**Testimony in Support of SB 7**

**Chairman Uecker, and fellow Committee Members:**

My name is Anne Murray and I am an assistant city prosecutor with Columbus City Attorney Richard C. Pfeiffer Jr.’s Office. I am currently the Director of the Domestic Violence & Stalking Unit and have been a specialized domestic violence prosecutor for nearly twenty years.

**I.) Actual Notice Sufficient for Enforcement**

The Columbus City Attorney’s Office prosecutes thousands of domestic violence cases each year. Last year alone we handled more than 4,000. In these prosecutions, we see repeated situations where offenders are the subject of a protection order, know about the order against them, know they are supposed to stay away from and have no contact with the victim, but avoid formal service of the order and continue to contact the victim without recourse.

Under current law, once a civil protection order is issued by a court, it is not enforceable until it served on the offender by a sheriff’s deputy or court bailiff. Service by a sheriff’s deputy may take days or even weeks to perfect. It is not enough:

* + to have a copy of it by any means other than service by a deputy or bailiff,
  + to know about the court order, even if told by other law enforcement or court personnel (including the judge) that there is a protection order and the offender needs to stay away from the victim,
  + to be present in court when the order is granted IF the offender has not been handed a copy by the sheriff’s or the court

Without the proposed amendments contained in Senate Bill 7, we are leaving a set of victims vulnerable without protection. For instance, we have had victims come to us after offenders left voicemails in which they taunt the victims, indicating they know about the protection order, but that it will not stop them from contacting the victims. Under the law as currently written, the protection order is unenforceable until a sheriff’s deputy can serve a copy of the order on the offender. In the meantime, the offender is free to continue to contact the victim without violating the order.

Our office also encounters cases where municipal police officers come across an offender, verify that a court has issued a protection order against the offender and that he hasn’t been formally served with it, but are unable to detain the offender long enough for the sheriff to come and serve him. The municipal police officer’s verbal warning to the offender that an order exists would not currently constitute service of the order and the offender is free to continue to contact the victim without violating the protection order.

We have even had a case where the offender went to the clerk’s office, asked about the case and requested to enter as his own attorney for the next hearing, then drove directly to the protected party’s workplace to attempt contact. Because we could not prove the offender was formally served with the order, we could not prosecute him for what should have been a violation.

In the scenarios just discussed, Senate Bill 7 would allow the state to prosecute the offender for violating the protection order using evidence that the offender had knowledge of the protection order and yet proceeded to violated it.

Senate Bill 7does not address the number of civil protection orders granted or the procedure for how they are granted, or allow for the arrest and prosecution of a person when a protection order does not exist. Rather, the provisions in this bill are triggered only after a court has found sufficient evidence to grant the protection order. Neither does Senate Bill 7 seek to allow prosecution of unsuspecting defendants who have no idea there are protection orders against them. Rather, this bill seeks to address scenarios where, the defendant is aware there is a protection order against him and know he is to stay away from the victim, yet boldly ignores the order without consequence simply because he hasn’t been handed a copy of the order by a sheriff’s deputy or court bailiff.

Under Senate Bill 7, the prosecution still must present evident to prove beyond a reasonable doubt that the offender had knowledge of the protection order, and recklessly violated it. Lack of service by a sheriff’s deputy would no longer serve to shield an offender who is well aware of the existence of a protection order and yet continues to harass, stalk, and terrify their victim.

**II.) Expansion of felony violations**

Under existing law, "violating a protection order" is generally a 1st degree misdemeanor, but is a felony under specified circumstances. Now, if the offender has a previous conviction for violating certain types of protection orders -- juvenile protection orders, civil stalking protection orders, and criminal stalking protection orders – the violation would be a 5th degree felony. This law does not now include the intimate partner protection orders – the Civil Protection Orders (CPOs) and Criminal Domestic Temporary Violence Protection Orders (DVTPOs). Senate Bill 7 seeks to include violations of Civil Protection Orders(CPOs) and consent decrees to the circumstances that can enhance an M-1 to a felony VPO. I firmly agree with this expansion, and request it go even farther to include criminal DV temporary protection orders under 2919.26. For all intents and purposes, the amount of evidence required and the due process required to get the orders that are currently included in the enhancement and those we seek to include -- CPOs and DV TPOs – are the same. The policy for enhancement of penalty for prior convictions for VPOs recognizes the danger such violators pose. In fact, we know that partner violators of court orders are some of the most lethal. The expansion would include the family/household protection orders just makes sense.

In conclusion, I strongly urge this Committee to consider these matters when reviewing the proposed amendments proposed by SB 7.

Thank you for the opportunity to provide testimony and I welcome any questions you may have.

-Anne M. Murray