

Proponents Testimony, Licking County Prosecutor's Office, in Support of Senate Bill 28:

Thank you for providing me this opportunity to speak to you in support of Senate Bill 28. I'm here, on behalf of Licking County law enforcement and our victims, asking for your support of Senate Bill 28, which will enhance the level of offense and the maximum penalty for offenders who target & threaten their victim, when that victim is the protected party of a civil protection order issued against the offender.

Originally, Senate Bill 28 was about increasing the penalty for repeated violations of a civil protection order. However, when I've spoken to you regarding that bill in the past, the hesitancy appeared to be in increasing penalties for what was termed "incidental" or non-violent violation of protection orders. I strongly believe that the current version of Senate Bill 28 addresses those past concerns.

Furthermore, as the law, currently stands, Aggravated Menacing & Menacing are merely misdemeanor offenses, with little to no punishment for the offenders & little to no protection for the victims. Considering that that civil protection order is in place to protect our victims from contact by the offender, shouldn't the punishment for a threatening violation of the protection order be more in line with the intended result of the offender? The current version of Senate Bill 28 would accomplish this.

Multiple, on-going violations of CPO's are common. In many cases, we see the violations continue even after the offender has been criminally charged, &, in many of those cases, the contact becomes increasingly threatening, if not violent. For these offenders, their actions are driven by the need to have power over and control of the victims, the same as in domestic violence cases. I've seen this in several different cases. In one of these, the contact started with just driving by the victim's home. It then increased to driving by her home & yelling threats at her, accompanied by threatening gestures. It ended with the offender slashing her tires & to physically confronting the victim in a restaurant and threatening her. While some of these violations would fall under the "incidental" or non-violent types of contact, the others would qualify as the offenses of menacing & aggravated menacing, which could provide increased protection to this victim, & might have helped to prevent the offender's escalating behavior.

Another case which I prosecuted, the contact went from phone calls, to presents left at the home, to physically being at the home and waiting hours for the victim to walk out the door, so that the offender could make sure he was seen. All of these would fall under the non-violent & "incidental" contact. However, after his arrest, the offender proceeded to write the victim letters from jail, threatening to kill her. The ability for us to add a felony charge of menacing or aggravated menacing could act as a deterrent for this type of escalating behavior, & this certainly allows our courts to better protect our victims in these types of cases.

Part of what is important for you to understand is how these cases affect our victims. One victim told me that she hasn't felt safe in her home since the offense occurred, that she has problems leaving the home to go to work & other appointments, that she's suffered on-going physical and mental health issues due to this. Her husband has told me that he's watched a strong, independent woman become a frightened, dependent woman. Another victim has told me that she watches her surroundings constantly, as she is expecting her offender to find her at work, at home, wherever she is. As the offender also knows her number, & that number is a work number that she cannot easily change, she is worried every time an unknown number pops up on her phone. One other victim indicated that she is

scared of what will happen when her offender is out of prison, "that every little thing makes her jump." When we've asked her why she doesn't move, she told us that this has been the only home she's known for 15 years, her neighbors know her & she trusts them. She's also said that she's afraid of what will happen if she does move, & doesn't know anyone who will help protect her the next time her offender comes around.

Our victims deserve as much peace of mind & protection as we can give them. The current Senate Bill 28 would enable us to better protect these victims when the contact does become threatening & is no longer just "incidental." Thank you!