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CHIEF DEPUTY DA. CLARK COUNTY.

FOR

Last year I tried three different domestic violence murder cases. In 2 out of the 3 murder cases, the women had TPO's against Domestic Violence when they were murdered. One of the women was actually telling the dispatcher she had a TPO against her husband as she was being stabbed to death.

I decided to write this legislation after hearing that last 9-11 tape. All too often in domestic violence, we in law enforcement and advocates advise victims to seek Orders for Protection. The perpetrators go to these hearings and the judge warns the perpetrator to stay away. Despite the warnings, court ordered tpos, the perpetrators commit new felonies against the victims.

When they do this, a violation of a TPO is merely a misdemeanor. Victims time and time again ask why do I bother getting a TPO? And quite frankly, the answer is, there really is no point for any victim to get a TPO when new felony crimes are committed, a misdemeanor means nothing.

Like Firearm Legislation, we know that when victims leave a perpetrator it b/c 7 times more deadly for the victim. For example, if you commit a robbery it's a 2-15. If you use a gun during the commission of that robbery, we enhance the crime to add an additional and consecutive 2-15 punishment. And when 1/3 of all homicides are domestic related, we need to have legislation that reflects the seriousness of the crime and not a misdemeanor that is either never filed or never prosecuted. Like enhancements on firearms and the elderly, we need to send out a message to perpetrators that they better think twice before committing a new felony in violation of a TPO.

I want to highlight a couple of cases for illustration:

1. **Reeter:** After years of abuse, V got a TPO, during the pendency of divorce action he sneaks up behind the victim as she is taking her toddler out of the car seat, and he shoves and beats the V into the car. He gets into the drivers seat as she is screaming out to bystanders at the preschool for help. He takes her out to the desert where he tells her he is going to kill her, their baby and then himself. After almost a full day pleading with him, the victim gets smart and pretends that she is going to get back together with him. He drives her back into town and eventually lets her go thinking they are together.

He is charged: Agg Stalking, Burglary, Robbery, and Kidnapping. But, with this new offense, he has violated a TPO. The violation in only a

ASSEMBLY JUDICIARY

DATE: 3/10/03 ROOM: 3138 EXHIBIT K

SUBMITTED BY: ADDI SILVER

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misdemeanor. Now, pursuant to Supreme Court Law, we cannot prosecute felonies with misdemeanors at trial. So, we just don't prosecute it, why it's a misdemeanor and it means nothing.

Whats worse, is he commits 4 new felonies despite the Judge warning him not to go near her and the toddler. This bill now makes these acts an equal and consecutive sentence, like using a firearm or committing a crime against the elderly.

So that, if you commit a felony, and its in violation of an existing TPO, then the perpetrator maybe sentenced an additional equal and consecutive sentence.

In cases of Attempt Murder, say where the defendant might break into a victim's home and either strangle or beat the victim close to death, this legislation in the case of Attempt Murder, enhances the sentence, and also makes the crime non-probationable.

For Example: Hodgkins: Woman had a TPO, he came into her home, and he shot her in the face with a .357. She lived - miracle. But he was charged with Att Murder w/dw. Which is probationable. It's a 2-20, consecutive 2-20. What did the TPO mean? Nothing- as the law stands.

We have cases where women get TPO's and the defendants walk or bust into their homes in front of children, the perpetrators beat them. Despite a new charge of Burlary (for entering with the intent to commit battery/assault), there is no consequence or additional punishment for violating that TPO court order. This legislation makes it a 1-10 consecutive 1-10. Just like using a gun.

① PLEASE - ADD THE CRIME ATTEMPT MURDER IN SECTION (1) 2.

② PLEASE REMOVE → SEC. 3 "EXCEPT FOR A VIOLATION..." and abcd + 2.

③ PLEASE REMOVE SECTION 4 sub. ADD Att Murder! (2+3).

SECTION 3

SECTION 4

SECTION 3.
 - get RID OF
 "EXCEPT FOR A VIOLATION"

And sec. 4
 (sub 2 + 3)

ADD +
PLEASE REMOVE WHAT I RECOMMEND.

- The sentencing of borrow. It's
in the face of what we
are trying to get passed
in the 1st subsection.

- We want to strengthen the
law - not lessen it.