

1999 SENATE JUDICIARY

SCR 4051

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SCR4051

Senate Judiciary Committee

Conference Committee

Hearing Date February 24, 1999

Tape Number	Side A	Side B	Meter #
1	x		1434 - 2439
Committee Clerk Signature <i>Jackie Follman</i>			

Minutes:

SCR4051 is to study the classification of criminal offenses throughout the North Dakota Century Code.

SENATOR STENEHJEM opened the hearing on SCR4051 at 10:45 A.M.

All were present.

SENATOR STENEHJEM testified in support of SCR4051. This resolution was brought to my attention by Jay Buringrud of the Legislative Council. The Criminal Code was adopted in 1973 and the bill that amended 597 existing sections and repealed 245 sections of the Code. There are now in our Code 247 offenses that are listed as felonies and 708 or more that are listed as misdemeanors and then 147 offenses that are listed as infractions. It is our job to set the level of offense. All these sections need to be looked at.

SENATOR TRAYNOR asked if this would include a study of the death penalty.

Page 2
Senate Judiciary Committee
Bill/Resolution Number SCR4051
Hearing Date February 24, 1999

SENATOR STENEHJEM stated that he did not think so, but it could be added.

ANDREA MARTIN, North Dakota Council of Abused Women, testified in support of SCR4051.

Testimony attached.

SENATOR STENEHJEM asked if other states have offenses listed as domestic violence offenses.

ANDREA MARTIN stated that yes, she believed so. I know of Wyoming for sure.

SENATOR STENEHJEM CLOSED the hearing on SCR4051.

SENATOR WATNE made a motion for DO PASS ON THE CONSENT CALENDAR,

SENATOR BERCIER seconded. Motion carried. 5 - 0 - 1

SENATOR STENEHJEM will carry the bill.

REPORT OF STANDING COMMITTEE (410)
February 24, 1999 12:13 p.m.

Module No: SR-33-3422
Carrier: W. Stenehjem
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SCR 4051: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4051 was placed on the Tenth order on the calendar.

1999 HOUSE JUDICIARY

SCR 4051

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SCR 4051

House Judiciary Committee

Conference Committee

Hearing Date 3-16-99

Tape Number	Side A	Side B	Meter #
One SCR 4051	x		15.6 to 18.8
Committee Clerk Signature <i>Orlan Hanson</i>			

Minutes:

Summary of bill: Criminal code scrutiny

Senator Stenehjem: I was asked by the Attorney General office to introduce this resolution to take a look at the classification of criminal offenses in the state of ND. We adopted our criminal code back in 1973-74 bienium. Since then we have been adding and removing some and need to take a look and see where we stand now.

Chairman asked for further testimony in favor of this resolution and none forth coming. No opposition either. Hearing closed.

Motion by Rep Hawkin for a DO PASS second by Rep Delmore roll call vote called for

Vote Total: YES 12 NO 0 ABSENT 3 motion prevailed

Carrier of SCR 4051 Rep Delmore

Date: 3-16-99
Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 4051

House JUDICIARY Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do pass Consent

Motion Made By Hawken Seconded By Delmore

Representatives	Yes	No	Representatives	Yes	No
REP. DEKREY	✓	✓	REP. KELSH		
REP. CLEARY	✓		REP. KLEMIN	✓	
REP. DELMORE	✓		REP. KOPPELMAN		
REP. DISRUD	✓		REP. MAHONEY	✓	
REP. FAIRFIELD			REP. MARAGOS	✓	
REP. GORDER	✓		REP. MEYER	✓	
REP. GUNTER	✓		REP. SVEEN	✓	
REP. HAWKEN	✓				

Total Yes 12 No 0

Absent 3

Floor Assignment Rep Delmore

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
March 18, 1999 2:52 p.m.

Module No: HR-49-5129
Carrier: Delmore
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SCR 4051: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS
(13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SCR 4051 was placed on the
Tenth order on the calendar.

1999 TESTIMONY

SCR 4051

BISMARCK
Abused Adult Resource Center
222-8370
BOTTINEAU
Family Crisis Center
228-2028
LAKE
Alternatives for
Abused Families
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DICKINSON
Domestic Violence and
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225-4506
ELLEDALE
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349-4729
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VALLEY CITY
Abused Persons Outreach
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WILLISTON
Family Crisis Center
845-0078
WILLISTON
Family Crisis Shelter
572-0757

Testimony on SCR4051
Senate Judiciary Committee
February 23, 1999

Chair Stenehjem and Committee Members,

My name is Andrea Martin and I am here on behalf of the ND Council on Abused Women's Services/Coalition Against Sexual Assault.

Very briefly, I am here to offer our support of this resolution and look forward to an interim study on the classification of offenses, particularly that of domestic violence.

Our 20 crisis centers around the state collect statistics annually and those numbers are compiled at our Coalition office. I have attached a copy of our most recent domestic violence data. As you can see from question number 13b of the data collection handout, domestic violence offenders are often charged under a variety of offenses because we do not address domestic violence as a crime in our statutes.

In order to work toward some consistency in sentencing domestic violence offenders, it seems we would want to pursue either a review of penalties specifically geared toward domestic violence offenses, or pursue creating a separate domestic violence offense.

This has been an issue discussed among our coalition members at length. We hope that you will consider it a subject worthy of further investigation in the event that there is a major review of the classification of all of the criminal offenses.

Thank you.



Andrea Martin, LPCC
Assistant Director
NDCAWS/CASAND

North Dakota Council on Abused Women's Services • Coalition Against Sexual Assault in North Dakota
418 East Rosser #320 • Bismarck, ND 58501 • Phone: (701) 255-6240 • Toll Free 1-800-472-2911 • Fax: 255-1904





DOMESTIC VIOLENCE PROGRAM - DATA COLLECTION
 NORTH DAKOTA DEPARTMENT OF HEALTH
 MATERNAL AND CHILD HEALTH DIVISION
 SFN 16506 (12-95)

Project Name North Dakota Domestic Violence Statistics	Month of January-December 1998
Report Completed By ND Council On Abused Women's Services	Telephone Number (701) 255-6240

3,799 1. NUMBER OF NEW VICTIMS SERVED THIS MONTH (Count each victim only once per year the first time she/he receives services. If you talk to a victim on the phone for a significant length of time, and obtain enough information to respond to the following, record here and not as a phone call.)

1,179 1a. OF NEW VICTIMS REPORTED IN LINE 1 ABOVE HOW MANY WERE ALSO CLIENTS IN A PREVIOUS YEAR?

1,901 2. NUMBER OF VICTIMS REPORTING ABUSE (OR FOR WHOM SOMEONE ELSE HAS REPORTED ABUSE) FOR THE FIRST TIME THIS YEAR WHO WERE PHONE CALLS ONLY (These should not be included in line 1.) PHONE CALL refers to a victim who was not seen in person, and from/for whom only limited data are collected. Please see instructions.

RECORD THE FOLLOWING INFORMATION ON NEW VICTIMS (not phone calls) served this month. Total for each category should equal the number of new victims. *(Except for categories marked by an asterisk.)

<p>3. SEX OF VICTIM</p> <p>94% Female 6 Male</p> <p>4. AGE OF VICTIM</p> <p>2% 0-12 years 3 13-17 years 39 18-29 years 40 30-44 years 10 45-64 years 1 65 and older 5 UNKNOWN</p> <p>*5. DISABLED VICTIMS (Indicate all disabilities (listed below) which apply to each victim.)</p> <p>%Total Disabled 5% Visually Impaired/Blind 6 Hearing Impaired/Deaf 17 Developmentally Delayed 38 Physical/Medical Disability 33 Mentally Ill 6 Other Unknown</p> <p>#387 = 10% Total New Victims #387 Total No. Disabled Victims</p> <p>6. ETHNIC BACKGROUND</p> <table border="1"> <tr> <th>VICTIM</th> <th>ABUSER</th> <th></th> </tr> <tr> <td>77%</td> <td>74%</td> <td>Caucasian/White</td> </tr> <tr> <td>18</td> <td>17</td> <td>American Indian/Alaskan Native</td> </tr> <tr> <td>1</td> <td>3</td> <td>African American/Black</td> </tr> <tr> <td>1</td> <td>--</td> <td>Asian/Pacific Islander</td> </tr> <tr> <td>2</td> <td>2</td> <td>Hispanic</td> </tr> <tr> <td>--</td> <td>--</td> <td>Other</td> </tr> <tr> <td>1</td> <td>4</td> <td>Unknown</td> </tr> </table> <p>7. COMMUNITY SIZE OF VICTIM</p> <p>5% Rural & Remote Location 3 Town Under 500 Population 0 Town 500 to 1500 Population 0 Town 1500 to 5000 Population 0 City 5,000 to 10,000 Population 15 City 10,000 to 35,000 Population 44 City Over 35,000 Population -- Unknown</p>	VICTIM	ABUSER		77%	74%	Caucasian/White	18	17	American Indian/Alaskan Native	1	3	African American/Black	1	--	Asian/Pacific Islander	2	2	Hispanic	--	--	Other	1	4	Unknown	<p>8. PRIMARY REFERRAL SOURCE</p> <p>32% Self 27 Law Enforcement 7 Friend 7 Family/Relative 1 Legal Assistance 3 Private Attorney 2 Physician/Hospital 3 County Social Services 2 Human Service Center 1 Church 1 Mental Health Referral Line 2 Private Help Agency -- Victim Witness Advocate -- Employer -- Tribal Social Services -- Tribal Court 2 State's Attorney 1 Court 2 Other DV Project 5 Other 2 Unknown</p> <p>9. FAMILY SIZE OF VICTIM (number of minor children living in home)</p> <p>28% None 23 One 21 Two 13 Three 5 Four 2 Five 1 Over Five (Specify) 7 Unknown</p> <p>#15% *10. NUMBER OF NEW VICTIMS SEEN WHO WERE PREGNANT AT THE TIME OF THE ASSAULT. =4% Total New Victims</p> <p>11. PAST USE OF A DV PROJECT</p> <p>40% Yes 51 No 9 Unknown</p>	<p>12. PRIMARY ABUSER'S RELATIONSHIP TO VICTIM</p> <p>34% Spouse 13 Former Spouse (Includes those legally separated or in divorce process) 16 Cohabiting Partner 9 Partner (Boyfriend/Girlfriend) 15 Former Partner (Boyfriend/Girlfriend) 7 Family Member/Relative -- Roommate 4 Other 2 Unknown</p> <p>13. WAS LAW ENFORCEMENT CALLED AT TIME OF INCIDENT?</p> <p>44% Yes 52 No (go to #14) -- Yes, but no officer responded 4 Unknown</p> <p>*13a. IF OFFICER RESPONDED, WAS THE ABUSER ARRESTED?</p> <p>34% Yes 62 No 4 Unknown</p> <p>*13b. FOR YES ANSWERS IN 13A, ON WHAT CHARGE(S) WAS THE ABUSER ARRESTED?</p> <p>3% Aggravated Assault 17 Assault 39 Simple Assault 5 Disorderly Conduct 4 Terrorizing 1 Stalking 2 Domestic Abuse: Tribal Code 14 Other (List)</p> <p>21 Unknown</p> <p>14. WAS A CRIMINAL COMPLAINT FILED?</p> <p>17% Yes 71 No (go to #16) 12 Unknown</p>
VICTIM	ABUSER																									
77%	74%	Caucasian/White																								
18	17	American Indian/Alaskan Native																								
1	3	African American/Black																								
1	--	Asian/Pacific Islander																								
2	2	Hispanic																								
--	--	Other																								
1	4	Unknown																								

*14a. IF YES, WHO SIGNED THE COMPLAINT?
 38% Victim Signed
 44 Law Enforcement signed without victim's signature
 2 Other (Specify): _____
 16 Unknown

*15. IF YES TO #14, WERE CRIMINAL CHARGES FILED?
 68% Yes
 10 No
 22 Unknown

16. LENGTH OF EXPOSURE TO VIOLENT RELATIONSHIP (Not number of years in relationship)
 20% Under 1 year
 37 1-5 years
 16 6-10 years
 10 11-20 years
 4 Over 20 years
 13 Unknown

17. HAVE WEAPONS EVER BEEN USED DURING ANY INCIDENT OF ABUSE (actually used or visibly used as threats)?
 17% Yes
 37% Guns
 29 Knives
 41 Other (Specify) _____
 64 No
 19 Unknown

18. TYPE OF ABUSE (Be sure to mark only one type of abuse/victim)
 64% Physical
 34 Psychological
 2 Unknown

18a. HAS THE ABUSE ALSO INCLUDED SEXUAL ASSAULT BY THIS ABUSER?
 13% Yes
 66 No
 21 Unknown

19. DOES THE ABUSER HAVE A HISTORY OF BEING ABUSIVE WITH OTHER ADULTS?
 37% Yes
 25 No
 38 Unknown

20. EMPLOYMENT STATUS

VICTIM	PRIMARY ABUSER
48%	53% Employed
20	19 Unemployed
	2 Student
	4 Self-employed
7	--- Homemaker
5	3 Other (Retired, Disability)
11	19 Unknown

21. IS THERE A HISTORY OF ALCOHOL USE ASSOCIATED WITH DOMESTIC VIOLENCE?
 36% Yes - By Abuser Only
 1 Yes - By Victim Only
 12 Yes - By Both
 30 No
 21 Unknown

22. IS THERE A HISTORY OF DRUG ABUSE ASSOCIATED WITH DOMESTIC VIOLENCE?
 12% Yes - By Abuser Only
 1 Yes - By Victim Only
 2 Yes - By Both
 51 No
 34 Unknown

* THE FOLLOWING INFORMATION REFERS TO ANY VICTIM YOU HAVE WORKED WITH THIS MONTH, WHETHER OR NOT THEY ARE NEW:

#950 *23. NUMBER OF VICTIMS WHO WERE GRANTED AN EX PARTE ORDER FOR PROTECTION.
 31 *24. NUMBER OF EX PARTE PROTECTION ORDERS DENIED.
 30 *25. NUMBER OF PROTECTION ORDERS DENIED AT FULL HEARING.
 242 *26. NUMBER OF ABUSERS WHO ALLEGEDLY VIOLATED AN ORDER FOR PROTECTION.
 71 *27. NUMBER OF ABUSERS ARRESTED FOR AN INITIAL VIOLATION OF A PROTECTION ORDER.
 32 *28. NUMBER OF ABUSERS ARRESTED FOR A SUBSEQUENT VIOLATION OF A PROTECTION ORDER.
 50 *29. NUMBER OF ABUSERS PROSECUTED IN CONNECTION WITH AN INITIAL VIOLATION OF A PROTECTION ORDER (MISDEMEANOR).
 23 *30. NUMBER OF ABUSERS PROSECUTED IN CONNECTION WITH A SUBSEQUENT VIOLATION OF A PROTECTION ORDER (FELONY).
 558 *31. TOTAL NUMBER OF CLIENTS REINITIATING SERVICES THIS MONTH AS A RESULT OF A NEW INCIDENT OF ABUSE (if victim was seen for the first time this year report on line 1 and not here).

#216 *32. NUMBER OF PRESENTATIONS TO PROFESSIONAL GROUPS WHO ALSO DEAL WITH VICTIMS. (Do not include your own inservice training)
 3,503 *32a. NUMBER OF PEOPLE WHO ATTENDED ABOVE PRESENTATIONS.
 472 *33. NUMBER OF PRESENTATIONS TO SCHOOL PERSONNEL AND STUDENTS.
 14,297 *33a. NUMBER OF PEOPLE WHO ATTENDED ABOVE PRESENTATIONS
 372 *34. NUMBER OF PRESENTATIONS TO GENERAL PUBLIC.
 11,869 *34a. NUMBER OF PEOPLE WHO ATTENDED ABOVE PRESENTATIONS.
 405 *35. NUMBER OF MEDIA CONTACTS.

SEND COPIES OF THIS FORM TO:

ND Department Health Maternal and Child Health Division 600 E. Boulevard Avenue Bismarck, ND 58505-0200	ND Council on Abused Women's Services 418 E. Rosser #320 Bismarck, ND 58501
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DOMESTIC VIOLENCE PROGRAM - DATA COLLECTION
NORTH DAKOTA DEPARTMENT OF HEALTH
MATERNAL AND CHILD HEALTH DIVISION
 SFN 16506 (12-95)

Project Name N. D. Domestic Violence Statistics	Month of January-December 19 97
Report Completed By Council On Abused Women's Services	Telephone Number (701) 255-6240

3,503 1. NUMBER OF NEW VICTIMS SERVED THIS MONTH (Count each victim only once per year the first time she/he receives services. If you talk to a victim on the phone for a significant length of time, and obtain enough information to respond to the following, record here and not as a phone call.)

1,040 1a. OF NEW VICTIMS REPORTED IN LINE 1 ABOVE HOW MANY WERE ALSO CLIENTS IN A PREVIOUS YEAR?

1,961 2. NUMBER OF VICTIMS REPORTING ABUSE (OR FOR WHOM SOMEONE ELSE HAS REPORTED ABUSE) FOR THE FIRST TIME THIS YEAR WHO WERE 'PHONE CALLS ONLY' (These should not be included in line 1.) PHONE CALL refers to a victim who was not seen in person, and from/for whom only limited data are collected. Please see instructions.

RECORD THE FOLLOWING INFORMATION ON NEW VICTIMS (not phone calls) served this month. Total for each category should equal the number of new victims. *(Except for categories marked by an asterisk.)

<p>3. SEX OF VICTIM</p> <p>94% Female</p> <p>6 Male</p> <p>4. AGE OF VICTIM</p> <p>3% 0-12 years</p> <p>3 13-17 years</p> <p>38 18-29 years</p> <p>42 30-44 years</p> <p>9 45-64 years</p> <p>1 65 and older</p> <p>4 UNKNOWN</p> <p>5. DISABLED VICTIMS (Indicate all disabilities (listed below) which apply to each victim.)</p> <p>5% Visually Impaired/Blind</p> <p>5 Hearing Impaired/Deaf</p> <p>24 Developmentally Delayed</p> <p>48 Physical/Medical Disability</p> <p>25 Mentally Ill</p> <p>1 Other</p> <p>Unknown</p> <p># 314 = 9% Total Victims Total No. Disabled Victims</p> <p>6. ETHNIC BACKGROUND</p> <table border="1"> <tr> <th>VICTIM</th> <th>ABUSER</th> <th></th> </tr> <tr> <td>77%</td> <td>73%</td> <td>Caucasian/White</td> </tr> <tr> <td>19</td> <td>19</td> <td>American Indian/Alaskan Native</td> </tr> <tr> <td>1</td> <td>2</td> <td>African American/Black</td> </tr> <tr> <td>1</td> <td>1</td> <td>Asian/Pacific Islander</td> </tr> <tr> <td>1</td> <td>2</td> <td>Hispanic</td> </tr> <tr> <td>-</td> <td>-</td> <td>Other</td> </tr> <tr> <td>1</td> <td>3</td> <td>Unknown</td> </tr> </table> <p>7. COMMUNITY SIZE OF VICTIM</p> <p>5% Rural & Remote Location</p> <p>5 Town Under 500 Population</p> <p>9 Town 500 to 1500 Population</p> <p>10 Town 1500 to 5000 Population</p> <p>10 City 5,000 to 10,000 Population</p> <p>10 City 10,000 to 35,000 Population</p> <p>44 City Over 35,000 Population</p>	VICTIM	ABUSER		77%	73%	Caucasian/White	19	19	American Indian/Alaskan Native	1	2	African American/Black	1	1	Asian/Pacific Islander	1	2	Hispanic	-	-	Other	1	3	Unknown	<p>8. PRIMARY REFERRAL SOURCE</p> <p>39% Self</p> <p>21 Law Enforcement</p> <p>7 Friend</p> <p>7 Family/Relative</p> <p>1 Legal Assistance</p> <p>2 Private Attorney</p> <p>2 Physician/Hospital</p> <p>3 County Social Services</p> <p>2 Human Service Center</p> <p>1 Church</p> <p>1 Mental Health Referral Line</p> <p>2 Private Help Agency</p> <p>1 Victim Witness Advocate</p> <p>1 Employer</p> <p>- Tribal Social Services</p> <p>1 Tribal Court</p> <p>1 State's Attorney</p> <p>1 Court</p> <p>2 Other DV Project</p> <p>4 Other _____</p> <p>1 Unknown</p> <p>9. FAMILY SIZE OF VICTIM (number of minor children living in home)</p> <p>30% None</p> <p>23 One</p> <p>22 Two</p> <p>13 Three</p> <p>6 Four</p> <p>2 Five</p> <p>1 Over Five (Specify)</p> <p>3 Unknown</p> <p>4% *10. NUMBER OF NEW VICTIMS SEEN WHO WERE PREGNANT AT THE TIME OF THE ASSAULT.</p> <p>11. PAST USE OF A DV PROJECT</p> <p>38% Yes</p> <p>53 No</p> <p>9 Unknown</p>	<p>12. PRIMARY ABUSER'S RELATIONSHIP TO VICTIM</p> <p>38% Spouse</p> <p>13 Former Spouse (Includes those legally separated or in divorce process)</p> <p>16 Cohabiting Partner</p> <p>8 Partner (Boyfriend/Girlfriend)</p> <p>11 Former Partner (Boyfriend/Girlfriend)</p> <p>8 Family Member/Relative</p> <p>1 Roommate</p> <p>4 Other _____</p> <p>1 Unknown</p> <p>13. WAS LAW ENFORCEMENT CALLED AT TIME OF INCIDENT?</p> <p>41% Yes</p> <p>53 No (go to #14)</p> <p>1 Yes, but no officer responded</p> <p>5 Unknown</p> <p>*13a. IF OFFICER RESPONDED, WAS THE ABUSER ARRESTED?</p> <p>43% Yes</p> <p>50 No</p> <p>7 Unknown</p> <p>*13b. FOR YES ANSWERS IN 13A, ON WHAT CHARGE(S) WAS THE ABUSER ARRESTED?</p> <p>3% Aggravated Assault</p> <p>15 Assault</p> <p>44 Simple Assault</p> <p>4 Disorderly Conduct</p> <p>2 Terrorizing</p> <p>- Stalking</p> <p>5 Domestic Abuse: Tribal Code</p> <p>9 Other (List) _____</p> <p>20 Unknown</p> <p>14. WAS A CRIMINAL COMPLAINT FILED?</p> <p>18% Yes</p> <p>67 No (go to #16)</p> <p>15 Unknown</p>
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4057

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Testimony on SCR4051
House Judiciary Committee
March 16, 1999

Chair DeKrey and Committee Members,

My name is Andrea Martin and I am writing on behalf of the ND Council on Abused Women's Services/Coalition Against Sexual Assault.

Very briefly, we offer our support of this resolution and look forward to an interim study on the classification of offenses, particularly that of domestic violence.

Our 20 crisis centers around the state collect statistics annually and those numbers are compiled at our Coalition office. I have attached a copy of our most recent domestic violence data. As you can see from question number 13b of the data collection handout, domestic violence offenders are often charged under a variety of offenses because we do not address domestic violence as a crime in our statutes.

In order to work toward some consistency in sentencing domestic violence offenders, it seems we would want to pursue either a review of penalties specifically geared toward domestic violence offenses, or pursue creating a separate domestic violence offense.

This has been an issue discussed among our coalition members at length. We hope that you will consider it a subject worthy of further investigation in the event that there is a major review of the classification of all of the criminal offenses.

Thank you.



Andrea Martin, LPCC
Assistant Director
NDCAWS/CASAND

