

ENHANCED PENALTIES FOR DOMESTIC VIOLENCE 2005

(This document supercedes the version produced in 2000.)

The term “enhanced penalties” as used in this document encompasses sentencing, charging, fines, protection order violations, repeat offenders, and mandatory treatment. The following is an alphabetical listing of all states that have enacted statutes enhancing penalties for domestic violence crimes. In some cases, statutes have been edited, deleting subsections that do not address domestic violence or enhancements. All statutes are preceded by the correct citation, allowing for ease of further research.

The statutes are divided into eight categories:

- Aggravating Factors – Statutes that contain sentencing enhancements for crimes involving domestic violence.
- Assault/Battery – Statutes that set forth a separate crime for domestic abuse or contain an enhancement when the victim is a spouse, family member, or intimate partner.
- Child Witnesses – Statutes that enhance the charging or sentencing of acts of domestic violence that are committed in the presence of a child.
- Mandatory Treatment – Statutes mandate treatment upon conviction of a domestic violence crime.
- Miscellaneous – A variety of statutes that do not fall within one of the larger categories such as fines.
- Other DV-Related Crimes – Criminal statutes involving crimes against a spouse such as injury to a pregnant woman.
- Protection Order Violations – Statutes that contain penalty provisions for violations of a protection order.
- Stalking – Statutes that specifically address domestic violence or contain an enhancement because a restraining order was in place at the time of the act.

STATE	AGGRAVATING FACTOR	ASSAULT BATTERY	CHILD WITNESSES	MANDATORY TREATMENT	MISC.	OTHER DV-RELATED CRIMES	PROTECTION ORDER VIOLATIONS	STALKING
ALABAMA		X					X	
ALASKA	X		X			X	X	X
ARIZONA		X		X	X			
ARKANSAS		X	X		X			
CALIFORNIA	X	X	X	X			X	X
COLORADO	X			X	X		X	
CONNECTICUT	X	X					X	
DELAWARE	X		X				X	
DISTRICT OF COLUMBIA							X	
FLORIDA	X	X		X				X
GEORGIA		X	X	X				X
HAWAII	X	X	X	X			X	X
IDAHO		X	X					
ILLINOIS	X	X	X			X	X	
INDIANA	X	X			X		X	X
IOWA		X		X	X			X
KANSAS		X			X	X		X
KENTUCKY	X	X			X			
LOUISIANA		X					X	X
MAINE							X	
MARYLAND							X	
MASSACHUSETTS				X	X		X	X

STATE	AGGRAVATING FACTOR	ASSAULT BATTERY	CHILD WITNESSES	MANDATORY TREATMENT	MISC.	OTHER DV-RELATED CRIMES	PROTECTION ORDER VIOLATIONS	STALKING
MICHIGAN		X			X			X
MINNESOTA		X		X	X	X	X	
MISSISSIPPI		X	X	X		X		
MISSOURI		X					X	
MONTANA		X		X	X		X	
NEBRASKA		X			X		X	
NEVADA		X		X	X		X	
NEW HAMPSHIRE					X		X	
NEW JERSEY					X		X	X
NEW MEXICO		X		X	X		X	X
NEW YORK							X	
NORTH CAROLINA		X				X		
NORTH DAKOTA		X		X			X	X
OHIO		X					X	X
OKLAHOMA		X	X	X			X	X
OREGON		X						X
PENNSYLVANIA							X	X
RHODE ISLAND	X	X		X	X		X	
SOUTH CAROLINA		X			X	X	X	
SOUTH DAKOTA				X	X		X	X
TENNESSEE		X						
TEXAS		X				X	X	

STATE	AGGRAVATING FACTOR	ASSAULT BATTERY	CHILD WITNESSES	MANDATORY TREATMENT	MISC.	OTHER DV-RELATED CRIMES	PROTECTION ORDER VIOLATIONS	STALKING
UTAH		X	X	X	X		X	
VERMONT		X		X	X		X	
VIRGINIA		X					X	
WASHINGTON	X	X			X	X	X	
WEST VIRGINIA		X					X	X
WISCONSIN	X	X			X		X	
WYOMING		X					X	X

STATE	STATUTE(S)
ALABAMA	<p data-bbox="583 354 1808 394" style="text-align: center;"><u>ASSAULT/BATTERY & PROTECTION ORDER VIOLATIONS</u></p> <p data-bbox="583 440 1079 508">Code of Ala. § 13A-6-130 (2005) Domestic violence in the first degree</p> <p data-bbox="583 553 1913 800">(a) A person commits the crime of domestic violence in the first degree if the person commits the crime of assault in the first degree pursuant to Section 13A-6-20, and the victim is a current or former spouse, parent, child, any person with whom the defendant has a child in common, a present or former household member, or a person who has or had a dating or engagement relationship with the defendant. Domestic violence in the first degree is a Class A felony, except that the defendant shall serve a minimum term of imprisonment of one year without consideration of probation, parole, good time credits, or any other reduction in time for any second or subsequent conviction under this subsection.</p> <p data-bbox="583 846 1913 984">(b) The minimum term of imprisonment imposed under subsection (a) shall be double without consideration of probation, parole, good time credits, or any reduction in time if a defendant willfully violates a protection order issued by a court of competent jurisdiction and in the process of violating the order commits domestic violence in the first degree.</p> <p data-bbox="583 1029 1115 1097">Code of Ala. § 13A-6-131 (2005) Domestic violence in the second degree</p> <p data-bbox="583 1143 1913 1281">(a) A person commits the crime of domestic violence in the second degree if the person commits the crime of assault in the second degree pursuant to Section 13A-6-21, and the victim is a current or former spouse, parent, child, any person with whom the defendant has a child in common, a present or former household member, or a person who has or had a dating or engagement relationship with the</p>

STATE	STATUTE(S)
<p>ALABAMA (con't)</p>	<p>Code of Ala. § 13A-6-131 (2005) Domestic violence in the second degree (con't)</p> <p>defendant. Domestic violence in the second degree is a Class B felony, except the defendant shall serve a minimum term of imprisonment of six months without consideration of probation, parole, good time credits, or any reduction in time for any second or subsequent conviction under this subsection.</p> <p>(b) The minimum term of imprisonment imposed under subsection (a) shall be double without consideration of probation, parole, good time credits, or any reduction in time if a defendant willfully violates a protection order issued by a court of competent jurisdiction and in the process of violating the order commits domestic violence in the second degree.</p> <p>Code of Ala. § 13A-6-132 (2005) Domestic violence in the third degree</p> <p>(a) A person commits domestic violence in the third degree if the person commits the crime of assault in the third degree pursuant to Section 13A-6-22; the crime of menacing pursuant to Section 13A-6-23; the crime of reckless endangerment pursuant to Section 13A-6-24; the crime of criminal coercion pursuant to Section 13A-6-25; or the crime of harassment pursuant to subsection (a) of Section 13A-11-8; and the victim is a current or former spouse, parent, child, any person with whom the defendant has a child in common, a present or former household member, or a person who has or had a dating or engagement relationship with the defendant. Domestic violence in the third degree is a Class A misdemeanor, except the defendant shall serve a minimum term of imprisonment of 48 hours in a city or county jail or detention facility without consideration of reduction in time for any second or subsequent conviction under this subsection.</p> <p>(b) The minimum term of imprisonment imposed under subsection (a) shall be double without consideration of reduction in time if a defendant willfully violates a protection order issued by a court of competent jurisdiction and in the process of violating the order commits domestic violence in the third degree.</p>

STATE	STATUTE(S)
<p>ALABAMA (con't)</p>	<p><u>PROTECTION ORDER VIOLATIONS</u></p> <p>Code of Ala. § 30-5-9 (2005) Penalties</p> <p>A defendant who has violated a protection order issued pursuant to [§ 30-5-1 <i>Protection From Abuse Act</i>] by the commission of an act of abuse as defined in this chapter or conduct other than abuse in violation of the order shall be guilty of a Class A misdemeanor. On the first conviction, the defendant shall be punished as provided by law. On a second conviction, the defendant shall be punished by a minimum of 30 days imprisonment which may not be suspended. On a third or subsequent conviction, the defendant shall be punished by a minimum sentence of 120 days imprisonment which may not be suspended. Upon conviction, the person shall be required to pay one-third of the cost of incarceration for each day imprisoned in the county jail. The cost shall be determined by the judge and shall be entered as a money judgment against the defendant in favor of the county for which execution shall let. All monies collected for the cost of incarceration shall be deposited into the county general fund earmarked for the administration of the county jail. The person shall also be subject to existing penalties upon conviction of any criminal charges arising out of the incident which is the basis of any protection order. The criminal penalties provided by this section shall not affect any contempt of court proceeding.</p>

STATE	STATUTE(S)
ALASKA	<p style="text-align: center;"><u>AGGRAVATING FACTORS & CHILD WITNESSES</u></p> <p>Alaska Stat. § 12.55.155 (2004) Factors in aggravation and mitigation</p> <p>(c) The following factors shall be considered by the sentencing court and may aggravate the presumptive terms set out in AS 12.55.125:</p> <p style="padding-left: 20px;">(18) the offense was a felony:</p> <p style="padding-left: 40px;">(A) specified in AS 11.41 and was committed against a spouse, a former spouse, or a member of the social unit comprised of those living together in the same dwelling as the defendant;</p> <p style="padding-left: 40px;">(B) specified in AS 11.41.410 -- 11.41.458 and the defendant has engaged in the same or other conduct prohibited by a provision of AS 11.41.410 -- 11.41.460 involving the same or another victim; or (C) specified in AS 11.41 that is a crime involving domestic violence and was committed in the physical presence or hearing of a child under 16 years of age who was, at the time of the offense, living within the residence of the victim, the residence of the perpetrator, or the residence where the crime involving domestic violence occurred;</p> <p>Alaska Stat. § 12.55.135 (2005) Sentences of imprisonment for misdemeanors</p> <p>(g) A defendant convicted of assault in the fourth degree that is a crime involving domestic violence shall be sentenced to a minimum term of imprisonment of</p> <p style="padding-left: 20px;">(1) 30 days if the defendant has been previously convicted of a crime against a person or a crime involving domestic violence;</p> <p style="padding-left: 20px;">(2) 60 days if the defendant has been previously convicted two or more times of a crime against a person or a crime involving domestic violence, or a combination of those crimes.</p>

STATE	STATUTE(S)
<p>ALASKA (con't)</p>	<p>Alaska Stat. § 12.55.135 (2005) Sentences of imprisonment for misdemeanors (con't)</p> <p>(i) If a defendant is sentenced under (g) of this section, (1) execution of sentence may not be suspended and probation or parole may not be granted until the minimum term of imprisonment has been served; (2) imposition of sentence may not be suspended; (3) the minimum term of imprisonment may not otherwise be reduced.</p> <p><u>OTHER DV-RELATED CRIMES</u></p> <p>Alaska Stat. § 11.56.755 (2005) Unlawful contact in the second degree</p> <p>(a) A person commits the crime of unlawful contact in the second degree if (1) the person is arrested for a crime against a person under AS 11.41 or a crime involving domestic violence; and (2) before the person's initial appearance before a judge or magistrate or before dismissal of the charge for which the person was arrested, whichever occurs first, the person initiates communication or attempts to initiate communication with the alleged victim of the crime that was the basis for the person's arrest.</p> <p>(b) Unlawful contact in the second degree is (1) a class B misdemeanor if the person was arrested for an offense that is a class A misdemeanor or a felony offense; (2) a violation if the person was arrested for an offense that is a class B misdemeanor.</p>

STATE	STATUTE(S)
<p>ALASKA (con't)</p>	<p>Alaska Stat. § 11.61.220 (2005) Misconduct involving weapons in the fifth degree</p> <p>(a) A person commits the crime of misconduct involving weapons in the fifth degree if the person (4) knowingly possesses a firearm (C) within a domestic violence or sexual assault shelter that receives funding from the state;</p> <p><u>PROTECTION ORDER VIOLATIONS</u></p> <p>Alaska Stat. § 11.56.740 (2005) Violating a protective order</p> <p>(a) A person commits the crime of violating a protective order if the person is subject to a protective order (1) issued or filed under AS 18.66 and containing a provision listed in AS 18.66.100(c)(1) -- (7) and knowingly commits or attempts to commit an act with reckless disregard that the act violates or would violate a provision of the protective order; or (2) issued under AS 18.65.850, 18.65.855, or 18.65.860 and knowingly commits or attempts to commit an act in violation of the order. (b) Violation of this section is a class A misdemeanor.</p> <p>Alaska Stat. § 12.55.135 (2005) Sentences of imprisonment for misdemeanors</p> <p>(c) A defendant convicted of assault in the fourth degree that is a crime involving domestic violence committed in violation of the provisions of an order issued or filed under AS 12.30.027 or AS 18.66.100 -- 18.66.180 and not subject to sentencing under (g) of this section shall be sentenced to a minimum term of imprisonment of 20 days.</p>

STATE	STATUTE(S)
<p>ALASKA (con't)</p>	<p>Alaska Stat. § 12.55.135 (2005) Sentences of imprisonment for misdemeanors (con't)</p> <p>(e) If a defendant is sentenced under (c) of this section, (1) execution of sentence may not be suspended and probation or parole may not be granted until the minimum term of imprisonment has been served; (2) imposition of a sentence may not be suspended except upon condition that the defendant be imprisoned for no less than the minimum term of imprisonment provided in the section; and (3) the minimum term of imprisonment may not otherwise be reduced.</p> <p><u>STALKING</u></p> <p>Alaska Stat. § 11.41.260 (2005) Stalking in the first degree</p> <p>(a) A person commits the crime of stalking in the first degree if the person violates AS 11.41.270 and (1) the actions constituting the offense are in violation of an order issued or filed under AS 18.66.100 -- 18.66.180 or issued under former AS 25.35.010(b) or 25.35.020; (2) the actions constituting the offense are in violation of a condition of probation, release before trial, release after conviction, or parole; (3) the victim is under 16 years of age; (4) at any time during the course of conduct constituting the offense, the defendant possessed a deadly weapon; (5) the defendant has been previously convicted of a crime under this section, AS 11.41.270, or AS 11.56.740, or a law or ordinance of this or another jurisdiction with elements similar to a crime under this section, AS 11.41.270, or AS 11.56.740; or</p>

STATE	STATUTE(S)
<p>ALASKA (con't)</p>	<p>Alaska Stat. § 11.41.260 (2005) Stalking in the first degree (con't)</p> <p>(6) the defendant has been previously convicted of a crime, or an attempt or solicitation to commit a crime, under (A) AS 11.41.100 -- 11.41.250, 11.41.300 -- 11.41.460, AS 11.56.807, 11.56.810 , AS 11.61.120, or (B) a law or an ordinance of this or another jurisdiction with elements similar to a crime, or an attempt or solicitation to commit a crime, under AS 11.41.100 -- 11.41.250, 11.41.300 -- 11.41.460, AS 11.56.807, 11.56.810, or AS 11.61.120, involving the same victim as the present offense.</p>
<p>ARIZONA</p>	<p><u>ASSAULT/BATTERY</u></p> <p>A.R.S. § 13-3601.02 (2004) Aggravated domestic violence; classification; definition</p> <p>A. A person is guilty of aggravated domestic violence if the person within a period of sixty months commits a third or subsequent violation of a domestic violence offense or is convicted of a violation of a domestic violence offense and has previously been convicted of any combination of convictions of a domestic violence offense or acts in another state, a court of the United States or a tribal court that if committed in this state would be a violation of a domestic violence offense.</p> <p>B. A person who is convicted under this section and who within a period of sixty months has been convicted of two prior violations of a domestic violence offense or acts in another state, a court of the United States or a tribal court that if committed in this state would be a domestic violence offense is not eligible for probation, pardon, commutation or suspension of sentence or release on any other basis until the person has served not less than four months in jail.</p>

STATE	STATUTE(S)
<p>ARIZONA (con't)</p>	<p>A.R.S. § 13-3601.02 (2004) Aggravated domestic violence; classification; definition (con't)</p> <p>C. A person who is convicted under this section and who within a period of sixty months has been convicted of three or more prior violations of a domestic violence offense or acts in another state, a court of the United States or a tribal court that if committed in this state would be a domestic violence offense is not eligible for probation, pardon, commutation or suspension of sentence or release on any other basis until the person has served not less than eight months in jail.</p> <p>D. The dates of the commission of the offenses are the determining factor in applying the sixty month provision in subsection A of this section regardless of the sequence in which the offenses were committed. For purposes of this section, a third or subsequent violation for which a conviction occurs does not include a conviction for an offense arising out of the same series of acts.</p> <p>E. For the purposes of this section, prior convictions for misdemeanor domestic violence offenses apply only to convictions for offenses that were committed on or after January 1, 1999.</p> <p>F. Aggravated domestic violence is a class 5 felony.</p> <p><u>MANDATORY TREATMENT</u></p> <p>A.R.S. § 13-3601.01 (2004) Domestic violence; treatment; definition</p> <p>A. The judge shall order a person who is convicted of a misdemeanor domestic violence offense to complete a domestic violence offender treatment program that is provided by a facility approved by the department of health services or a probation department. If a person has previously been ordered to complete a domestic violence offender treatment program pursuant to this section, the judge shall order the person to complete a domestic violence offender treatment program unless the judge deems that</p>

STATE	STATUTE(S)
<p>ARIZONA (con't)</p>	<p>A.R.S. § 13-3601.01 (2004) Domestic violence; treatment; definition (con't)</p> <p>alternative sanctions are more appropriate. The department of health services shall adopt and enforce guidelines that establish standards for domestic violence offender treatment program approval. C. A person who is ordered to complete a domestic violence offender treatment program shall pay the cost of the program.</p> <p><u>MISCELLANEOUS</u></p> <p>A.R.S. § 13-711 (2004) Offenses involving domestic violence; sentencing</p> <p>If a person is convicted of an offense involving domestic violence and the victim was pregnant at the time of the commission of the offense, at the time of sentencing the court shall take into consideration the fact that the victim was pregnant and may increase the sentence.</p>

STATE	STATUTE(S)
<p style="text-align: center;">ARKANSAS</p>	<p style="text-align: center;"><u>ASSAULT/BATTERY</u></p> <p>A.C.A. § 5-26-303 (2005) Domestic battering in the first degree</p> <p>(a) A person commits domestic battering in the first degree if:</p> <ul style="list-style-type: none"> (1) With the purpose of causing serious physical injury to a family or household member, he or she causes serious physical injury to a family or household member by means of a deadly weapon; (2) With the purpose of seriously and permanently disfiguring a family or household member or of destroying, amputating, or permanently disabling a member or organ of a family or household member's body, he or she causes such an injury to a family or household member; or (3) He or she causes serious physical injury to a family or household member under circumstances manifesting extreme indifference to the value of human life. <p>(b) (1) Domestic battering in the first degree is a Class B felony.</p> <p>(2) However, domestic battering in the first degree is a Class A felony upon a conviction pursuant to subsection (a) of this section if:</p> <ul style="list-style-type: none"> (A) Committed against a woman the person knew or should have known was pregnant; (B) For conduct that occurred within the five (5) years preceding the commission of the current offense, the person has been convicted of a prior offense of: <ul style="list-style-type: none"> (i) Domestic battering in the first degree; (ii) Domestic battering in the second degree, § 5-26-304; or (iii) Domestic battering in the third degree, § 5-26-305; (iv) An equivalent penal law of this state or of another state or foreign jurisdiction.

STATE	STATUTE(S)
<p>ARKANSAS (con't)</p>	<p>A.C.A. § 5-26-304 (2005) Domestic battering in the second degree</p> <p>(a) A person commits domestic battering in the second degree if:</p> <ul style="list-style-type: none"> (1) With the purpose of causing physical injury to a family or household member, he or she causes serious physical injury to a family or household member; (2) With the purpose of causing physical injury to a family or household member, he or she causes physical injury to a family or household member by means of a deadly weapon; or (3) He or she recklessly causes serious physical injury to a family or household member by means of a deadly weapon. <p>(b) (1) Domestic battering in the second degree is a Class C felony.</p> <p>(2) However, domestic battering in the second degree is a Class B felony if:</p> <ul style="list-style-type: none"> (A) Committed against a woman the person knew or should have known was pregnant; (B) For conduct that occurred within the five (5) years preceding the commission of the current offense, the person has been convicted of a prior offense of: <ul style="list-style-type: none"> (i) Domestic battering in the first degree, § 5-26-303; (ii) Domestic battering in the second degree; (iii) Domestic battering in the third degree, § 5-26-305; or (iv) An equivalent penal law of this state or of another state or foreign jurisdiction; or (C) For conduct that occurred within the ten (10) years preceding the commission of the current offense, the person has on two (2) previous occasions been convicted of any act of battery against a family or household member as defined by the laws of this state or by the equivalent laws of any other state or foreign jurisdiction.

STATE	STATUTE(S)
ARKANSAS (con't)	<p>A.C.A. § 5-26-305 (2005) Domestic battering in the third degree</p> <p>(a) A person commits domestic battering in the third degree if:</p> <ul style="list-style-type: none"> (1) With the purpose of causing physical injury to a family or household member, a person causes physical injury to a family or household member; (2) A person recklessly causes physical injury to a family or household member; (3) A person negligently causes physical injury to a family or household member by means of a deadly weapon; or (4) A person purposely causes stupor, unconsciousness, or physical or mental impairment or injury to a family or household member by administering to a family or household member, without the family or household member's consent, any drug or other substance. <p>(b) (1) Domestic battering in the third degree is a Class A misdemeanor.</p> <p>(2) However, domestic battering in the third degree is a Class D felony if:</p> <ul style="list-style-type: none"> (A) Committed against a woman the person knew or should have known was pregnant; (B) For conduct that occurred within the five (5) years preceding the commission of the current offense, the person has been convicted of a prior offense of: <ul style="list-style-type: none"> (i) Domestic battering in the first degree, § 5-26-303; (ii) Domestic battering in the second degree, § 5-26-304; (iii) Domestic battering in the third degree; or (iv) An equivalent penal law of this state or of another state or foreign jurisdiction; or (C) For conduct that occurred within the ten (10) years preceding the commission of the current offense, the person has on two (2) previous occasions been convicted of any act of battery against a family or household member as defined by the laws of this state or by the equivalent laws of any other state or foreign jurisdiction.

STATE	STATUTE(S)
<p>ARKANSAS (con't)</p>	<p>A.C.A. § 5-26-306 (2005) Aggravated assault on a family or household member</p> <p>(a) A person commits aggravated assault on a family or household member if, under circumstances manifesting extreme indifference to the value of human life, he purposely engages in conduct that creates a substantial danger of death or serious physical injury to a family or household member. (b) Aggravated assault on a family or household member is a Class D felony.</p> <p>A.C.A. § 5-26-307 (2005) First degree assault on family or household member</p> <p>(a) A person commits first degree assault on a family or household member if he recklessly engages in conduct which creates a substantial risk of death or serious physical injury to a family or household member. (b) First degree assault on a family or household member is a Class A misdemeanor.</p> <p>A.C.A. § 5-26-308 (2005) Second degree assault on family or household member</p> <p>(a) A person commits second degree assault on a family or household member if he recklessly engages in conduct which creates a substantial risk of physical injury to a family or household member. (b) Second degree assault on a family or household member is a Class B misdemeanor.</p>

STATE	STATUTE(S)
<p>ARKANSAS (con't)</p>	<p>A.C.A. § 5-26-309 (2005) Third degree assault on a family or household member</p> <p>(a) A person commits third degree assault on a family or household member if he purposely creates apprehension of imminent physical injury to a family or household member. (b) Third degree assault on a family or household member is a Class C misdemeanor.</p> <p>A.C.A. § 5-4-501 (2005) Habitual offenders -- Sentencing for felony</p> <p>(d) (1) A defendant who is convicted of a felony involving violence enumerated in subdivision (d)(2) of this section and who has previously been convicted of two (2) or more of the felonies involving violence enumerated in subdivision (d)(2) of this section shall be sentenced to an extended term of imprisonment without eligibility except under § 16-93-1302 for parole or community punishment transfer as follows:</p> <ul style="list-style-type: none"> (A) For a conviction of a Class Y felony, a term of not less than life in prison; (B) For a conviction of a Class A felony, a term of not less than forty (40) years nor more than life in prison; (C) For a conviction of a Class B felony or for a conviction of an unclassified felony punishable by life imprisonment, a term of not less than thirty (30) years nor more than sixty (60) years; (D) For a conviction of a Class C felony, a term of not less than twenty-five (25) years nor more than forty (40) years; (E) For a conviction of a Class D felony, a term of not less than twenty (20) years nor more than forty (40) years; and (F) For a conviction of an unclassified felony punishable by less than life imprisonment, not more than three (3) times the maximum sentence for the unclassified offense.

STATE	STATUTE(S)
<p>ARKANSAS (con't)</p>	<p>A.C.A. § 5-4-501 (2005) Habitual offenders -- Sentencing for felony (con't)</p> <p>(2) For the purposes of this subsection, a felony involving violence means: (xii) Domestic battering in the first degree, § 5-26-303; (xv) A felony attempt, solicitation, or conspiracy to commit: (h) Domestic battering in the first degree, § 5-26-303</p> <p><u>CHILD WITNESSES</u></p> <p>A.C.A. § 5-4-702 (2005) Enhanced penalties for offenses committed in presence of a child</p> <p>(a) Any person who commits a felony offense involving assault, battery, domestic battering, or assault on a family member or household member, as provided in § 5-13-201 et seq. or § 5-26-303 -- 5-26-311, may be subject to an enhanced sentence of an additional term of imprisonment of not less than one (1) year and not greater than ten (10) years if the offense is committed in the presence of a child.</p> <p><u>MISCELLANEOUS</u></p> <p>A.C.A. § 5-26-310 (2005) Costs</p> <p>(c) (1) Upon entering a plea of guilty or nolo contendere or being found guilty, a defendant violating § 5-26-303, § 5-26-304, § 5-26-305, § 5-26-307, § 5-26-308, or § 5-26-309 may be required to reimburse any abuse shelter or other entity providing services to the victim under the provisions of the Arkansas Crime Victims Reparations Act, § 16-90-701 et seq., provided some proof of expense is provided in</p>

STATE	STATUTE(S)
<p>ARKANSAS (con't)</p>	<p>A.C.A. § 5-26-310 (2005) Costs (con't)</p> <p>conjunction with the Arkansas Crime Victims Reparations Act, § 16-90-701 et seq. (2) (A) If the defendant maintains the home in which the abuse occurred and the victim will continue to incur lodging costs, the defendant may be ordered to continue to provide remuneration for the victim's lodging under the provisions of the Arkansas Crime Victims Reparations Act, § 16-90-701 et seq., unless and until an action shall be commenced in a court of competent jurisdiction.</p>
<p>CALIFORNIA</p>	<p><u>ASSAULT/BATTERY</u></p> <p>Cal Pen Code § 243 (2005) Punishment for battery generally; Punishment for assault against specified officers or others</p> <p>(e) (1) When a battery is committed against a spouse, a person with whom the defendant is cohabiting, a person who is the parent of the defendant's child, former spouse, fiance, or fiancée, or a person with whom the defendant currently has, or has previously had, a dating or engagement relationship, the battery is punishable by a fine not exceeding two thousand dollars (\$ 2,000), or by imprisonment in a county jail for a period of not more than one year, or by both that fine and imprisonment. If probation is granted, or the execution or imposition of the sentence is suspended, it shall be a condition thereof that the defendant participate in, for no less than one year, and successfully complete, a batterer's treatment program, as defined in Section 1203.097, or if none is available, another appropriate counseling program designated by the court.</p>

STATE	STATUTE(S)
<p style="text-align: center;">CALIFORNIA (con't)</p>	<p>Cal Pen Code § 243 (2005) Punishment for battery generally; Punishment for assault against specified officers or others (con't)</p> <p>(2) Upon conviction of a violation of this subdivision, if probation is granted, the conditions of probation may include, in lieu of a fine, one or both of the following requirements:</p> <p style="padding-left: 40px;">(A) That the defendant make payments to a battered women's shelter, up to a maximum of five thousand dollars (\$ 5,000).</p> <p style="padding-left: 40px;">(B) That the defendant reimburse the victim for reasonable costs of counseling and other reasonable expenses that the court finds are the direct result of the defendant's offense.</p> <p>For any order to pay a fine, make payments to a battered women's shelter, or pay restitution as a condition of probation under this subdivision, the court shall make a determination of the defendant's ability to pay. In no event shall any order to make payments to a battered women's shelter be made if it would impair the ability of the defendant to pay direct restitution to the victim or court-ordered child support. Where the injury to a married person is caused in whole or in part by the criminal acts of his or her spouse in violation of this section, the community property may not be used to discharge the liability of the offending spouse for restitution to the injured spouse, required by Section 1203.04, as operative on or before August 2, 1995, or Section 1202.4, or to a shelter for costs with regard to the injured spouse and dependents, required by this section, until all separate property of the offending spouse is exhausted.</p> <p>(3) Upon conviction of a violation of this subdivision, if probation is granted or the execution or imposition of the sentence is suspended and the person has been previously convicted of a violation of this subdivision and sentenced under paragraph (1), the person shall be imprisoned for not less than 48 hours in addition to the conditions in paragraph (1). However, the court, upon a showing of good cause, may elect not to impose the mandatory minimum imprisonment as required by this subdivision and may, under these circumstances, grant probation or order the suspension of the execution or imposition of the sentence.</p>

STATE	STATUTE(S)
<p style="text-align: center;">CALIFORNIA (con't)</p>	<p>Cal Pen Code § 273.5 (2005) Infliction of injury on present or former spouse or cohabitant or parent of child; Punishment; Conditions of probation</p> <p>(a) Any person who willfully inflicts upon a person who is his or her spouse, former spouse, cohabitant, former cohabitant, or the mother or father of his or her child, corporal injury resulting in a traumatic condition, is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not more than one year, or by a fine of up to six thousand dollars (\$ 6,000) or by both that fine and imprisonment.</p> <p>(b) Holding oneself out to be the husband or wife of the person with whom one is cohabiting is not necessary to constitute cohabitation as the term is used in this section.</p> <p>(c) As used in this section, "traumatic condition" means a condition of the body, such as a wound or external or internal injury, whether of a minor or serious nature, caused by a physical force.</p> <p>(d) For the purpose of this section, a person shall be considered the father or mother of another person's child if the alleged male parent is presumed the natural father under Sections 7611 and 7612 of the Family Code.</p> <p>(e) (1) Any person convicted of violating this section for acts occurring within seven years of a previous conviction under subdivision (a), or subdivision (d) of Section 243, or Section 243.4, 244, 244.5, or 245, shall be punished by imprisonment in a county jail for not more than one year, or by imprisonment in the state prison for two, four, or five years, or by both imprisonment and a fine of up to ten thousand dollars (\$ 10,000).</p> <p>(2) Any person convicted of a violation of this section for acts occurring within seven years of a previous conviction under subdivision (e) of Section 243 shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not more than one year, or by a fine of up to ten thousand dollars (\$ 10,000), or by both that imprisonment and fine.</p> <p>(f) If probation is granted to any person convicted under subdivision (a), the court shall impose probation consistent with the provisions of Section 1203.097.</p>

STATE	STATUTE(S)
<p style="text-align: center;">CALIFORNIA (con't)</p>	<p>Cal Pen Code § 273.5 (2005) Infliction of injury on present or former spouse or cohabitant or parent of child; Punishment; Conditions of probation (con't)</p> <p>(g) If probation is granted, or the execution or imposition of a sentence is suspended, for any defendant convicted under subdivision (a) who has been convicted of any prior offense specified in subdivision (e), the court shall impose one of the following conditions of probation:</p> <p>(1) If the defendant has suffered one prior conviction within the previous seven years for a violation of any offense specified in subdivision (e), it shall be a condition thereof, in addition to the provisions contained in Section 1203.097, that he or she be imprisoned in a county jail for not less than 15 days.</p> <p>(2) If the defendant has suffered two or more prior convictions within the previous seven years for a violation of any offense specified in subdivision (e), it shall be a condition of probation, in addition to the provisions contained in Section 1203.097, that he or she be imprisoned in a county jail for not less than 60 days.</p> <p>(3) The court, upon a showing of good cause, may find that the mandatory imprisonment required by this subdivision shall not be imposed and shall state on the record its reasons for finding good cause.</p> <p>(h) If probation is granted upon conviction of a violation of subdivision (a), the conditions of probation may include, consistent with the terms of probation imposed pursuant to Section 1203.097, in lieu of a fine, one or both of the following requirements:</p> <p>(1) That the defendant make payments to a battered women's shelter, up to a maximum of five thousand dollars (\$ 5,000), pursuant to Section 1203.097.</p> <p>(2) That the defendant reimburse the victim for reasonable costs of counseling and other reasonable expenses that the court finds are the direct result of the defendant's offense.</p>

STATE	STATUTE(S)
<p style="text-align: center;">CALIFORNIA (con't)</p>	<p style="text-align: center;"><u>AGGRAVATING FACTORS</u></p> <p>Cal Pen Code § 12022.7 (2005) Bodily harm inflicted during commission of felony not having bodily harm as an element</p> <p>(e) Any person who personally inflicts great bodily injury under circumstances involving domestic violence in the commission of a felony or attempted felony shall be punished by an additional and consecutive term of imprisonment in the state prison for three, four, or five years. As used in this subdivision, "domestic violence" has the meaning provided in subdivision (b) of Section 13700.</p> <p style="text-align: center;"><u>CHILD WITNESSES</u></p> <p>Cal Pen Code § 1170.76 (2005) Commission of hate crime as aggravating circumstance</p> <p>The fact that a defendant who commits or attempts to commit a violation of Section 243.4, 245, 273.5, or 273.55, is or has been a member of the household of a minor or of the victim of the offense, or the defendant is a marital or blood relative of the minor or the victim, or the defendant or the victim is the natural parent, adoptive parent, stepparent, or foster parent of the minor, and the offense contemporaneously occurred in the presence of, or was witnessed by, the minor shall be considered a circumstance in aggravation of the crime in imposing a term under subdivision (b) of Section 1170.</p>

STATE	STATUTE(S)
<p>CALIFORNIA (con't)</p>	<p><u>MANDATORY TREATMENT</u></p> <p>Cal Pen Code § 243 (2005) Punishment for battery generally; Punishment for assault against specified officers or others</p> <p>(e) (1) When a battery is committed against a spouse, a person with whom the defendant is cohabiting, a person who is the parent of the defendant's child, former spouse, fiance, or fiancée, or a person with whom the defendant currently has, or has previously had, a dating or engagement relationship, the battery is punishable by a fine not exceeding two thousand dollars (\$ 2,000), or by imprisonment in a county jail for a period of not more than one year, or by both that fine and imprisonment. If probation is granted, or the execution or imposition of the sentence is suspended, it shall be a condition thereof that the defendant participate in, for no less than one year, and successfully complete, a batterer's treatment program, as defined in Section 1203.097, or if none is available, another appropriate counseling program designated by the court.</p> <p><u>PROTECTION ORDER VIOLATIONS</u></p> <p>Cal Pen Code § 273.6 (2005) Punishment for violation of protective order, temporary restraining order, or injunction; Possession of firearm by person prohibited from doing so by protective order</p> <p>(a) Any intentional and knowing violation of a protective order, as defined in Section 6218 of the Family Code, or of an order issued pursuant to Section 527.6 or 527.8 of the Code of Civil Procedure, or Section 15657.03 of the Welfare and Institutions Code, is a misdemeanor punishable by a fine of not more than one thousand dollars (\$ 1,000), or by imprisonment in a county jail for not more than one year, or by both that fine and imprisonment.</p>

STATE	STATUTE(S)
<p style="text-align: center;">CALIFORNIA (con't)</p>	<p>Cal Pen Code § 273.6 (2005) Punishment for violation of protective order, temporary restraining order, or injunction; Possession of firearm by person prohibited from doing so by protective order (con't)</p> <p>(b) In the event of a violation of subdivision (a) which results in physical injury, the person shall be punished by a fine of not more than two thousand dollars (\$ 2,000), or by imprisonment in a county jail for not less than 30 days nor more than one year, or by both that fine and imprisonment. However, if the person is imprisoned in a county jail for at least 48 hours, the court may, in the interest of justice and for reasons stated on the record, reduce or eliminate the 30-day minimum imprisonment required by this subdivision. In determining whether to reduce or eliminate the minimum imprisonment pursuant to this subdivision, the court shall consider the seriousness of the facts before the court, whether there are additional allegations of a violation of the order during the pendency of the case before the court, the probability of future violations, the safety of the victim, and whether the defendant has successfully completed or is making progress with counseling.</p> <p>(c) Subdivisions (a) and (b) shall apply to the following court orders:</p> <ol style="list-style-type: none"> (1) Any order issued pursuant to Section 6320 or 6389 of the Family Code. (2) An order excluding one party from the family dwelling or from the dwelling of the other. (3) An order enjoining a party from specified behavior which the court determined was necessary to effectuate the order described in subdivision (a). (4) Any order issued by another state that is recognized under Part 5 (commencing with Section 6400) of Division 10 of the Family Code. <p>(d) A subsequent conviction for a violation of an order described in subdivision (a), occurring within seven years of a prior conviction for a violation of an order described in subdivision (a) and involving an act of violence or "a credible threat" of violence, as defined in subdivision (c) of Section 139, is punishable by imprisonment in a county jail not to exceed one year, or in the state prison.</p>

STATE	STATUTE(S)
<p style="text-align: center;">CALIFORNIA (con't)</p>	<p>Cal Pen Code § 273.6 (2005) Punishment for violation of protective order, temporary restraining order, or injunction; Possession of firearm by person prohibited from doing so by protective order (con't)</p> <p>(e) In the event of a subsequent conviction for a violation of an order described in subdivision (a) for an act occurring within one year of a prior conviction for a violation of an order described in subdivision (a) that results in physical injury to a victim, the person shall be punished by a fine of not more than two thousand dollars (\$ 2,000), or by imprisonment in a county jail for not less than six months nor more than one year, by both that fine and imprisonment, or by imprisonment in the state prison. However, if the person is imprisoned in a county jail for at least 30 days, the court may, in the interest of justice and for reasons stated in the record, reduce or eliminate the six-month minimum imprisonment required by this subdivision. In determining whether to reduce or eliminate the minimum imprisonment pursuant to this subdivision, the court shall consider the seriousness of the facts before the court, whether there are additional allegations of a violation of the order during the pendency of the case before the court, the probability of future violations, the safety of the victim, and whether the defendant has successfully completed or is making progress with counseling.</p> <p>(f) The prosecuting agency of each county shall have the primary responsibility for the enforcement of orders described in subdivisions (a), (b), (d), and (e).</p> <p>(g) (1) Every person who owns, possesses, purchases, or receives a firearm knowing he or she is prohibited from doing so by the provisions of a protective order as defined in Section 136.2 of this code, Section 6218 of the Family Code, or Section 527.6 or 527.8 of the Code of Civil Procedure, or Section 15657.03 of the Welfare and Institutions Code, shall be punished under the provisions of subdivision (g) of Section 12021.</p> <p>(2) Every person subject to a protective order described in paragraph (1) shall not be prosecuted under this section for owning, possessing, purchasing, or receiving a firearm to the extent that firearm is granted an exemption pursuant to subdivision (f) of Section 527.9 of the Code of Civil Procedure, or subdivision (h) of Section 6389 of the Family Code.</p>

STATE	STATUTE(S)
<p style="text-align: center;">CALIFORNIA (con't)</p>	<p>Cal Pen Code § 273.6 (2005) Punishment for violation of protective order, temporary restraining order, or injunction; Possession of firearm by person prohibited from doing so by protective order (con't)</p> <p>(h) If probation is granted upon conviction of a violation of subdivision (a), (b), (c), (d), or (e), the court shall impose probation consistent with the provisions of Section 1203.097, and the conditions of probation may include, in lieu of a fine, one or both of the following requirements:</p> <p>(1) That the defendant make payments to a battered women's shelter or to a shelter for abused elder persons or dependent adults, up to a maximum of five thousand dollars (\$ 5,000), pursuant to Section 1203.097.</p> <p>(2) That the defendant reimburse the victim for reasonable costs of counseling and other reasonable expenses that the court finds are the direct result of the defendant's offense.</p> <p>(i) For any order to pay a fine, make payments to a battered women's shelter, or pay restitution as a condition of probation under subdivision (e), the court shall make a determination of the defendant's ability to pay. In no event shall any order to make payments to a battered women's shelter be made if it would impair the ability of the defendant to pay direct restitution to the victim or court-ordered child support. Where the injury to a married person is caused in whole or in part by the criminal acts of his or her spouse in violation of this section, the community property may not be used to discharge the liability of the offending spouse for restitution to the injured spouse, required by Section 1203.04, as operative on or before August 2, 1995, or Section 1202.4, or to a shelter for costs with regard to the injured spouse and dependents, required by this section, until all separate property of the offending spouse is exhausted.</p>

STATE	STATUTE(S)
<p align="center">CALIFORNIA (con't)</p>	<p><u>STALKING</u></p> <p>Cal Pen Code § 646.9 (2005) Stalking</p> <p>(a) Any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family is guilty of the crime of stalking, punishable by imprisonment in a county jail for not more than one year, or by a fine of not more than one thousand dollars (\$ 1,000), or by both that fine and imprisonment, or by imprisonment in the state prison.</p> <p>(b) Any person who violates subdivision (a) when there is a temporary restraining order, injunction, or any other court order in effect prohibiting the behavior described in subdivision (a) against the same party, shall be punished by imprisonment in the state prison for two, three, or four years.</p>
<p align="center">COLORADO</p>	<p><u>AGGRAVATING FACTORS</u></p> <p>C.R.S. 18-1.3-501 (2004) Misdemeanors classified - penalties</p> <p>(3) (a) The general assembly hereby finds that certain misdemeanors which are listed in paragraph (b) of this subsection (3) present an extraordinary risk of harm to society and therefore, in the interest of public safety, the maximum sentence for such misdemeanors shall be increased by six months.</p> <p>(b) Misdemeanors that present an extraordinary risk of harm to society shall include the following: (IV) Second and all subsequent violations of a protection order as defined in section 18-6-803.5 (1.5) (a.5)</p>

STATE	STATUTE(S)
<p>COLORADO (con't)</p>	<p><u>MANDATORY TREATMENT</u></p> <p>C.R.S. 18-6-801 (2004) Domestic violence - sentencing</p> <p>(1) (a) In addition to any sentence that is imposed upon a person for violation of any criminal law under this title, any person who is convicted of any crime, the underlying factual basis of which has been found by the court on the record to include an act of domestic violence, as defined in section 18-6-800.3 (1), or any crime against property, whether or not such crime is a felony, when such crime is used as a method of coercion, control, punishment, intimidation, or revenge directed against a person with whom the actor is or has been involved in an intimate relationship, shall be ordered to complete a treatment program and a treatment evaluation that conform with the standards adopted by the domestic violence management treatment board as required by section 16-11.8-104, C.R.S. If an intake evaluation conducted by an approved treatment program provider discloses that sentencing to a treatment program would be inappropriate, the person shall be referred back to the court for alternative disposition.</p> <p>(b) The court may order a treatment evaluation to be conducted prior to sentencing if a treatment evaluation would assist the court in determining an appropriate sentence. The person ordered to undergo such evaluation shall be required to pay the cost of the treatment evaluation. If such treatment evaluation recommends treatment, and if the court so finds, the person shall be ordered to complete a treatment program that conforms with the standards adopted by the domestic violence management board as required by section 16-11.8-104, C.R.S.</p>

STATE	STATUTE(S)
<p>COLORADO (con't)</p>	<p><u>MISCELLANEOUS</u></p> <p>C.R.S. 18-1.3-105 (2004) Authority of sentencing courts to utilize home detention programs</p> <p>(d) An offender who has been convicted of a crime, the underlying factual basis of which was found by the court to include an act of domestic violence, as defined in section 18-6-800.3 (1), shall not be eligible for home detention in the home of the victim pursuant to this article.</p> <p><u>PROTECTION ORDER VIOLATIONS</u></p> <p>C.R.S. 18-6-803.5 (2004) Crime of violation of a protection order - penalty - peace officers' duties</p> <p>(1) A person commits the crime of violation of a protection order if such person contacts, harasses, injures, intimidates, molests, threatens, or touches any protected person or enters or remains on premises or comes within a specified distance of a protected person or premises or violates any other provision of a protection order to protect the protected person from imminent danger to life or health, and such conduct is prohibited by a protection order, after such person has been personally served with any such order or otherwise has acquired from the court actual knowledge of the contents of any such order.</p> <p>(2) (a) Violation of a protection order is a class 2 misdemeanor; except that, if the restrained person has previously been convicted of violating this section or a former version of this section or an analogous municipal ordinance, or if the protection order is issued pursuant to section 18-1-1001, the violation is a class 1 misdemeanor.</p> <p>(a.5) A second or subsequent violation of a protection order is an extraordinary risk crime that is subject to the modified sentencing range specified in section 18-1.3-501 (3).</p>

STATE	STATUTE(S)
<p>CONNECTICUT</p>	<p><u>AGGRAVATING FACTOR</u></p> <p>Conn. Gen. Stat. § 53a-40e (2004) Standing criminal restraining order.</p> <p>(a) If any person is convicted of a violation of section 53a-59, 53a-59a, 53a-60, 53a-60a, 53a-60b, 53a-60c, 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b, 53a-181c, 53a-181d or 53a-181e, or of attempt or conspiracy to violate any of said sections or section 53a-54a, against a family or household member as defined in subdivision (2) of section 46b-38a, the court may, in addition to imposing the sentence authorized for the crime under section 53a-35a, if the court is of the opinion that the history and character and the nature and circumstances of the criminal conduct of such offender indicate that a standing criminal restraining order will best serve the interest of the victim and the public, issue a standing criminal restraining order which shall remain in effect until modified or revoked by the court for good cause shown.</p> <p><u>ASSAULT/BATTERY</u></p> <p>Conn. Gen. Stat. § 53a-70b (2004) Sexual assault in spousal or cohabiting relationship: Class B felony.</p> <p>(a) For the purposes of this section: (1) "Sexual intercourse" means vaginal intercourse, anal intercourse, fellatio or cunnilingus between persons regardless of sex. Penetration, however slight, is sufficient to complete vaginal intercourse, anal intercourse or fellatio and does not require emission of semen. Penetration may be committed by an object manipulated by the actor into the genital or anal opening of the victim's body; and (2) "Use of force" means: (A) Use of a dangerous instrument; or (B) use of actual physical force or violence or superior physical strength against the victim.</p>

STATE	STATUTE(S)
<p style="text-align: center;">CONNECTICUT (con't)</p>	<p>Conn. Gen. Stat. § 53a-70b (2004) Sexual assault in spousal or cohabiting relationship: Class B felony. (con't)</p> <p>(b) No spouse or cohabitor shall compel the other spouse or cohabitor to engage in sexual intercourse by the use of force against such other spouse or cohabitor, or by the threat of the use of force against such other spouse or cohabitor which reasonably causes such other spouse or cohabitor to fear physical injury.</p> <p>(c) Any person who violates any provision of this section shall be guilty of a class B felony.</p> <p style="text-align: center;"><u>PROTECTION ORDER VIOLATIONS</u></p> <p>Conn. Gen. Stat. § 53a-223b (2004) Criminal violation of a restraining order: Class A misdemeanor.</p> <p>(a) A person is guilty of criminal violation of a restraining order when (1) (A) a restraining order has been issued against such person pursuant to section 46b-15, or (B) a foreign order of protection, as defined in section 46b-15a, has been issued against such person, after notice and an opportunity to be heard has been provided to such person, in a case involving the use, attempted use or threatened use of</p> <p>Conn. Gen. Stat. § 53a-223b (2004) Criminal violation of a restraining order: Class A misdemeanor. (con't)</p> <p>physical force against another, and (2) such person, having knowledge of the terms of the order, (A) does not stay away from a person or place in violation of the order, (B) contacts a person in violation of the order, (C) imposes any restraint upon the person or liberty of a person in violation of the order, or (D) threatens, harasses, assaults, molests, sexually assaults or attacks a person in violation of the order.</p> <p>(b) Criminal violation of a restraining order is a class A misdemeanor.</p>

STATE	STATUTE(S)
<p style="text-align: center;">CONNECTICUT (con't)</p>	<p>Conn. Gen. Stat. § 53a-223 (2004) Criminal violation of a protective order: Class D felony.</p> <p>(a) A person is guilty of criminal violation of a protective order when an order issued pursuant to subsection (e) of section 46b-38c, or section 54-1k or 54-82r has been issued against such person, and such person violates such order.</p> <p>(b) Criminal violation of a protective order is a class D felony.</p> <p>Conn. Gen. Stat. § 53a-107 (2004) Criminal trespass in the first degree: Class A misdemeanor.</p> <p>(a) A person is guilty of criminal trespass in the first degree when: (1) Knowing that such person is not licensed or privileged to do so, such person enters or remains in a building or any other premises after an order to leave or not to enter personally communicated to such person by the owner of the premises or other authorized person; or (2) such person enters or remains in a building or any other premises in violation of a restraining order issued pursuant to section 46b-15 or a protective order issued pursuant to section 46b-38c, 54-1k or 54-82r by the Superior Court; or (3) such person enters or remains in a building or any other premises in violation of a foreign order of protection, as defined in section 46b-15a, that has been issued against such person, after notice and an opportunity to be heard has been provided to such person, in a case involving the use, attempted use or threatened use of physical force against another person.</p> <p>(b) Criminal trespass in the first degree is a class A misdemeanor.</p> <p>Conn. Gen. Stat. § 53a-40d (2004) Persistent offenders of crimes involving assault, stalking, trespass, threatening, harassment, criminal violation of a protective order or criminal violation of a restraining order. Authorized sentences.</p> <p>(a) A persistent offender of crimes involving assault, stalking, trespass, threatening, harassment, criminal violation of a protective order or criminal violation of a restraining order is a person who (1)</p>

STATE	STATUTE(S)
<p>CONNECTICUT (con't)</p>	<p>Conn. Gen. Stat. § 53a-40d (2004) Persistent offenders of crimes involving assault, stalking, trespass, threatening, harassment, criminal violation of a protective order or criminal violation of a restraining order. Authorized sentences. (con't)</p> <p>stands convicted of assault under section 53a-61, stalking under section 53a-181d, threatening under section 53a-62, harassment under section 53a-183, criminal violation of a protective order under section 53a-223, criminal violation of a restraining order under section 53a-223b or criminal trespass under section 53a-107 or 53a-108, and (2) has, within the five years preceding the commission of the present crime, been convicted of a capital felony, a class A felony, a class B felony, except a conviction under section 53a-86 or 53a-122, a class C felony, except a conviction under section 53a-87, 53a-152 or 53a-153, or a class D felony under sections 53a-60 to 53a-60c, inclusive, 53a-72a, 53a-72b, 53a-95, 53a-103, 53a-103a, 53a-114, 53a-136 or 53a-216, assault under section 53a-61, stalking under section 53a-181d, threatening under section 53a-62, harassment under section 53a-183, criminal violation of a protective order under section 53a-223, criminal violation of a restraining order under section 53a-223b, or criminal trespass under section 53a-107 or 53a-108 or has been released from incarceration with respect to such conviction, whichever is later.</p> <p>(b) When any person has been found to be a persistent offender of crimes involving assault, stalking, trespass, threatening, harassment, criminal violation of a protective order or criminal violation of a restraining order, and the court is of the opinion that such person's history and character and the nature and circumstances of such person's criminal conduct indicate that an increased penalty will best serve the public interest, the court shall, in lieu of imposing the sentence authorized for the crime under section 53a-36 or section 53a-35a, as applicable, impose the sentence of imprisonment authorized by said section 53a-36 or section 53a-35a for the next more serious degree of misdemeanor or felony, except that if the crime is a class A misdemeanor the court shall impose the sentence of imprisonment for a class D felony, as authorized by section 53a-35a.</p>

STATE	STATUTE(S)
DELAWARE	<p data-bbox="583 310 999 350"><u>ASSAULT/BATTERY</u></p> <p data-bbox="583 378 947 444">11 Del. C. § 3906 (2005) Domestic violence offenses</p> <p data-bbox="583 488 1881 667">The sentence for a second conviction for any crime or attempt to commit any crime hereinafter specifically named when such crime is committed by a member of the victim's family as defined by § 901(9) of Title 10, regardless of the state of residence of the parties; by a former spouse of the victim; by a person who cohabited with the victim at the time of the offense; or by a person with a child in common with the victim shall include completion of a psychsocial assessment. Such crimes shall be:</p> <p data-bbox="606 672 1843 704">(1) Any offense set forth in subchapter II of Chapter 5 of this title [Offenses Against the Person];</p> <p data-bbox="583 732 1041 799">11 Del. C. § 3906 (2005) Domestic violence offenses (con't)</p> <p data-bbox="583 833 1850 899">(2) Any offense set forth in subparts A and B of subchapter III of Chapter 5 of this title [Offenses Against Property];</p> <p data-bbox="606 904 1833 937">(3) Any offense set forth in subpart A of subchapter V of Chapter 5 of this title [Child Welfare];</p> <p data-bbox="583 967 982 1008"><u>CHILD WITNESSES</u></p> <p data-bbox="583 1036 1329 1102">11 Del. C. § 1102 (2005) Endangering the welfare of a child; class E or G felony</p> <p data-bbox="583 1136 1419 1169">(a) A person is guilty of endangering the welfare of a child when:</p> <p data-bbox="583 1174 1898 1315">(4) The person commits any violent felony, or reckless endangering second degree, assault third degree, terroristic threatening, or unlawful imprisonment second degree against a victim, knowing that such felony or misdemeanor was witnessed by a child less than 18 years of age who is a member of the person's family or the victim's family.</p>

STATE	STATUTE(S)
<p style="text-align: center;">DELAWARE (con't)</p>	<p style="text-align: center;"><u>PROTECTION ORDER VIOLATIONS</u></p> <p>11 Del. C. § 1271A (2005) Criminal contempt of a domestic violence protective order; class A misdemeanor</p> <p>(a) A person is guilty of criminal contempt of a domestic violence protective order when the person knowingly violates or fails to obey any provision of a protective order issued by the Family Court or a court of any state, territory or Indian nation in the United States, as long as such violation or failure to obey occurred in Delaware.</p> <p>11 Del. C. § 1271A (2005) Criminal contempt of a domestic violence protective order; class A misdemeanor (con't)</p> <p>(b) Criminal contempt of a domestic violence protective order is a class A misdemeanor.</p> <p>(c) A person found guilty of criminal contempt of a domestic violence protective order shall receive a minimum sentence of 15 days incarceration if:</p> <ol style="list-style-type: none"> (1) Such contempt resulted in physical injury; or (2) Such contempt involved the use or threatened use of a deadly weapon; or (3) The defendant was convicted of criminal contempt of a domestic violence protective order under this section on 2 or more occasions prior to this violation. <p>(d) The minimum sentence shall not be subject to suspension and no person subject to the minimum sentence shall be eligible for probation, parole, furlough or suspended custody during said sentence.</p>

STATE	STATUTE(S)
<p style="text-align: center;">DISTRICT OF COLUMBIA</p>	<p style="text-align: center;"><u>PROTECTION ORDER VIOLATIONS</u></p> <p>D.C. Code § 22-404 (2005) Assault or threatened assault in a menacing manner; stalking [Formerly § 22-504]</p> <p>(c) Any person who violates subsection (b) of this section when there is in effect a court order imposing a temporary restraining order, an injunction, a temporary protection order, civil protection order, stay-away or no contact order, civil restraining order, or any combination thereof, prohibiting contact between that person and the individual who is the victim of the conduct described in subsection (b) of this section shall be subject to the penalties set forth therein and in addition shall be required to give bond, for a period not exceeding 1 year, to ensure compliance with the provisions of this section.</p> <p>D.C. Code § 22-404 (2005) Assault or threatened assault in a menacing manner; stalking [Formerly § 22-504] (con't)</p> <p>(d) A second conviction occurring within 2 years of a first conviction for an offense under subsection (b) or (c) of this section, or for a similar offense under the law of any other jurisdiction, shall result in a fine of up to 1 1/2 times the maximum fines authorized for the offenses in subsections (b) and (c) of this section and imprisonment for a term of up to 1 1/2 times the maximum term of imprisonment authorized for the offense. If such person was previously convicted more than once of an offense described in subsection (b) or (c) of this section, such person may be subject to a fine of up to 3 times the maximum fines authorized for the offenses in subsections (b) and (c) of this section and imprisonment for a term of up to 3 times the maximum term of imprisonment authorized for each offense. No conviction with respect to which a person has been pardoned on the grounds of innocence shall be taken into account in applying this section.</p>

STATE	STATUTE(S)
<p>FLORIDA</p>	<p><u>AGGRAVATING FACTORS</u></p> <p>Fla. Stat. § 741.283 (2005) Minimum term of imprisonment for domestic violence</p> <p>If a person is adjudicated guilty of a crime of domestic violence, as defined in s. 741.28, and the person has intentionally caused bodily harm to another person, the court shall order the person to serve a minimum of 5 days in the county jail as part of the sentence imposed, unless the court sentences the person to a nonsuspended period of incarceration in a state correctional facility. This section does not preclude the court from sentencing the person to probation, community control, or an additional period of incarceration.</p> <p><u>ASSAULT/BATTERY</u></p> <p>Fla. Stat. § 741.28 (2005) Domestic violence; definitions</p> <p>As used in ss. 741.28-741.31: (2) "Domestic violence" means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.</p>

STATE	STATUTE(S)
<p>FLORIDA (con't)</p>	<p><u>MANDATORY TREATMENT</u></p> <p>Fla. Stat. § 741.31 (2005) Violation of an injunction for protection against domestic violence</p> <p>(5) Whether or not there is a criminal prosecution under subsection (4), the court shall order the respondent to attend a batterers' intervention program if it finds a willful violation of a domestic violence injunction, unless the court makes written factual findings in its judgment or order which are based on substantial evidence, stating why a batterers' intervention program would be inappropriate.</p> <p>Fla. Stat. § 741.281 (2005) Court to order batterers' intervention program attendance</p> <p>If a person is found guilty of, has had adjudication withheld on, or has pled nolo contendere to a crime of domestic violence, as defined in s. 741.28, that person shall be ordered by the court to a minimum term of 1 year's probation and the court shall order that the defendant attend a batterers' intervention program as a condition of probation. The court must impose the condition of the batterers' intervention program for a defendant under this section, but the court, in its discretion, may determine not to impose the condition if it states on the record why a batterers' intervention program might be inappropriate. The court must impose the condition of the batterers' intervention program for a defendant placed on probation unless the court determines that the person does not qualify for the batterers' intervention program pursuant to s. 741.325. Effective July 1, 2002, the batterers' intervention program must be a certified program under s. 741.32. The imposition of probation under this section shall not preclude the court from imposing any sentence of imprisonment authorized by s. 775.082.</p>

STATE	STATUTE(S)
<p>FLORIDA (con't)</p>	<p>Fla. Stat. § 948.038 (2005) Batterers' intervention program as a condition of probation, community control, or other court-ordered community supervision</p> <p>As a condition of probation, community control, or any other court-ordered community supervision, the court shall order a person convicted of an offense of domestic violence, as defined in s. 741.28, to attend and successfully complete a batterers' intervention program unless the court determines that the person does not qualify for the batterers' intervention program pursuant to s. 741.325. The batterers' intervention program must be a program certified under s. 741.32, and the offender must pay the cost of attending the program.</p> <p><u>STALKING</u></p> <p>Fla. Stat. § 784.048 (2005) Stalking; definitions; penalties</p> <p>(4) Any person who, after an injunction for protection against repeat violence, sexual violence, or dating violence pursuant to s. 784.046, or an injunction for protection against domestic violence pursuant to s. 741.30, or after any other court-imposed prohibition of conduct toward the subject person or that person's property, knowingly, willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.</p>

STATE	STATUTE(S)
<p style="text-align: center;">GEORGIA</p>	<p style="text-align: center;"><u>ASSAULT/BATTERY</u></p> <p>O.C.G.A. § 16-5-23 (2004) Simple battery</p> <p>(f) If the offense of simple battery is committed between past or present spouses, persons who are parents of the same child, parents and children, stepparents and stepchildren, foster parents and foster children, or other persons excluding siblings living or formerly living in the same household, the defendant shall be punished for a misdemeanor of a high and aggravated nature.</p> <p>O.C.G.A. § 16-5-23.1 (2004) Battery</p> <p>(a) A person commits the offense of battery when he or she intentionally causes substantial physical harm or visible bodily harm to another.</p> <p>(b) As used in this Code section, the term "visible bodily harm" means bodily harm capable of being perceived by a person other than the victim and may include, but is not limited to, substantially blackened eyes, substantially swollen lips or other facial or body parts, or substantial bruises to body parts.</p> <p>(c) Except as provided in subsections (d) through (l) of this Code section, a person who commits the offense of battery is guilty of a misdemeanor.</p> <p>(d) Upon the second conviction for battery against the same victim, the defendant shall be punished by imprisonment for not less than ten days nor more than 12 months, by a fine not to exceed \$1,000.00, or both. The minimum sentence of ten days for a second offense shall not be suspended, probated, deferred, stayed, or withheld; provided, however, that it is within the authority and discretion of the sentencing judge to:</p>

STATE	STATUTE(S)
<p>GEORGIA (con't)</p>	<p>O.C.G.A. § 16-5-23.1 (2004) Battery (con't)</p> <p>(1) Allow the sentence to be served on weekends by weekend confinement or during the nonworking hours of the defendant. A weekend shall commence and shall end in the discretion of the sentencing judge, and the nonworking hours of the defendant shall be determined in the discretion of the sentencing judge; or</p> <p>(2) Suspend, probate, defer, stay, or withhold the minimum sentence where there exists clear and convincing evidence that imposition of the minimum sentence would either create an undue hardship upon the defendant or result in a failure of justice.</p> <p>(e) Upon a third or subsequent conviction for battery against the same victim, the defendant shall be guilty of a felony and shall be punished by imprisonment for not less than one nor more than five years. The minimum sentence provisions contained in subsection (d) of this Code section shall apply to sentences imposed pursuant to this subsection.</p> <p>(f) If the offense of battery is committed between past or present spouses, persons who are parents of the same child, parents and children, stepparents and stepchildren, foster parents and foster children, or other persons living or formerly living in the same household, then such offense shall constitute the offense of family violence battery and shall be punished as follows:</p> <p>(1) Upon a first conviction of family violence battery, the defendant shall be guilty of and punished for a misdemeanor; and</p> <p>(2) Upon a second or subsequent conviction of family violence battery against the same or another victim, the defendant shall be guilty of a felony and shall be punished by imprisonment for not less than one nor more than five years. In no event shall this subsection be applicable to reasonable corporal punishment administered by parent to child.</p> <p>(g) Any person who commits the offense of battery in a public transit vehicle or station shall, upon conviction thereof, be punished for a misdemeanor of a high and aggravated nature. For purposes of this Code section, "public transit vehicle" has the same meaning as in subsection (c) of Code Section 16-5-20.</p>

STATE	STATUTE(S)
<p>GEORGIA (con't)</p>	<p>O.C.G.A. § 16-5-23.1 (2004) Battery (con't)</p> <p>(h) Any person who commits the offense of battery against a female who is pregnant at the time of the offense shall, upon conviction thereof, be punished for a misdemeanor of a high and aggravated nature.</p> <p>O.C.G.A. § 16-5-21 (2005) Aggravated assault</p> <p>(a) A person commits the offense of aggravated assault when he or she assaults:</p> <ul style="list-style-type: none"> (1) With intent to murder, to rape, or to rob; (2) With a deadly weapon or with any object, device, or instrument which, when used offensively against a person, is likely to or actually does result in serious bodily injury; or <p>O.C.G.A. § 16-5-21 (2005) Aggravated assault (con't)</p> <p>(3) A person or persons without legal justification by discharging a firearm from within a motor vehicle toward a person or persons.</p> <p>(i) If the offense of aggravated assault is committed between past or present spouses, persons who are parents of the same child, parents and children, stepparents and stepchildren, foster parents and foster children, or other persons excluding siblings living or formerly living in the same household, the defendant shall be punished by imprisonment for not less than three nor more than 20 years.</p>

STATE	STATUTE(S)
<p>GEORGIA (con't)</p>	<p><u>CHILD WITNESSES</u></p> <p>O.C.G.A. § 16-5-70 (2004) Cruelty to children</p> <p>(d) Any person commits the offense of cruelty to children in the third degree when: (1) Such person, who is the primary aggressor, intentionally allows a child under the age of 18 to witness the commission of a forcible felony, battery, or family violence battery; or (2) Such person, who is the primary aggressor, having knowledge that a child under the age of 18 is present and sees or hears the act, commits a forcible felony, battery, or family violence battery. (e)(1) A person convicted of the offense of cruelty to children in the first degree as provided in this Code section shall be punished by imprisonment for not less than five nor more than 20 years.</p> <p><u>MANDATORY TREATMENT</u></p> <p>O.C.G.A. § 42-8-35.6 (2004) Family violence intervention program participation as condition of probation; cost borne by defendant</p> <p>(a) Notwithstanding any other terms or conditions of probation which may be imposed, a court sentencing a defendant to probation for an offense involving family violence as such term is defined in Code Section 19-13-10 shall require as a condition of probation that the defendant participate in a family violence intervention program certified pursuant to Article 1A of Chapter 13 of Title 19, unless the court determines and states on the record why participation in such a program is not appropriate. (b) A court, in addition to imposing any penalty provided by law, when revoking a defendant's probation for an offense involving family violence as defined by Code Section 19-13-10, or when imposing a protective order against family violence, shall order the defendant to participate in a family</p>

STATE	STATUTE(S)
<p>GEORGIA (con't)</p>	<p>O.C.G.A. § 42-8-35.6 (2004) Family violence intervention program participation as condition of probation; cost borne by defendant (con't)</p> <p>violence intervention program certified pursuant to Article 1A of Chapter 13 of Title 19, unless the court determines and states on the record why participation in such program is not appropriate.</p> <p>O.C.G.A. § 19-13-16 (2004) Mandatory participation; cost for participation</p> <p>(a) A court, in addition to imposing any penalty provided by law, when sentencing a defendant or revoking a defendant's probation for an offense involving family violence, or when imposing a protective order against family violence, shall order the defendant to participate in a family violence intervention program, whether a certified program pursuant to this article or a program operated pursuant to Code Section 19-13-15, unless the court determines and states on the record why participation in such a program is not appropriate.</p> <p><u>STALKING</u></p> <p>O.C.G.A. § 16-5-90 (2004) Stalking; psychological evaluation</p> <p>(2) A person commits the offense of stalking when such person, in violation of a bond to keep the peace posted pursuant to Code Section 17-6-110, standing order issued under Code Section 19-1-1, temporary restraining order, temporary protective order, permanent restraining order, permanent protective order, preliminary injunction, or permanent injunction or condition of pretrial release, condition of probation, or condition of parole in effect prohibiting the harassment or intimidation of</p>

STATE	STATUTE(S)
<p>GEORGIA (con't)</p>	<p>O.C.G.A. § 16-5-90 (2004) Stalking; psychological evaluation (con't)</p> <p>another person, broadcasts or publishes, including electronic publication, the picture, name, address, or phone number of a person for whose benefit the bond, order, or condition was made and without such person's consent in such a manner that causes other persons to harass or intimidate such person and the person making the broadcast or publication knew or had reason to believe that such broadcast or publication would cause such person to be harassed or intimidated by others.</p>
<p>HAWAII</p>	<p><u>AGGRAVATING FACTORS & CHILD WITNESSES</u></p> <p>HRS § 706-606.4 (2004) Sentencing in offenses involving abuse of a family or household member committed in the presence of a minor</p> <p>(1) In addition to the factors considered under section 706-606, the court shall consider the following aggravating factors in determining the particular sentence to be imposed:</p> <ul style="list-style-type: none"> (a) The defendant has been convicted of committing or attempting to commit an offense involving abuse of a family or household member; (b) The defendant is or has been a family or household member of either a minor referred to in paragraph (c) or the victim of the offense; and (c) The offense contemporaneously occurred in the presence of a minor.

STATE	STATUTE(S)
<p>HAWAII (con't)</p>	<p><u>ASSAULT/BATTERY & MANDATORY TREATMENT</u></p> <p>HRS § 709-906 (2004) Abuse of family or household members; penalty</p> <p>(1) It shall be unlawful for any person, singly or in concert, to physically abuse a family or household member or to refuse compliance with the lawful order of a police officer under subsection (4). The police, in investigating any complaint of abuse of a family or household member, upon request, may transport the abused person to a hospital or safe shelter.</p> <p>(5) Abuse of a family or household member and refusal to comply with the lawful order of a police officer under subsection (4) are misdemeanors and the person shall be sentenced as follows:</p> <p style="padding-left: 40px;">(a) For the first offense the person shall serve a minimum jail sentence of forty-eight hours; and</p> <p style="padding-left: 40px;">(b) For a second offense that occurs within one year of the first conviction, the person shall be termed a "repeat offender" and serve a minimum jail sentence of thirty days.</p> <p>Upon conviction and sentencing of the defendant, the court shall order that the defendant immediately be incarcerated to serve the mandatory minimum sentence imposed; provided that the defendant may be admitted to bail pending appeal pursuant to chapter 804. The court may stay the imposition of the sentence if special circumstances exist.</p> <p>(6) Whenever a court sentences a person pursuant to subsection (5), it also shall require that the offender undergo any available domestic violence intervention programs ordered by the court. However, the court may suspend any portion of a jail sentence, except for the mandatory sentences under subsection (5)(a) and (b), upon the condition that the defendant remain arrest-free and conviction-free or complete court-ordered intervention.</p> <p>(7) For a third or any subsequent offense that occurs within two years of a second or subsequent conviction, the person shall be charged with a class C felony.</p> <p>(14) When a person is ordered by the court to undergo any domestic violence intervention, that person shall provide adequate proof of compliance with the court's order. The court shall order a subsequent hearing at which the person is required to make an appearance, on a date certain, to determine whether the person has completed the ordered domestic violence intervention. The court may waive the</p>

STATE	STATUTE(S)
<p>HAWAII (con't)</p>	<p>HRS § 709-906 (2004) Abuse of family or household members; penalty (con't)</p> <p>subsequent hearing and appearance where a court officer has established that the person has completed the intervention ordered by the court.</p> <p><u>PROTECTION ORDER VIOLATIONS</u></p> <p>HRS § 586-11 (2004) Violation of an order for protection</p> <p>(a) Whenever an order for protection is granted pursuant to this chapter, a respondent or person to be restrained who knowingly or intentionally violates the order for protection is guilty of a misdemeanor. A person convicted under this section shall undergo domestic violence intervention at any available domestic violence program as ordered by the court. The court additionally shall sentence a person convicted under this section as follows:</p> <p> (1) For a first conviction for violation of the order for protection:</p> <p> (A) That is in the nature of non-domestic abuse, the person may be sentenced to a jail sentence of forty-eight hours and be fined not more than \$150; provided that the court shall not sentence a defendant to pay a fine unless the defendant is or will be able to pay the fine;</p> <p> (B) That is in the nature of domestic abuse, the person shall be sentenced to a mandatory minimum jail sentence of not less than forty-eight hours and be fined not less than \$150 nor more than \$500; provided that the court shall not sentence a defendant to pay a fine unless the defendant is or will be able to pay the fine;</p> <p> (2) For a second conviction for violation of the order for protection:</p> <p> (B) That is in the nature of domestic abuse, and occurs after a first conviction for violation of the same order that was in the nature of domestic abuse, the person shall be sentenced to a mandatory minimum jail sentence of not less than thirty days and be fined not less than \$250 nor more than</p>

STATE	STATUTE(S)
<p>HAWAII (con't)</p>	<p>HRS § 586-11 (2004) Violation of an order for protection (con't)</p> <p>\$1,000; provided that the court shall not sentence a defendant to pay a fine unless the defendant is or will be able to pay the fine;</p> <p>(D) That is in the nature of domestic abuse, and occurs after a first conviction for violation of the same order that is in the nature of non- domestic abuse, the person shall be sentenced to a mandatory minimum jail sentence of not less than forty-eight hours and be fined not more than \$150; provided that the court shall not sentence a defendant to pay a fine unless the defendant is or will be able to pay the fine;</p> <p>(3) For any subsequent violation that occurs after a second conviction for violation of the same order for protection, the person shall be sentenced to a mandatory minimum jail sentence of not less than thirty days and be fined not less than \$250 nor more than \$1,000; provided that the court shall not sentence a defendant to pay a fine unless the defendant is or will be able to pay the fine.</p> <p>Upon conviction and sentencing of the defendant, the court shall order that the defendant immediately be incarcerated to serve the mandatory minimum sentence imposed; provided that the defendant may be admitted to bail pending appeal pursuant to chapter 804. The court may stay the imposition of the sentence if special circumstances exist.</p>
<p>IDAHO</p>	<p><u>ASSAULT/BATTERY</u></p> <p>Idaho Code § 18-918 (2004) Domestic violence</p> <p>(2) (a) Any household member who commits a battery, as defined in section 18-903, Idaho Code, and willfully and unlawfully inflicts a traumatic injury upon any other household member is guilty of a felony.</p>

STATE	STATUTE(S)
<p>IDAHO (con't)</p>	<p>Idaho Code § 18-918 (2004) Domestic violence (con't)</p> <p>(b) A conviction of felony domestic battery is punishable by imprisonment in the state prison for a term not to exceed ten (10) years or by a fine not to exceed ten thousand dollars (\$ 10,000) or by both fine and imprisonment.</p> <p>(3) (a) A household member who commits an assault, as defined in section 18-901, Idaho Code, against another household member which does not result in traumatic injury is guilty of a misdemeanor domestic assault.</p> <p>(b) A household member who commits a battery, as defined in section 18-903, Idaho Code, against another household member which does not result in traumatic injury is guilty of a misdemeanor domestic battery.</p> <p>(c) A first conviction under this subsection (3) is punishable by a fine not exceeding one thousand dollars (\$ 1,000) or by imprisonment in a county jail not to exceed six (6) months, or both. Any person who pleads guilty to or is found guilty of a violation of this subsection (3) who previously has pled guilty to or been found guilty of a violation of this subsection (3), or of any substantially conforming foreign criminal violation, notwithstanding the form of the judgment or withheld judgment, within ten (10) years of the first conviction, shall be guilty of a misdemeanor and shall be punished by imprisonment in the county jail for a term not to exceed one (1) year or by a fine not exceeding two thousand dollars (\$ 2,000) or by both fine and imprisonment. Any person who pleads guilty to or is found guilty of a violation of this subsection (3) who previously has pled guilty to or been found guilty of two (2) violations of this subsection (3), or of any substantially conforming foreign criminal violation or any combination thereof, notwithstanding the form of the judgment or withheld judgment, within fifteen (15) years of the first conviction, shall be guilty of a felony and shall be punished by imprisonment in the state prison for a term not to exceed five (5) years or by a fine not to exceed five thousand dollars (\$ 5,000) or by both fine and imprisonment.</p> <p>(5) Notwithstanding any other provisions of this section, any person who previously has pled guilty to or been found guilty of a felony violation of the provisions of this section or of any substantially</p>

STATE	STATUTE(S)
<p>IDAHO (con't)</p>	<p>Idaho Code § 18-918 (2004) Domestic violence (con't)</p> <p>conforming foreign criminal felony violation, notwithstanding the form of the judgment or withheld judgment, and who within fifteen (15) years pleads guilty to or is found guilty of any further violation of this section, shall be guilty of a felony and shall be punished by imprisonment in the state prison for a term not to exceed ten (10) years or by a fine not to exceed ten thousand dollars (\$ 10,000), or by both such fine and imprisonment.</p> <p>(6) For the purposes of this section, a substantially conforming foreign criminal violation exists when a person has pled guilty to or been found guilty of a violation of any federal law or law of another state, or any valid county, city or town ordinance of another state, substantially conforming with the provisions of this section. The determination of whether a foreign criminal violation is substantially conforming is a question of law to be determined by the court.</p> <p><u>CHILD WITNESSES</u></p> <p>Idaho Code § 18-918 (2004) Domestic violence</p> <p>(4) The maximum penalties provided in this section shall be doubled where the act of domestic assault or battery for which the person is convicted or pleads guilty took place in the presence of a child. For purposes of this section, "in the presence of a child" means in the physical presence of a child or knowing that a child is present and may see or hear an act of domestic assault or battery. For purposes of this section, "child" means a person under sixteen (16) years of age.</p>

STATE	STATUTE(S)
<p>IDAHO (con't)</p>	<p><u>MANDATORY TREATMENT</u></p> <p>Idaho Code § 18-918 (2004) Domestic violence</p> <p>(7) (a) Any person who pleads guilty to or is found guilty of a violation of this section shall undergo, at the person's own expense, an evaluation by a person, agency or organization approved by the court in accordance with subsection [(7)](c) of this section to determine whether the defendant should be required to obtain aggression counseling or other appropriate treatment</p> <p>(b) If the evaluation recommends counseling or other treatment, the court shall order the person to complete the counseling or other treatment in addition to any other sentence which may be imposed. If the court determines that counseling or treatment would be inappropriate or undesirable, the court shall enter findings articulating the reasons for such determination on the record. The court shall order the defendant to complete the preferred counseling or treatment program set forth in the evaluation, or a comparable alternative, unless it appears that the defendant cannot reasonably obtain adequate financial resources for such counseling or treatment. In that event, the court may order the defendant to complete a less costly alternative set forth in the evaluation or a comparable program. Nothing contained in this subsection shall be construed as requiring a court to order that counseling or treatment be provided at government expense unless otherwise required by law.</p>

STATE	STATUTE(S)
ILLINOIS	<p data-bbox="583 321 1104 358"><u>AGGRAVATING FACTOR</u></p> <p data-bbox="583 391 877 423">20 ILCS 5/9-1 (2005)</p> <p data-bbox="583 428 1885 496">First degree Murder -- Death penalties -- Exceptions -- Separate Hearings -- Proof -- Findings -- Appellate procedures -- Reversals</p> <p data-bbox="583 537 1839 643">Sec. 9-1. First degree Murder -- Death penalties -- Exceptions -- Separate Hearings -- Proof -- Findings -- Appellate procedures -- Reversals. (a) A person who kills an individual without lawful justification commits first degree murder if, in performing the acts which cause the death:</p> <p data-bbox="583 651 1860 716">(1) he either intends to kill or do great bodily harm to that individual or another, or knows that such acts will cause death to that individual or another; or</p> <p data-bbox="583 724 1885 789">(2) he knows that such acts create a strong probability of death or great bodily harm to that individual or another; or</p> <p data-bbox="583 797 1682 829">(3) he is attempting or committing a forcible felony other than second degree murder.</p> <p data-bbox="583 837 1906 902">(b) <i>Aggravating Factors</i>. A defendant who at the time of the commission of the offense has attained the age of 18 or more and who has been found guilty of first degree murder may be sentenced to death if:</p> <p data-bbox="583 911 1902 1008">(19) the murdered individual was subject to an order of protection and the murder was committed by a person against whom the same order of protection was issued under the Illinois Domestic Violence Act of 1986 [750 ILCS 60/101 et seq.]</p> <p data-bbox="583 1040 999 1078"><u>ASSAULT/BATTERY</u></p> <p data-bbox="583 1110 915 1143">20 ILCS 5/12-3.2 (2005)</p> <p data-bbox="583 1148 821 1180">Domestic Battery</p> <p data-bbox="583 1221 1776 1286">Sec. 12-3.2. Domestic Battery. (a) A person commits domestic battery if he intentionally or knowingly without legal justification by any means:</p>

STATE	STATUTE(S)
<p>ILLINOIS (con't)</p>	<p>20 ILCS 5/12-3.2 (2005) Domestic Battery (con't)</p> <p>(1) Causes bodily harm to any family or household member as defined in subsection (3) of Section 112A-3 of the Code of Criminal Procedure of 1963, as amended [725 ILCS 5/112A-3];</p> <p>(2) Makes physical contact of an insulting or provoking nature with any family or household member as defined in subsection (3) of Section 112A-3 of the Code of Criminal Procedure of 1963, as amended [725 ILCS 5/112A-3].</p> <p>(b) Sentence. Domestic battery is a Class A Misdemeanor. Domestic battery is a Class 4 felony if the defendant has any prior conviction under this Code for domestic battery (Section 12-3.2) [720 ILCS 5/12-3.2] or violation of an order of protection (Section 12-30) [720 ILCS 5/12-30], or any prior conviction under the law of another jurisdiction for an offense which is substantially similar. Domestic battery is a Class 4 felony if the defendant has any prior conviction under this Code for first degree murder (Section 9-1) [720 ILCS 5/9-1], attempt to commit first degree murder (Section 8-4) [720 ILCS 5/8-4], aggravated domestic battery (Section 12-3.3) [720 ILCS 5/12-3.3], aggravated battery (Section 12-4) [720 ILCS 5/12-4], heinous battery (Section 12-4.1) [720 ILCS 5/12-4.1], aggravated battery with a firearm (Section 12-4.2) [720 ILCS 5/12-4.2], aggravated battery of a child (Section 12-4.3) [720 ILCS 5/12-4.3], aggravated battery of an unborn child (Section 12-4.4) [720 ILCS 5/12-4.4], aggravated battery of a senior citizen (Section 12-4.6) [720 ILCS 5/12-4.6], stalking (Section 12-7.3) [720 ILCS 5/12-7.3], aggravated stalking (Section 12-7.4) [720 ILCS 5/12-7.4], criminal sexual assault (Section 12-13) [720 ILCS 5/12-13], aggravated criminal sexual assault (12-14) [720 ILCS 5/12-14], kidnapping (Section 10-1) [720 ILCS 5/10-1], aggravated kidnapping (Section 10-2) [720 ILCS 5/10-2], predatory criminal sexual assault of a child (Section 12-14.1) [720 ILCS 5/12-14.1], aggravated criminal sexual abuse (Section 12-16) [720 ILCS 5/12-16], unlawful restraint (Section 10-3) [720 ILCS 5/10-3], aggravated unlawful restraint (Section 10-3.1) [720 ILCS 5/10-3.1], aggravated arson (Section 20-1.1) [720 ILCS 5/20-1.1], or aggravated discharge of a firearm (Section 24-1.2) [720 ILCS 5/24-1.2], or any prior conviction under the law of another jurisdiction for any offense that is substantially</p>

STATE	STATUTE(S)
<p>ILLINOIS (con't)</p>	<p>20 ILCS 5/12-3.2 (2005) Domestic Battery (con't)</p> <p>similar to the offenses listed in this Section, when any of these offenses have been committed against a family or household member as defined in Section 112A-3 of the Code of Criminal Procedure of 1963 [725 ILCS 5/112A-3]. In addition to any other sentencing alternatives, for any second or subsequent conviction of violating this Section, the offender shall be mandatorily sentenced to a minimum of 72 consecutive hours of imprisonment. The imprisonment shall not be subject to suspension, nor shall the person be eligible for probation in order to reduce the sentence.</p> <p>720 ILCS 5/12-3.3 (2005) Aggravated domestic battery</p> <p>Sec. 12-3.3. Aggravated domestic battery. (a) A person who, in committing a domestic battery, intentionally or knowingly causes great bodily harm, or permanent disability or disfigurement commits aggravated domestic battery.</p> <p>(b) Sentence. Aggravated domestic battery is a Class 2 felony. Any order of probation or conditional discharge entered following a conviction for an offense under this Section must include, in addition to any other condition of probation or conditional discharge, a condition that the offender serve a mandatory term of imprisonment of not less than 60 consecutive days. A person convicted of a second or subsequent violation of this Section must be sentenced to a mandatory term of imprisonment of not less than 3 years and not more than 7 years or an extended term of imprisonment of not less than 7 years and not more than 14 years.</p>

STATE	STATUTE(S)
<p>ILLINOIS (con't)</p>	<p><u>CHILD WITNESSES</u></p> <p>720 ILCS 5/12-3.2 (2005) Domestic Battery</p> <p>(c) Domestic battery committed in the presence of a child. In addition to any other sentencing alternatives, a defendant who commits, in the presence of a child, a felony domestic battery (enhanced under subsection (b)), aggravated domestic battery (Section 12-3.3 [720 ILCS 5/12-3.3]), aggravated battery (Section 12-4 [720 ILCS 5/12-4]), unlawful restraint (Section 10-3 [720 ILCS 5/10-3]), or aggravated unlawful restraint (Section 10-3.1 [720 ILCS 5/10-3.1]) against a family or household member, as defined in Section 112A-3 of the Code of Criminal Procedure of 1963 [725 ILCS 5/112A-3], shall be required to serve a mandatory minimum imprisonment of 10 days or perform 300 hours of community service, or both. The defendant shall further be liable for the cost of any counseling required for the child at the discretion of the court in accordance with subsection (b) of Section 5-5-6 of the Unified Code of Corrections [730 ILCS 5/5-5-6]. For purposes of this Section, "child" means a person under 16 years of age who is the defendant's or victim's child or step-child or who is a minor child residing within the household of the defendant or victim. For purposes of this Section, "in the presence of a child" means in the physical presence of a child or knowing or having reason to know that a child is present and may see or hear an act constituting one of the offenses listed in this subsection.</p> <p><u>MISCELLANEOUS</u></p> <p>§ 730 ILCS 5/5-9-1.5. Domestic violence fine</p> <p>Sec. 5-9-1.5. Domestic violence fine. In addition to any other penalty imposed, a fine of \$ 200 shall be imposed upon any person who pleads guilty or no contest to or who is convicted of murder, voluntary manslaughter, involuntary manslaughter, burglary, residential burglary, criminal trespass to</p>

STATE	STATUTE(S)
<p>ILLINOIS (con't)</p>	<p>§ 730 ILCS 5/5-9-1.5. Domestic violence fine (con't)</p> <p>residence, criminal trespass to vehicle, criminal trespass to land, criminal damage to property, telephone harassment, kidnapping, aggravated kidnapping, unlawful restraint, forcible detention, child abduction, indecent solicitation of a child, sexual relations between siblings, exploitation of a child, child pornography, assault, aggravated assault, battery, aggravated battery, heinous battery, aggravated battery of a child, domestic battery, reckless conduct, intimidation, criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, violation of an order of protection, disorderly conduct, endangering the life or health of a child, child abandonment, contributing to dependency or neglect of child, or cruelty to children and others; provided that the offender and victim are family or household members as defined in Section 103 of the Illinois Domestic Violence Act of 1986 [750 ILCS 60/103]. Upon request of the victim or the victim's representative, the court shall determine whether the fine will impose an undue burden on the victim of the offense. For purposes of this paragraph, the defendant may not be considered the victim's representative. If the court finds that the fine would impose an undue burden on the victim, the court may reduce or waive the fine. The court shall order that the defendant may not use funds belonging solely to the victim of the offense for payment of the fine. The circuit clerk shall remit each fine within one month of its receipt to the State Treasurer for deposit as follows: (i) for sexual assault, as defined in Section 5-9-1.7 [730 ILCS 5/5-9-1.7], when the offender and victim are family members, one-half to the Domestic Violence Shelter and Service Fund, and one-half to the Sexual Assault Services Fund; (ii) for the remaining offenses to the Domestic Violence Shelter and Service Fund.</p>

STATE	STATUTE(S)
<p>ILLINOIS (con't)</p>	<p><u>OTHER DV-RELATED CRIMES</u></p> <p>§ 720 ILCS 5/12-4. Aggravated Battery</p> <p>Sec. 12-4. Aggravated Battery. (a) A person who, in committing a battery, intentionally or knowingly causes great bodily harm, or permanent disability or disfigurement commits aggravated battery. (b) In committing a battery, a person commits aggravated battery if he or she:</p> <p>(16) Is, or the person battered is, in any building or other structure used to provide shelter or other services to victims or to the dependent children of victims of domestic violence pursuant to the Illinois Domestic Violence Act of 1986 or the Domestic Violence Shelters Act [750 ILCS 60/101 et seq. or 20 ILCS 1310/0.01 et seq.], or the person battered is within 500 feet of such a building or other structure while going to or from such a building or other structure.</p> <p>720 ILCS 5/12-6.3. Interfering with the reporting of domestic violence</p> <p>Sec. 12-6.3. Interfering with the reporting of domestic violence. (a) A person commits the offense of interfering with the reporting of domestic violence when, after having committed an act of domestic violence, he or she prevents or attempts to prevent the victim of or a witness to the act of domestic violence from calling a 9-1-1 emergency telephone system, obtaining medical assistance, or making a report to any law enforcement official.</p> <p><u>PROTECTION ORDER VIOLATIONS</u></p> <p>§ 720 ILCS 5/12-30. Violation of an order of protection</p> <p>Sec. 12-30. Violation of an order of protection. (a) A person commits violation of an order of protection if:</p> <p>(1) He or she commits an act which was prohibited by a court or fails to commit an act which was ordered by a court in violation of:</p>

STATE	STATUTE(S)
<p>ILLINOIS (con't)</p>	<p>§ 720 ILCS 5/12-30. Violation of an order of protection (con't)</p> <p>(i) a remedy in a valid order of protection authorized under paragraphs (1), (2), (3), (14), or (14.5) of subsection (b) of Section 214 of the Illinois Domestic Violence Act of 1986 [750 ILCS 60/214],</p> <p>(ii) a remedy, which is substantially similar to the remedies authorized under paragraphs (1), (2), (3), (14) or (14.5) of subsection (b) of Section 214 of the Illinois Domestic Violence Act of 1986 [750 ILCS 60/214], in a valid order of protection, which is authorized under the laws of another state, tribe or United States territory,</p> <p>(iii) any other remedy when the act constitutes a crime against the protected parties as the term protected parties is defined in Section 112A-4 of the Code of Criminal Procedure of 1963 [725 ILCS 5/112A-4]; and</p> <p>(2) Such violation occurs after the offender has been served notice of the contents of the order, pursuant to the Illinois Domestic Violence Act of 1986 [750 ILCS 60/101 et seq.] or any substantially similar statute of another state, tribe or United States territory, or otherwise has acquired actual knowledge of the contents of the order.</p> <p>(d) Violation of an order of protection under subsection (a) of this Section is a Class A misdemeanor. Violation of an order of protection under subsection (a) of this Section is a Class 4 felony if the defendant has any prior conviction under this Code for domestic battery (Section 12-3.2) [720 ILCS 5/12-3.2] or violation of an order of protection (Section 12-30) [720 ILCS 5/12-30]. Violation of an order of protection is a Class 4 felony if the defendant has any prior conviction under this Code for first degree murder (Section 9-1) [720 ILCS 5/9-1], attempt to commit first degree murder (Section 8-4) [720 ILCS 5/8-4], aggravated domestic battery (Section 12-3.3) [720 ILCS 5/12-3.3], aggravated battery (Section 12-4) [720 ILCS 5/12-4], heinous battery (Section 12-4.1) [720 ILCS 5/12-4.1], aggravated battery with a firearm (Section 12-4.2) [720 ILCS 5/12-4.2], aggravated battery of a child (Section 12-4.3 [720 ILCS 5/12-4.3]), aggravated battery of an unborn child (Section 12-4.4 [720 ILCS 5/12-4.4]), aggravated battery of a senior citizen (Section 12-4.6) [720 ILCS 5/12-4.6], stalking (Section 12-7.3) [720 ILCS 5/12-7.3], aggravated stalking (Section 12-7.4 [720 ILCS 5/12-7.4]),</p>

STATE	STATUTE(S)
<p>ILLINOIS (con't)</p>	<p>§ 720 ILCS 5/12-30. Violation of an order of protection (con't)</p> <p>criminal sexual assault (Section 12-13 [720 ILCS 5/12-13]), aggravated criminal sexual assault (12-14 [720 ILCS 5/12-14]), kidnapping (Section 10-1 [720 ILCS 5/10-1]), aggravated kidnapping (Section 10-2 [720 ILCS 5/10-2]), predatory criminal sexual assault of a child (Section 12-14.1 [720 ILCS 5/12-14.1]), aggravated criminal sexual abuse (Section 12-16 [720 ILCS 5/12-16]), unlawful restraint (Section 10-3 [720 ILCS 5/10-3]), aggravated unlawful restraint (Section 10-3.1 [720 ILCS 5/10-3.1]), aggravated arson (Section 20-1.1) [720 ILCS 5/20-1.1], or aggravated discharge of a firearm (Section 24-1.2 [720 ILCS 5/24-1.2]), when any of these offenses have been committed against a family or household member as defined in Section 112A-3 of the Code of Criminal Procedure of 1963 [725 ILCS 5/112A-3].</p> <p>The court shall impose a minimum penalty of 24 hours imprisonment for defendant's second or subsequent violation of any order of protection; unless the court explicitly finds that an increased penalty or such period of imprisonment would be manifestly unjust. In addition to any other penalties, the court may order the defendant to pay a fine as authorized under Section 5-9-1 of the Unified Code of Corrections [730 ILCS 5/5-9-1] or to make restitution to the victim under Section 5-5-6 of the Unified Code of Corrections. [730 ILCS 5/5-5-6] In addition to any other penalties, including those imposed by Section 5-9-1.5 of the Unified Code of Corrections [730 ILCS 5/5-9-1.5], the court shall impose an additional fine of \$ 20 as authorized by Section 5-9-1.11 of the Unified Code of Corrections [730 ILCS 5/5-9-1.11] upon any person convicted of or placed on supervision for a violation of this Section. The additional fine shall be imposed for each violation of this Section.</p> <p>§ 725 ILCS 5/112A-23. Enforcement of orders of protection</p> <p>Sec. 112A-23. Enforcement of orders of protection. (a) When violation is crime. A violation of any order of protection, whether issued in a civil, quasi-criminal proceeding, shall be enforced by a criminal court when:</p>

STATE	STATUTE(S)
<p>ILLINOIS (con't)</p>	<p>§ 725 ILCS 5/112A-23. Enforcement of orders of protection (con't)</p> <p>(1) The respondent commits the crime of violation of an order of protection pursuant to Section 12-30 of the Criminal Code of 1961 [720 ILCS 5/12-30], by having knowingly violated:</p> <ul style="list-style-type: none"> (i) remedies described in paragraphs (1), (2), (3), (14), or (14.5) of subsection (b) of Section 112A-14 [725 ILCS 5/112A-14], (ii) a remedy, which is substantially similar to the remedies authorized under paragraphs (1), (2), (3), (14) or (14.5) of subsection (b) of Section 214 of the Illinois Domestic Violence Act of 1986 [750 ILCS 60/214], in a valid order of protection, which is authorized under the laws of another state, tribe or United States territory, (iii) or any other remedy when the act constitutes a crime against the protected parties as defined by the Criminal Code of 1961 [720 ILCS 5/1-1 et seq.]. <p>(g) Penalties.</p> <p>(1) Except as provided in paragraph (3) of this subsection, where the court finds the commission of a crime or contempt of court under subsections (a) or (b) of this Section, the penalty shall be the penalty that generally applies in such criminal or contempt proceedings, and may include one or more of the following: incarceration, payment of restitution, a fine, payment of attorneys' fees and costs, or community service.</p> <p>(2) The court shall hear and take into account evidence of any factors in aggravation or mitigation before deciding an appropriate penalty under paragraph (1) of this subsection.</p> <p>(3) To the extent permitted by law, the court is encouraged to:</p> <ul style="list-style-type: none"> (i) increase the penalty for the knowing violation of any order of protection over any penalty previously imposed by any court for respondent's violation of any order of protection or penal statute involving petitioner as victim and respondent as defendant; (ii) impose a minimum penalty of 24 hours imprisonment for respondent's first violation of any order of protection; and (iii) impose a minimum penalty of 48 hours imprisonment for respondent's second or subsequent violation of an order of protection unless the court explicitly finds that an increased penalty or that

STATE	STATUTE(S)
<p>ILLINOIS (con't)</p>	<p>§ 725 ILCS 5/112A-23. Enforcement of orders of protection (con't)</p> <p>period of imprisonment would be manifestly unjust.</p> <p>(4) In addition to any other penalties imposed for a violation of an order of protection, a criminal court may consider evidence of any violations of an order of protection:</p> <p>(i) to increase, revoke or modify the bail bond on an underlying criminal charge pursuant to Section 110-6 [725 ILCS 5/110-6];</p> <p>(ii) to revoke or modify an order of probation, conditional discharge or supervision, pursuant to Section 5-6-4 of the Unified Code of Corrections [730 ILCS 5/5-6-4];</p> <p>(iii) to revoke or modify a sentence of periodic imprisonment, pursuant to Section 5-7-2 of the Unified Code of Corrections [730 ILCS 5/5-7-2].</p> <p><u>STALKING</u></p> <p>§ 720 ILCS 5/12-7.4. Aggravated stalking</p> <p>Sec. 12-7.4. Aggravated stalking. (a) A person commits aggravated stalking when he or she, in conjunction with committing the offense of stalking, also does any of the following:</p> <p>(1) causes bodily harm to the victim;</p> <p>(2) confines or restrains the victim; or</p> <p>(3) violates a temporary restraining order, an order of protection, or an injunction prohibiting the behavior described in subsection (b)(1) of Section 214 of the Illinois Domestic Violence Act of 1986 [750 ILCS 60/214].</p> <p>(b) <i>Sentence.</i> Aggravated stalking is a Class 3 felony. A second or subsequent conviction for aggravated stalking is a Class 2 felony.</p>

STATE	STATUTE(S)
INDIANA	<p style="text-align: center;"><u>AGGRAVATING FACTOR</u></p> <p>Burns Ind. Code Ann. § 35-50-2-7 (2004) Class D felony</p> <p>(a) A person who commits a Class D felony shall be imprisoned for a fixed term of one and one-half (1 1/2) years, with not more than one and one-half (1 1/2) years added for aggravating circumstances or not more than one (1) year subtracted for mitigating circumstances. In addition, he may be fined not more than ten thousand dollars (\$ 10,000).</p> <p>(b) Notwithstanding subsection (a), if a person has committed a Class D felony, the court may enter judgment of conviction of a Class A misdemeanor and sentence accordingly. However, the court shall enter a judgment of conviction of a Class D felony if:</p> <p>(2) the offense is domestic battery as a Class D felony under IC 35-42-2-1.3</p> <p style="text-align: center;"><u>ASSAULT/BATTERY</u></p> <p>Burns Ind. Code Ann. § 35-42-2-1.3 (2004) Domestic battery</p> <p>(a) A person who knowingly or intentionally touches an individual who:</p> <ol style="list-style-type: none"> (1) is or was a spouse of the other person; (2) is or was living as if a spouse of the other person as provided in subsection (b); or (3) has a child in common with the other person; <p>in a rude, insolent, or angry manner that results in bodily injury to the person described in subdivision (1), (2), or (3) commits domestic battery, a Class A misdemeanor. However, the offense is a Class D felony if the person has a previous, unrelated conviction under this section (or IC 35-42-2-1 (a)(2)(E) before its repeal).</p>

STATE	STATUTE(S)
<p>INDIANA (con't)</p>	<p><u>MISCELLANEOUS</u></p> <p>Burns Ind. Code Ann. § 33-37-5-13 (2004) Domestic violence prevention and treatment fee</p> <p>The court shall order a person to pay a domestic violence prevention and treatment fee of fifty dollars (\$ 50) to the clerk in each criminal action in which:</p> <p>(1) the person is found to have committed the offense of:</p> <ul style="list-style-type: none"> (A) murder (IC 35-42-1-1); (B) causing suicide (IC 35-42-1-2); (C) voluntary manslaughter (IC 35-42-1-3); (D) reckless homicide (IC 35-42-1-5); (E) battery (IC 35-42-2-1); (F) domestic battery (IC 35-42-2-1.3); or (G) rape (IC 35-42-4-1); and <p>(2) the victim:</p> <ul style="list-style-type: none"> (A) is a spouse or former spouse of the person who committed an offense under subdivision (1); (B) is or was living as if a spouse of the person who committed the offense of domestic battery under subdivision (1)(F); or (C) has a child in common with the person who committed the offense of domestic battery under subdivision (1)(F). <p><u>PROTECTION ORDER VIOLATIONS</u></p> <p>Burns Ind. Code Ann. § 35-46-1-15.1 (2004) Invasion of privacy</p> <p>A person who knowingly or intentionally violates:</p>

STATE	STATUTE(S)
<p>INDIANA (con't)</p>	<p>Burns Ind. Code Ann. § 35-46-1-15.1 (2004) Invasion of privacy (con't)</p> <p>(1) a protective order to prevent domestic or family violence issued under IC 34-26-5 (or, if the order involved a family or household member, under IC 34-26-2 or IC 34-4-5.1-5 before their repeal); (2) an ex parte protective order issued under IC 34-26-5 (or, if the order involved a family or household member, an emergency order issued under IC 34-26-2 or IC 34-4-5.1 before their repeal) commits invasion of privacy, a Class A misdemeanor. However, the offense is a Class D felony if the person has a prior unrelated conviction for an offense under this section.</p> <p><u>STALKING</u></p> <p>Burns Ind. Code Ann. § 35-45-10-5 (2004) Violation -- Penalties</p> <p>(a) A person who stalks another person commits stalking, a Class D felony. (b) The offense is a Class C felony if at least one (1) of the following applies: (1) A person: (A) stalks a victim; and (2) A protective order to prevent domestic or family violence, a no contact order, or other judicial order under any of the following statutes has been issued by the court to protect the same victim or victims from the person and the person has been given actual notice of the order: (3) The person's stalking of another person violates an order issued as a condition of pretrial release, including release on bail or personal recognizance, or pretrial diversion if the person has been given actual notice of the order. (4) The person's stalking of another person violates a no contact order issued as a condition of probation if the person has been given actual notice of the order.</p>

STATE	STATUTE(S)
<p>INDIANA (con't)</p>	<p>Burns Ind. Code Ann. § 35-45-10-5 (2004) Violation – Penalties (con't)</p> <p>(5) The person's stalking of another person violates a protective order issued under IC 31-14-16-1 and IC 34-26-5 in a paternity action if the person has been given actual notice of the order.</p> <p>(6) The person's stalking of another person violates an order issued in another state that is substantially similar to an order described in subdivisions (2) through (5) if the person has been given actual notice of the order.</p> <p>(7) The person's stalking of another person violates an order that is substantially similar to an order described in subdivisions (2) through (5) and is issued by an Indian:</p> <ul style="list-style-type: none"> (A) tribe; (B) band; (C) pueblo; (D) nation; or (E) organized group or community, including an Alaska Native village or regional or village corporation as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.); <p>that is recognized as eligible for the special programs and services provided by the United States to Indians because of their special status as Indians if the person has been given actual notice of the order.</p> <p>(8) A criminal complaint of stalking that concerns an act by the person against the same victim or victims is pending in a court and the person has been given actual notice of the complaint.</p> <p>(c) The offense is a Class B felony if:</p> <ul style="list-style-type: none"> (1) the act or acts were committed while the person was armed with a deadly weapon; or (2) the person has an unrelated conviction for an offense under this section against the same victim or victims. <p>(d) Notwithstanding subsection (a), the court may enter judgment of conviction of a Class A misdemeanor and sentence accordingly if the court finds mitigating circumstances. The court may</p>

STATE	STATUTE(S)
<p>INDIANA (con't)</p>	<p>Burns Ind. Code Ann. § 35-45-10-5 (2004) Violation – Penalties (con't)</p> <p>consider the mitigating circumstances in IC 35-38-1-7.1(c) in making a determination under this subsection. However, the criteria listed in IC 35-38-1-7.1(c) do not limit the matters the court may consider in making its determination.</p> <p>(e) Notwithstanding subsection (b), the court may enter judgment of conviction of a Class D felony and sentence accordingly if the court finds mitigating circumstances. The court may consider the mitigating circumstances in IC 35-38-1-7.1(c) in making a determination under this subsection. However, the criteria listed in IC 35-38-1-7.1(c) do not limit the matters the court may consider in making its determination.</p>
<p>IOWA</p>	<p><u>ASSAULT/BATTERY</u></p> <p>Iowa Code § 708.2A (2004) Domestic abuse assault -- mandatory minimums, penalties enhanced -- extension of no-contact order.</p> <p>1. For the purposes of this chapter, "<i>domestic abuse assault</i>" means an assault, as defined in section 708.1, which is domestic abuse as defined in section 236.2, subsection 2, paragraph "a", "b", "c", or "d".</p> <p>2. On a first offense of domestic abuse assault, the person commits:</p> <ul style="list-style-type: none"> a. A simple misdemeanor for a domestic abuse assault, except as otherwise provided. b. A serious misdemeanor, if the domestic abuse assault causes bodily injury or mental illness. c. An aggravated misdemeanor, if the domestic abuse assault is committed with the intent to inflict a serious injury upon another, or if the person uses or displays a dangerous weapon in connection with the assault. This paragraph does not apply if section 708.6 or 708.8 applies.

STATE	STATUTE(S)
<p>IOWA (con't)</p>	<p>Iowa Code § 708.2A (2004) Domestic abuse assault -- mandatory minimums, penalties enhanced -- extension of no-contact order. (con't)</p> <p>3. Except as otherwise provided in subsection 2, on a second domestic abuse assault, a person commits:</p> <p> <i>a.</i> A serious misdemeanor, if the first offense was classified as a simple misdemeanor, and the second offense would otherwise be classified as a simple misdemeanor.</p> <p> <i>b.</i> An aggravated misdemeanor, if the first offense was classified as a simple or aggravated misdemeanor, and the second offense would otherwise be classified as a serious misdemeanor, or the first offense was classified as a serious or aggravated misdemeanor, and the second offense would otherwise be classified as a simple or serious misdemeanor.</p> <p>4. On a third or subsequent offense of domestic abuse assault, a person commits a class "D" felony.</p> <p> <i>c.</i> An offense shall be considered a prior offense regardless of whether it was committed upon the same victim.</p> <p>6. <i>a.</i> A person convicted of violating subsection 2 or 3 shall serve a minimum term of two days of the sentence imposed by law, and shall not be eligible for suspension of the minimum sentence. The minimum term shall be served on consecutive days. The court shall not impose a fine in lieu of the minimum sentence, although a fine may be imposed in addition to the minimum sentence.</p> <p> <i>b.</i> A person convicted of violating subsection 4 shall be sentenced as provided under section 902.9, subsection 5, and shall be denied parole or work release until the person has served a minimum of one year of the person's sentence. Notwithstanding section 901.5, subsections 1, 3, and 5 and section 907.3, the person cannot receive a suspended or deferred sentence or a deferred judgment; however, the person sentenced shall receive credit for any time the person was confined in a jail or detention facility following arrest.</p>

STATE	STATUTE(S)
<p>IOWA (con't)</p>	<p><u>MANDATORY TREATMENT</u></p> <p>Iowa Code § 708.2A (2004) Domestic abuse assault -- mandatory minimums, penalties enhanced -- extension of no-contact order.</p> <p>9. In addition to the mandatory minimum term of confinement imposed by subsection 6, paragraph "a", the court shall order a person convicted under subsection 2 or 3 to participate in a batterers' treatment program as required under section 708.2B. In addition, as a condition of deferring judgment or sentence pursuant to section 907.3, the court shall order the person to participate in a batterers' treatment program. The clerk of the district court shall send a copy of the judgment or deferred judgment to the judicial district department of correctional services.</p> <p><u>MISCELLANEOUS</u></p> <p>Iowa Code § 907.3 (2004) Deferred judgment, deferred sentence or suspended sentence.</p> <p>Pursuant to section 901.5, the trial court may, upon a plea of guilty, a verdict of guilty, or a special verdict upon which a judgment of conviction may be rendered, exercise any of the options contained in this section.</p> <p>However, this subsection shall not apply if any of the following is true:</p> <p><i>h.</i> Prior to the commission of the offense the defendant had been granted a deferred judgment or deferred sentence for a violation of section 708.2 or 708.2A which was issued on a domestic abuse assault, or was granted similar relief anywhere in the United States concerning that jurisdiction's statutes which substantially correspond to domestic abuse assault as provided in section 708.2A, and the current offense is a violation of section 708.2A.</p>

STATE	STATUTE(S)
<p>IOWA (con't)</p>	<p>Iowa Code § 907.3 (2004) Deferred judgment, deferred sentence or suspended sentence. (con't)</p> <p>2. At the time of or after pronouncing judgment and with the consent of the defendant, the court may defer the sentence and assign the defendant to the judicial district department of correctional services. The court may assign the defendant to supervision or services under section 901B.1 at the level of sanctions which the district department determines to be appropriate. However, the court shall not defer the sentence for a violation of any of the following:</p> <p><i>a.</i> Section 708.2A, if the defendant has previously received a deferred judgment or sentence for a violation of section 708.2 or 708.2A which was issued on a domestic abuse assault, or if similar relief was granted anywhere in the United States concerning that jurisdiction's statutes which substantially correspond to domestic abuse assault as provided in section 708.2A.</p> <p><u>STALKING</u></p> <p>Iowa Code § 708.11 (2004) Stalking.</p> <p><i>b.</i> A person who commits stalking in violation of this section commits a class "D" felony if any of the following apply:</p> <p>(1) The person commits stalking while subject to restrictions contained in a criminal or civil protective order or injunction, or any other court order which prohibits contact between the person and the victim, or while subject to restrictions contained in a criminal or civil protective order or injunction or other court order which prohibits contact between the person and another person against whom the person has committed a public offense.</p>

STATE	STATUTE(S)
<p style="text-align: center;">KANSAS</p>	<p style="text-align: center;"><u>ASSAULT/BATTERY</u></p> <p>K.S.A. § 21-3412a (2005) Domestic battery</p> <p>(a) Domestic battery is:</p> <p>(1) intentionally or recklessly causing bodily harm by a family or household member against a family or household member; or</p> <p>(2) intentionally causing physical contact with a family or household member by a family or household member when done in a rude, insulting or angry manner.</p> <p>(b) (1) Upon a first conviction of a violation of domestic battery, a person shall be guilty of a class B person misdemeanor and sentenced to not less than 48 consecutive hours nor more than six months' imprisonment and fined not less than \$ 200, nor more than \$ 500 or in the court's discretion the court may enter an order which requires the person enroll in and successfully complete a domestic violence prevention program.</p> <p>(2) If, within five years immediately preceding commission of the crime, a person is convicted of a violation of domestic battery a second time, such person shall be guilty of a class A person misdemeanor and sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$ 500 nor more than \$ 1,000. The five days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted must serve at least five consecutive days' imprisonment before the person is granted probation, suspension or reduction of sentence or parole or is otherwise released. As a condition of any grant of probation, suspension of sentence or parole or of any other release, the person shall be required to enter into and complete a treatment program for domestic violence prevention.</p>

STATE	STATUTE(S)
<p>KANSAS (con't)</p>	<p>K.S.A. § 21-3412a (2005) Domestic battery (con't)</p> <p>(3) If, within five years immediately preceding commission of the crime, a person is convicted of a violation of domestic battery a third or subsequent time, such person shall be guilty of a person felony and sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$ 1,000 nor more than \$ 2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The court may also require as a condition of parole that such person enter into and complete a treatment program for domestic violence. The 90 days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program.</p> <p><u>MISCELLANEOUS</u></p> <p>K.S.A. § 20-369 (2005) Domestic violence special program fee; disposition; expenditure of fund.</p> <p>(a) If a judicial district creates a local fund under this act[*], the court may impose a fee as provided in this section against any defendant for crimes involving a family or household member as provided in K.S.A. 2004 Supp. 21-3412a, and amendments thereto. The chief judge of each judicial district where such fee is imposed shall set the amount of such fee by rules adopted in such judicial district in an amount not to exceed \$ 100 per case.</p>

STATE	STATUTE(S)
<p>KANSAS (con't)</p>	<p><u>OTHER DV-RELATED CRIMES</u></p> <p>K.S.A. § 21-3440 (2005) Injury to a pregnant woman.</p> <p>(a) Injury to a pregnant woman is injury to a pregnant woman by a person other than the pregnant woman in the commission of a felony or misdemeanor causing the pregnant woman to suffer a miscarriage as a result of that injury.</p> <p>(b) As used in this section, "miscarriage" means the interruption of the normal development of the fetus, other than by a live birth, resulting in the complete expulsion or extraction from a pregnant woman of a product of human conception.</p> <p>(c) Injury to a pregnant woman in the commission of a felony is a severity level 4, person felony. Injury to a pregnant woman in the commission of a violation of K.S.A. 21-3412, subsection (a)(1) of K.S.A. 21-3413, subsections (b)(1) and (b)(2) of K.S.A. 2004 Supp. 21-3412a or K.S.A. 21-3517, and amendments thereto, is a severity level 5, person felony. Injury to a pregnant woman in the commission of a misdemeanor other than a violation of K.S.A. 21-3412, subsection (a)(1) of K.S.A. 21-3413, subsections (b)(1) and (b)(2) of K.S.A. 2004 Supp. 21-3412a or K.S.A. 21-3517, and amendments thereto, is a class A person misdemeanor.</p> <p><u>STALKING</u></p> <p>K.S.A. § 21-3438 (2005) Stalking.</p> <p>(a) Stalking is an intentional, malicious and repeated following or harassment of another person and making a credible threat with the intent to place such person in reasonable fear for such person's safety. Stalking is a severity level 10, person felony.</p>

STATE	STATUTE(S)
<p>KANSAS (con't)</p>	<p>K.S.A. § 21-3438 (2005) Stalking. (con't)</p> <p>(b) Any person who violates subsection (a) when there is an order issued pursuant to the protection from stalking act, K.S.A. 2004 Supp. 60-31a01 through 60-31a09, and amendments thereto, a temporary restraining order or an injunction in effect prohibiting the behavior described in subsection (a) against the same person, is guilty of a severity level 9, person felony.</p>
<p>KENTUCKY</p>	<p><u>AGGRAVATING FACTOR</u></p> <p>KRS § 532.025 (2004) Presentence hearings -- Use of juvenile court records -- Aggravating or mitigating circumstances -- Instruction to jury</p> <p>(1) (a) Upon conviction of a defendant in cases where the death penalty may be imposed, a hearing shall be conducted.</p> <p>(a) Aggravating circumstances:</p> <p>8. The offender murdered the victim when an emergency protective order or a domestic violence order was in effect, or when any other order designed to protect the victim from the offender, such as an order issued as a condition of a bond, conditional release, probation, parole, or pretrial diversion, was in effect.</p>

STATE	STATUTE(S)
<p style="text-align: center;">KENTUCKY (con't)</p>	<p style="text-align: center;"><u>ASSAULT/BATTERY</u></p> <p>KRS § 508.032 (2004) Assault of family member or member of an unmarried couple -- Enhancement of penalty</p> <p>(1) If a person commits a third or subsequent offense of assault in the fourth degree under KRS 508.030 within five (5) years, and the relationship between the perpetrator and the victim in each of the offenses meets the definition of family member or member of an unmarried couple, as defined in KRS 403.720, then the person may be convicted of a Class D felony. If the Commonwealth desires to utilize the provisions of this section, the Commonwealth shall indict the defendant and the case shall be tried in the Circuit Court as a felony case. The jury, or judge if the trial is without a jury, may decline to assess a felony penalty in a case under this section and may convict the defendant of a misdemeanor. The victim in the second or subsequent offense is not required to be the same person who was assaulted in the prior offenses in order for the provisions of this section to apply.</p> <p style="text-align: center;"><u>MISCELLANEOUS</u></p> <p>KRS § 439.3401 (2004) Parole for violent offenders -- Applicability of section to victim of domestic violence or abuse -- Time of offense</p> <p>(1) As used in this section, "violent offender" means any person who has been convicted of or pled guilty to the commission of a capital offense, Class A felony, or Class B felony involving the death of the victim or serious physical injury to a victim, or rape in the first degree or sodomy in the first degree of the victim, burglary in the first degree accompanied by the commission or attempted commission of a felony sexual offense in KRS Chapter 510, burglary in the first degree accompanied by the commission or attempted commission of an assault described in KRS 508.010, 508.020, 508.032.</p>

STATE	STATUTE(S)
<p style="text-align: center;">KENTUCKY (con't)</p>	<p>KRS § 439.3401 (2004) Parole for violent offenders -- Applicability of section to victim of domestic violence or abuse -- Time of offense (con't)</p> <p>(2) A violent offender who has been convicted of a capital offense and who has received a life sentence (and has not been sentenced to twenty-five (25) years without parole or imprisonment for life without benefit of probation or parole), or a Class A felony and receives a life sentence, or to death and his sentence is commuted to a life sentence shall not be released on probation or parole until he has served at least twenty (20) years in the penitentiary. Violent offenders may have a greater minimum parole eligibility date than other offenders who receive longer sentences, including a sentence of life imprisonment.</p> <p>(3) A violent offender who has been convicted of a capital offense or Class A felony with a sentence of a term of years or Class B felony who is a violent offender shall not be released on probation or parole until he has served at least eighty-five percent (85%) of the sentence imposed.</p> <p>(4) A violent offender may not be awarded any credit on his sentence authorized by KRS 197.045(1), except the educational credit. A violent offender may, at the discretion of the commissioner, receive credit on his sentence authorized by KRS 197.045(3). In no event shall a violent offender be given credit on his sentence if the credit reduces the term of imprisonment to less than eighty-five percent (85%) of the sentence.</p>

STATE	STATUTE(S)
<p>LOUISIANA</p>	<p style="text-align: center;"><u>ASSAULT/BATTERY & MANDATORY TREATMENT</u></p> <p>La. R.S. 14:35.3 (2005) Domestic abuse battery</p> <p>A. Domestic abuse battery is the intentional use of force or violence committed by one household member upon the person of another household member without the consent of the victim.</p> <p>(1) The offender is place on probation with a minimum condition that he serve two days in jail and participate in a court-approved domestic abuse prevention program, and the offender shall not own or possess a firearm throughout the entirety of the sentence; or</p> <p>(2) The offender is placed on probation with a minimum condition that he perform four eight-hour days of court-approved community service activities and participate in a court-approved domestic abuse prevention program, and the offender shall not own or possess a firearm throughout the entirety of the sentence.</p> <p>D. On a conviction of a second offense, notwithstanding any other provision of law to the contrary, regardless of whether the second offense occurred before or after the first conviction, the offender shall be fined not less than seven hundred fifty dollars nor more than one thousand dollars and shall be imprisoned for not less than thirty days nor more than six months. At least forty-eight hours of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence. Imposition or execution of the remainder of the sentence shall not be suspended unless:</p> <p>(1) The offender is placed on probation with a minimum condition that he serve fifteen days in jail and participate in a court-approved domestic abuse prevention program, and the offender shall not own or possess a firearm throughout the entirety of the sentence; or</p> <p>(2) The offender is placed on probation with a minimum condition that he perform thirty eight-hour days of court-approved community service activities and participate in a court-approved domestic abuse prevention program, and the offender shall not own or possess a firearm throughout the entirety of the sentence.</p>

STATE	STATUTE(S)
<p style="text-align: center;">LOUISIANA (con't)</p>	<p>La. R.S. 14:35.3 (2005) Domestic abuse battery (con't)</p> <p>E. On a conviction of a third offense, notwithstanding any other provision of law to the contrary and regardless of whether the offense occurred before or after an earlier conviction, the offender shall be imprisoned with or without hard labor for not less than one year nor more than five years and shall be fined two thousand dollars. The first year of the sentence of imprisonment shall be imposed without benefit of probation, parole, or suspension of sentence.</p> <p>F. (1) Except as otherwise provided in Paragraph (2) of this Subsection, on a conviction of a fourth or subsequent offense, notwithstanding any other provision of law to the contrary and regardless of whether the fourth offense occurred before or after an earlier conviction, the offender shall be imprisoned with hard labor for not less than ten years nor more than thirty years and shall be fined five thousand dollars. The first three years of the sentence of imprisonment shall be imposed without benefit of probation, parole, or suspension of sentence.</p> <p>(2) If the offender has previously received the benefit of suspension of sentence, probation, or parole as a fourth offender, no part of the sentence may be imposed with benefit of suspension of sentence, probation, or parole, and no portion of the sentence shall be imposed concurrently with the remaining balance of any sentence to be served for a prior conviction for any offense.</p> <p><u>PROTECTION ORDER VIOLATIONS</u></p> <p>La. R.S. 14:79 (2005) Violation of protective orders</p> <p>B. (1) On a first conviction for violation of protective orders which does not involve a battery to the person protected by the protective order, the offender shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both.</p>

STATE	STATUTE(S)
<p style="text-align: center;">LOUISIANA (con't)</p>	<p>La. R.S. 14:79 (2005) Violation of protective orders (con't)</p> <p>(2) On a second conviction for violation of protective orders which does not involve a battery to the person protected by the protective order, regardless of whether the second offense occurred before or after the first conviction, the offender shall be fined not more than one thousand dollars and imprisoned for not less than forty-eight hours nor more than six months. At least forty-eight hours of the sentence of imprisonment imposed under this Paragraph shall be without benefit of probation, parole, or suspension of sentence. If a portion of the sentence is imposed with benefit of probation, parole, or suspension of sentence, the court shall require the offender to participate in a court-approved domestic abuse counseling program.</p> <p>(3) On a third or subsequent conviction for violation of protective orders which does not involve a battery to the person protected by the protective order, regardless of whether the current offense occurred before or after the earlier convictions, the offender shall be fined not more than one thousand dollars and imprisoned for not less than fourteen days nor more than six months. At least fourteen days of the sentence of imprisonment imposed under this Paragraph shall be without benefit of probation, parole, or suspension of sentence. If a portion of the sentence is imposed with benefit of probation, parole or suspension of sentence, the court shall require the offender to participate in a court-approved domestic abuse counseling program, unless the offender has previously been required to participate in such program and, in the discretion of the judge, the offender would not benefit from such counseling.</p> <p>C. (1) Whoever is convicted of the offense of violation of protective orders where the violation involves a battery to the person protected by the protective order, and who has not been convicted of violating a protective order or of an assault or battery upon the person protected by the protective order within the five years prior to commission of the instant offense, shall be fined not more than five hundred dollars and imprisoned for not less than fourteen days nor more than six months. At least fourteen days of the sentence of imprisonment imposed under this Paragraph shall be without benefit of probation, parole, or suspension of sentence. If a portion of the sentence is imposed with benefit of probation, parole, or suspension of sentence, the court shall require the offender to participate in a court-approved domestic abuse counseling program as part of that probation.</p>

STATE	STATUTE(S)
<p style="text-align: center;">LOUISIANA (con't)</p>	<p>La. R.S. 14:79 (2005) Violation of protective orders (con't)</p> <p>(2) Whoever is convicted of the offense of violation of protective orders where the violation involves a battery to the person for whose benefit the protective order is in effect, and who has been convicted not more than one time of violating a protective order or of an assault or battery upon the person for whose benefit the protective order is in effect within the five-year period prior to commission of the instant offense, regardless of whether the instant offense occurred before or after the earlier convictions, shall be fined not more than one thousand dollars and imprisoned for not less than three months nor more than six months. At least fourteen days of the sentence of imprisonment imposed under this Paragraph shall be without benefit of probation, parole, or suspension of sentence. If a portion of the sentence is imposed with benefit of probation, parole, or suspension of sentence, the court shall require the offender to participate in a court-approved domestic abuse counseling program, unless the offender has previously been required to participate in such program and, in the discretion of the court, the offender would not benefit from such counseling.</p> <p>(3) Whoever is convicted of the offense of violation of protective orders where the violation involves a battery to the person for whose benefit the protective order is in effect, and who has more than one conviction of violating a protective order or of an assault or battery upon the person for whose benefit the protective order is in effect during the five-year period prior to commission of the instant offense, regardless of whether the instant offense occurred before or after the earlier convictions, the offender shall be fined not more than two thousand dollars and imprisoned with or without hard labor for not less than one year nor more than five years. At least one year of the sentence of imprisonment imposed under this Paragraph shall be without benefit of probation, parole, or suspension of sentence.</p> <p>D. If, as part of any sentence imposed under this Section, a fine is imposed, the court may direct that the fine be paid for the support of the spouse or children of the offender.</p>

STATE	STATUTE(S)
<p style="text-align: center;">LOUISIANA (con't)</p>	<p style="text-align: center;"><u>STALKING</u></p> <p>La. R.S. 14:40.2 (2005) Stalking</p> <p>(3) Any person who commits the offense of stalking against a person for whose benefit a protective order, a temporary restraining order, or any lawful order prohibiting contact with the victim issued by a judge or magistrate is in effect in either a civil or criminal proceeding, protecting the victim of the stalking from acts by the offender which otherwise constitute the crime of stalking, shall be punished by imprisonment for not less than ninety days and not more than two years or fined not more than five thousand dollars, or both.</p>
<p style="text-align: center;">MAINE</p>	<p style="text-align: center;"><u>PROTECTION ORDER VIOLATIONS</u></p> <p>15 M.R.S. § 321 (2005) Protective orders in crimes between family members</p> <p>6. PENALTY. Violation of a protective order or of any similar order issued by any court of the United States or of any other state, territory, commonwealth or tribe, when the person has prior actual notice of the order, is a Class D crime. Notwithstanding any statutory provision to the contrary, an arrest for violation of a protective order may be without warrant upon probable cause whether or not the violation is committed in the presence of the law enforcement officer. The law enforcement officer may verify, if necessary, the existence of a protective order by telephone or radio communication with a law enforcement agency with knowledge of the order.</p>

STATE	STATUTE(S)
<p>MAINE (con't)</p>	<p>17-A M.R.S. § 506-B (2005) Violation of protective order</p> <p>1. Violation of a protection from harassment order issued under Title 5, section 4654 or 4655, subsection 1, paragraphs A to C-1, is a Class D crime as provided in Title 5, section 4659, subsection 1.</p> <p>2. Violation of a protective order in crimes between family members issued under Title 15, section 321 is a Class D crime as provided in Title 15, section 321, subsection 6.</p> <p>3. Violation of a protection from abuse order issued under Title 19-A, section 4006 or 4007, subsection 1, paragraphs A to G, is a Class D crime as provided in Title 19-A, section 4011, subsection</p> <p>19-A M.R.S. § 4011 Violation</p> <p>1. CRIME COMMITTED. Except as provided in subsections 2 and 4, violation of the following is a Class D crime when the defendant has prior actual notice, which may be notice by means other than service in hand, of the order or agreement:</p> <p>A. A temporary, emergency, interim or final protective order, an order of a tribal court of the Passamaquoddy Tribe or the Penobscot Nation or a similar order issued by a court of the United States or of another state, territory, commonwealth or tribe; or</p> <p>B. A court-approved consent agreement.</p> <p>4. RECKLESS CONDUCT; ASSAULT. A defendant who violates a protective order issued pursuant to section 4007 through conduct that is reckless and that creates a substantial risk of death or serious bodily injury to the plaintiff named in the protective order or who assaults the plaintiff named in the protective order commits a Class C crime.</p>

STATE	STATUTE(S)
<p>MARYLAND</p>	<p><u>PROTECTION ORDER VIOLATIONS</u></p> <p>Md. FAMILY LAW Code Ann. § 4-509 (2004) Penalties</p> <p>(a) In general. -- A person who fails to comply with the relief granted in an interim protective order under § 4-504.1(c)(1), (2), (3), (4) (i), (7), or (8) of this subtitle, a temporary protective order under § 4-505(a)(2)(i), (ii), (iii), (iv), or (v) of this subtitle, or a final protective order under § 4-506(d)(1), (2), (3), (4), (5), or (12) of this subtitle is guilty of a misdemeanor and on conviction is subject, for each offense, to:</p> <p>(1) for a first offense, a fine not exceeding \$ 1,000 or imprisonment not exceeding 90 days or both; and</p> <p>(2) for a second or subsequent offense, a fine not exceeding \$ 2,500 or imprisonment not exceeding 1 year or both.</p>
<p>MASSACHUSETTS</p>	<p><u>MISCELLANEOUS</u></p> <p>ALM GL ch. 209A, § 10 (2005) Assessment Upon Assignment to Batterers' Treatment Program.</p> <p>The court shall impose an assessment of three hundred and fifty dollars against any person who has been referred to a certified batterers' treatment program as a condition of probation. Said assessment shall be in addition to the cost of the treatment program. In the discretion of the court, said assessment may be reduced or waived when the court finds that the person is indigent or that payment of the assessment would cause the person, or the dependents of such person, severe financial hardship.</p>

STATE	STATUTE(S)
<p>MASSACHUSETTS (con't)</p>	<p>ALM GL ch. 209A, § 10 (2005) Assessment Upon Assignment to Batterers' Treatment Program. (con't)</p> <p>Assessments made pursuant to this section shall be in addition to any other fines, assessments, or restitution imposed in any disposition. All funds collected by the court pursuant to this section shall be transmitted monthly to the state treasurer, who shall deposit said funds in the General Fund.</p> <p><u>PROTECTION ORDER VIOLATIONS & MANDATORY TREATMENT</u></p> <p>ALM GL ch. 209A, § 7 (2005) Search of Domestic Violence Records; Outstanding Warrants; Service of Order, Complaint and Summons; Enforcement; Violations.</p> <p>Any violation of such order or a protection order issued by another jurisdiction shall be punishable by a fine of not more than five thousand dollars, or by imprisonment for not more than two and one-half years in a house of correction, or by both such fine and imprisonment. In addition to, but not in lieu of, the forgoing penalties and any other sentence, fee or assessment, including the victim witness assessment in section 8 of chapter 258B, the court shall order persons convicted of a crime under this statute to pay a fine of \$25 that shall be transmitted to the treasurer for deposit into the General Fund. For any violation of such order, the court shall order the defendant to complete a certified batterer's intervention program unless, upon good cause shown, the court issues specific written findings describing the reasons that batterer's intervention should not be ordered or unless the batterer's intervention program determines that the defendant is not suitable for intervention. The court shall not order substance abuse or anger management treatment or any other form of treatment as a substitute for certified batterer's intervention. If a defendant ordered to undergo treatment has received a suspended sentence, the original sentence shall be reimposed if the defendant fails to participate in said program</p>

STATE	STATUTE(S)
<p>MASSACHUSETTS (con't)</p>	<p>ALM GL ch. 209A, § 7 (2005) Search of Domestic Violence Records; Outstanding Warrants; Service of Order, Complaint and Summons; Enforcement; Violations. (con't)</p> <p>as required by the terms of his probation. If the court determines that the violation was in retaliation for the defendant being reported by the plaintiff to the department of revenue for failure to pay child support payments or for the establishment of paternity, the defendant shall be punished by a fine of not less than one thousand dollars and not more than ten thousand dollars and by imprisonment for not less than sixty days; provided, however, that the sentence shall not be suspended, nor shall any such person be eligible for probation, parole, or furlough or receive any deduction from his sentence for good conduct until he shall have served sixty days of such sentence.</p> <p><u>STALKING</u></p> <p>ALM GL ch. 265, § 43 (2005) Stalking.</p> <p>(b) Whoever commits the crime of stalking in violation of a temporary or permanent vacate, restraining, or no-contact order or judgment issued pursuant to sections eighteen, thirty-four B, or thirty-four C of chapter two hundred and eight; or section thirty-two of chapter two hundred and nine; or sections three, four, or five of chapter two hundred and nine A; or sections fifteen or twenty of chapter two hundred and nine C or a protection order issued by another jurisdiction; or a temporary restraining order or preliminary or permanent injunction issued by the superior court, shall be punished by imprisonment in a jail or the state prison for not less than one year and not more than five years. No sentence imposed under the provisions of this subsection shall be less than a mandatory minimum term of imprisonment of one year.</p>

STATE	STATUTE(S)
MICHIGAN	<p data-bbox="583 321 999 358"><u>ASSAULT/BATTERY</u></p> <p data-bbox="583 402 890 435">MCLS § 750.81 (2005)</p> <p data-bbox="583 440 1856 508">Assault and battery; penalties; applicability to individual using necessary reasonable physical force in compliance with § 380.1312 of the revised school code; "dating relationship" defined.</p> <p data-bbox="583 553 1906 654">Sec. 81. (1) Except as otherwise provided in this section, a person who assaults or assaults and batters an individual, if no other punishment is prescribed by law, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.</p> <p data-bbox="583 662 1906 833">(2) Except as provided in subsection (3) or (4), an individual who assaults or assaults and batters his or her spouse or former spouse, an individual with whom he or she has or has had a dating relationship, an individual with whom he or she has had a child in common, or a resident or former resident of his or her household, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.</p> <p data-bbox="583 841 1906 1052">(3) An individual who commits an assault or an assault and battery in violation of subsection (2), and who has previously been convicted of assaulting or assaulting and battering his or her spouse or former spouse, an individual with whom he or she has or has had a dating relationship, an individual with whom he or she has had a child in common, or a resident or former resident of his or her household, under any of the following, may be punished by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.</p> <p data-bbox="583 1060 1906 1271">(4) An individual who commits an assault or an assault and battery in violation of subsection (2), and who has 2 or more previous convictions for assaulting or assaulting and battering his or her spouse or former spouse, an individual with whom he or she has or has had a dating relationship, an individual with whom he or she has had a child in common, or a resident or former resident of his or her household, under any of the following, is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$2,500.00, or both.</p>

STATE	STATUTE(S)
<p style="text-align: center;">MICHIGAN (con't)</p>	<p>MCLS § 750.81a (2005) Assault; infliction of serious or aggravated injury; "dating relationship" defined.</p> <p>Sec. 81a. (1) Except as otherwise provided in this section, a person who assaults an individual without a weapon and inflicts serious or aggravated injury upon that individual without intending to commit murder or to inflict great bodily harm less than murder is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.</p> <p>(2) Except as provided in subsection (3), an individual who assaults his or her spouse or former spouse, an individual with whom he or she has or has had a dating relationship, an individual with whom he or she has had a child in common, or a resident or former resident of the same household without a weapon and inflicts serious or aggravated injury upon that individual without intending to commit murder or to inflict great bodily harm less than murder is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.</p> <p>(3) An individual who commits an assault and battery in violation of subsection (2), and who has 1 or more previous convictions for assaulting or assaulting and battering his or her spouse or former spouse, an individual with whom he or she has or has had a dating relationship, an individual with whom he or she has had a child in common, or a resident or former resident of the same household, in violation of any of the following, is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$2,500.00, or both:</p>

STATE	STATUTE(S)
<p style="text-align: center;">MICHIGAN (con't)</p>	<p><u>MISCELLANEOUS</u></p> <p>MCLS § 750.81c (2005) Threats or assault against employee of family independence agency; violation; penalty; other conviction; "serious impairment of body function" defined.</p> <p>Sec. 81c. (1) A person who communicates to any person a threat that he or she will physically harm an individual who is an employee of the family independence agency and who does so because of the individual's status as an employee of that agency is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.</p> <p>(2) Except as provided in subsection (3), a person who assaults or assaults and batters an individual while the individual is performing his or her duties as an employee of the family independence agency or because of the individual's status as an employee of that agency and causes the individual any physical injury is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$1,000.00, or both.</p> <p>(3) A person who assaults or assaults and batters an individual while the individual is performing his or her duties as an employee of the family independence agency or because of the individual's status as an employee of that agency and causes the individual serious impairment of body function is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not less than \$1,000.00 or more than \$5,000.00, or both.</p> <p>(4) A conviction or sentence imposed for a violation of this section does not preclude a conviction or sentence for a violation of any other applicable law.</p>

STATE	STATUTE(S)
<p style="text-align: center;">MICHIGAN (con't)</p>	<p style="text-align: center;"><u>STALKING</u></p> <p>MCLS § 750.411i (2005) Definitions; aggravated stalking; circumstances; violation as felony; penalty; probation; additional conditions of probation; effect of continued course of conduct; rebuttable presumption; additional penalty.</p> <p>(2) An individual who engages in stalking is guilty of aggravated stalking if the violation involves any of the following circumstances: (a) At least 1 of the actions constituting the offense is in violation of a restraining order and the individual has received actual notice of that restraining order or at least 1 of the actions is in violation of an injunction or preliminary injunction.</p>
<p style="text-align: center;">MINNESOTA</p>	<p style="text-align: center;"><u>ASSAULT/BATTERY</u></p> <p>Minn. Stat. § 609.224 (2004) Assault in the fifth degree</p> <p>Subdivision 1. Misdemeanor. Whoever does any of the following commits an assault and is guilty of a misdemeanor: (1) commits an act with intent to cause fear in another of immediate bodily harm or death; or (2) intentionally inflicts or attempts to inflict bodily harm upon another.</p> <p>Subd. 2. Gross misdemeanor. (a) Whoever violates the provisions of subdivision 1 against the same victim during the time period between a previous qualified domestic violence-related offense conviction or adjudication of delinquency and the end of the five years following discharge from sentence or disposition for that offense, is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$ 3,000, or both.</p>

STATE	STATUTE(S)
<p style="text-align: center;">MINNESOTA (con't)</p>	<p>Minn. Stat. § 609.224 (2004) Assault in the fifth degree (con't)</p> <p>(b) Whoever violates the provisions of subdivision 1 within two years of a previous qualified domestic violence-related offense conviction or adjudication of delinquency is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$ 3,000, or both.</p> <p>Subd. 4. Felony. (a) Whoever violates the provisions of subdivision 1 against the same victim during the time period between the first of any combination of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency and the end of the five years following discharge from sentence or disposition for that offense is guilty of a felony and may be sentenced to imprisonment for not more than five years or payment of a fine of not more than \$ 10,000, or both.</p> <p>(b) Whoever violates the provisions of subdivision 1 within three years of the first of any combination of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$ 10,000, or both.</p> <p>Minn. Stat. § 609.2242 (2004) Domestic assault</p> <p>Subdivision 1. Misdemeanor. Whoever does any of the following against a family or household member as defined in section 518B.01, subdivision 2, commits an assault and is guilty of a misdemeanor:</p> <p>(1) commits an act with intent to cause fear in another of immediate bodily harm or death; or (2) intentionally inflicts or attempts to inflict bodily harm upon another.</p> <p>Subd. 2. Gross misdemeanor. Whoever violates subdivision 1 during the time period between a previous qualified domestic violence-related offense conviction or adjudication of delinquency against</p>

STATE	STATUTE(S)
<p style="text-align: center;">MINNESOTA (con't)</p>	<p>Minn. Stat. § 609.2242 (2004) Domestic assault (con't)</p> <p>a family or household member as defined in section 518B.01, subdivision 2, and the end of the five years following discharge from sentence or disposition for that offense is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$ 3,000, or both.</p> <p>Subd. 3. Domestic assaults; firearms. (a) When a person is convicted of a violation of this section or section 609.221, 609.222, 609.223, or 609.224, the court shall determine and make written findings on the record as to whether:</p> <p>(1) the assault was committed against a family or household member, as defined in section 518B.01, subdivision 2;</p> <p>(2) the defendant owns or possesses a firearm; and</p> <p>(3) the firearm was used in any way during the commission of the assault.</p> <p>(b) If the court determines that the assault was of a family or household member, and that the offender owns or possesses a firearm and used it in any way during the commission of the assault, it shall order that the firearm be summarily forfeited under section 609.5316, subdivision 3.</p> <p>(c) When a person is convicted of assaulting a family or household member and is determined by the court to have used a firearm in any way during commission of the assault, the court may order that the person is prohibited from possessing any type of firearm for any period longer than three years or for the remainder of the person's life. A person who violates this paragraph is guilty of a gross misdemeanor. At the time of the conviction, the court shall inform the defendant whether and for how long the defendant is prohibited from possessing a firearm and that it is a gross misdemeanor to violate this paragraph. The failure of the court to provide this information to a defendant does not affect the applicability of the firearm possession prohibition or the gross misdemeanor penalty to that defendant.</p> <p>(d) Except as otherwise provided in paragraph (c), when a person is convicted of a violation of this section or section 609.224 and the court determines that the victim was a family or household member, the court shall inform the defendant that the defendant is prohibited from possessing a pistol for three</p>

STATE	STATUTE(S)
<p style="text-align: center;">MINNESOTA (con't)</p>	<p>Minn. Stat. § 609.2242 (2004) Domestic assault (con't)</p> <p>years from the date of conviction and that it is a gross misdemeanor offense to violate this prohibition. The failure of the court to provide this information to a defendant does not affect the applicability of the pistol possession prohibition or the gross misdemeanor penalty to that defendant.</p> <p>(e) Except as otherwise provided in paragraph (c), a person is not entitled to possess a pistol if the person has been convicted after August 1, 1992, of domestic assault under this section or assault in the fifth degree under section 609.224 and the assault victim was a family or household member as defined in section 518B.01, subdivision 2, unless three years have elapsed from the date of conviction and, during that time, the person has not been convicted of any other violation of this section or section 609.224. Property rights may not be abated but access may be restricted by the courts. A person who possesses a pistol in violation of this paragraph is guilty of a gross misdemeanor.</p> <p>Subd. 4. Felony. Whoever violates the provisions of this section or section 609.224, subdivision 1, against the same victim during the time period between the first of any combination of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency and the end of the five years following discharge from sentence or disposition for that offense is guilty of a felony and may be sentenced to imprisonment for not more than five years or payment of a fine of not more than \$ 10,000, or both.</p> <p>Minn. Stat. § 609.2243 (2004) Sentencing; repeat domestic assault</p> <p>Subdivision 1. Gross misdemeanor. A person convicted of gross misdemeanor domestic assault under section 609.2242, subdivision 2, shall be sentenced to a minimum of 20 days imprisonment, at least 96 hours of which must be served consecutively. The court may stay execution of the minimum sentence required under this subdivision on the condition that the person sentenced complete anger therapy or counseling and fulfill any other condition, as ordered by the court; provided, however, that</p>

STATE	STATUTE(S)
<p style="text-align: center;">MINNESOTA (con't)</p>	<p>Minn. Stat. § 609.2243 (2004) Sentencing; repeat domestic assault (con't)</p> <p>the court shall revoke the stay of execution and direct the person to be taken into immediate custody if it appears that the person failed to attend or complete the ordered therapy or counseling, or violated any other condition of the stay of execution. If the court finds at the revocation hearing required under section 609.14, subdivision 2, that the person failed to attend or complete the ordered therapy, or violated any other condition of the stay of execution, the court shall order execution of the sentence previously imposed.</p> <p>Subd. 2. Felony. (a) Except as otherwise provided in paragraph (b), in determining an appropriate disposition for felony domestic assault under section 609.2242, subdivision 4, the court shall presume that a stay of execution with at least a 45-day period of incarceration as a condition of probation shall be imposed. If the court imposes a stay of execution with a period of incarceration as a condition of probation, at least 15 days must be served consecutively.</p> <p><u>MANDATORY TREATMENT</u></p> <p>Minn. Stat. § 609.135 (2004) Stay of imposition or execution of sentence</p> <p>Subd. 5. Assaulting spouse stay conditions. If a person is convicted of assaulting a spouse or other person with whom the person resides, and the court stays imposition or execution of sentence and places the defendant on probation, the court must condition the stay upon the defendant's participation in counseling or other appropriate programs selected by the court.</p>

STATE	STATUTE(S)
<p>MINNESOTA (con't)</p>	<p><u>MISCELLANEOUS</u></p> <p>Minn. Stat. § 609.135 (2004) Stay of imposition or execution of sentence</p> <p>Subd. 5a. Domestic abuse victims; electronic monitoring. (a) Until the commissioner of corrections has adopted standards governing electronic monitoring devices used to protect victims of domestic abuse, the court, as a condition of a stay of imposition or execution of a sentence, may not order an offender convicted of a crime described in paragraph (b) to use an electronic monitoring device to protect a victim's safety.</p> <p><u>OTHER DV-RELATED CRIMES</u></p> <p>Minn. Stat. § 609.185 (2004) Murder in the first degree</p> <p>(a) Whoever does any of the following is guilty of murder in the first degree and shall be sentenced to imprisonment for life:</p> <p>(6) causes the death of a human being while committing domestic abuse, when the perpetrator has engaged in a past pattern of domestic abuse upon the victim or upon another family or household member and the death occurs under circumstances manifesting an extreme indifference to human life.</p>

STATE	STATUTE(S)
<p>MINNESOTA (con't)</p>	<p><u>PROTECTION ORDER VIOLATIONS & MANDATORY TREATMENT</u></p> <p>Minn. Stat. § 518B.01 (2004) Domestic Abuse Act</p> <p>Subd. 14. Violation of an order for protection. (a) A person who violates an order for protection issued by a judge or referee is subject to the penalties provided in paragraphs (b) to (d). (b) Except as otherwise provided in paragraphs (c) and (d), whenever an order for protection is granted by a judge or referee or pursuant to a similar law of another state, the United States, the District of Columbia, tribal lands, or United States territories, and the respondent or person to be restrained knows of the existence of the order, violation of the order for protection is a misdemeanor. Upon a misdemeanor conviction under this paragraph, the defendant must be sentenced to a minimum of three days imprisonment and must be ordered to participate in counseling or other appropriate programs selected by the court. If the court stays imposition or execution of the jail sentence and the defendant refuses or fails to comply with the court's treatment order, the court must impose and execute the stayed jail sentence. A violation of an order for protection shall also constitute contempt of court and be subject to the penalties provided in chapter 588. (c) A person is guilty of a gross misdemeanor who knowingly violates this subdivision during the time period between a previous qualified domestic violence-related offense conviction and the end of the five years following discharge from sentence for that offense. Upon a gross misdemeanor conviction under this paragraph, the defendant must be sentenced to a minimum of ten days imprisonment and must be ordered to participate in counseling or other appropriate programs selected by the court. Notwithstanding section 609.135, the court must impose and execute the minimum sentence provided in this paragraph for gross misdemeanor convictions. (d) A person is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$ 10,000, or both, if the person knowingly violates this subdivision.</p>

STATE	STATUTE(S)
<p style="text-align: center;">MINNESOTA (con't)</p>	<p>Minn. Stat. § 518B.01 (2004) Domestic Abuse Act (con't)</p> <p>(1) during the time period between the first of two or more previous qualified domestic violence-related offense convictions and the end of the five years following discharge from sentence for that offense; or</p> <p>(2) while possessing a dangerous weapon, as defined in section 609.02, subdivision 6.</p> <p>Upon a felony conviction under this paragraph in which the court stays imposition or execution of sentence, the court shall impose at least a 30-day period of incarceration as a condition of probation. The court also shall order that the defendant participate in counseling or other appropriate programs selected by the court. Notwithstanding section 609.135, the court must impose and execute the minimum sentence provided in this paragraph for felony convictions.</p>
<p style="text-align: center;">MISSISSIPPI</p>	<p><u>ASSAULT/BATTERY</u></p> <p>Miss. Code Ann. § 97-3-7 (2005) Simple assault; aggravated assault; domestic violence [Repealed effective July 1, 2006]</p> <p>(3) A person is guilty of simple domestic violence who commits simple assault as described in subsection (1) of this section against a family or household member who resides with the defendant or who formerly resided with the defendant, a current or former spouse, a person who has a current dating relationship with the defendant, or a person with whom the defendant has had a biological or legally adopted child and upon conviction, the defendant shall be punished as provided under subsection (1) of this section; however, upon a third or subsequent conviction of simple domestic violence, whether against the same or another victim and within five (5) years, the defendant shall be guilty of a felony and sentenced to a term of imprisonment not less than five (5) nor more than ten (10) years. (4) A person is guilty of aggravated domestic violence who commits aggravated assault as described in</p>

STATE	STATUTE(S)
<p>MISSISSIPPI (con't)</p>	<p>Miss. Code Ann. § 97-3-7 (2005) Simple assault; aggravated assault; domestic violence [Repealed effective July 1, 2006] (con't)</p> <p>subsection (2) of this section against a family or household member who resides with the defendant or who formerly resided with the defendant, or a current or former spouse, a person who has a current dating relationship with the defendant, or a person with whom the defendant has had a biological or legally adopted child and upon conviction, the defendant shall be punished as provided under subsection (2) of this section; however, upon a third or subsequent offense of aggravated domestic violence, whether against the same or another victim and within five (5) years, the defendant shall be guilty of a felony and sentenced to a term of imprisonment of not less than five (5) nor more than twenty (20) years.</p> <p><u>CHILD WITNESSES</u></p> <p>Miss. Code Ann. § 97-3-7 (2005) Simple assault; aggravated assault; domestic violence [Repealed effective July 1, 2006]</p> <p>In sentencing, the court shall consider as an aggravating factor whether the crime was committed in the physical presence or hearing of a child under sixteen (16) years of age who was, at the time of the offense, living within either the residence of the victim, the residence of the perpetrator, or the residence where the offense occurred. Reasonable discipline of a child, such as spanking, is not an offense under this subsection (4).</p>

STATE	STATUTE(S)
<p>MISSISSIPPI (con't)</p>	<p><u>MANDATORY TREATMENT</u></p> <p>Miss. Code Ann. § 97-3-7 (2005) Simple assault; aggravated assault; domestic violence [Repealed effective July 1, 2006]</p> <p>(6) Every conviction of domestic violence may require as a condition of any suspended sentence that the defendant participate in counseling or treatment to bring about the cessation of domestic abuse. The defendant may be required to pay all or part of the cost of the counseling or treatment, in the discretion of the court.</p> <p><u>OTHER DV-RELATED CRIMES</u></p> <p>Miss. Code Ann. § 97-3-37 (2005) Homicide; killing of an unborn child; "human being" includes unborn child at every stage of gestation from conception until live birth for purposes of offenses of assault and homicide; "unborn child" defined; intentional injury to pregnant woman; penalties; provisions of section not applicable to legal medical procedures, including abortion</p> <p>(1) For purposes of the offenses enumerated in this subsection (1), the term "human being" includes an unborn child at every stage of gestation from conception until live birth and the term "unborn child" means a member of the species homo sapiens, at any stage of development, who is carried in the womb:</p> <p>(a) Section 97-3-7, simple and aggravated assault and domestic violence.</p>

STATE	STATUTE(S)
MISSOURIE	<p data-bbox="583 321 999 362"><u>ASSAULT/BATTERY</u></p> <p data-bbox="583 402 1142 475">§ 565.073 R.S.Mo. (2005) Domestic assault, second degree--penalty</p> <p data-bbox="583 516 1906 621">1. A person commits the crime of domestic assault in the second degree if the act involves a family or household member or an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the actor, as defined in section 455.010, RSMo, and he or she:</p> <p data-bbox="583 626 1864 727">(1) Attempts to cause or knowingly causes physical injury to such family or household member by any means, including but not limited to, by use of a deadly weapon or dangerous instrument, or by choking or strangulation; or</p> <p data-bbox="583 768 1241 841">§ 565.073 R.S.Mo. (2005) Domestic assault, second degree--penalty (con't)</p> <p data-bbox="583 881 1703 914">(2) Recklessly causes serious physical injury to such family or household member; or</p> <p data-bbox="583 919 1864 984">(3) Recklessly causes physical injury to such family or household member by means of any deadly weapon.</p> <p data-bbox="583 989 1350 1021">2. Domestic assault in the second degree is a class C felony.</p> <p data-bbox="583 1052 1119 1125">§ 565.074 R.S.Mo. (2005) Domestic assault, third degree--penalty</p> <p data-bbox="583 1166 1881 1271">1. A person commits the crime of domestic assault in the third degree if the act involves a family or household member or an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the actor, as defined in section 455.010, RSMo, and:</p> <p data-bbox="583 1276 1850 1341">(1) The person attempts to cause or recklessly causes physical injury to such family or household member; or</p>

STATE	STATUTE(S)
<p style="text-align: center;">MISSOURIE (con't)</p>	<p>§ 565.074 R.S.Mo. (2005) Domestic assault, third degree—penalty (con't)</p> <p>(2) With criminal negligence the person causes physical injury to such family or household member by means of a deadly weapon or dangerous instrument; or</p> <p>(3) The person purposely places such family or household member in apprehension of immediate physical injury by any means; or</p> <p>(4) The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to such family or household member; or</p> <p>(5) The person knowingly causes physical contact with such family or household member knowing the other person will regard the contact as offensive; or</p> <p>(6) The person knowingly attempts to cause or causes the isolation of such family or household member by unreasonably and substantially restricting or limiting such family or household member's access to other persons, telecommunication devices or transportation for the purpose of isolation.</p> <p>2. Except as provided in subsection 3 of this section, domestic assault in the third degree is a class A misdemeanor.</p> <p>3. A person who has pleaded guilty to or been found guilty of the crime of domestic assault in the third degree more than two times against any family or household member as defined in section 455.010, RSMo, is guilty of a class D felony for the third or any subsequent commission of the crime of domestic assault. The offenses described in this subsection may be against the same family or household member or against different family or household members.</p>

STATE	STATUTE(S)
<p style="text-align: center;">MISSOURIE (con't)</p>	<p style="text-align: center;"><u>PROTECTION ORDER VIOLATIONS</u></p> <p>§ 455.085 R.S.Mo. (2005) Arrest for violation of order -- penalties -- good faith immunity for law enforcement officials</p> <p>7. A violation of the terms and conditions, with regard to abuse, stalking, child custody, communication initiated by the respondent or entrance upon the premises of the petitioner's dwelling unit, of an ex parte order of protection of which the respondent has notice, shall be a class A misdemeanor unless the respondent has previously pleaded guilty to or has been found guilty of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class D felony.</p> <p>8. A violation of the terms and conditions, with regard to abuse, stalking, child custody, communication initiated by the respondent or entrance upon the premises of the petitioner's dwelling unit, of a full order of protection shall be a class A misdemeanor, unless the respondent has previously pleaded guilty to or has been found guilty of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class D felony.</p>

STATE	STATUTE(S)
<p style="text-align: center;">MONTANA</p>	<p style="text-align: center;"><u>ASSAULT/BATTERY</u></p> <p>MCA § 45-5-206 (2004) Partner or family member assault -- penalty.</p> <p>(1) A person commits the offense of partner or family member assault if the person:</p> <ul style="list-style-type: none"> (a) purposely or knowingly causes bodily injury to a partner or family member; (b) negligently causes bodily injury to a partner or family member with a weapon; or (c) purposely or knowingly causes reasonable apprehension of bodily injury in a partner or family member. <p>(2) For the purposes of Title 40, chapter 15, 45-5-231 through 45-5-234, 46-6-311, and this section, the following definitions apply:</p> <p>(3) (a) (i) An offender convicted of partner or family member assault shall be fined an amount not less than \$ 100 or more than \$ 1,000 and be imprisoned in the county jail for a term not to exceed 1 year or not less than 24 hours for a first offense.</p> <p style="padding-left: 40px;">(ii) An offender convicted of a second offense under this section shall be fined not less than \$ 300 or more than \$ 1,000 and be imprisoned in the county jail not less than 72 hours or more than 1 year.</p> <p style="padding-left: 40px;">(iii) Upon a first or second conviction, the offender may be ordered into misdemeanor probation as provided in 46-23-1005.</p> <p style="padding-left: 40px;">(iv) On a third or subsequent conviction for partner or family member assault, the offender shall be fined not less than \$ 500 and not more than \$ 50,000 and be imprisoned for a term not less than 30 days and not more than 5 years. If the term of imprisonment does not exceed 1 year, the person shall be imprisoned in the county jail. If the term of imprisonment exceeds 1 year, the person shall be imprisoned in the state prison.</p>

STATE	STATUTE(S)
<p>MONTANA (con't)</p>	<p><u>CHILD WITNESSES</u></p> <p>MCA § 45-5-206 (2004) Partner or family member assault – penalty</p> <p>(v) If the offense was committed within the vision or hearing of a minor, the judge shall consider the minor's presence as a factor at the time of sentencing.</p> <p><u>MANDATORY TREATMENT</u></p> <p>MCA § 45-5-206 (2004) Partner or family member assault – penalty</p> <p>(4) (a) An offender convicted of partner or family member assault is required to pay for and complete a counseling assessment with a focus on violence, controlling behavior, dangerousness, and chemical dependency. An investigative criminal justice report, as defined in 45-5-231, must be copied and sent to the offender intervention program, as defined in 45-5-231, to assist the counseling provider in properly assessing the offender's need for counseling and treatment. Counseling providers shall take all required precautions to ensure the confidentiality of the report. If the report contains confidential information relating to the victim's location or not related to the charged offense, that information must be deleted from the report prior to being sent to the offender intervention program.</p> <p>(b) The offender shall complete all recommendations for counseling, referrals, attendance at psychoeducational groups, or treatment, including any indicated chemical dependency treatment, made by the counseling provider. The counseling provider must be approved by the court. The counseling must include a preliminary assessment for counseling, as defined in 45-5-231. The offender shall complete a minimum of 40 hours of counseling. The counseling may include attendance at psychoeducational groups, as defined in 45-5-231, in addition to the assessment. The preliminary</p>

STATE	STATUTE(S)
<p>MONTANA (con't)</p>	<p>MCA § 45-5-206 (2004) Partner or family member assault – penalty (con't)</p> <p>assessment and counseling that holds the offender accountable for the offender's violent or controlling behavior must be:</p> <ul style="list-style-type: none"> (i) with a person licensed under Title 37, chapter 17, 22, or 23; (ii) with a professional person as defined in 53-21-102; or (iii) in a specialized domestic violence intervention program. <p>(c) The minimum counseling and attendance at psychoeducational groups provided in subsection (4)(b) must be directed to the violent or controlling conduct of the offender. Other issues indicated by the assessment may be addressed in additional counseling beyond the minimum 40 hours. Subsection (4)(b) does not prohibit the placement of the offender in other appropriate treatment if the court determines that there is no available treatment program directed to the violent or controlling conduct of the offender.</p> <p><u>MISCELLANEOUS</u></p> <p>MCA § 46-23-1005 (2004) Misdemeanor probation offices -- officers -- costs.</p> <p>3) An offender who is convicted of the offense of partner or family member assault under 45-5-206 or of a violation of an order of protection under 45-5-626 and who is ordered to be supervised by misdemeanor probation must be ordered to pay for the cost of the misdemeanor probation. The actual cost of probation supervision over the offender's sentence must be paid by the offender unless the offender can show that the offender is unable to pay those costs. The costs of misdemeanor probation are in addition to any other fines, restitution, or counseling ordered.</p>

STATE	STATUTE(S)
<p>MONTANA (con't)</p>	<p><u>PROTECTION ORDER VIOLATIONS</u></p> <p>MCA § 45-5-626 (2004) Violation of order of protection.</p> <p>(1) A person commits the offense of violation of an order of protection if the person, with knowledge of the order, purposely or knowingly violates a provision of any order provided for in 40-4-121 or an order of protection under Title 40, chapter 15. It may be inferred that the defendant had knowledge of an order at the time of an offense if the defendant had been served with the order before the time of the offense. Service of the order is not required upon a showing that the defendant had knowledge of the order and its content.</p> <p>(2) Only the respondent under an order of protection may be cited for a violation of the order. The petitioner who filed for an order of protection may not be cited for a violation of that order of protection.</p> <p>(3) An offender convicted of violation of an order of protection shall be fined not to exceed \$ 500 or be imprisoned in the county jail for a term not to exceed 6 months, or both, for a first offense. Upon conviction for a second offense, an offender shall be fined not less than \$ 200 and not more than \$ 500 and be imprisoned in the county jail not less than 24 hours and not more than 6 months. Upon conviction for a third or subsequent offense, an offender shall be fined not less than \$ 500 and not more than \$ 2,000 and be imprisoned in the county jail or state prison for a term not less than 10 days and not more than 2 years.</p>

STATE	STATUTE(S)
<p>NEBRASKA</p>	<p><u>ASSAULT/BATTERY</u></p> <p>R.R.S. Neb. § 28-323 (2005) Domestic assault; penalties</p> <p>(1) A person commits the offense of domestic assault in the third degree if he or she: (a) Intentionally and knowingly causes bodily injury to his or her intimate partner; or (b) Places, by physical menace, his or her intimate partner in fear of imminent bodily injury.</p> <p>(2) A person commits the offense of domestic assault in the second degree if he or she intentionally and knowingly causes bodily injury to his or her intimate partner with a dangerous instrument.</p> <p>(3) A person commits the offense of domestic assault in the first degree if he or she intentionally and knowingly causes serious bodily injury to his or her intimate partner.</p> <p>(4) Violation of subsection (1) of this section is a Class I misdemeanor, except that for any second or subsequent violation of such subsection within twelve years after the date of the current conviction, any person so offending against the same intimate partner is guilty of a Class IV felony.</p> <p>(5) Violation of subsection (2) of this section is a Class IIIA felony, except that for any second or subsequent violation of such subsection within twelve years after the date of the current conviction, any person so offending against the same intimate partner is guilty of a Class III felony.</p> <p>(6) Violation of subsection (3) of this section is a Class III felony, except that for any second or subsequent violation under such subsection within twelve years after the date of the current conviction, any person so offending against the same intimate partner is guilty of a Class II felony.</p>

STATE	STATUTE(S)
<p>NEBRASKA (con't)</p>	<p><u>MISCELLANEOUS</u></p> <p>R.R.S. Neb. § 28-1229 (2005) Explosives control; Nebraska State Patrol; permits; issuance; conditions</p> <p>(2) The Nebraska State Patrol shall not issue a permit to store or use explosive materials to any person who:</p> <p>(h) Has been convicted in any court of a misdemeanor crime of domestic violence. This includes any misdemeanor conviction involving the use or attempted use of physical force committed by a current or former spouse, parent, or guardian of the victim or by a person with a similar relationship with the victim;</p> <p>(i) Is subject to a court order restraining him or her from harassing, stalking, or threatening an intimate partner or child of such partner.</p> <p><u>PROTECTION ORDERS</u></p> <p>R.R.S. Neb. § 42-924 (2005) Protection order; when authorized; term; violation; penalty; construction of sections</p> <p>Any person who knowingly violates an order issued pursuant to subsection (1) of this section or section 42-931 after service shall be guilty of a Class II misdemeanor, except that (a) any person convicted of violating such order who has a prior conviction for violating a protection order shall be guilty of a Class I misdemeanor and (b) any person convicted of violating such order who has a prior conviction for violating the same protection order or a protection order granted to the same petitioner shall be guilty of a Class IV felony.</p>

STATE	STATUTE(S)
<p style="text-align: center;">NEVADA</p>	<p style="text-align: center;"><u>ASSAULT/BATTERY</u></p> <p>NRS § 33.018 (2004) Acts which constitute domestic violence</p> <p>1. Domestic violence occurs when a person commits one of the following acts against or upon his spouse, former spouse, any other person to whom he is related by blood or marriage, a person with whom he is or was actually residing, a person with whom he has had or is having a dating relationship, a person with whom he has a child in common, the minor child of any of those persons or his minor child:</p> <ul style="list-style-type: none"> (a) A battery. (b) An assault. (c) Compelling the other by force or threat of force to perform an act from which he has the right to refrain or to refrain from an act which he has the right to perform. (d) A sexual assault. (e) A knowing, purposeful or reckless course of conduct intended to harass the other. Such conduct may include, but is not limited to: <ul style="list-style-type: none"> (1) Stalking. (2) Arson. (3) Trespassing. (4) Larceny. (5) Destruction of private property. (6) Carrying a concealed weapon without a permit. (f) A false imprisonment. (g) Unlawful entry of the other's residence, or forcible entry against the other's will if there is a reasonably foreseeable risk of harm to the other from the entry.

STATE	STATUTE(S)
<p>NEVADA (con't)</p>	<p>NRS § 200.485 (2004) Battery which constitutes domestic violence: Penalties; referring child for counseling; restriction against dismissal, probation and suspension; definitions</p> <p>1. Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018:</p> <p>(a) For the first offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:</p> <p>(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and</p> <p>(2) Perform not less than 48 hours, but not more than 120 hours, of community service.</p> <p>The person shall be further punished by a fine of not less than \$ 200, but not more than \$ 1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur at a time when the person is not required to be at his place of employment or on a weekend.</p> <p>(b) For the second offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:</p> <p>(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and</p> <p>(2) Perform not less than 100 hours, but not more than 200 hours, of community service.</p> <p>The person shall be further punished by a fine of not less than \$ 500, but not more than \$ 1,000.</p> <p>(c) For the third and any subsequent offense within 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.</p>

STATE	STATUTE(S)
<p>NEVADA (con't)</p>	<p><u>MANDATORY TREATMENT</u></p> <p>NRS § 200.485 (2004) Battery which constitutes domestic violence: Penalties; referring child for counseling; restriction against dismissal, probation and suspension; definitions</p> <p>2. In addition to any other penalty, if a person is convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, the court shall:</p> <p>(a) For the first offense within 7 years, require him to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, but not more than 12 months, at his expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.</p> <p>(b) For the second offense within 7 years, require him to participate in weekly counseling sessions of not less than 1 1/2 hours per week for 12 months, at his expense, in a program for the treatment of persons who commit domestic violence</p> <p><u>MISCELLANEOUS</u></p> <p>NRS § 178.484 (2004) Right to bail before conviction; exceptions; imposition of conditions; arrest for violation of condition</p> <p>5. A person arrested for a battery that constitutes domestic violence pursuant to NRS 33.018 must not be admitted to bail sooner than 12 hours after his arrest. If the person is admitted to bail more than 12 hours after his arrest, pursuant to subsection 5 of NRS 171.178, without appearing personally before a magistrate, or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:</p>

STATE	STATUTE(S)
<p>NEVADA (con't)</p>	<p>NRS § 178.484 (2004) Right to bail before conviction; exceptions; imposition of conditions; arrest for violation of condition (con't)</p> <p>(a) Three thousand dollars, if the person has no previous convictions of battery that constitute domestic violence pursuant to NRS 33.018 and there is no reason to believe that the battery for which he has been arrested resulted in substantial bodily harm;</p> <p>(b) Five thousand dollars, if the person has:</p> <p>(1) No previous convictions of battery that constitute domestic violence pursuant to NRS 33.018, but there is reason to believe that the battery for which he has been arrested resulted in substantial bodily harm; or</p> <p>(2) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018, but there is no reason to believe that the battery for which he has been arrested resulted in substantial bodily harm; or</p> <p>(c) Fifteen thousand dollars, if the person has:</p> <p>(1) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 and there is reason to believe that the battery for which he has been arrested resulted in substantial bodily harm; or</p> <p>(2) Two or more previous convictions of battery that constitute domestic violence pursuant to NRS 33.018.</p> <p>6. A person arrested for violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or for violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to Title 11 of NRS must not be admitted to bail sooner than 12 hours after his arrest if the arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm. If the person is admitted to bail more than 12 hours after his arrest, pursuant to subsection 5 of NRS 171.178, without appearing personally before a magistrate, or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:</p>

STATE	STATUTE(S)
<p>NEVADA (con't)</p>	<p>NRS § 178.484 (2004) Right to bail before conviction; exceptions; imposition of conditions; arrest for violation of condition (con't)</p> <p>(a) Three thousand dollars, if the person has no previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to Title 11 of NRS;</p> <p>(b) Five thousand dollars, if the person has one previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to Title 11 of NRS; or</p> <p>(c) Fifteen thousand dollars, if the person has two or more previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to Title 11 of NRS.</p> <p><u>PROTECTION ORDER VIOLATIONS</u></p> <p>NRS § 125.560 (2004) Penalty for violation</p> <p>A person who violates a restraining order or injunction:</p> <ol style="list-style-type: none"> 1. That is in the nature of a temporary or extended order for protection against domestic violence; and

STATE	STATUTE(S)
<p>NEVADA (con't)</p>	<p>NRS § 125.560 (2004) Penalty for violation (con't)</p> <p>2. That is issued in an action or proceeding brought pursuant to this Title, is guilty of a misdemeanor, unless a more severe penalty is prescribed by law for the act that constitutes the violation of the order or injunction. For the purposes of this section, an order or injunction is in the nature of a temporary or extended order for protection against domestic violence if it grants relief that might be given in a temporary or extended order issued pursuant to NRS 33.017 to 33.100, inclusive.</p> <p>NRS § 193.166 (2004) Additional penalty: Felony committed in violation of order for protection or order to restrict conduct</p> <p>1. Except as otherwise provided in NRS 193.169, a person who commits a crime that is punishable as a felony, other than a crime that is punishable as a felony pursuant to subsection 5 of NRS 200.591, in violation of:</p> <p>(a) A temporary or extended order for protection against domestic violence issued pursuant to NRS 33.020;</p> <p>(b) An order for protection against harassment in the workplace issued pursuant to NRS 33.270;</p> <p>(c) An order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS; or</p> <p>(d) A temporary or extended order issued pursuant to NRS 200.591,</p> <p>shall be punished by imprisonment in the state prison, except as otherwise provided in this subsection, for a term equal to and in addition to the term of imprisonment prescribed by statute for that crime. If the crime committed by the person is punishable as a category A felony or category B felony, in addition to the term of imprisonment prescribed by statute for that crime, the person shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years. The sentence prescribed by this section runs concurrently or consecutively with the sentence prescribed by statute for the crime, as ordered by the court.</p>

STATE	STATUTE(S)
<p>NEVADA (con't)</p>	<p>NRS § 193.166 (2004) Additional penalty: Felony committed in violation of order for protection or order to restrict conduct (con't)</p> <p>2. The court shall not grant probation to or suspend the sentence of any person convicted of attempted murder, battery which involves the use of a deadly weapon, or battery which results in substantial bodily harm if an additional term of imprisonment may be imposed for that primary offense pursuant to this section.</p>
<p>NEW HAMPSHIRE</p>	<p><u>MISCELLANEOUS</u></p> <p>RSA 159-D:3 (2004) Penalties for Attempts to Purchase Firearms Illegally</p> <p>A person who completes and signs an application for purchase of a firearm and who knows that such purchase is illegal because he or she is subject to a protective order shall be guilty of a class A misdemeanor for a first offense and a class B felony for a second or subsequent offense.</p> <p><u>PROTECTION ORDER VIOLATIONS</u></p> <p>RSA 173-B:9 (2004) Violation of Protective Order; Penalty</p> <p>I. (a) When the defendant violates either a temporary or permanent protective order issued or enforced under this chapter, peace officers shall arrest the defendant and ensure that the defendant is detained until arraignment, provided that in extreme circumstances, such as when the health of the defendant would be jeopardized by the temporary detention, a judge in response to a request by the arresting law enforcement officer or agency, may order an alternative to detention pending</p>

STATE	STATUTE(S)
<p>NEW HAMPSHIRE (con't)</p>	<p>RSA 173-B:9 (2004) Violation of Protective Order; Penalty (con't)</p> <p>arraignment. Such arrests may be made within 12 hours without a warrant upon probable cause, whether or not the violation is committed in the presence of a peace officer.</p> <p>II. The prosecution and sentencing for criminal contempt for a violation of a protective order shall not preclude the prosecution of or sentencing for other criminal charges underlying the contempt.</p> <p>III. A person shall be guilty of a class A misdemeanor if such person knowingly violates a protective order issued under this chapter, or RSA 458:16, III, or any foreign protective order enforceable under the laws of this state. Charges made under this chapter shall not be reduced to a lesser charge, as permitted in other instances under RSA 625:9.</p> <p>IV. Any person convicted under RSA 173-B:9, III, or who has been convicted in another jurisdiction of violating a protective order enforceable under the laws of this state, who, within 6 years of such conviction or the completion of the sentence imposed for such conviction, whichever is later, subsequently commits and is convicted of one or more offenses involving abuse may be charged with an enhanced penalty for each subsequent offense as follows:</p> <p>(a) There shall be no enhanced charge under this section if the subsequent offense is a class A felony or an unclassified felony;</p> <p>(b) If the subsequent offense would otherwise constitute a class B felony, it may be charged as a class A felony;</p> <p>(c) If the subsequent offense would otherwise constitute a class A misdemeanor, it may be charged as a class B felony;</p> <p>(d) If the subsequent offense would otherwise constitute a class B misdemeanor, it may be charged as a class A misdemeanor;</p> <p>(e) If the subsequent offense would otherwise constitute a violation, it may be charged as a class B misdemeanor.</p>

STATE	STATUTE(S)
<p>NEW JERSEY</p>	<p style="text-align: center;"><u>MISCELLANEOUS</u></p> <p>N.J. Stat. § 2C:25-29.4 (2005) Surcharge for domestic violence offender to fund grants</p> <p>In addition to any other penalty, fine or charge imposed pursuant to law, a person convicted of an act of domestic violence, as that term is defined by subsection a. of section 3 of P.L. 1991, c. 261 (C. 2C:25-19), shall be subject to a surcharge in the amount of \$ 100 payable to the Treasurer of the State of New Jersey for use by the Department of Human Services to fund grants for domestic violence prevention, training and assessment.</p> <p>N.J. Stat. § 2C:25-29.1 (2005) Civil penalty for certain domestic violence offenders</p> <p>In addition to any other disposition, any person found by the court in a final hearing pursuant to section 13 of P.L. 1991, c. 261 (C. 2C:25-29) to have committed an act of domestic violence shall be ordered by the court to pay a civil penalty of at least \$ 50, but not to exceed \$ 500. In imposing this civil penalty, the court shall take into consideration the nature and degree of injury suffered by the victim. The court may waive the penalty in cases of extreme financial hardship.</p> <p style="text-align: center;"><u>PROTECTION ORDER VIOLATIONS</u></p> <p>N.J. Stat. § 2C:25-30 (2005) Violations, penalties</p> <p>Except as provided below, a violation by the defendant of an order issued pursuant to this act shall constitute an offense under subsection b. of N.J.S. 2C:29-9 and each order shall so state. All contempt</p>

STATE	STATUTE(S)
<p>NEW JERSEY</p>	<p>N.J. Stat. § 2C:25-30 (2005) Violations, penalties (con't)</p> <p>proceedings conducted pursuant to N.J.S. 2C:29-9 involving domestic violence orders, other than those constituting indictable offenses, shall be heard by the Family Part of the Chancery Division of the Superior Court. All contempt proceedings brought pursuant to P.L.1991, c.261 (C.2C:25-17 et seq.) shall be subject to any rules or guidelines established by the Supreme Court to guarantee the prompt disposition of criminal matters. Additionally, and notwithstanding the term of imprisonment provided in N.J.S. 2C:43-8, any person convicted of a second or subsequent nonindictable domestic violence contempt offense shall serve a minimum term of not less than 30 days. Orders entered pursuant to paragraphs (3), (4), (5), (8) and (9) of subsection b. of section 13 of this act shall be excluded from enforcement under subsection b. of N.J.S. 2C:29-9; however, violations of these orders may be enforced in a civil or criminal action initiated by the plaintiff or by the court, on its own motion, pursuant to applicable court rules.</p> <p><u>STALKING</u></p> <p>N.J. Stat. § 2C:12-10 (2005) Definitions; stalking designated a crime; degrees</p> <p>c. A person is guilty of a crime of the third degree if he commits the crime of stalking in violation of an existing court order prohibiting the behavior.</p>

STATE	STATUTE(S)
<p>NEW MEXICO</p>	<p><u>ASSAULT/BATTERY</u></p> <p>N.M. Stat. Ann. § 30-3-12 (2005) Assault against a household member</p> <p>A. Assault against a household member consists of: (1) an attempt to commit a battery against a household member; or (2) any unlawful act, threat or menacing conduct that causes a household member to reasonably believe that he is in danger of receiving an immediate battery.</p> <p>B. Whoever commits assault against a household member is guilty of a petty misdemeanor.</p> <p>N.M. Stat. Ann. § 30-3-15 (2005) Battery against a household member</p> <p>A. Battery against a household member consists of the unlawful, intentional touching or application of force to the person of a household member, when done in a rude, insolent or angry manner.</p> <p>B. Whoever commits battery against a household member is guilty of a misdemeanor.</p> <p>N.M. Stat. Ann. § 30-3-13 (2005) Aggravated assault against a household member</p> <p>A. Aggravated assault against a household member consists of: (1) unlawfully assaulting or striking at a household member with a deadly weapon; or (2) willfully and intentionally assaulting a household member with intent to commit any felony.</p> <p>B. Whoever commits aggravated assault against a household member is guilty of a fourth degree felony.</p>

STATE	STATUTE(S)
<p align="center">NEW MEXICO (con't)</p>	<p>N.M. Stat. Ann. § 30-3-14 (2005) Assault against a household member with intent to commit a violent felony</p> <p>A. Assault against a household member with intent to commit a violent felony consists of any person assaulting a household member with intent to kill or commit any murder, mayhem, criminal sexual penetration in the first, second or third degree, robbery, kidnapping, false imprisonment or burglary. B. Whoever commits assault against a household member with intent to commit a violent felony is guilty of a third degree felony.</p> <p><u>MANDATORY TREATMENT</u></p> <p>N.M. Stat. Ann. § 40-13-6 (2005) Service of order; duration; penalty; remedies not exclusive</p> <p>F. In addition to any other punishment provided in the Family Violence Protection Act [40-13-1 NMSA 1978], the court shall order a person convicted [of violating a protection order] to make full restitution to the party injured by the violation of an order of protection and order the person convicted to participate in and complete a program of professional counseling, at his own expense, if possible.</p> <p><u>MISCELLANEOUS</u></p> <p>N.M. Stat. Ann. § 34-15-1 (2005) Court fees; deposit in the domestic violence offender treatment fund</p> <p>A. In addition to any other fees collected in the district court, metropolitan court and magistrate court, those courts shall assess and collect from a person convicted of a penalty assessment misdemeanor, traffic violation, petty misdemeanor, misdemeanor or felony offense a "domestic violence offender treatment fee" of five dollars (\$ 5.00).</p>

STATE	STATUTE(S)
<p>NEW MEXICO (con't)</p>	<p><u>PROTECTION ORDER VIOLATIONS</u></p> <p>N.M. Stat. Ann. § 40-13-6 (2005) Service of order; duration; penalty; remedies not exclusive</p> <p>E. A person convicted of violating an order of protection granted by a court under the Family Violence Protection Act [40-13-1 NMSA 1978] is guilty of a misdemeanor and shall be sentenced in accordance with Section 31-19-1 NMSA 1978. Upon a second or subsequent conviction, an offender shall be sentenced to a jail term of not less than seventy-two consecutive hours that shall not be suspended, deferred or taken under advisement.</p> <p><u>STALKING</u></p> <p>N.M. Stat. Ann. § 30-3A-3.1 (2005) Aggravated stalking; penalties</p> <p>A. Aggravated stalking consists of stalking perpetrated by a person:</p> <ul style="list-style-type: none"> (1) who knowingly violates a permanent or temporary order of protection issued by a court, except that mutual violations of such orders may constitute a defense to aggravated stalking; (2) in violation of a court order setting conditions of release and bond; (3) when the person is in possession of a deadly weapon; or (4) when the victim is less than sixteen years of age. <p>B. Whoever commits aggravated stalking is guilty of a fourth degree felony. Upon a second or subsequent conviction, the offender is guilty of a third degree felony.</p> <p>C. In addition to any punishment provided pursuant to the provisions of this section, the court shall order a person convicted of aggravated stalking to participate in and complete a program of professional counseling at his own expense.</p>

STATE	STATUTE(S)
<p>NEW YORK</p>	<p><u>PROTECTION ORDER VIOLATIONS</u></p> <p>NY CLS Penal § 215.51 (2005) Criminal contempt in the first degree</p> <p>(c) he or she commits the crime of criminal contempt in the second degree as defined in subdivision three of section 215.50 of this article by violating that part of a duly served order of protection, or such order of which the defendant has actual knowledge because he or she was present in court when such order was issued, under sections two hundred forty and two hundred fifty-two of the domestic relations law, articles four, five, six and eight of the family court act and section 530.12 of the criminal procedure law, or an order of protection issued by a court of competent jurisdiction in another state, territorial or tribal jurisdiction, which requires the respondent or defendant to stay away from the person or persons on whose behalf the order was issued, and where the defendant has been previously convicted of the crime of criminal contempt in the first or second degree for violating an order of protection as described herein within the preceding five years; or</p> <p>(d) in violation of a duly served order of protection, or such order of which the defendant has actual knowledge because he or she was present in court when such order was issued, or an order issued by a court of competent jurisdiction in this or another state, territorial or tribal jurisdiction, he or she intentionally or recklessly damages the property of a person for whose protection such order was issued in an amount exceeding two hundred fifty dollars.</p> <p>NY CLS Penal § 215.52 (2005) Aggravated criminal contempt</p> <p>A person is guilty of aggravated criminal contempt when in violation of a duly served order of protection, or such order of which the defendant has actual knowledge because he or she was present in court when such order was issued, or an order of protection issued by a court of competent jurisdiction in another state, territorial or tribal jurisdiction, he or she intentionally or recklessly causes physical injury or serious physical injury to a person for whose protection such order was issued.</p> <p>Aggravated criminal contempt is a class D felony.</p>

STATE	STATUTE(S)
<p>NORTH CAROLINA</p>	<p><u>ASSAULT/BATTERY</u></p> <p>N.C. Gen. Stat. § 14-33 (2005) Misdemeanor assaults, batteries, and affrays, simple and aggravated; punishments</p> <p>(a) Any person who commits a simple assault or a simple assault and battery or participates in a simple affray is guilty of a Class 2 misdemeanor.</p> <p>(d) Any person who, in the course of an assault, assault and battery, or affray, inflicts serious injury upon another person, or uses a deadly weapon, in violation of subdivision (c)(1) of this section, on a person with whom the person has a personal relationship, and in the presence of a minor, is guilty of a Class A1 misdemeanor. A person convicted under this subsection, who is sentenced to a community punishment, shall be placed on supervised probation in addition to any other punishment imposed by the court.</p> <p>A person committing a second or subsequent violation of this subsection shall be sentenced to an active punishment of no less than 30 days in addition to any other punishment imposed by the court.</p> <p><u>OTHER DV-RELATED CRIMES</u></p> <p>N.C. Gen. Stat. § 14-18.2 (2005) Injury to pregnant woman</p> <p>(c) A person who in the commission of a misdemeanor that is an act of domestic violence as defined in Chapter 50B of the General Statutes causes injury to a woman, knowing the woman to be pregnant, which results in miscarriage or stillbirth by the woman is guilty of a misdemeanor that is one class higher than the misdemeanor committed. If the offense was a Class A1 misdemeanor, the defendant is guilty of a Class I felony.</p>

STATE	STATUTE(S)
<p>NORTH DAKOTA</p>	<p><u>ASSAULT/BATTERY</u></p> <p>N.D. Cent. Code, § 12.1-17-01 (2005) Simple assault.</p> <p>1. A person is guilty of an offense if that person:</p> <ul style="list-style-type: none"> a. Willfully causes bodily injury to another human being; or b. Negligently causes bodily injury to another human being by means of a firearm, destructive device, or other weapon, the use of which against a human being is likely to cause death or serious bodily injury. <p>2. The offense is:</p> <ul style="list-style-type: none"> b. A class B misdemeanor for the first offense when the victim is an actor's family or household member as defined in subsection 4 of section 14-07.1-01 and a class A misdemeanor for a second or subsequent offense when the victim is an actor's family or household member as defined in subsection 4 of section 14-07.1-01 and the actor has a prior conviction for simple assault under this section or an assault offense under section 12.1-17-01.1 or 12.1-17-02 involving the commission of domestic violence as defined in subsection 2 of section 14-07.1-01. For purposes of this subdivision, a prior conviction includes a conviction of any assault offense in which a finding of domestic violence was made under a law or ordinance of another state which is equivalent to this subdivision. <p><u>MANDATORY TREATMENT</u></p> <p>N.D. Cent. Code, § 12.1-17-13 (2005) Mandated treatment of domestic violence offenders.</p> <p>The sentence for an offense under section 12.1-17-01, 12.1-17-01.1, 12.1-17-02, 12.1-17-03, 12.1-17-04, or 12.1-17-05 against an actor's family or household member, as defined in subsection 4 of section 14-07.1-01, must include an order to complete a domestic violence offender treatment program unless the court makes written findings for the record explaining why such an order would be inappropriate.</p>

STATE	STATUTE(S)
<p>NORTH DAKOTA (con't)</p>	<p><u>PROTECTION ORDER VIOLATIONS</u></p> <p>N.D. Cent. Code, § 14-07.1-06 (2005) Penalty for violation of a protection order.</p> <p>Whenever a protection order is granted under section 14-07.1-02 or 14-07.1-03 and the respondent or individual to be restrained has been served a copy of the order, the first violation of any order is a class A misdemeanor and also constitutes contempt of court. A second or subsequent violation of any protection order is a class C felony. For purposes of this section, "first violation" means the first time any order is violated and a second or subsequent violation of any protection order includes two or more violations of protection orders.</p> <p><u>STALKING</u></p> <p>N.D. Cent. Code, § 12.1-17-07.1 (2005) Stalking.</p> <p>6. a. A person who violates this section is guilty of a class C felony if:</p> <p style="padding-left: 40px;">(1) The person previously has been convicted of violating section 12.1-17-01, 12.1-17-01.1, 12.1-17-02, 12.1-17-04, 12.1-17-05, or 12.1-17-07 or a similar offense in another state, involving the victim of the stalking;</p> <p style="padding-left: 40px;">(2) The stalking violates a court order issued under chapter 14-07.1 protecting the victim of the stalking, if the person had notice of the court order; or</p> <p style="padding-left: 40px;">(3) The person previously has been convicted of violating this section.</p>

STATE	STATUTE(S)
<p style="text-align: center;">OHIO</p>	<p style="text-align: center;"><u>ASSAULT/BATTERY</u></p> <p>ORC Ann. 2919.25 (2005) Domestic violence</p> <p>(A) No person shall knowingly cause or attempt to cause physical harm to a family or household member.</p> <p>(B) No person shall recklessly cause serious physical harm to a family or household member.</p> <p>(C) No person, by threat of force, shall knowingly cause a family or household member to believe that the offender will cause imminent physical harm to the family or household member.</p> <p>(D) (1) Whoever violates this section is guilty of domestic violence.</p> <p style="padding-left: 40px;">(2) Except as otherwise provided in division (D)(3) or (4) of this section, a violation of division (C) of this section is a misdemeanor of the fourth degree, and a violation of division (A) or (B) of this section is a misdemeanor of the first degree.</p> <p style="padding-left: 40px;">(3) Except as otherwise provided in division (D)(4) of this section, if the offender previously has pleaded guilty to or been convicted of domestic violence, a violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially similar to domestic violence, a violation of section 2903.14, 2909.06, 2909.07, 2911.12, 2911.211 [2911.21.1], or 2919.22 of the Revised Code if the victim of the violation was a family or household member at the time of the violation, a violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially similar to any of those sections if the victim of the violation was a family or household member at the time of the commission of the violation, or any offense of violence if the victim of the offense was a family or household member at the time of the commission of the offense, a violation of division (A) or (B) of this section is a felony of the fourth degree, and a violation of division (C) of this section is a misdemeanor of the second degree.</p>

STATE	STATUTE(S)
<p>OHIO (con't)</p>	<p>ORC Ann. 2919.25 (2005) Domestic violence (con't)</p> <p>(4) If the offender previously has pleaded guilty to or been convicted of two or more offenses of domestic violence or two or more violations or offenses of the type described in division (D)(3) of this section involving a person who was a family or household member at the time of the violations or offenses, a violation of division (A) or (B) of this section is a felony of the third degree, and a violation of division (C) of this section is a misdemeanor of the first degree.</p> <p><u>PROTECTION ORDER VIOLATIONS</u></p> <p>ORC Ann. 2919.27 (2005) Violating protection order</p> <p>(A) No person shall recklessly violate the terms of any of the following:</p> <p>(1) A protection order issued or consent agreement approved pursuant to section 2919.26 or 3113.31 of the Revised Code;</p> <p>(2) A protection order issued pursuant to section 2903.213 or 2903.214 [2903.21.3 or 2903.21.4] of the Revised Code;</p> <p>(3) A protection order issued by a court of another state.</p> <p>(B) (1) Whoever violates this section is guilty of violating a protection order.</p> <p>(2) Except as otherwise provided in division (B)(3) or (4) of this section, violating a protection order is a misdemeanor of the first degree.</p> <p>(3) If the offender previously has been convicted of or pleaded guilty to a violation of a protection order issued pursuant to section 2903.213 or 2903.214 [2903.21.3 or 2903.21.4] of the Revised Code, two or more violations of section 2903.21, 2903.211 [2903.21.1], 2903.22, or 2911.211 [2911.21.1] of the Revised Code that involved the same person who is the subject of the protection order or consent</p>

STATE	STATUTE(S)
<p>OHIO (con't)</p>	<p>ORC Ann. 2919.27 (2005) Violating protection order (con't)</p> <p>agreement, or one or more violations of this section, violating a protection order is a felony of the fifth degree.</p> <p>(4) If the offender violates a protection order or consent agreement while committing a felony offense, violating a protection order is a felony of the third degree.</p> <p><u>STALKING</u></p> <p>ORC Ann. 2903.211 (2005) Menacing by stalking</p> <p>(A) (1) No person by engaging in a pattern of conduct shall knowingly cause another person to believe that the offender will cause physical harm to the other person or cause mental distress to the other person.</p> <p>(1) Except as otherwise provided in divisions (B)(2) and (3) of this section, menacing by stalking is a misdemeanor of the first degree.</p> <p>(2) Menacing by stalking is a felony of the fourth degree if any of the following applies:</p> <p>(g) At the time of the commission of the offense, the offender was the subject of a protection order issued under section 2903.213 or 2903.214 of the Revised Code, regardless of whether the person to be protected under the order is the victim of the offense or another person.</p>

STATE	STATUTE(S)
<p>OKLAHOMA</p>	<p><u>ASSAULT/BATTERY</u></p> <p>21 Okl. St. § 644 (2004) Assault--Assault and battery--Domestic abuse</p> <p>A. Assault shall be punishable by imprisonment in a county jail not exceeding thirty (30) days, or by a fine of not more than Five Hundred Dollars (\$ 500.00), or both such fine and imprisonment.</p> <p>B. Assault and battery shall be punishable by imprisonment in a county jail not exceeding ninety (90) days, or by a fine of not more than One Thousand Dollars (\$ 1,000.00), or by both such imprisonment and fine.</p> <p>C. Any person who commits any assault and battery against a current or former spouse, a present spouse of a former spouse, parents, a foster parent, a child, a person otherwise related by blood or marriage, a person with whom the defendant is in a dating relationship as defined by Section 60. 1 of Title 22 of the Oklahoma Statutes, an individual with whom the defendant has had a child, a person who formerly lived in the same household as the defendant, or a person living in the same household as the defendant shall be guilty of domestic abuse. Upon conviction, the defendant shall be punished by imprisonment in the county jail not exceeding one (1) year, or by a fine of not more than Three Thousand Dollars (\$ 3,000.00), or by both such fine and imprisonment. Any person convicted of domestic abuse as defined in this subsection that was committed in the presence of a child shall be sentenced to not less than six (6) months. Any second or subsequent conviction of domestic abuse shall be a felony. Any person convicted of a second or subsequent domestic abuse as defined in this subsection that was committed in the presence of a child shall be sentenced to not less than one (1) year. The fine for a felony violation of this subsection shall not be more than Five Thousand Dollars (\$ 5,000.00). For every conviction of domestic abuse, the court shall:</p> <p>1. Specifically order as a condition of a suspended sentence or probation that a defendant participate in counseling or undergo treatment to bring about the cessation of domestic abuse as specified in paragraph 2 of this subsection;</p>

STATE	STATUTE(S)
<p style="text-align: center;">OKLAHOMA (con't)</p>	<p>21 Okl. St. § 644 (2004) Assault--Assault and battery--Domestic abuse (con't)</p> <p>F. Any person who commits any assault and battery with intent to cause great bodily harm by strangulation or attempted strangulation against a current or former spouse, a present spouse of a former spouse, parents, a foster parent, a child, a person otherwise related by blood or marriage, a person with whom the defendant is in a dating relationship as defined by Section 60.1 of Title 22 of the Oklahoma Statutes, an individual with whom the defendant has had a child, a person who formerly lived in the same household as the defendant, or a person living in the same household as the defendant shall, upon conviction, be guilty of domestic abuse by strangulation and shall be punished by imprisonment in the State Penitentiary for a period of not less than one (1) year nor more than three (3) years, or by a fine of not more than Three Thousand Dollars (\$ 3,000.00), or by both such fine and imprisonment. Upon a second or subsequent conviction, the defendant shall be punished by imprisonment in the State Penitentiary for a period of not less than three (3) years nor more than ten (10) years, or by a fine of not more than Twenty Thousand Dollars (\$ 20,000.00), or by both such fine and imprisonment. As used in this subsection, "strangulation" means a form of asphyxia characterized by closure of the blood vessels or air passages of the neck as a result of external pressure on the neck.</p> <p><u>CHILD WITNESSESS</u></p> <p>21 Okl. St. § 644 (2004) Assault--Assault and battery--Domestic abuse</p> <p>C. Any person who commits any assault and battery against a current or former spouse, a present spouse of a former spouse, parents, a foster parent, a child, a person otherwise related by blood or marriage, a person with whom the defendant is in a dating relationship as defined by Section 60. 1 of Title 22 of the Oklahoma Statutes, an individual with whom the defendant has had a child, a person who formerly lived in the same household as the defendant, or a person living in the same household as</p>

STATE	STATUTE(S)
<p style="text-align: center;">OKLAHOMA (con't)</p>	<p>21 Okl. St. § 644 (2004) Assault--Assault and battery--Domestic abuse (con't)</p> <p>the defendant shall be guilty of domestic abuse. Upon conviction, the defendant shall be punished by imprisonment in the county jail not exceeding one (1) year, or by a fine of not more than Three Thousand Dollars (\$ 3,000.00), or by both such fine and imprisonment. Any person convicted of domestic abuse as defined in this subsection that was committed in the presence of a child shall be sentenced to not less than six (6) months.</p> <p><u>MANDATORY TREATMENT</u></p> <p>21 Okl. St. § 644 (2004) Assault--Assault and battery--Domestic abuse</p> <p>2. a. The court shall require the defendant to participate in counseling or undergo treatment for domestic abuse by an individual licensed practitioner or a domestic abuse counseling program approved by the court or a domestic abuse treatment program certified by the Department of Mental Health and Substance Abuse Services. If the defendant is ordered to participate in a domestic abuse counseling or treatment program, the order shall require the defendant to attend the program for a minimum of fifty-two (52) weeks, complete the program, and be evaluated before and after attendance of the program by a program counselor or a private counselor.</p> <p><u>PROTECTION ORDER VIOLATIONS</u></p> <p>22 Okl. St. § 60.6 (2004) Violation of ex parte or final protective order or foreign protective order--Penalties</p> <p>A. Except as otherwise provided by this section, any person who:</p> <ol style="list-style-type: none"> 1. Has been served with an ex parte or final protective order or foreign protective order and is in

STATE	STATUTE(S)
<p style="text-align: center;">OKLAHOMA (con't)</p>	<p>22 Okl. St. § 60.6 (2004) Violation of ex parte or final protective order or foreign protective order—Penalties (con't)</p> <p>violation of such protective order, upon conviction, shall be guilty of a misdemeanor and shall be punished by a fine of not more than One Thousand Dollars (\$ 1,000.00) or by a term of imprisonment in the county jail of not more than one (1) year, or both such fine and imprisonment; and</p> <p>2. After a previous conviction of a violation of a protective order, is convicted of a second or subsequent offense pursuant to the provisions of this section shall, upon conviction, be deemed guilty of a misdemeanor and shall be punished by a term of imprisonment in the county jail of not less than ten (10) days and not more than one (1) year. In addition to the term of imprisonment, the person may be punished by a fine of not less than One Thousand Dollars (\$ 1,000.00) and not more than Five Thousand Dollars (\$ 5,000.00).</p> <p>B. 1. Any person who has been served with an ex parte or final protective order or foreign protective order who violates the protective order and without justifiable excuse causes physical injury or physical impairment to the plaintiff or to any other person named in said protective order shall, upon conviction, be guilty of a misdemeanor and shall be punished by a term of imprisonment in the county jail for not less than twenty (20) days nor more than one (1) year. In addition to the term of imprisonment, the person may be punished by a fine not to exceed Five Thousand Dollars (\$ 5,000.00).</p> <p><u>STALKING</u></p> <p>21 Okl. St. § 1173 (2004) Stalking--Penalties</p> <p>A. Any person who willfully, maliciously, and repeatedly follows or harasses another person in a manner that:</p> <p>1. Would cause a reasonable person or a member of the immediate family of that person as defined in subsection F of this section to feel frightened, intimidated, threatened, harassed, or molested; and</p>

STATE	STATUTE(S)
<p style="text-align: center;">OKLAHOMA (con't)</p>	<p>21 Okl. St. § 1173 (2004) Stalking—Penalties (con't)</p> <p>2. Actually causes the person being followed or harassed to feel terrorized, frightened, intimidated, threatened, harassed, or molested, upon conviction, shall be guilty of the crime of stalking, which is a misdemeanor punishable by imprisonment in a county jail for not more than one (1) year or by a fine of not more than One Thousand Dollars (\$ 1,000.00), or by both such fine and imprisonment.</p> <p>B. Any person who violates the provisions of subsection A of this section when:</p> <p>1. There is a permanent or temporary restraining order, a protective order, an emergency ex parte protective order, or an injunction in effect prohibiting the behavior described in subsection A of this section against the same party, when the person violating the provisions of subsection A of this section has actual notice of the issuance of such order or injunction; or</p> <p>2. Said person is on probation or parole, a condition of which prohibits the behavior described in subsection A of this section against the same party or under the conditions of a community or alternative punishment; or</p> <p>3. Said person, within ten (10) years preceding the violation of subsection A of this section, completed the execution of sentence for a conviction of a crime involving the use or threat of violence against the same party, or against any member of the immediate family of such party, upon conviction, shall be guilty of a felony punishable by imprisonment in the State Penitentiary for a term not exceeding five (5) years or by a fine of not more than Two Thousand Five Hundred Dollars (\$ 2,500.00), or by both such fine and imprisonment.</p> <p>C. Any person who commits a second act of stalking within ten (10) years of the completion of sentence for a prior conviction under subsection A of this section, upon conviction thereof, shall be guilty of a felony punishable by imprisonment in the State Penitentiary for a term not exceeding five (5) years, or by a fine of not more than Two Thousand Five Hundred Dollars (\$ 2,500.00), or by both such fine and imprisonment.</p>

STATE	STATUTE(S)
<p align="center">OKLAHOMA (con't)</p>	<p>21 Okl. St. § 1173 (2004) Stalking—Penalties (con't)</p> <p>D. Any person who commits an act of stalking within ten (10) years of the completion of execution of sentence for a prior conviction under subsection B or C of this section, shall, upon conviction thereof, be guilty of a felony punishable by a fine of not less than Two Thousand Five Hundred Dollars (\$ 2,500.00) nor more than Ten Thousand Dollars (\$ 10,000.00), or by imprisonment in the State Penitentiary for a term not exceeding ten (10) years, or by both such fine and imprisonment.</p> <p>E. Evidence that the defendant continued to engage in a course of conduct involving repeated unconsented contact, as defined in subsection F of this section, with the victim after having been requested by the victim to discontinue the same or any other form of unconsented contact, and to refrain from any further unconsented contact with the victim, shall give rise to a rebuttable presumption that the continuation of the course of conduct caused the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.</p>
<p align="center">OREGON</p>	<p><u>ASSAULT/BATTERY & CHILD WITNESSING</u></p> <p>ORS § 163.160 (2003) Assault in the fourth degree.</p> <p>(1) A person commits the crime of assault in the fourth degree if the person: (a) Intentionally, knowingly or recklessly causes physical injury to another; or (b) With criminal negligence causes physical injury to another by means of a deadly weapon. (2) Assault in the fourth degree is a Class A misdemeanor. (3) Notwithstanding subsection (2) of this section, assault in the fourth degree is a Class C felony if the person commits the crime of assault in the fourth degree and:</p>

STATE	STATUTE(S)
<p>OREGON (con't)</p>	<p>ORS § 163.160 (2003) Assault in the fourth degree. (con't)</p> <p>(a) The person has previously been convicted of assaulting the same victim; (b) The person has previously been convicted at least three times under this section or under equivalent laws of another jurisdiction and all of the assaults involved domestic violence, as defined in ORS 135.230; or (c) The assault is committed in the immediate presence of, or is witnessed by, the person's or the victim's minor child or stepchild or a minor child residing within the household of the person or victim. (4) For the purposes of subsection (3) of this section, an assault is witnessed if the assault is seen or directly perceived in any other manner by the child.</p> <p><u>STALKING</u></p> <p>ORS § 163.750 (2003) Violating court's stalking protective order.</p> <p>(1) A person commits the crime of violating a court's stalking protective order when: (a) The person has been served with a court's stalking protective order as provided in ORS 30.866 or 163.738 or if further service was waived under ORS 163.741 because the person appeared before the court; (b) The person, subsequent to the service of the order, has engaged intentionally, knowingly or recklessly in conduct prohibited by the order; and (c) If the conduct is prohibited contact as defined in ORS 163.730 (3)(d), (e), (f), (h) or (i), the subsequent conduct has created reasonable apprehension regarding the personal safety of a person protected by the order.</p>

STATE	STATUTE(S)
<p>OREGON (con't)</p>	<p>ORS § 163.750 (2003) Violating court's stalking protective order. (con't)</p> <p>(2)(a) Violating a court's stalking protective order is a Class A misdemeanor. (b) Notwithstanding paragraph (a) of this subsection, violating a court's stalking protective order is a Class C felony if the person has a prior conviction for: (A) Stalking; or (B) Violating a court's stalking protective order. (c) When violating a court's stalking protective order is a Class C felony pursuant to paragraph (b) of this subsection, violating a court's stalking protective order shall be classified as a person felony and as crime category 8 of the sentencing guidelines grid of the Oregon Criminal Justice Commission.</p>
<p>PENNSYLVANIA</p>	<p><u>PROTECTION ORDER VIOLATIONS</u></p> <p>23 Pa.C.S. § 6114 (2005) Contempt for violation of order or agreement</p> <p>(b) TRIAL AND PUNISHMENT.-- A sentence for contempt under this chapter may include imprisonment up to six months or a fine of not less than \$ 100 nor more than \$ 1,000, or both, and may include other relief set forth in this chapter. All moneys received under this section shall be forwarded to the Commonwealth and shall be used by the Pennsylvania State Police to establish and maintain the Statewide registry of protection orders provided for in section 6105 (relating to responsibilities of law enforcement agencies). The defendant shall not have a right to a jury trial on such a charge; however, the defendant shall be entitled to counsel.</p>

STATE	STATUTE(S)
<p>PENNSYLVANIA (con't)</p>	<p><u>STALKING</u></p> <p>18 Pa.C.S. § 2709.1 (2005) Stalking</p> <p>(2) A second or subsequent offense under this section or a first offense under subsection (a) if the person has been previously convicted of a crime of violence involving the same victim, family or household member, including, but not limited to, a violation of section 2701 (relating to simple assault), 2702 (relating to aggravated assault), 2705 (relating to recklessly endangering another person), 2901 (relating to kidnapping), 3121 (relating to rape) or 3123 (relating to involuntary deviate sexual intercourse), an order issued under section 4954 (relating to protective orders) or an order issued under 23 Pa.C.S. § 6108 (relating to relief) shall constitute a felony of the third degree.</p>
<p>RHODE ISLAND</p>	<p><u>AGGRAVATING FACTOR/SENTENCING</u></p> <p>R.I. Gen. Laws § 12-29-5 (2005) Disposition of domestic violence cases</p> <p>c) (1) Every person convicted of an offense punishable as a misdemeanor involving domestic violence as defined in § 12-29-2 shall:</p> <p>(i) For a second violation be imprisoned for a term of not less than ten (10) days and not more than one year.</p>

STATE	STATUTE(S)
<p>RHODE ISLAND (con't)</p>	<p>R.I. Gen. Laws § 12-29-5 (2005) Disposition of domestic violence cases (con't)</p> <p>(ii) For a third and subsequent violation be deemed guilty of a felony and be imprisoned for a term of not less than one year and not more than ten (10) years. (2) No jail sentence provided for under this section can be suspended.</p> <p><u>ASSAULT/BATTERY & OTHER DV-RELATED CRIMES</u></p> <p>R.I. Gen. Laws § 12-29-2 (2005) Definitions</p> <p>(a) "Domestic violence" includes, but is not limited to, any of the following crimes when committed by one family or household member against another:</p> <ol style="list-style-type: none"> (1) Simple assault (§ 11-5-3); (2) Felony assaults (§§ 11-5-1, 11-5-2, and 11-5-4); (3) Vandalism (§ 11-44-1); (4) Disorderly conduct (§ 11-45-1); (5) Trespass (§ 11-44-26); (6) Kidnapping (§ 11-26-1); (7) Child-snatching (§ 11-26-1.1); (8) Sexual assault (§§ 11-37-2, 11-37-4); (9) Homicide (§§ 11-23-1 and 11-23-3); (10) Violation of the provisions of a protective order entered pursuant to § 15-5-19, chapter 15 of title 15, or chapter 8.1 of title 8 where the respondent has knowledge of the order and the penalty for its violation or a violation of a no contact order issued pursuant to § 12-29-4; and (11) Stalking (§§ 11-59-1 et seq.).

STATE	STATUTE(S)
<p>RHODE ISLAND (con't)</p>	<p><u>MANDATORY TREATMENT</u></p> <p>R.I. Gen. Laws § 12-29-5 (2005) Disposition of domestic violence cases</p> <p>(a) Every person convicted of or placed on probation for a crime involving domestic violence or whose case is filed pursuant to § 12-10-12 where the defendant pleads nolo contendere, in addition to any other sentence imposed or counseling ordered, shall be ordered by the judge to attend, at his or her own expense, a batterer's intervention program appropriate to address his or her violent behavior. This order shall be included in the conditions of probation. Failure of the defendant to comply with the order shall be a basis for violating probation and/or the provisions of § 12-10-12. This provision shall not be suspended or waived by the court.</p> <p><u>MISCELLANEOUS</u></p> <p>R.I. Gen. Laws § 12-1-12 (2005) Destruction or sealing of records of persons acquitted or otherwise exonerated</p> <p>c) Notwithstanding any other provision of this section, any person who has been charged with a complaint for a crime involving domestic violence where the complaint was filed upon a plea of not guilty, guilty or nolo contendere pursuant to § 12-10-12, must wait a period of three (3) years from the date of filing before the records associated with the charge can be expunged, sealed or otherwise destroyed.</p>

STATE	STATUTE(S)
<p>RHODE ISLAND (con't)</p>	<p><u>PROTECTION ORDER VIOLATIONS</u></p> <p>R.I. Gen. Laws § 15-15-3 (2005) Protective orders – Penalty – Jurisdiction</p> <p>(c) (1) Any violation of the protective orders in subsection (a) of this section shall subject the defendant to being found in contempt of court.</p> <p>(2) The contempt order shall not be exclusive and shall not preclude any other available civil or criminal remedies. Any relief granted by the court shall be for a fixed period of time not to exceed three (3) years, at the expiration of which time the court may extend any order, upon motion of the plaintiff, for any additional time, that it deems necessary to protect the plaintiff from abuse. The court may modify its order at any time upon motion of either party.</p> <p>(d) (1) Any violation of a protective order under this chapter of which the defendant has actual notice shall be a misdemeanor which shall be punished by a fine of no more than one thousand dollars (\$ 1,000) or by imprisonment for not more than one year, or both.</p> <p>(2) The penalties for violation of this section shall also include the penalties as provided by § 12-29-5.</p>
<p>SOUTH CAROLINA</p>	<p><u>ASSAULT/BATTERY</u></p> <p>S.C. Code Ann. § 16-25-20 (2004) Acts prohibited.</p> <p>(A) It is unlawful to:</p> <p>(1) cause physical harm or injury to a person's own household member; or</p>

STATE	STATUTE(S)
<p>SOUTH CAROLINA (con't)</p>	<p>S.C. Code Ann. § 16-25-20 (2004) Acts prohibited. (con't)</p> <p>(2) offer or attempt to cause physical harm or injury to a person's own household member with apparent present ability under circumstances reasonably creating fear of imminent peril.</p> <p>(B) Except as otherwise provided in this section, a person who violates subsection (A) is guilty of the misdemeanor of criminal domestic violence and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days. The court may suspend the imposition or execution of all or part of the sentence conditioned upon the offender completing, to the satisfaction of the court, a program designed to treat batterers.</p> <p>(C) A person who violates subsection (A) and who has been convicted of a violation of that subsection or of Section 16-25-65 within the previous ten years is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars and imprisoned not more than thirty days. The court may suspend the imposition or execution of all or part of the sentence conditioned upon the offender completing, to the satisfaction of the court, a program designed to treat batterers.</p> <p>(D) A person who violates subsection (A) after previously having been convicted of two violations of subsection (A) within the previous ten years or two violations of Section 16-25-65 within the previous ten years or a violation of subsection (A) and a violation of Section 16-25-65 within the previous ten years is guilty of a misdemeanor and, upon conviction, must be imprisoned not less than ninety days but not more than three years. The court may suspend the imposition or execution of all or part of the sentence, except the mandatory ninety-day minimum sentence, and place the offender on probation conditioned upon the offender completing, to the satisfaction of the court, a program designed to treat batterers.</p>

STATE	STATUTE(S)
<p>SOUTH CAROLINA (con't)</p>	<p>S.C. Code Ann. § 16-25-65 (2004) Criminal domestic violence of a high and aggravated nature; elements; penalty; conditional probation; statutory offense.</p> <p>(A) A person who violates Section 16-25-20(A) is guilty of the offense of criminal domestic violence of a high and aggravated nature when one of the following occurs:</p> <p>(1) the person intentionally commits an assault and battery which involves the use of a deadly weapon or results in serious bodily injury to the victim; or</p> <p>(2) the person intentionally commits an assault, with or without an accompanying battery, which would reasonably cause a person to fear imminent serious bodily injury or death.</p> <p>(B) A person who violates subsection (A) is guilty of a felony and, upon conviction, must be imprisoned not more than ten years. The court may suspend the imposition or execution of all or part of the sentence, and place the offender on probation conditioned upon the offender completing, to the satisfaction of the court, a program designed to treat batterers offered through a government agency, nonprofit organization, or private provider approved by the Department of Social Services. The offender must pay a reasonable fee for participation in the treatment program, but no person may be denied treatment due to inability to pay. If the offender suffers from a substance abuse problem, the judge may order, or the batterer treatment program may refer, the offender to supplemental treatment coordinated through the Department of Alcohol and Other Drug Abuse Services with the local alcohol and drug treatment authorities pursuant to Section 61-12-20. The offender must pay a reasonable fee for participation in the substance abuse treatment program, but no person may be denied treatment due to inability to pay.</p> <p>(C) The provisions of subsection (A) create a statutory offense of criminal domestic violence of a high and aggravated nature and must not be construed to codify the common law crime of assault and battery of a high and aggravated nature.</p>

STATE	STATUTE(S)
<p>SOUTH CAROLINA (con't)</p>	<p><u>MISCELLANEOUS</u></p> <p>S.C. Code Ann. § 17-25-135 (2004) Entry of sex offenders on Central Registry of Child Abuse and Neglect upon conviction of certain crimes.</p> <p>(A) When a person is convicted of or pleads guilty or nolo contendere to an "Offense Against the Person" as provided for in Title 16, Chapter 3, an "Offense Against Morality or Decency" as provided for in Title 16, Chapter 15, criminal domestic violence, as defined in Section 16-25-20, criminal domestic violence of a high and aggravated nature as defined in Section 16-25-65, or the common law offense of assault and battery of a high and aggravated nature, and the act on which the conviction or the plea of guilty or nolo contendere is based involved sexual or physical abuse of a child, the court shall order that the person's name, any other identifying information, including, but not limited to, the person's date of birth, address, and any other identifying characteristics, and the nature of the act which led to the conviction or plea be placed in the Central Registry of Child Abuse and Neglect established by Section 20-7-680. The clerk shall forward the information to the Department of Social Services for this purpose in accordance with guidelines adopted by the department.</p> <p><u>OTHER DV-RELATED CRIMES</u></p> <p>S.C. Code Ann. § 44-53-370 (2004) Prohibited acts A; penalties.</p> <p>(f) It shall be unlawful for a person to administer, distribute, dispense, deliver, or aid, abet, attempt, or conspire to administer, distribute, dispense, or deliver a controlled substance or gamma hydroxy butyrate to an individual with the intent to commit one of the following crimes against that individual:</p>

STATE	STATUTE(S)
<p>SOUTH CAROLINA (con't)</p>	<p>S.C. Code Ann. § 44-53-370 (2004) Prohibited acts A; penalties. (con't)</p> <p>(4) criminal sexual conduct where victim is legal spouse (separated), Section 16-3-658; (5) spousal sexual battery, Section 16-3-615;</p> <p><u>PROTECTION ORDER VIOLATIONS</u></p> <p>S.C. Code Ann. § 16-25-20 (2004) Acts prohibited.</p> <p>(E) A person who violates the terms and conditions of an order of protection issued in this State under Chapter 4, Title 20, the "Protection from Domestic Abuse Act", or a valid protection order related to domestic or family violence issued by a court of another state, tribe, or territory is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than thirty days and fined not more than five hundred dollars. The court may suspend the imposition or execution of all or part of the sentence conditioned upon the offender completing, to the satisfaction of the court, a program designed to treat batterers.</p>
<p>SOUTH DAKOTA</p>	<p><u>MANDATORY TREATMENT</u></p> <p>S.D. Codified Laws § 25-10-5.1 (2005) Family violence counseling</p> <p>If a court places a defendant on probation upon receiving a verdict or plea of guilty for a crime involving domestic abuse, the court shall order that a condition of the defendant's probation is that he attend family violence counseling. Failure to attend family violence counseling is a violation of the defendant's probation.</p>

STATE	STATUTE(S)
<p>SOUTH DAKOTA (con't)</p>	<p><u>MISCELLANEOUS</u></p> <p>S.D. Codified Laws § 25-10-5.3 (2005) Instruction on parenting</p> <p>If any person is convicted of a crime involving domestic abuse, and that person is the parent, guardian, or custodian of a minor child who resides with that person or the victim of the crime, the court shall include as part of the sentence, or conditions required as part of the suspended execution or imposition of such sentence, that the person receive instruction on parenting approved or provided by the Department of Social Services. However, this section does not apply to any person convicted and imprisoned for any felony for such a duration that there is no expectation of release for at least four years.</p> <p><u>PROTECTION ORDERS</u></p> <p>S.D. Codified Laws § 25-10-13 (2005) Violation of order -- Penalty</p> <p>If a temporary protection order or a protection order is granted pursuant to this chapter, and the respondent or person to be restrained knows of the order, violation of the order is a Class 1 misdemeanor. If any violation of this section constitutes an assault pursuant to § 22-18-1.1, the violation is a Class 6 felony. If a respondent or person to be restrained has been convicted of, or entered a plea of guilty to, two or more violations of this section, the factual basis for which occurred after the date of the second conviction, and occurred within five years of committing the current offense, the respondent or person to be restrained is guilty of a Class 6 felony for any third or subsequent offense. Any proceeding under this chapter is in addition to other civil or criminal remedies.</p>

STATE	STATUTE(S)
<p>SOUTH DAKOTA (con't)</p>	<p><u>STALKING</u></p> <p>S.D. Codified Laws § 22-19A-2 (2005) Violation when restraining or protection order in effect -- Penalty</p> <p>Any person who violates § 22-19A-1 [stalking] when there is a temporary restraining order, or an injunction, or a protection order, in effect prohibiting the behavior described in § 22-19A-1 against the same party, is guilty of a Class 6 felony.</p>
<p>TENNESSEE</p>	<p><u>ASSAULT/BATTERY</u></p> <p>Tenn. Code Ann. § 39-13-111 (2005) Domestic assault</p> <p>(a) As used in this section, "family or household member" means spouse, former spouse, person related by blood or marriage, or person who currently resides or in the past has resided with that person as if a family, or a person who has a child or children in common with that person regardless of whether they have been married or resided together at any time.</p> <p>(b) A person commits domestic assault who commits an assault as defined in § 39-13-101 against a person who is that person's family or household member.</p> <p>(c) (1) Domestic assault is punishable the same as assault in § 39-13-101. (2) In addition to any other punishment that may be imposed for a violation of this section, if the relationship between the defendant and the victim of the assault is such that the victim is a victim as defined in § 36-3-601(8), and if, as determined by the court, the defendant possesses the ability to pay a fine in an amount not in excess of two hundred dollars (\$ 200), then the court shall impose a fine at the level of the defendant's ability to pay, but not in excess of two hundred dollars (\$ 200). Such additional fine shall be paid to the clerk of the court imposing sentence, who shall transfer it to the state treasurer,</p>

STATE	STATUTE(S)
<p style="text-align: center;">TENNESSEE (con't)</p>	<p>Tenn. Code Ann. § 39-13-111 (2005) Domestic assault (con't)</p> <p>who shall credit the same to the general fund. All such fines so credited to the general fund shall be subject to appropriation by the general assembly for the exclusive purpose of funding family violence shelters and shelter services. Such appropriation shall be in addition to any amount appropriated pursuant to § 67-4-411.</p> <p>Tenn. Code Ann. § 39-13-102 (2004) Aggravated assault</p> <p>(a) A person commits aggravated assault who:</p> <p style="padding-left: 20px;">(1) Intentionally or knowingly commits an assault as defined in § 39-13-101 and:</p> <p style="padding-left: 40px;">(A) Causes serious bodily injury to another; or</p> <p style="padding-left: 40px;">(B) Uses or displays a deadly weapon; or</p> <p style="padding-left: 20px;">(2) Recklessly commits an assault as defined in § 39-13-101(a)(1), and:</p> <p style="padding-left: 40px;">(A) Causes serious bodily injury to another; or</p> <p style="padding-left: 40px;">(B) Uses or displays a deadly weapon.</p> <p>(c) A person commits aggravated assault who, after having been enjoined or restrained by an order, diversion or probation agreement of a court of competent jurisdiction from in any way causing or attempting to cause bodily injury or in any way committing or attempting to commit an assault against an individual or individuals, intentionally or knowingly attempts to cause or causes bodily injury or commits or attempts to commit an assault against such individual or individuals.</p> <p style="padding-left: 20px;">(2) In addition to any other punishment that may be imposed for a violation of this section, if the relationship between the defendant and the victim of the assault is such that the victim is a victim as defined in § 36-3-601(8), and if, as determined by the court, the defendant possesses the ability to pay a fine in an amount not in excess of two hundred dollars (\$ 200), then the court shall impose a fine at the level of the defendant's ability to pay, but not in excess of two hundred dollars (\$ 200). Such additional</p>

STATE	STATUTE(S)
<p style="text-align: center;">TENNESSEE (con't)</p>	<p>Tenn. Code Ann. § 39-13-102 (2004) Aggravated assault (con't)</p> <p>fine shall be paid to the clerk of the court imposing sentence, who shall transfer it to the state treasurer, who shall credit the same to the general fund. All such fines so credited to the general fund shall be subject to appropriation by the general assembly for the exclusive purpose of funding family violence shelters and shelter services. Such appropriation shall be in addition to any amount appropriated pursuant to § 67-4-411.</p>
<p style="text-align: center;">TEXAS</p>	<p><u>ASSAULT/BATTERY</u></p> <p>Tex. Penal Code § 22.01 (2005) Assault</p> <p>(a) A person commits an offense if the person:</p> <ul style="list-style-type: none"> (1) intentionally, knowingly, or recklessly causes bodily injury to another, including the person's spouse; (2) intentionally or knowingly threatens another with imminent bodily injury, including the person's spouse; or (3) intentionally or knowingly causes physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative. <p>(b) An offense under Subsection (a)(1) is a Class A misdemeanor, except that the offense is a felony of the third degree if the offense is committed against:</p> <ul style="list-style-type: none"> (2) a person whose relationship to or association with the defendant is described by section 71.0021(B), 71.003, OR 71.005, family code, if it is shown on the trial of the offense that the defendant has been previously convicted of an offense under this chapter, chapter 19, or section 20.03, 20.04, or 21.11 against a person whose relationship to or association with the defendant is described by section

STATE	STATUTE(S)
<p>TEXAS (con't)</p>	<p>Tex. Penal Code § 22.01 (2005) Assault (con't)</p> <p>71.0021(b), 71.003, or 71.005, family code; (f) For the purposes of subsection (b)(2): (1) a defendant has been previously convicted of an offense listed in subsection (b)(2) committed against a person whose relationship to or association with the defendant is described by section 71.0021(b), 71.003, or 71.005, family code, if the defendant was adjudged guilty of the offense or entered a plea of guilty or nolo contendere in return for a grant of deferred adjudication, regardless of whether the sentence for the offense was ever imposed or whether the sentence was probated and the defendant was subsequently discharged from community supervision ; AND (2) a conviction under the laws of another state for an offense containing elements that are substantially similar to the elements of an offense listed in subsection (b)(2) is a conviction of an offense listed in subsection (B)(2).</p> <p>Tex. Penal Code § 22.02 (2005) Aggravated Assault</p> <p>(a) A person commits an offense if the person commits assault as defined in § 22.01 and the person: (1) causes serious bodily injury to another, including the person's spouse; or (2) uses or exhibits a deadly weapon during the commission of the assault. (b) An offense under this section is a felony of the second degree, except that the offense is a felony of the first degree if: (1) the actor uses a deadly weapon during the commission of the assault and causes serious bodily injury to a person whose relationship to or association with the defendant is described by section 71.0021(b), 71.003, or 71.005, family code.</p>

STATE	STATUTE(S)
TEXAS (con't)	<p style="text-align: center;"><u>OTHER DV-RELATED CRIMES</u></p> <p>Tex. Penal Code § 22.07 (2005) Terroristic Threat</p> <p>(a) A person commits an offense if he threatens to commit any offense involving violence to any person or property with intent to:</p> <p style="padding-left: 20px;">(2) place any person in fear of imminent serious bodily injury;</p> <p>(b) An offense under Subdivision (1) or (2) of Subsection (a) is a Class B misdemeanor, except that an offense under Subdivision (2) of Subsection (a) is a Class A misdemeanor if the offense is committed against a member of the person's family or household or otherwise constitutes family violence or if the offense is committed against a public servant. An offense under Subdivision (3) of Subsection (a) is a Class A misdemeanor. An offense under Subdivision (4), (5), or (6) of Subsection (a) is a felony of the third degree.</p> <p style="text-align: center;"><u>PROTECTION ORDER VIOLATIONS</u></p> <p>Tex. Penal Code § 25.07 (2005) Violation of Protective Order or Magistrate's Order</p> <p>(a) A person commits an offense if, in violation of an order issued under Section 6.504 or Chapter 85, Family Code, under Article 17.292, Code of Criminal Procedure, or by another jurisdiction as provided by Chapter 88, Family Code, the person knowingly or intentionally:</p> <p style="padding-left: 20px;">(1) commits family violence or an act in furtherance of an offense under Section 42.072;</p> <p style="padding-left: 20px;">(2) communicates:</p> <p style="padding-left: 40px;">(A) directly with a protected individual or a member of the family or household in a threatening or harassing manner;</p>

STATE	STATUTE(S)
<p>TEXAS (con't)</p>	<p>Tex. Penal Code § 25.07 (2005) Violation of Protective Order or Magistrate's Order (con't)</p> <p>(B) a threat through any person to a protected individual or a member of the family or household; or</p> <p>(C) in any manner with the protected individual or a member of the family or household except through the person's attorney or a person appointed by the court, if the order prohibits any communication with a protected individual or a member of the family or household;</p> <p>(3) goes to or near any of the following places as specifically described in the order:</p> <p>(A) the residence or place of employment or business of a protected individual or a member of the family or household; or</p> <p>(B) any child care facility, residence, or school where a child protected by the order normally resides or attends; or</p> <p>(4) possesses a firearm.</p> <p>(g) An offense under this section is a Class A misdemeanor unless it is shown on the trial of the offense that the defendant has previously been convicted under this section two or more times or has violated the protective order by committing an assault or the offense of stalking, in which event the offense is a third degree felony.</p>

STATE	STATUTE(S)
<p style="text-align: center;">UTAH</p>	<p style="text-align: center;"><u>ASSAULT/BATTERY</u></p> <p>Utah Code Ann. § 77-36-1.1 (2005) Enhancement of offense and penalty for subsequent domestic violence offenses</p> <p>(1) For purposes of this section, "qualifying domestic violence offense" means:</p> <ul style="list-style-type: none"> (a) a domestic violence offense in Utah; or (b) an offense in any other state, or in any district, possession, or territory of the United States, that would be a domestic violence offense under Utah law. <p>(2) A person who is convicted of a domestic violence offense is:</p> <ul style="list-style-type: none"> (a) guilty of a class B misdemeanor if: <ul style="list-style-type: none"> (i) the domestic violence offense described in this Subsection (2) is designated by law as a class C misdemeanor; and (ii) (A) the domestic violence offense described in this Subsection (2) is committed within five years after the person is convicted of a qualifying domestic violence offense; or (B) the person is convicted of the domestic violence offense described in this Subsection (2) within five years after the person is convicted of a qualifying domestic violence offense; (b) guilty of a class A misdemeanor if: <ul style="list-style-type: none"> (i) the domestic violence offense described in this Subsection (2) is designated by law as a class B misdemeanor; and (ii) (A) the domestic violence offense described in this Subsection (2) is committed within five years after the person is convicted of a qualifying domestic violence offense; or (B) the person is convicted of the domestic violence offense described in this Subsection (2) within five years after the person is convicted of a qualifying domestic violence offense; or (c) guilty of a felony of the third degree if: <ul style="list-style-type: none"> (i) the domestic violence offense described in this Subsection (2) is designated by law as a class A misdemeanor; and

STATE	STATUTE(S)
<p>UTAH (con't)</p>	<p>Utah Code Ann. § 77-36-1.1 (2005) Enhancement of offense and penalty for subsequent domestic violence offenses (con't)</p> <p>(ii) (A) the domestic violence offense described in this Subsection (2) is committed within five years after the person is convicted of a qualifying domestic violence offense; or (B) the person is convicted of the domestic violence offense described in this Subsection (2) within five years after the person is convicted of a qualifying domestic violence offense. (3) For purposes of this section, a plea of guilty or no contest to any qualifying domestic violence offense in Utah which plea is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction, even if the charge has been subsequently reduced or dismissed in accordance with the plea in abeyance agreement.</p> <p><u>CHILD WITNESSES</u></p> <p>Utah Code Ann. § 76-5-109.1 (2005) Commission of domestic violence in the presence of a child</p> <p>(2) A person is guilty of child abuse if the person: (a) commits or attempts to commit criminal homicide, as defined in Section 76-5-201, against a cohabitant in the presence of a child; or (b) intentionally causes serious bodily injury to a cohabitant or uses a dangerous weapon, as defined in Section 76-1-601, or other means or force likely to produce death or serious bodily injury against a cohabitant, in the presence of a child; or (c) under circumstances not amounting to a violation of Subsection (2)(a) or (b), commits an act of domestic violence in the presence of a child. (3) (a) A person who violates Subsection (2)(a) or (b) is guilty of a third degree felony. (b) A person who violates Subsection (2)(c) is guilty of a class B misdemeanor. (4) A charge under this section is separate and distinct from, and is in addition to, a charge of domestic violence where the victim is the cohabitant. Either or both charges may be filed by the prosecutor.</p>

STATE	STATUTE(S)
<p>UTAH (con't)</p>	<p>Utah Code Ann. § 76-3-203.5 (2005) Habitual violent offender -- Definition -- Procedure -- Penalty</p> <p>(1) As used in this section: (a) "Felony" means any violation of a criminal statute of the state, any other state, the United States, or any district, possession, or territory of the United States for which the maximum punishment the offender may be subjected to exceeds one year in prison. (b) "Habitual violent offender" means a person convicted within the state of any violent felony and who on at least two previous occasions has been convicted of a violent felony and committed to either prison in Utah or an equivalent correctional institution of another state or of the United States either at initial sentencing or after revocation of probation. (c) (i) "Violent felony" means any of the following offenses, or any attempt, solicitation, or conspiracy to commit any of these offenses punishable as a felony: (J) commission of domestic violence in the presence of a child, Section 76-5-109.1.</p> <p><u>MANDATORY TREATMENT</u></p> <p>Utah Code Ann. § 77-36-5 (2005) Sentencing -- Restricting contact with victim -- Electronic monitoring -- Counseling -- Cost assessed against defendant</p> <p>(5) The court shall order the defendant to obtain and satisfactorily complete treatment or therapy in a domestic violence treatment program, as defined in Section 62A-2-101, that is licensed by the Department of Human Services, unless the court finds that there is no licensed program reasonably available or that the treatment or therapy is not necessary.</p>

STATE	STATUTE(S)
<p>UTAH (con't)</p>	<p><u>MISCELLANEOUS</u></p> <p>Utah Code Ann. § 77-36-2.7 (2005) Dismissal -- Diversion prohibited -- Plea in abeyance -- Release before trial</p> <p>(1) Because of the serious nature of domestic violence, the court, in domestic violence actions:</p> <p> (a) may not dismiss any charge or delay disposition because of concurrent divorce or other civil proceedings;</p> <p> (b) may not require proof that either party is seeking a dissolution of marriage before instigation of criminal proceedings;</p> <p> (c) shall waive any requirement that the victim's location be disclosed other than to the defendant's attorney, upon a showing that there is any possibility of further violence, and order the defendant's attorney not to disclose the victim's location to his client.</p> <p>Utah Code Ann. § 77-36-5 (2005) Sentencing -- Restricting contact with victim -- Electronic monitoring -- Counseling -- Cost assessed against defendant</p> <p>(2) In determining its sentence the court, in addition to penalties otherwise provided by law, may require the defendant to participate in an electronic monitoring program.</p> <p>(3) The court may also require the defendant to pay all or part of the costs of counseling incurred by the victim, as well as the costs for defendant's own counseling.</p> <p>(4) The court shall:</p> <p> (a) assess against the defendant, as restitution, any costs for services or treatment provided to the abused spouse by the Division of Child and Family Services under Section 62A-4a-106; and</p> <p> (b) order those costs to be paid directly to the division or its contracted provider.</p>

STATE	STATUTE(S)
<p>UTAH (con't)</p>	<p><u>PROTECTION ORDER VIOLATIONS</u></p> <p>Utah Code Ann. § 76-5-108 (2005) Protective orders restraining abuse of another -- Violation</p> <p>(1) Any person who is the respondent or defendant subject to a protective order, child protective order, ex parte protective order, or ex parte child protective order issued under Title 30, Chapter 6, Cohabitant Abuse Act, or Title 78, Chapter 3a, Juvenile Court Act of 1996, Title 77, Chapter 36, Cohabitant Abuse Procedures Act, or a foreign protective order as described in Section 30-6-12, who intentionally or knowingly violates that order after having been properly served, is guilty of a class A misdemeanor, except as a greater penalty may be provided in Title 77, Chapter 36, Cohabitant Abuse Procedures Act.</p> <p>(2) Violation of an order as described in Subsection (1) is a domestic violence offense under Section 77-36-1 and subject to increased penalties in accordance with Section 77-36-1.1.</p>
<p>VERMONT</p>	<p><u>ASSAULT/BATTERY</u></p> <p>13 V.S.A. § 1042 (2004) Domestic assault</p> <p>Any person who attempts to cause or wilfully or recklessly causes bodily injury to a family or household member, or wilfully causes a family or household member to fear imminent serious bodily injury shall be imprisoned not more than one year or fined not more than \$ 5,000.00, or both.</p>

STATE	STATUTE(S)
<p>VERMONT (con't)</p>	<p>13 V.S.A. § 1043 (2004) First degree aggravated domestic assault</p> <p>(a) A person commits the crime of first degree aggravated domestic assault if the person:</p> <ul style="list-style-type: none"> (1) attempts to cause or wilfully or recklessly causes serious bodily injury to a family or household member; or (2) uses, attempts to use or is armed with a deadly weapon and threatens to use the deadly weapon on a family or household member; or (3) commits the crime of domestic assault and has been previously convicted of aggravated domestic assault. <p>(b) A person who commits the crime of first degree aggravated domestic assault shall be imprisoned not more than 15 years or fined not more than \$ 25,000.00, or both.</p> <p>(c) Conduct constituting the offense of first degree aggravated domestic assault under this section shall be considered a violent act for the purpose of determining bail.</p> <p>13 V.S.A. § 1044 (2004) Second degree aggravated domestic assault</p> <p>(a) A person commits the crime of second degree aggravated domestic assault if the person:</p> <ul style="list-style-type: none"> (1) commits the crime of domestic assault and causes bodily injury to another person and such conduct violates specific conditions of a criminal court order in effect at the time of the offense imposed to protect that other person; or (2) commits a second or subsequent offense of domestic assault, which causes bodily injury. <p>(b) A person who commits the crime of second degree aggravated domestic assault shall be imprisoned not more than five years or fined not more than \$ 10,000.00, or both.</p> <p>(c) Conduct constituting the offense of second degree aggravated domestic assault under this section shall be considered a violent act for the purpose of determining bail.</p>

STATE	STATUTE(S)
<p>VERMONT (con't)</p>	<p><u>MANDATORY TREATMENT</u></p> <p>13 V.S.A. § 1030 (2004) Violation of abuse prevention order</p> <p>(b) Upon conviction under this section for a violation of an order issued under chapter 21 of Title 15, the court shall, unless the circumstances indicate that it is not appropriate or not available, order the defendant to participate in domestic abuse counseling or a domestic abuse program approved by the department of corrections. The defendant may at any time request the court to approve an alternative program. The defendant shall pay all or part of the costs of the counseling or program unless the court finds that the defendant is unable to do so.</p> <p><u>MISCELLANEOUS</u></p> <p>13 V.S.A. § 11a (2004) Violent career criminals</p> <p>(a) The state may elect to seek the substitute penalty provided for in this section against a person who, after having been two times convicted within this state of a felony crime of violence, or under the law of any other state, government or country, of a crime which, if committed in this state would be a felony crime of violence, is convicted of a third felony crime of violence within this state. (12) first degree aggravated domestic assault as defined in section 1043 of this title where the defendant causes serious bodily injury to another person;</p>

STATE	STATUTE(S)
VERMONT (con't)	<p data-bbox="583 310 1318 347"><u>PROTECTION ORDER VIOLATIONS</u></p> <p data-bbox="583 380 911 412">15 V.S.A. § 1108 (2004)</p> <p data-bbox="583 417 764 444">Enforcement</p> <p data-bbox="583 480 1906 911">(c) In addition to the provisions of subsection (a) [foreign abuse protection order] of this section, violation of an order issued under this chapter may be prosecuted as a criminal contempt under Rule 42 of Vermont Rules of Criminal Procedure. The prosecution for criminal contempt may be initiated by the state's attorney in district or superior court in the unit or county in which the violation occurred. The maximum penalty which may be imposed under this subsection shall be a fine of \$ 1,000.00 or imprisonment for six months, or both. A sentence of imprisonment upon conviction for criminal contempt may be stayed in the discretion of the court pending the expiration of the time allowed for filing notice of appeal or pending appeal if any appeal is taken. After two years have passed from conviction under this subsection, the court may on motion of the defendant expunge the record of the criminal proceeding and conviction unless the defendant has been convicted of a felony or misdemeanor involving moral turpitude or a violation of a domestic abuse order after such initial adjudication.</p> <p data-bbox="583 954 911 987">13 V.S.A. § 1030 (2004)</p> <p data-bbox="583 992 1073 1019">Violation of abuse prevention order</p> <p data-bbox="583 1055 1906 1263">(a) A person who commits an act prohibited by a court or who fails to perform an act ordered by a court in violation of an abuse prevention order issued under chapter 21 of Title 15 or chapter 69 of Title 33, after the person has been served notice of the contents of the order as provided in those chapters; or a foreign abuse prevention order issued by a court in any other state, federally recognized Indian tribe, territory or possession of the United States, the Commonwealth of Puerto Rico or the District of Columbia; shall be imprisoned not more than one year or fined not more than \$ 5,000.00, or both.</p> <p data-bbox="583 1268 1906 1338">(b) A person who is convicted of a second or subsequent offense under this section shall be imprisoned not more than three years or fined not more than \$ 25,000.00, or both.</p>

STATE	STATUTE(S)
<p>VIRGINIA</p>	<p style="text-align: center;"><u>ASSAULT/BATTERY</u></p> <p>Va. Code Ann. § 18.2-57.2 (2005) Assault and battery against a family or household member; penalty</p> <p>A. Any person who commits an assault and battery against a family or household member is guilty of a Class 1 misdemeanor.</p> <p>B. Upon a conviction for assault and battery against a family or household member, where it is alleged in the warrant, information, or indictment on which a person is convicted, that such person has been previously convicted of two offenses against a family or household member of (i) assault and battery against a family or household member in violation of this section, (ii) malicious wounding in violation of § 18.2-51, (iii) aggravated malicious wounding in violation of § 18.2-51.2, (iv) malicious bodily injury by means of a substance in violation of § 18.2-52, or (v) an offense under the law of any other jurisdiction which has the same elements of any of the above offenses, in any combination, all of which occurred within a period of 20 years, and each of which occurred on a different date, such person is guilty of a Class 6 felony.</p> <p style="text-align: center;"><u>PROTECTION ORDER VIOLATIONS</u></p> <p>Va. Code Ann. § 16.1-253.2 (2005) Violation of provisions of protective orders; penalty</p> <p>In addition to any other penalty provided by law, any person who violates any provision of a protective order issued pursuant to §§ 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-278.14, 16.1-279.1 or subsection B of § 20-103, which prohibits such person from going or remaining upon land, buildings or premises or from further acts of family abuse, or which prohibits contacts between the respondent and the respondent's family or household member as the court deems appropriate is guilty of a Class 1</p>

STATE	STATUTE(S)
<p>VIRGINIA (con't)</p>	<p>Va. Code Ann. § 16.1-253.2 (2005) Violation of provisions of protective orders; penalty (con't)</p> <p>misdemeanor. If the respondent commits an assault and battery upon any party protected by the protective order, resulting in serious bodily injury to the party, he is guilty of a Class 6 felony. Any person who violates such a protective order by furtively entering the home of any protected party while the party is present, or by entering and remaining in the home of the protected party until the party arrives, is guilty of a Class 6 felony, in addition to any other penalty provided by law. Upon conviction, the person shall be sentenced to a term of confinement and in no case shall the entire term imposed be suspended. Upon conviction, the court shall, in addition to the sentence imposed, enter a protective order pursuant to § 16.1-279.1 for a specified period not exceeding two years from the date of conviction.</p>
<p>WASHINGTON</p>	<p><u>AGGRAVATING FACTORS & CHILD WITNESS</u></p> <p>Rev. Code Wash. (ARCW) § 9.94A.535 (2004) Departures from the guidelines</p> <p>2) Aggravating Circumstances</p> <ul style="list-style-type: none"> (i) The offense was part of an ongoing pattern of psychological, physical, or sexual abuse of the victim manifested by multiple incidents over a prolonged period of time; (ii) The offense occurred within sight or sound of the victim's or the offender's minor children under the age of eighteen years; or (iii) The offender's conduct during the commission of the current offense manifested deliberate cruelty or intimidation of the victim.

STATE	STATUTE(S)
<p style="text-align: center;">WASHINGTON (con't)</p>	<p style="text-align: center;"><u>ASSAULT/BATTERY & OTHER DV-RELATED CRIMES</u></p> <p>Rev. Code Wash. (ARCW) § 10.99.020 (2005) Definitions</p> <p>(5) "Domestic violence" includes but is not limited to any of the following crimes when committed by one family or household member against another:</p> <ul style="list-style-type: none"> (a) Assault in the first degree (RCW 9A.36.011); (b) Assault in the second degree (RCW 9A.36.021); (c) Assault in the third degree (RCW 9A.36.031); (d) Assault in the fourth degree (RCW 9A.36.041); (e) Drive-by shooting (RCW 9A.36.045); (f) Reckless endangerment (RCW 9A.36.050); (g) Coercion (RCW 9A.36.070); (h) Burglary in the first degree (RCW 9A.52.020); (i) Burglary in the second degree (RCW 9A.52.030); (j) Criminal trespass in the first degree (RCW 9A.52.070); (k) Criminal trespass in the second degree (RCW 9A.52.080); (l) Malicious mischief in the first degree (RCW 9A.48.070); (m) Malicious mischief in the second degree (RCW 9A.48.080); (n) Malicious mischief in the third degree (RCW 9A.48.090); (o) Kidnapping in the first degree (RCW 9A.40.020); (p) Kidnaping in the second degree (RCW 9A.40.030); (q) Unlawful imprisonment (RCW 9A.40.040);

STATE	STATUTE(S)
<p style="text-align: center;">WASHINGTON (con't)</p>	<p>Rev. Code Wash. (ARCW) § 10.99.020 (2005) Definitions (con't)</p> <p>(r) Violation of the provisions of a restraining order, no-contact order, or protection order restraining or enjoining the person or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.44.063, 26.44.150, 26.50.060, 26.50.070, 26.50.130, 26.52.070, or 74.34.145);</p> <p>(s) Rape in the first degree (RCW 9A.44.040);</p> <p>(t) Rape in the second degree (RCW 9A.44.050);</p> <p>(u) Residential burglary (RCW 9A.52.025);</p> <p>(v) Stalking (RCW 9A.46.110); and</p> <p>(w) Interference with the reporting of domestic violence (RCW 9A.36.150).</p> <p><u>MISCELLANEOUS</u></p> <p>Rev. Code Wash. (ARCW) § 9.96.060 (2005) Misdemeanor offenses -- Vacating records</p> <p>(2) An applicant may not have the record of conviction for a misdemeanor or gross misdemeanor offense vacated if any one of the following is present:</p> <p>(e) The applicant was convicted of a misdemeanor or gross misdemeanor offense as defined in RCW 10.99.020, or the court determines after a review of the court file that the offense was committed by one family member or household member against another, or the court, after considering the damage to person or property that resulted in the conviction, any prior convictions for crimes defined in RCW 10.99.020, or for comparable offenses in another state or in federal court, and the totality of the records</p>

STATE	STATUTE(S)
<p style="text-align: center;">WASHINGTON (con't)</p>	<p>Rev. Code Wash. (ARCW) § 9.96.060 (2005) Misdemeanor offenses -- Vacating records (con't)</p> <p>under review by the court regarding the conviction being considered for vacation, determines that the offense involved domestic violence, and any one of the following factors exist:</p> <p>(i) The applicant has not provided written notification of the vacation petition to the prosecuting attorney's office that prosecuted the offense for which vacation is sought, or has not provided that notification to the court;</p> <p>(ii) The applicant has previously had a conviction for domestic violence. For purposes of this subsection, however, if the current application is for more than one conviction that arose out of a single incident, none of those convictions counts as a previous conviction;</p> <p>(iii) The applicant has signed an affidavit under penalty of perjury affirming that the applicant has not previously had a conviction for a domestic violence offense, and a criminal history check reveals that the applicant has had such a conviction; or</p> <p>(iv) Less than five years have elapsed since the person completed the terms of the original conditions of the sentence, including any financial obligations and successful completion of any treatment ordered as a condition of sentencing;</p> <p>(f) For any offense other than those described in (e) of this subsection, less than three years have passed since the person completed the terms of the sentence, including any financial obligations;</p> <p>(g) The offender has been convicted of a new crime in this state, another state, or federal court since the date of conviction;</p> <p>(h) The applicant has ever had the record of another conviction vacated; or</p> <p>(i) The applicant is currently restrained, or has been restrained within five years prior to the vacation application, by a domestic violence protection order, a no-contact order, an antiharassment order, or a civil restraining order which restrains one party from contacting the other party.</p>

STATE	STATUTE(S)
<p style="text-align: center;">WASHINGTON (con't)</p>	<p>Rev. Code Wash. (ARCW) § 10.99.080 (2005) Penalty assessment</p> <p>(1) All superior courts, and courts organized under Title 3 or 35 RCW, may impose a penalty assessment not to exceed one hundred dollars on any person convicted of a crime involving domestic violence. The assessment shall be in addition to, and shall not supersede, any other penalty, restitution, fines, or costs provided by law.</p> <p>Rev. Code Wash. (ARCW) § 9.94A.501 (2005) Risk assessment -- Risk categories -- Department must supervise specified offenders. (Expires July 1, 2010.)</p> <p>(1) When the department performs a risk assessment pursuant to RCW 9.94A.500, or to determine a person's conditions of supervision, the risk assessment shall classify the offender into one of at least four risk categories.</p> <p>(2) The department shall supervise every offender sentenced to a term of community custody, community placement, or community supervision:</p> <p>(a) Whose risk assessment places that offender in one of the two highest risk categories; or</p> <p>(b) Regardless of the offender's risk category if:</p> <p>(i) The offender's current conviction is for:</p> <p>(D) A felony that is domestic violence as defined in RCW 10.99.020;</p> <p><u>OTHER DV-RELATED CRIMES</u></p> <p>Rev. Code Wash. (ARCW) § 9A.36.150 (2005) Interfering with the reporting of domestic violence</p> <p>(1) A person commits the crime of interfering with the reporting of domestic violence if the person:</p> <p>(a) Commits a crime of domestic violence, as defined in RCW 10.99.020; and</p>

STATE	STATUTE(S)
<p style="text-align: center;">WASHINGTON (con't)</p>	<p>Rev. Code Wash. (ARCW) § 9A.36.150 (2005) Interfering with the reporting of domestic violence (con't)</p> <p>(b) Prevents or attempts to prevent the victim of or a witness to that domestic violence crime from calling a 911 emergency communication system, obtaining medical assistance, or making a report to any law enforcement official.</p> <p>(2) Commission of a crime of domestic violence under subsection (1) of this section is a necessary element of the crime of interfering with the reporting of domestic violence.</p> <p>(3) Interference with the reporting of domestic violence is a gross misdemeanor.</p> <p><u>PROTECTION ORDER VIOLATIONS</u></p> <p>Rev. Code Wash. (ARCW) § 26.50.110 (2005) Violation of order -- Penalties</p> <p>(1) Whenever an order is granted under this chapter, chapter 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or there is a valid foreign protection order as defined in RCW 26.52.020, and the respondent or person to be restrained knows of the order, a violation of the restraint provisions, or of a provision excluding the person from a residence, workplace, school, or day care, or of a provision prohibiting a person from knowingly coming within, or knowingly remaining within, a specified distance of a location, or of a provision of a foreign protection order specifically indicating that a violation will be a crime, for which an arrest is required under RCW 10.31.100(2) (a) or (b), is a gross misdemeanor except as provided in subsections (4) and (5) of this section. Upon conviction, and in addition to any other penalties provided by law, the court may require that the respondent submit to electronic monitoring. The court shall specify who shall provide the electronic monitoring services, and the terms under which the monitoring shall be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring.</p>

STATE	STATUTE(S)
<p style="text-align: center;">WASHINGTON (con't)</p>	<p>Rev. Code Wash. (ARCW) § 26.50.110 (2005) Violation of order – Penalties (con't)</p> <p>(4) Any assault that is a violation of an order issued under this chapter, chapter 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in violation of such an order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony.</p> <p>(5) A violation of a court order issued under this chapter, chapter 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, is a class C felony if the offender has at least two previous convictions for violating the provisions of an order issued under this chapter, chapter 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020. The previous convictions may involve the same victim or other victims specifically protected by the orders the offender violated.</p> <p>Rev. Code Wash. (ARCW) § 26.52.070 (2005) Violation of foreign orders – Penalties</p> <p>(1) Whenever a foreign protection order is granted to a person entitled to protection and the person under restraint knows of the foreign protection order, a violation of a provision prohibiting the person under restraint from contacting or communicating with another person, or of a provision excluding the person under restraint from a residence, workplace, school, or day care, or of a provision prohibiting a person from knowingly coming within, or knowingly remaining within, a specified distance of a location, or a violation of any provision for which the foreign protection order specifically indicates that a violation will be a crime, is punishable under RCW 26.50.110.</p>

STATE	STATUTE(S)
<p>WEST VIRGINIA</p>	<p><u>ASSAULT/BATTERY</u></p> <p>W. Va. Code § 61-2-28 (2005) Domestic violence - Criminal acts</p> <p>(a) Domestic battery -- Any person who unlawfully and intentionally makes physical contact of an insulting or provoking nature with his or her family or household member or unlawfully and intentionally causes physical harm to his or her family or household member, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in a county or regional jail for not more than twelve months, or fined not more than five hundred dollars, or both.</p> <p>(b) Domestic assault -- Any person who unlawfully attempts to commit a violent injury against his or her family or household member or unlawfully commits an act which places his or her family or household member in reasonable apprehension of immediately receiving a violent injury, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in a county or regional jail for not more than six months, or fined not more than one hundred dollars, or both.</p> <p>(c) Second offense - Domestic Assault or Domestic Battery -- A person convicted of a violation of subsection (a) of this section after having been previously convicted of a violation of subsection (a) or (b) of this section, after having been convicted of a violation of subsection (b) or (c), section nine [§ 61-2-9] of this article where the victim was his or her current or former spouse, current or former sexual or intimate partner, person with whom the defendant has a child in common, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense or who has previously been granted a period of pretrial diversion pursuant to section twenty-two [§ 61-11-22], article eleven of this chapter for a violation of subsection (a) or (b) of this section, or a violation of subsection (b) or (c), section nine of this article where the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant has a child in common, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the</p>

STATE	STATUTE(S)
<p>WEST VIRGINIA (con't)</p>	<p>W. Va. Code § 61-2-28 (2005) Domestic violence - Criminal acts (con't)</p> <p>defendant's household at the time of the offense is guilty of a misdemeanor, and upon conviction thereof, shall be confined in a county or regional jail for not less than sixty days nor more than one year, or fined not more than one thousand dollars, or both.</p> <p>A person convicted of a violation of subsection (b) of this section after having been previously convicted of a violation of subsection (a) or (b) of this section, after having been convicted of a violation of subsection (b) or (c), section nine [§ 61-2-9] of this article where the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant has a child in common, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense or having previously been granted a period of pretrial diversion pursuant to section twenty-two [§ 61-11-22], article eleven of this chapter for a violation of subsection (a) or (b) of this section or subsection (b) or (c), section nine of this article where the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant has a child in common, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense shall be confined in a county or regional jail for not less than thirty days nor more than six months, or fined not more than five hundred dollars, or both.</p> <p>(d) Any person who has been convicted of a third or subsequent violation of the provisions of subsection (a) or (b) of this section, a third or subsequent violation of the provisions of section nine [§ 61-2-9] of this article where the victim is a family or household member was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant has a child in common, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense or who has previously been granted a period of pretrial diversion pursuant to section twenty-two [§ 61-11-22], article eleven of this chapter for a violation of subsection (a) or (b) of this section or a violation of the</p>

STATE	STATUTE(S)
<p>WEST VIRGINIA (con't)</p>	<p>W. Va. Code § 61-2-28 (2005) Domestic violence - Criminal acts (con't)</p> <p>provisions of section nine of this article in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant has a child in common, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense, or any combination of convictions or diversions for these offenses, is guilty of a felony if the offense occurs within ten years of a prior conviction of any of these offenses and, upon conviction thereof, shall be confined in a state correctional facility not less than one nor more than five years or fined not more than two thousand five hundred dollars, or both.</p> <p><u>PROTECTION ORDER VIOLATIONS</u></p> <p>W. Va. Code § 48-27-903 (2005) Misdemeanor offenses for violation of protective order, repeat offenses, penalties</p> <p>(a) A respondent who abuses the petitioner or minor children or who is physically present at any location in knowing and willful violation of the terms of: (1) An emergency or final protective order issued under the provisions of this article or sections 5-509 [§ 48-5-509] or 5-608 [§ 48-5-608] of this chapter granting relief pursuant to the provisions of this article; or (2) a condition of bail, probation or parole which has the express intent or effect of protecting the personal safety of a particular person or persons is guilty of a misdemeanor and, upon conviction thereof, shall be confined in the county or regional jail for a period of not less than one day nor more than one year, which jail term shall include actual confinement of not less than twenty-four hours, and shall be fined not less than two hundred fifty dollars nor more than two thousand dollars.</p>

STATE	STATUTE(S)
<p>WEST VIRGINIA (con't)</p>	<p>W. Va. Code § 48-27-903 (2005) Misdemeanor offenses for violation of protective order, repeat offenses, penalties (con't)</p> <p>(b) A respondent who is convicted of a second or subsequent offense under subsection (a) of this section is guilty of a misdemeanor and, upon conviction thereof, shall be confined in the county or regional jail for not less than three months nor more than one year, which jail term shall include actual confinement of not less than twenty-four hours, and fined not less than five hundred dollars nor more than three thousand dollars, or both.</p> <p>W. Va. Code § 48-28-7 Criminal offenses and penalties</p> <p>(a) A respondent who abuses, as that term is defined in section two hundred two [§ 48-27-202], article twenty-seven of this chapter, a protected individual or who is physically present at any location in knowing and willful violation of the terms of: (1) A valid foreign protection order; (2) a protection order entered in any pending foreign divorce action which enjoins the offending party from molesting or interfering with another party or interfering with the custodial or visitation rights of another person; or (3) a condition of bail, probation or parole imposed in another state which has the express intent or effect of protecting the personal safety of a particular person or persons is guilty of a misdemeanor and, upon conviction thereof, shall be confined in the county or regional jail for a period of not less than one day nor more than one year, which jail term shall include actual confinement of not less than twenty-four hours, and shall be fined not less than two hundred fifty dollars nor more than two thousand dollars.</p> <p>(b) A respondent who is convicted of a second or subsequent offense under subsection (a) of this section is guilty of a misdemeanor and, upon conviction thereof, shall be confined in the county or regional jail for not less than three months nor more than one year, which jail term shall include actual confinement of not less than twenty-four hours, and fined not less than five hundred dollars nor more than three thousand dollars.</p>

STATE	STATUTE(S)
<p>WEST VIRGINIA (con't)</p>	<p><u>STALKING</u></p> <p>W. Va. Code § 61-2-9a (2005) Stalking; harassment; penalties; definitions</p> <p>(a) Any person who willfully and repeatedly follows and harasses a person with whom he or she has or in the past has had or with whom he or she seeks to establish a personal or social relationship, whether or not the intention is reciprocated, a member of that person's immediate family, his or her current social companion, his or her professional counselor or attorney is guilty of a misdemeanor and, upon conviction thereof, shall be incarcerated in the county or regional jail for not more than six months or fined not more than one thousand dollars, or both.</p> <p>(b) Any person who willfully and repeatedly follows and makes a credible threat against a person with whom he or she has or in the past has had or with whom he or she seeks to establish a personal or social relationship, whether or not the intention is reciprocated, or against a member of that person's immediate family, his or her current social companion, his or her professional counselor or attorney with the intent to place or placing him or her in reasonable apprehension that he or she or a member of his or her immediate family will suffer death, sexual assault, kidnaping, bodily injury or battery is guilty of a misdemeanor and, upon conviction thereof, shall be incarcerated in the county or regional jail for not more than six months or fined not more than one thousand dollars, or both.</p> <p>(c) Any person who repeatedly harasses or repeatedly makes credible threats against a person with whom he or she has, or in the past has had or with whom he or she seeks to establish a personal or social relationship, whether or not the intention is reciprocated, or against a member of that person's immediate family, his or her current social companion, his or her professional counselor or attorney, is guilty of a misdemeanor and, upon conviction thereof, shall be incarcerated in the county or regional jail for not more than six months or fined not more than one thousand dollars, or both.</p> <p>(d) Notwithstanding any provision of this code to the contrary, any person who violates the provisions of subsection (a), (b) or (c) of this section in violation of an order entered by a circuit court, magistrate</p>

STATE	STATUTE(S)
	<p>W. Va. Code § 61-2-9a (2005) Stalking; harassment; penalties; definitions (con't)</p> <p>court or family law master, in effect and entered pursuant to part 48-5-501, et seq., part 48-5-601, et seq. or 48-27-403 of this code is guilty of a misdemeanor and, upon conviction thereof, shall be incarcerated in the county jail for not less than ninety days nor more than one year or fined not less than two thousand dollars nor more than five thousand dollars, or both.</p> <p>(e) A second or subsequent conviction for a violation of this section occurring within five years of a prior conviction is a felony punishable by incarceration in a state correctional facility for not less than one year nor more than five years or fined not less than three thousand dollars nor more than ten thousand dollars, or both.</p> <p>(f) Notwithstanding any provision of this code to the contrary, any person against whom a protective order is in effect pursuant to the provisions of 48-27-403 of this code who has been served with a copy of said order or 48-27-501 of this code who is convicted of a violation of the provisions of this section shall be guilty of a felony and punishable by incarceration in a state correctional facility for not less than one year nor more than five years or fined not less than three thousand dollars nor more than ten thousand dollars, or both.</p>
<p>WISCONSIN</p>	<p><u>AGGRAVATING FACTOR</u></p> <p>Wis. Stat. § 939.621 (2005) Increased penalty for certain domestic abuse offenses.</p> <p>If a person commits an act of domestic abuse, as defined in s. 968.075 (1) (a) and the act constitutes the commission of a crime, the maximum term of imprisonment for that crime may be increased by not more than 2 years if the crime is committed during the 72 hours immediately following an arrest for a</p>

STATE	STATUTE(S)
<p style="text-align: center;">WISCONSIN (con't)</p>	<p>Wis. Stat. § 939.621 (2005) Increased penalty for certain domestic abuse offenses. (con't)</p> <p>domestic abuse incident, as set forth in s. 968.075 (5) The 72-hour period applies whether or not there has been a waiver by the victim under s. 968.075 (5) (c) The victim of the domestic abuse crime does not have to be the same as the victim of the domestic abuse incident that resulted in the arrest. The penalty increase under this section changes the status of a misdemeanor to a felony.</p> <p><u>ASSAULT/BATTERY</u></p> <p>Wis. Stat. § 968.075 (2005) Domestic abuse incidents; arrest and prosecution.</p> <p>(a) "Domestic abuse" means any of the following engaged in by an adult person against his or her spouse or former spouse, against an adult with whom the person resides or formerly resided or against an adult with whom the person has a child in common:</p> <ol style="list-style-type: none"> 1. Intentional infliction of physical pain, physical injury or illness. 2. Intentional impairment of physical condition. 3. A violation of s. 940.225 (1) , (2) or (3) 4. A physical act that may cause the other person reasonably to fear imminent engagement in the conduct described under subd. 1. , 2. or 3. <p><u>MISCELLANEOUS</u></p> <p>Wis. Stat. § 973.20 (2005) Restitution.</p> <p>(1r) When imposing sentence or ordering probation for any crime, other than a crime involving conduct that constitutes domestic abuse under s. 813.12 (1) (am) or 968.075 (1) (a) , for which the defendant</p>

STATE	STATUTE(S)
<p style="text-align: center;">WISCONSIN (con't)</p>	<p>Wis. Stat. § 973.20 (2005) Restitution. (con't)</p> <p>was convicted, the court, in addition to any other penalty authorized by law, shall order the defendant to make full or partial restitution under this section to any victim of a crime considered at sentencing or, if the victim is deceased, to his or her estate, unless the court finds substantial reason not to do so and states the reason on the record. When imposing sentence or ordering probation for a crime involving conduct that constitutes domestic abuse under s. 813.12 (1) (am) or 968.075 (1) (a) for which the defendant was convicted or that was considered at sentencing, the court, in addition to any other penalty authorized by law, shall order the defendant to make full or partial restitution under this section to any victim of a crime or, if the victim is deceased, to his or her estate, unless the court finds that imposing full or partial restitution will create an undue hardship on the defendant or victim and describes the undue hardship on the record. Restitution ordered under this section is a condition of probation, extended supervision, or parole served by the defendant for a crime for which the defendant was convicted. After the termination of probation, extended supervision, or parole, or if the defendant is not placed on probation, extended supervision, or parole, restitution ordered under this section is enforceable in the same manner as a judgment in a civil action by the victim named in the order to receive restitution or enforced under ch. 785</p> <p>Wis. Stat. § 973.055 (2005) Domestic abuse assessments.</p> <p>(1) If a court imposes a sentence on an adult person or places an adult person on probation, regardless of whether any fine is imposed, the court shall impose a domestic abuse surcharge under ch. 814 of 75 for each offense if:</p> <p>(a)</p> <p>1. The court convicts the person of a violation of a crime specified in s. 940.01 , 940.02 , 940.03 , 940.05 , 940.06 , 940.19 , 940.20 (1m) , 940.201 , 940.21 , 940.225 , 940.23 , 940.285 , 940.30 ,</p>

STATE	STATUTE(S)
<p>WISCONSIN (con't)</p>	<p>Wis. Stat. § 973.055 (2005) Domestic abuse assessments. (con't)</p> <p>940.305 , 940.31 , 940.42 , 940.43 , 940.44 , 940.45 , 940.48 , 941.20 , 941.30 , 943.01 , 943.011 , 943.14 , 943.15 , 946.49 , 947.01 , 947.012 or 947.0125 or of a municipal ordinance conforming to s. 940.201 , 941.20 , 941.30 , 943.01 , 943.011 , 943.14 , 943.15 , 946.49 , 947.01 , 947.012 or 947.0125 ; and</p> <p>2. The court finds that the conduct constituting the violation under subd. 1. involved an act by the adult person against his or her spouse or former spouse, against an adult with whom the adult person resides or formerly resided or against an adult with whom the adult person has created a child; or</p> <p><u>PROTECTION ORDER VIOLATIONS</u></p> <p>Wis. Stat. § 813.12 (2005) Domestic abuse restraining orders and injunctions.</p> <p>(a) Whoever knowingly violates a temporary restraining order or injunction issued under sub. (3) or (4) shall be fined not more than 1,000 or imprisoned for not more than 9 months or both.</p>
<p>WYOMING</p>	<p><u>ASSAULT/BATTERY</u></p> <p>Wyo. Stat. § 6-2-501 (2005) Simple assault; battery; penalties</p> <p>(a) A person is guilty of simple assault if, having the present ability to do so, he unlawfully attempts to cause bodily injury to another.</p> <p>(b) A person is guilty of battery if he unlawfully touches another in a rude, insolent or angry manner or intentionally, knowingly or recklessly causes bodily injury to another.</p>

STATE	STATUTE(S)
<p>WYOMING (con't)</p>	<p>Wyo. Stat. § 6-2-501 (2005) Simple assault; battery; penalties (con't)</p> <p>(c) Except as provided by subsection (e) of this section, simple assault is a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00).</p> <p>(d) Except as provided by subsection (f) of this section, battery is a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both. Notwithstanding any other provision of law, the term of probation imposed by a judge under this subsection may exceed the maximum term of imprisonment established for the offense under this subsection provided the term of probation, together with any extension thereof, shall in no case exceed one (1) year.</p> <p>(e) A household member as defined by W.S. 35-21-102 who is convicted upon a plea of guilty or no contest or found guilty of simple assault against any other household member, after having been convicted upon a plea of guilty or no contest or found guilty of a violation of W.S. 6-2-501(a), (b), (e) or (f), 6-2-502, 6-2-503, 6-2-504 or other substantially similar law of this or any other state, tribe or territory against any other household member, is guilty of a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both.</p> <p>(f) A household member as defined by W.S. 35-21-102 who commits a second or subsequent battery against any other household member shall be punished as follows:</p> <p>(i) A person convicted upon a plea of guilty or no contest or found guilty of a second offense under this subsection against any other household member, after having been convicted upon a plea of guilty or no contest or found guilty of a violation of W.S. 6-2-501(a), (b), (e) or (f), 6-2-502, 6-2-503, 6-2-504 or other substantially similar law of this or any other state, tribe or territory against any other household member within the previous five (5) years is guilty of a misdemeanor punishable by imprisonment for not more than one (1) year, a fine of not more than one thousand dollars (\$1,000.00), or both. Notwithstanding any other provision of law, the term of probation imposed by a court under this paragraph may exceed the maximum term of imprisonment established for this offense under this paragraph provided the term of probation, together with any extension thereof, shall in no case exceed two (2) years;</p>

STATE	STATUTE(S)
<p>WYOMING (con't)</p>	<p>Wyo. Stat. § 6-2-501 (2005) Simple assault; battery; penalties (con't)</p> <p>(ii) A person convicted upon a plea of guilty or no contest or found guilty of a third or subsequent offense under this subsection against any other household member, after having been convicted upon a plea of guilty or no contest or found guilty of a violation of W.S. 6-2-501(a), (b), (e) or (f), 6-2-502, 6-2-503, 6-2-504 or other substantially similar law of this or any other state, tribe or territory against any other household member within the previous ten (10) years is guilty of a felony punishable by imprisonment for not more than five (5) years, a fine of not more than two thousand dollars (\$2,000.00), or both.</p> <p><u>PROTECTION ORDER VIOLATIONS</u></p> <p>Wyo. Stat. § 6-4-404 (2005) Violation of order of protection; penalty</p> <p>(a) Any person who willfully violates a protection order or valid foreign protection order as defined in W.S. 35-21-109(a), is guilty of a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both.</p> <p>(b) For purposes of subsection (a) of this section, "protection order" means an order of protection issued pursuant to W.S. 35-21-104 or 35-21-105 or any injunction or other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including temporary and final orders issued by civil and criminal courts, other than support or child custody orders, whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition or motion filed by or on behalf of a person seeking protection.</p>

STATE	STATUTE(S)
<p>WYOMING (con't)</p>	<p><u>STALKING</u></p> <p>Wyo. Stat. § 6-2-506 (2005) Stalking; penalty</p> <p>(d) Except as provided under subsection (e) of this section, stalking is a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both.</p> <p>(e) A person convicted of stalking under subsection (b) of this section is guilty of felony stalking punishable by imprisonment for not more than ten (10) years, if:</p> <ul style="list-style-type: none"> (i) The act or acts leading to the conviction occurred within five (5) years of a prior conviction under this subsection, or under subsection (b) of this section, or under a substantially similar law of another jurisdiction; (ii) The defendant caused serious bodily harm to the victim or another person in conjunction with committing the offense of stalking; (iii) The defendant committed the offense of stalking in violation of any condition of probation, parole or bail; or (iv) The defendant committed the offense of stalking in violation of a temporary or permanent order of protection issued pursuant to W.S. 7-3-508 or 7-3-509, or pursuant to a substantially similar law of another jurisdiction.