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**AB 107: TESTIMONY OF ABBI SILVER CHIEF DEPUTY DISTRICT  
ATTORNEY, LAS VEGAS, CLARK COUNTY, NEVADA**

Last year I tried three different domestic violence murder cases. In two out of the three murder cases, the women had TPO's against Domestic Violence at the time of their murders. 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 911 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 judges warn the perpetrator to stay away. Despite the warnings, and court ordered TPO's, 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 violation means nothing.

Like Firearm Legislation, we know that when victims have a perpetrator it becomes seven times more deadly for the victim. For example, if you commit a robbery it's a two (2) – fifteen (15) year penalty. If you use a gun during the commission of that robbery, we enhance the crime to add an additional and consecutive two (2) – fifteen (15) year punishment. And when one third 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:**

**State of Nevada v. Reeter:** After years of abuse, the victim got a TPO. Then, , during the pendency of her divorce action, the defendant sneaked up behind the victim as she was taking her toddler out of the car seat, and he shoves and beats the victim into the car. He then 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 of 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 with: Aggravated Stalking, Burglary, Robbery, and Kidnapping. But, with this new offense, he has violated a TPO. The violation of that order is only a misdemeanor. Now, pursuant to Supreme Court Law, we cannot prosecute felonies with misdemeanors at trial. So, we just don't prosecute it, why? When it's only a misdemeanor and it means nothing- we cannot try that charge with the felonies.

What's worse, is he commits four 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 may be sentenced an additional equal and consecutive sentence.

In cases of Attempt Murder, 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: State of Nevada v. Hodgkins:** A woman had a TPO, the defendant came into her home through an unlocked door, and he shot her in the face with a .357 Revolver. This victim miraculously lived. But he was charged with Attempt Murder with Use of a Deadly Weapon. Which is probationable. It's a two (2) – twenty (20) year penalty, with a consecutive two (2) – twenty (20) year penalty. 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 Burglary (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 one (1) – ten (10) year penalty with a consecutive one (1) – ten (10) year penalty. Just like using a gun.