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Senate Bill 20 House Criminal Justice Committee Sponsor Testimony June 20, 2017

Thank you Chairman Manning, Ranking Member Celebrezze and members of the House Criminal Justice Committee for the opportunity to bring before you Senate Bill 20 – Destiny’s Law – which is named in honor of Destiny Shepherd, who was just a year old when she received permanent brain injuries as a result of being violently shaken and thrown against a wall.

S.B. 20 was introduced at the request of Clark County Prosecutor, Andy Wilson. Randi Shepherd, Destiny’s mother, went to a local store to get milk for her daughter, and when she returned home, her home was surrounded by police and emergency vehicles. Destiny was taken to Dayton Children’s Medical Center where Randi learned that her daughter had suffered skull fractures and serious brain injuries caused by a boyfriend violently shaking the child and throwing her against a wall. The child who once loved to run and play now struggles daily with permanent disabling brain injuries.

Under current law, Destiny’s assailant could only be sentenced for up to eight years for felonious assault. S.B. 20 will require the court to impose an additional mandatory prison term of 3 to 8 years if an individual is convicted of or pleads guilty to felony child endangering or felonious assault and also to a specification that the victim suffered permanent disabling harm. Under current law and in S.B. 20 – child endangering would apply to anyone who is 18 and under or up to 21 if the individual is mentally handicapped. Felonious assault would apply to anyone 13 and under and up to 21 if the individual is mentally handicapped. S.B. 20 narrowly defines permanent disabling harm as serious physical harm that results in permanent injury to the intellectual, physical or sensory functions and that permanently and substantially impairs a person’s ability to meet the ordinary demands of life.

Destiny’s assailant has since been released from prison while Destiny continues to serve a life sentence due to her permanent brain injuries. These crimes often involve very young and vulnerable victims who are unable to protect themselves and it is my hope that with this increased penalty that we can prevent and help deter another tragic case like Destiny’s. S.B. 20

passed the Senate a vote of 30 to 3. Once again, Chairman Manning, Ranking Member Celebrezze and members of the House Criminal Justice Committee thank you for the opportunity to bring S.B. 20 before you. I would be happy to attempt to answer any questions at this time.