

# SB 221: Stalking & Animal Cruelty

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Senator Rosilicie Ochoa Bogh

## SUMMARY

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Senate Bill 221 would amend Penal Code section 646.9 to conform to the federal stalking statute by including threats to a victim's pet as a component of threatening behavior.

## ISSUE

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Stalking is a pattern of repeated behavior that includes unwanted attention, contact, harassment, or other conduct towards a specific person. An estimated one in three women (31.2%) and one in six men (16.1%) in the United States report enduring stalking at some point in their lives while one in 15 women (8.6 million) and one in 24 men (4.8 million) in the United States report being stalked in last 12 months.<sup>1</sup> Stalking behaviors may be committed in person, by following the victim, or by monitoring and harassing the victim electronically. It is a crime of power and control that causes victims to fear for their safety, or the safety of their loved ones.

Perpetrators of stalking tend to damage their victim's property, even going as far as to target their loved ones, including pets. One National Crime Victimization Survey estimated that four in 10 stalkers threaten a "victim or the victim's family, friends, co-workers, or family pet," with 87,020 threats to harm a pet being reported.<sup>2</sup>

Unfortunately, stalking victims are unprotected by state law when it comes to their pets. Under existing state anti-stalking law, a stalker can threaten harm to a victim's pet without consequences.

## BACKGROUND

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Current California statute ignores threats to pets as a means of terrorizing stalking victims. The relationship between animal cruelty and violent behavior, often referred to as "The Link," has been

widely studied. The abuse of animals is often an indicator of an escalation of violence towards a human, and threatened cruelty towards pets can be a means to "perpetuate terror" towards a targeted individual.<sup>3</sup>

In one such California case, a victim ended a short-term romantic relationship with the defendant. The defendant became upset and began to insult the victim. One evening, the victim left her residence and shortly thereafter received a message from the defendant that stated her dog was "gone." Upon the victim's return, she determined that her dog was in fact gone and contacted the authorities. The victim advised law enforcement she was fearful of what the defendant would do to her pet in retaliation of her not continuing the romantic relationship. Under existing California statutory language, prosecutors were unable to formally charge the defendant with stalking despite the implied threat to the victim's pet.

## EXISTING LAW

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Existing state law defines stalking as "any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family is guilty of the crime of stalking, punishable by imprisonment in a county jail, or by a fine of not more than \$1,000, or by both that fine and imprisonment, or by imprisonment in the state prison."<sup>4</sup>

The federal statute defines stalking as any person who "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

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<sup>1</sup> [National Intimate Partner and Sexual Violence Survey: Report on Stalking](#)

<sup>2</sup> [Bureau of Justice Statistics Special Report: Stalking Victimization in the US](#)

<sup>3</sup> [The Link: Cruelty to Animals and Violence Towards People](#)

<sup>4</sup> [California Code, PEN 646.9](#)

bodily injury to (i) that person; (ii) an immediate family member . . . of that person; (iii) a spouse or intimate partner of that person; or (iv) the pet, service animal, emotional support animal, or horse 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).”<sup>5</sup>

## **SOLUTION**

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SB 221 would amend Penal Code 646.9 to conform with the federal stalking statute to make a person guilty of stalking if the person with the intent to kill, injure, harass, or intimidate another person, or with the intent to place another person under surveillance for the purpose of killing, injuring, harassing, or intimidating that person, engages in conduct that either places that person in reasonable fear of death or serious bodily injury to themselves, a close family member, or a pet, service animal, emotional support animal, or horse that belongs to that person, or causes, attempts to cause, or would be reasonably expected to cause substantial emotional distress to one of the above.

The emotional bond between humans and their companion animals is a source of vulnerability for victims of stalking. A victim’s pet, who is often tantamount to a family member, is an easy target for a stalker, as threats to a family pet send a strong message to stalking victims about their own helplessness.<sup>6</sup>

California’s law ignores how powerful a threat to a beloved pet can be. Not updating the state statute to conform to federal anti-stalking law leaves victims vulnerable to such threats and allows stalkers a method of perpetrating fear in their victims without consequence. California’s anti-stalking law must be updated in order to better protect victims and cut-off this loophole for stalkers.

## **SUPPORT**

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Social Compassion in Legislation (Sponsor)  
Riverside County District Attorney’s Office

## **FOR MORE INFORMATION**

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Bill text and status can be found at:  
<http://leginfo.legislature.ca.gov/>

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<sup>5</sup> [18 USC 2261A: Stalking](#)

<sup>6</sup> [Journal of Animal Law, Vol. IV, April 2008](#)