mechanism) the full amount of the victim’s losses as determined by the court pursuant to paragraph (2).

(2) ENFORCEMENT.—An order of restitution under this section shall be issued and enforced in accordance with section 3664 in the same manner as an order under section 3663A.

(3) DEFINITION.—For purposes of this subsection, the term “full amount of the victim’s losses” includes any costs incurred by the victim for—

(A) medical services relating to physical, psychiatric, or psychological care;

(B) physical and occupational therapy or rehabilitation;

(C) necessary transportation, temporary housing, and child care expenses;

(D) lost income;

(E) attorneys’ fees, plus any costs incurred in obtaining a civil protection order; and