

2015 CDV Bill Summary

Section 1 - DEFINITIONS

- Adds definitions of “great bodily injury” and “moderate bodily injury” (terms already used in the assault statutes); these are added to define terms used in the CDV degree and CDVHAN statutes

Section 2 - DEGREES

- Restructures domestic violence offenses into degrees.
 - CDV 3rd degree - ELEMENTS INCLUDE: cause harm or injury to person’s household member, offer or attempt to cause harm or injury or violation of a protection order; PENALTY: misdemeanor, punishable by fine not less than \$1000 or more than \$5,000 or imprisoned not more than 30 days or both
 - CDV 2nd degree - ELEMENTS INCLUDE: moderate bodily injury to person’s own household member, person violates a protection order or has one prior conviction of domestic violence; PENALTY: misdemeanor, punishable by fine not less than \$2,500 or more than \$5,000 or more than 3 yrs or both
 - CDV 1st degree - ELEMENTS INCLUDE: great bodily injury to one’s own household member, person violates a protection order or has two or more prior convictions of domestic violence; PENALTY: Felony, punishable up to 10 years

Section 3 - GUN PROHIBITION

- Adds gun prohibition for defendants convicted of all degrees of CDV, CDVHAN or subject to an order of protection; penalty for which is imprisonment not less than 1 years nor more than 5 years and a fine not less than \$500 nor more than \$1,000
- No gun seizure provision
- Language identical to Louisiana statute (passed June 2014)
- Keeps notice requirement to defendants regarding gun prohibition

Section 4 - CDVHAN

- Adds language “offense under circumstances manifesting extreme indifference to the value of human life”
- Provides examples of circumstances manifesting extreme indifference to human life, including using a deadly weapon, impeding normal breathing or circulation, committing the offense in the presence of minors, committing the offense against a person known to be pregnant; committing the offense during the commission of a robbery, theft, burglary or kidnapping
- Changes penalty from 1 - 10 yrs to not more than 20 years

Section 5 - NO CONTACT

- Establishes procedure for the issuance of permanent and emergency civil no-contact orders
- Provides penalty for violation of a no-contact order (felony, punishable up to 5 years)
- Same as S. 1029 from 2013-14 Session as amended by Senate CDV subcommittee
- Also similar to bills previously passed by the Senate