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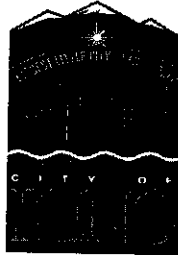
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March 7, 2003

Assemblyperson Bernie Anderson
Chair, Assembly Judiciary Committee
Nevada Assembly
401 S. Carson Street
Carson City, NV 89701

RE: AB 97

Dear Chair Anderson:

As you are aware, Assembly Bill 97 proposes to make some changes in domestic violence laws. The purpose of this correspondence is to indicate to you that we are opposed to the changes for several reasons.

First, AB 97 proposes to take out the words, "a person with whom he is or was actually residing," and any reference to "household member." We strongly oppose this change. In a good number of our cases the victim is recanting or does not come to court because he/she has been intimidated by the batterer. In those cases, where we have an independent witness, such as a neighbor, who can verify that the parties are residing together, we are frequently able to continue to prosecute the case with excited utterances or the testimony of other witnesses. There are also occurrences where the parties are, in actuality, a gay couple who do not want to declare that status. Finally, a senior or anyone who resides with a caregiver, paid or unpaid, would be exempted from the protections of these domestic violence laws.

Section 4 of the bill proposes to change the penalty for domestic battery, allowing a minimum of two days jail or community service. As prosecutors, we believe that softening the penalty for domestic battery is inappropriate. Since domestic violence is about power and control over another person, it is important to the safety of the victim, and possibly others, to neutralize the defendant's access to the victim which can most effectively be done by removing the defendant from the community. It is also an important message to send to the batterers that society will not condone their behavior and that message is not conveyed by community service.

We appreciate your time and consideration of these issues.

Yours truly,

Patricia A. Lynch, Esq.
Reno City Attorney

Kathrine I. Berning
Chief Criminal Deputy

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ASSEMBLY JUDICIARY
DATE: 3/10/03 ROOM: 3138 EXHIBIT M
SUBMITTED BY: P. LYNCH & K. BERNING

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