
16-03-1700 Stalking and Harassment

“Harassment” means a pattern of intentional, substantial, and unreasonable intrusion into the private life of a targeted person that causes the person and would cause a reasonable person in his position to suffer mental distress. Harassment may include, but is not limited to:

1. following the targeted person as he moves from location to location;
2. visual, physical, or verbal contact that is initiated, maintained, or repeated after a person has been provided notice that the contact is unwanted;
3. surveillance of or the maintenance of a presence near the targeted person’s : residence, place of work, school, or another place regularly occupied by the targeted person, and vandalism or property damage.

Harassment does not include words or conduct that is protected by the Constitution or the United States, and doesn’t apply to law enforcement officers or process servers performing their official duties.

“Stalking” means a pattern of words or conduct that is intended to cause and does cause a targeted person and would cause a reasonable person in the targeted person’s position to fear:

1. death of the person or a member of his family;
2. assault upon the person or a member of his family;
3. bodily injury to the person or a member of his family;
4. criminal sexual contact on the person or a member of his family;
5. kidnapping of the person or a member of his family;
6. damage to the property of the person or a member of his family.

Stalking does not include words or conduct that is protected by the Constitution of the State or the United States and does not apply to law enforcement officers or process servers performing their official duties.

“Aggravated Stalking” means stalking accompanied or followed by an act of violence.

“Pattern” means two or more acts within a 90-day period.

“Family” means a spouse, child, parent, sibling, or a person who regularly resides in the same household as the targeted person.

16-25-20 Criminal Domestic Violence

It is unlawful to: (1) Cause physical harm or injury to a person’s own household member, (2) offer or attempt to cause physical harm or injury to a person’s own household member with apparent present ability under circumstances reasonably creating fear of imminent peril.

REFERRAL NUMBERS

Union County Magistrate Court
864-429-1648

SAFE Homes- Rap Crisis Coalition
864-706-5818
1-800-273-5066

Victim Advocate
864-429-1672



RESTRAINING ORDERS & ORDERS OF PROTECTION



Honorable D. Kevin Morrow
Chief Magistrate

Honorable Jimmy D. Crocker
Magistrate

Union County Magistrate Office
210 W. Main St.
Union, S.C. 29379

RESTRAINING ORDER

- Order issued by Magistrate Court Judge
- Granted for not less than one year
- Civil order
- Order can be extended without a motion by the plaintiff if the defendant has been charged with harassment or stalking and a trial date has been set. The Order shall remain in effect until the conclusion of the trial. [16-3-1780(c)]
- Protect a person from being harassed or stalked
- Person who can verify that a Defendant has engaged in harassment or stalking of the Plaintiff and must be able to prove time, place, and manner of the acts
- Usually deals with ex-dating relationships (never lived together), acquaintances, and strangers
- Provides a restraining order against abuse, threats or abuse or molesting Plaintiff or members of the Plaintiff's family, going around the Plaintiff or attempting to communicate with the Plaintiff
- Law Enforcement shall arrest a Defendant who is in violation if probable cause exists and the order is valid on its face
- The penalty for violation of a restraining order is a criminal offense punishable by 30 days in jail and/or a fine of \$500 or both
- Unless the order is formally dismissed it is valid until the expiration date

ORDER OF PROTECTION

- Order issued by Family Court Judge
- Granted for a minimum of six months, but cannot exceed one year
- Civil Order
- Person who is abused by a family or household member can file. Includes spouse(s). It also includes persons who live together or have lived together in the past, and those that share a child.
- Abuse must include physical harm, bodily injury, threat of abuse or sexual criminal offense
- Provided a restraining order against further physical violence or threats of bodily harm and can also address issues of child custody, support, visitation, and personal property issues on a temporary basis
- Law Enforcement shall arrest a Respondent who is in violation if probable cause exists and the order is valid on its face
- The Respondent may be held in contempt of family court or be tried in criminal court if they violate the order.
- Punishment is up to 1 year in jail and/or a fine of up to \$1,500 for a contempt in family court or 30 days in jail and/or a \$500 fine for a criminal charge
- Unless the order is formally dismissed, it is valid until the expiration date

HOW TO FILE

Restraining Order

- Go to Union County Magistrate Court, located at the County Courthouse, to file a complaint for restraining order
- Must have at least 2 incidents of harassment / stalking before filing for a restraining order
- Need service address of defendant
- Hearing held within 15 days of the filing date
- The victim advocate with the Union County Sheriff's Office can assist the plaintiff with completing the paperwork

Order of Protection

- Go to the SAFE Homes – Rape Crisis Coalition Office located at 115 Thomas St. Union, S.C.
- Take the police incident report and statement documenting the most recent incident (if one is available – report not required to file)
- No Filing Fees
- Need service address of Respondent
- A victim advocate with SAFE Homes will assist the victim with completion of paperwork and provide court accompaniment
- Hearing held within 15 days of the filing date or on an emergency basis

*A condition of bond: “no contact with the victim’s is **not** a restraining order or order of protection as described above. It is the victim’s responsibility to file, using the procedure explained in the brochure. *