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## **Prevention of Threatening Harassment Law, 5762-2001**

6 ; Tss"ח 244 ; Tss"ת 26 , 115 ; Tsa"א 85

### **Purpose**

**1 The purpose of this law is to protect a person from harm to the peace of his life, privacy, liberty or body, by another person who has been harassed or physically assaulted.**

2.

Harassment - what? [Amendment: 5769]

**(A)**

**Harassment is the harassment of another person by any means or the taking of threats against him, in circumstances that provide a reasonable basis to assume that the harassing or threatening person may return to harm the peace of life, privacy or liberty of the person or that he may harm his body.**

(B)

Without derogating from the provisions of subsection (a), threatening harassment of a person may include, inter alia, one of the following:

(1)

Or in the pursuit of his movements or actions, or in violation of his privacy in any other manner;

(2)

Taking threats of harm to him or threatening himself;

(3)

By contacting him orally, in writing or by any other means;

**(4)**

**Damage to his property, reputation, or freedom of movement;**

(5)

In the practice of guarding a condominium in violation of the provisions of [the Restriction of Hostage Services Law, 5769-2008](#) .

(C)

For the purposes of this Law, whether the acts specified in subsections (a) or (b) are made against the person or towards another person close to him, whether explicitly or implicitly, directly or indirectly.

3.

**Definitions** [Amendment: 5769 - 2]

**In this Law -**

"Court" - a magistrate's court. as well as any of the following:

(1)

In the case of a victim who is a family member of the offender - also a court and a court authorized to hear under [the Prevention of Domestic Violence Law](#) ;

(2)

For the purposes of the offense or injury that he is a minor and the juvenile court discusses his case under [the Youth \(Care and Supervision\) Law](#) - also a juvenile court;

"Juvenile court" - as defined [in the Youth Law \(Judicature, Punishment and Methods of Treatment\), 5731-1971](#) ;

"Family member" - as defined [in the Prevention of Domestic Violence Law](#) , and any term in such definition shall be interpreted in accordance with [the said law](#) ;

"Youth Law (Care and Supervision)" - [the Youth \(Care and Supervision\) Law, 5720-1960](#) ;

"The Firearms Law" - [the Firearms Law, 5709-1949](#) ;

"Domestic Violence Prevention Law" - [Prevention of Domestic Violence Law, 5751-1991](#) ;

"Injured" - a person who held one of the following:

(1)

He was threatened with harassment;

(2)

It is in danger as specified [in section 4 \(b\) \(1\)](#) ;

(3)

A person may commit a sexual offense as stated [in section 4 \(b\) \(1\)](#) ;

(4)

[\(B\)](#) Where an act has been performed as stated [in section 4 \(b\) \(2\)](#) ;

And in respect of a minor who is a minor - even the person responsible for him according to law;

"Offender" means a person who has taken threatening harassment or meets one of the conditions specified [in section 4 \(b\) \(1\) or \(2\)](#) ;

"Prevention of Threatening Harassment Order" - an order under [section 4 \(a\) or \(b\)](#) ;

"Minor" means a person who has not yet attained the age of eighteen years;

"Security Authority" - the Israel Police, the Witness [Protection Authority, the](#) Knesset Guard as defined [in the Knesset House and Compound Law, 5728-1968](#) , the Israel Defense Forces, the General Security Service and the Prisons Servicee.

4 .

Prevention of Threatening Harassment Order [Amendment: 5771]

(A)

[\(4\)](#) , and if it is found that the threatening harassment was committed in circumstances in which there is a danger of substantial harm to the peace of a person's life, the court may order that person to refrain from doing any of the acts specified [in section 5 \(a\) \(1\) to \(4\)](#) Or to continue such injury, he may also instruct that person in the order to refrain from doing any of the acts specified [in section 5 \(a\) \(5\) and \(6\)](#) .

(B)

If the court finds that the person acted or other hazard, as stated in paragraphs (1) or (2), it may order the person to refrain from doing any act by order of the acts listed [in Article 5 \(a\) \(1\) to \(6\)](#) :

(1)

The conduct of the person, including conduct as stated in subsection (a), provides a reasonable basis for the presumption that he constitutes a real physical danger to another person or that he may commit a sexual offense against him;

(2)

Shortly before the application was filed, he injured the body of another person, unlawfully committed a sexual offense against another person or other person.

(C)

The provisions of sub-sections (a) or (b) shall not apply if the court is satisfied that the act for which the Prevention of Threatening Harassment Order is requested is made in circumstances that constitute a good defense in a criminal or civil proceeding for infringement of privacy, in accordance with the provisions of [section 18 \(2\) \) Or \(3\) of the Protection of Privacy Law, 5741-1981](#) , or in circumstances that constitute an exemption from liability in accordance with the provisions of [section 19 of the said Law](#) .

(D)

They are entitled to apply for the Prevention of Threatening Harassment Order:

(1)

The victim or person on behalf of the victim;

(2)

The Attorney General or his representative;

(3)

A police prosecutor;

(4)

A social worker who was appointed under [the Youth \(Care and Supervision\) Law](#) .

[5](#) .

The provisions of the order

(A)

The Prevention of Threatening Harassment Order shall, subject to the provisions of [section 4](#) , prohibit the offender from doing all or any of them, and he may cover the following conditions:

(1)

To harass the victim, in any way and anywhere;

(2)

To threaten the victim;

(3)

To stalk the victim, to ambush him, to trace his movements or actions, or to harm his privacy in any other way;

(4)

To create with the victim any oral, written or any other means;

(5)

To be within a certain distance of the residence, vehicle, place of work or place of study of the injured person or other place where the casualty is regularly present;

(6)

Carry or hold arms, including weapons given to him by a security authority or other authority from the State authorities;

And all of this to the victim or to another person close to him, whether explicitly or implicitly, directly or indirectly.

(B)

A Prevention of Threatening Harassment Order was issued, including a prohibition as stated in Subsection (a) (6) -

(1)

The court may, upon the issuance of the order to instruct the seizure of the weapon of the person obligated by the order, immediately;

(2)

The court will give these parties notice of the order:

(A)

The Licensing Officer, as defined [in the Firearms Law](#) ;

(B)

Israel Police;

(C)

The Israel Defense Forces - a person who is bound by the order is one of the reserve forces of the Israel Defense Forces or if he was given arms on behalf of the Israel Defense Forces or with his consent in order to hold him, including weapons delivered to him according to an authorization certificate as stated [in section 5B \(c\) of the Firearms Law](#) ;

(D)

A security authority - the security authority to which one of the persons bound by the order belongs.

(3)

(2) (c) or (d), or a person whom the weapon serves as part of his employment with a special license holder or a proper enterprise, the Commissioner may, by his own initiative or at the request of the person obligated by the order, submit a reasoned request in writing to the court With regard to the continued holding and carrying of the weapon by the person obligated by the order; For this purpose, "special license holder", "proper enterprise" and "the commissioner" - as defined [in section 2C \(a\) \(2\) and \(3\) of the Prevention of Domestic Violence Law](#) .

(third)

(6), the court shall interpret the reasons for not including the prohibition in an order under [section 4 \(a\) or 4 \(b\)](#) , which does not include a prohibition as stated in subsection (a) (6).

(D)

The Prevention of Threatening Harassment Order may also contain a requirement for a guarantee both for its existence and for good conduct, or any other provision required in the opinion of the court to ensure the safety and security of the victim or of any other person close to him, and may also contain provisions as to the arrangements required as a result of the order.

(E)

The terms of the guarantee as stated in Subsection (D), including its removal, shall be specified in the Prevention of Threatening Harassment Order.

**6.**

**Period of validity**

The Prevention of Threatening Harassment Order shall not exceed six months; The court may extend and extend the validity of the order, provided that the total period does not exceed one year, but for special reasons to be specified in its decision, it may extend and extend the validity of the order for a total period not exceeding two years.

**7.**

Rules of Procedure [Amendment: 5768]

(A)

A court may issue an order for the prevention of nuisance harassment ex parte, if it believes that it is necessary for the immediate protection of the victim's safety, or when the respondent was duly summoned and did not appear for the hearing.

(B)

If a non-stalking order is issued ex parte, the hearing will be held in the presence of both parties as soon as possible and no later than seven days from the day the order was issued.

(C)

Where a hearing is set forth in subsection (b), the court may extend the validity of the order, revoke it or make changes thereto, even if the person who is bound by the order did not appear for the hearing.

(D)

A hearing of the application under [section 5 \(b\) \(3\)](#) shall take place in the presence of both parties and in the status of a representative of the special license holder, the proper enterprise or the security authority, as the case may be.

(E)

The court will not reject an application for an order to prevent threatening harassment unless it has given the applicant or his representative an opportunity to state his case orally, unless he sees that exceptional circumstances exist and for reasons to be recorded.

**8.**

Breach of order

(A)

A complaint has been filed with the police regarding the violation of the Prevention of Threatening Harassment Order, a policeman may arrest the violator.

(B)

This would not be a good defense for a person who violated the Prevention of Threatening Harassment Order, which the victim or any other person close to him did not insist upon, or on the implementation of the provisions of the law because of his breach.

[9](#) .

Expenses and compensation in idle

If a court rejects an application for the Prevention of Threatening Harassment Order and determines that it is provocative, it may impose on the person who requested the order some or all of them:

(1)

Expenses in favor of the State and for the benefit of the injured party, at such rate as it deems appropriate;

(2)

Appropriate compensation for those injured by the application.

[10](#) .

authority

In a proceeding under this Law, a court shall not refrain from deliberating or deciding on an application to issue an order under [section 4](#) , for the sole reason that the matter becomes apparent in another proceeding, that a claim of lack of local authority has been made or that a person has conditioned his right under the law.

[11](#) .

Compliance with laws

The provisions of this Law are intended to add to and not derogate from the provisions of any law.

[12](#) .

Implementation and regulations

The Minister of Justice is charged with the implementation of this Law and may, with the approval of the Committee for the Advancement of the Status of Women, make regulations as to its implementation.

[13](#) .

The text was incorporated into [the Youth Law \(Care and Supervision\), 5720-1960](#) .

[14](#) .

The [law](#) incorporated a [law to prevent domestic violence, 5751-1991](#) .

Was adopted by the Knesset on October 16, 2001,

- **Arial Sron**  
Prime Minister
- **Meir Sheetrit**  
Minister of Justice
- **Moshe Katsav President**  
of the State
- **Avraham Burg,**  
Speaker of the Knesset