

# Report on Domestic Violence Modifications

Law Enforcement and Criminal Justice Interim Committee

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STATEWIDE ASSOCIATION OF  
PROSECUTORS & PUBLIC ATTORNEYS



# Presenters

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# Proposed Modifications to DV Enhancements

- Under current law, a qualifying domestic violence offense can be enhanced if the Defendant has been previously convicted of a domestic violence offense
- However, current law only allows for subsequent offenses to be enhanced if the subsequent offense is a misdemeanor. Currently, the law does not allow a subsequent felony to be enhanced by prior convictions.
- This sometimes leads to absurd results and limits the tools for prosecutors and Courts to appropriately manage the most dangerous offenders

# Development of a DV Specific Matrix

- Sentencing guidelines for domestic violence related offenses fail to consider recognized risk factors for domestic violence offenses
- Lethality Assessments and other validated tools specific to domestic violence offenses should be considered to supplement the sentencing matrix for domestic violence offenses to ensure that there is an appropriate response to those offenders who pose higher risks to members of the community

# Proposed Additions to Qualifying Domestic Violence Offenses

- Child abuse
- Abuse against a vulnerable adult
- Human trafficking
- Offenses against privacy
  - Secret listening devices (76-9-402)
  - Wiretapping (76-9-403)
  - Unlawful tracking devices (76-9-408)

# Risk in Felony Domestic Violence Crimes

Third Degree Felonies with proven lethality factors:

- Strangulation increases victim's risk of lethality by 700-800%
- Use or threat of firearm increases lethality risk for victim by 500%

# Domestic Violence is a crime of power and control

- In 30% of femicide cases, the homicide was the first act of physical abuse
- Abusers use other tools to control their victims
- Intrusive monitoring is an elevated critical risk factor on the IPV-RNE, meaning someone who exhibits this alone would qualify for intensive supervision after a domestic violence conviction



# Child Abuse and Intimate Partner Violence

- 30 to 60% of children living in homes with domestic violence are also victims of abuse
- When a conservative definition of child abuse was used, researchers found a median rate of co-occurrence between child abuse and domestic violence of about 40 percent