

## STATEMENT OF PURPOSE

### RS25762

In order to treat all perpetrators of domestic violence crimes similarly, and accurately reflect the current practice and standards regarding domestic violence evaluations, the domestic violence and attempted strangulation statutes should be amended.

Persons convicted of assault or battery are currently required, by I.C. § 18-918(7)(a), to undergo an evaluation to determine whether they should obtain aggression counseling or other appropriate treatment. "Aggression counseling" is no longer an accurate expression in the field of domestic violence treatment, and removing the word "aggression" will align the statute with statewide practice and established standards. In addition, the evaluation, counseling and treatment requirements of subsection (7) now only apply to persons who commit domestic assault or battery. The crime of attempted strangulation, as set forth in I.C. § 18-923, is also a crime of domestic violence, in that it requires proof the victim is either a member of the defendant's household or in a dating relationship with the defendant. Thus, the evaluation, counseling and treatment process outlined in I.C. § 18-918(7) should also be required for violators of the attempted strangulation statute in order to treat all domestic violence perpetrators consistently and, thereby, serve the intended objectives of such evaluation and treatment.

Finally, I.C. § 18-918(7)(c) currently directs "[e]ach judicial district" to establish a system for qualification and approval of domestic violence evaluators. In order to create consistency among judicial districts and reflect the actual practice of the courts, this subsection should be amended to direct "[t]he supreme court" to establish the uniform system for qualification and approval of domestic violence evaluators.

### FISCAL NOTE

The proposed amendments will not require the expenditure of General Fund monies, and thus, they will have no fiscal impact upon the General Fund. Although it is impossible to determine the potential impact upon other state or local government funds we anticipate any such impact would be minimal.

While the statute does not preclude the use of indigent defendant funds for court-ordered counseling or treatment, it does require the defendant to make restitution for any, such funding. Idaho has averaged thirty-seven (37) attempted strangulation convictions per year over the past three (3) year period. It is unknown how many of those defendants were both indigent and ordered to complete counseling or treatment.

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**DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).**