



#1 Free Legal Website

FindLaw.com is the leading and largest online resource for legal information. For basic legal issues to more complex ones, you'll find thousands of helpful articles, a legal community to get answers to your specific questions, an attorney directory, blogs, news, DIY forms, and much more.

Harassment

"Harassment" refers to a broad number of behaviors that are subject to both criminal punishment and civil liability. On the criminal side, states have a wide variety of criminal laws forbidding harassment in many forms, including general harassment crimes as well as specific forms of harassment, such as stalking and cyberstalking.

Criminal Harassment versus Civil Harassment

Criminal harassment should not be confused with how "harassment" is often used in contexts such as [workplace discrimination](#) lawsuits. Federal and state laws ban discrimination against certain types of people in certain situations, such as at work or [in housing decisions](#). In these non-criminal contexts, the victim can sue the harasser in a private civil lawsuit, alleging that the harassment constitutes discrimination.

On the other hand, *criminal* harassment is usually confined to state law. States vary in how they define criminal harassment. Generally, criminal harassment entails intentionally targeting someone else with behavior that is meant to alarm, annoy, torment or terrorize them. Not all petty annoyances constitute harassment. Instead, most state laws require that the behavior cause a credible threat to the person's safety or their family's safety.

Though state harassment laws vary, they often take different levels and methods of harassment into account. Separate penal statutes or a general harassment statute may list various ways to communicate harassment, including telephone calls, emails, and other forms of communication. Whether there was any legitimate reason for the communication becomes a factor under many states' harassment laws.

Harassment charges can range from misdemeanor to high level felony charges. In many states, people charged with harassment will receive a higher level charge if they have previously been convicted of harassment, of communicating a threat, or of a domestic violence offense. Harassment by someone in violation of a restraining order may also draw a higher level charge. Some states elevate the charge if the harassment targeted someone based on race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation.

Stalking and Menacing

In some states, "stalking" is specified as a separate offense from harassment. Other states include both harassment and stalking under a single general statute. Stalking generally refers to a clear pattern of conduct through which the perpetrator causes the victim reasonable fear for their safety or their family's safety.

Interstate stalking is a federal crime.

Some states punish stalking as a form of "menacing." Menacing can often include ongoing actions, such as stalking someone, which cause reasonable fear in the victim. Menacing also often includes single acts which are purposefully intended to create a reasonable fear in someone, such as brandishing a weapon.

Whether and how states draw lines between harassment, menacing and stalking varies greatly. For more specifics, see [your state's stalking laws](#).

Cyberstalking

Some states have enacted specific laws against stalking someone online. "Cyberstalking" generally refers to stalking someone through the internet, email, text messages, or other means of electronic communication. Many states have revised their harassment and/or stalking laws to explicitly include harassing electronic communications. Some states also punish actions akin to cyberstalking under laws aimed at improper uses of computers or electronic communications networks.

Federal law makes it a crime to "transmit in interstate commerce" (which includes the internet) a communication containing a threat to kidnap or physically harm someone.

Harassment and Restraining Orders

While prosecutors can charge someone with criminal harassment, victims of abuse or harassment may also petition the court for an [order of protection or restraining order](#) to prohibit someone from engaging in harassing behaviors.

Orders against harassment and restraining orders frequently come into play in situations involving [domestic violence](#) .

Such orders come from civil courts, but violation of these court orders may constitute a separate criminal offense and/or contempt of the civil court. Violating a protective order may also increase the severity of a harassment, stalking or menacing charge.

Conclusion

Harassment refers to a wide variety of behavior which can violate both civil and criminal laws. What constitutes criminal harassment varies by state, but it generally entails targeting someone else with behavior meant to alarm, annoy, torment or terrorize, and creating reasonable fear in the victim for their safety or the safety of their family.

FINDLAW.COM EMPOWERS PEOPLE WITH TRUSTED, TIMELY AND INTELLIGENT LEGAL INFORMATION

BLOGS – FindLaw Blogs present timely news that has real-life implications, deliver important information and discuss law-related entertainment.

FINDLAW ANSWERS – A vibrant, interactive online community where everyday people can ask legal questions and get real-time answers from legal professionals and others with similar experiences.

NEWS & NEWSLETTERS – Updated throughout the day and night and covering a wide range of legal topics, FindLaw.com's News page presents current legal news, keeping people informed and educated.

FIND A LAWYER – An easy-to-search database of more than one million lawyers and law firms. It provides detailed information, enabling people to contact a qualified lawyer when they are ready.



DO-IT-YOURSELF FORMS & CONTRACTS – FindLaw.com provides accurate legal documents for common legal matters. Choose from a library of easy-to-use, low-cost, accurate legal forms for everyday legal issues.

FINDLAW VIDEO – On FindLaw.com, you'll find an online directory of more than 1,500 short videos dedicated exclusively to legal topics and attorney and law firm profiles.

Connect With Us

FindLaw.com has an entire social media team dedicated to providing our users with as many options as possible to join, participate in, and learn from the FindLaw community. Some of the social key channels are the following:



FindLaw for Consumers on Facebook

Making the law easy to access with interactive legal updates aimed at starting conversations, informing followers of their legal rights and providing a forum for questions and resources



@FindLawConsumer on Twitter

Tweeting interesting, entertaining and informative legal news everyday

HAVE A LEGAL QUESTION?
NEED TO FIND AN AFFORDABLE,
QUALIFIED ATTORNEY?

Protect yourself, your family or
your business with a legal plan
or form from LegalStreet

www.LEGALSTREET.com

Copyright © 2013 FindLaw, a Thomson Reuters business. All rights reserved. The information contained in this article is for informational purposes only and does not constitute legal advice. The use and distribution of this article is subject to the Creative Commons BY-NC-ND license, which can be viewed at <http://creativecommons.org/licenses/by-nc-nd/3.0/>. You must attribute the article by providing the title of the article, FindLaw copyright notice and link to the original work. You may not use the article for commercial purposes and you may not alter or transform this article in any way.

FindLaw[®]
A Thomson Reuters Business