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Member Agencies

Blackstone Valley
Advocacy Center

Domestic Violence
Resource Center of
South County

Elizabeth Buffum
Chace Center

Women's Resource Center

Task Force

Sisters Overcoming
Abusive Relationships

Affiliate Members

Center for Southeast Asians

Crossroads Rhode Island

Family Service of Rhode Island

McAuley Ministries –
McAuley Village

Progreso Latino

YWCA Rhode Island

To: Representative Robert Craven, Chair of the House Judiciary Committee
Honorable Members of the House Judiciary Committee

From: Lucy Rios, Executive Director
RI Coalition Against Domestic Violence

Date: April 24, 2024

Re: Support for House Bill 7744

On behalf of our network of member agencies and SOAR, our taskforce of survivors, the Rhode Island Coalition Against Domestic Violence (RICADV) appreciates this opportunity to express our **support for House Bill 7744**, which provides that a defendant's third and subsequent violation of domestic violence offenses, including both prior felony *and* misdemeanor convictions, be punishable as a felony. **This bill makes a technical clarification in the Domestic Violence Prevention Act, but does not change its substance or legislative intent in any way. This legislation would simply clarify in plain language what has always been the expectation of this section of the DV Prevention Act in holding abusive repeat-offenders accountable in a meaningful way. We support this technical change in the statute's language to fix a loophole that has come up recently in practice.**

The Domestic Violence Prevention Act was first enacted in 1988 so this section has been part of the Rhode Island General Laws for decades.

We have heard directly from domestic violence court advocates working with victims, that in certain cases, a prosecutor has chosen not to charge the third domestic offense as a felony simply because they had one prior misdemeanor DV conviction and one prior felony DV conviction. Although it may seem logical that serious DV felonies, in addition to repeat misdemeanors, would be counted toward a third offense being elevated to a felony, there has occasionally been confusion that there would have to be two prior DV *misdemeanors* to trigger the third offense being considered a felony matter. This bill would simply clarify that two misdemeanors would qualify, as has always been the case and is clear in the language of the statute, but also two prior DV felonies would qualify, and indeed one prior DV misdemeanor and one prior DV felony would also qualify for a third misdemeanor offense being considered a domestic felony for a convicted repeat-offender abusive party.

Survivor safety and offender accountability are critical, and holding documented repeat offender abusers accountable in an impactful way is particularly important. In our recent publication, the [2016-2020 RI Domestic Violence Homicides report](#), on page 4, we concluded: *“Just over half of the perpetrators had previous involvement in domestic violence-related judicial proceedings. Fifty-five percent (12) of the perpetrators were or had been subject to a civil domestic violence restraining order [before committing the domestic murder], and 45% (10) of the perpetrators had previously been convicted or pled nolo contendere in a domestic violence case.”* Since a potentially deadly case of intimate partner violence could take place with a documented track record in the system, offenders with multiple DV convictions in their history must be taken seriously and survivors must be believed when they report domestic abuse.

Page 9 of the same RI Domestic Violence Homicide report also highlights research indicating that the period of time immediately after a survivor takes steps to end the abusive relationship, report abuse, or leave the abusive partner is uniquely dangerous: “The time

after a victim ends an abusive relationship can be one of the most dangerous periods. Perpetrators of domestic violence will often escalate their tactics of abuse as they start to lose control over the victim.” Subsequent and repeat domestic offenses must be taken seriously, as this may indicate that the offender is attempting to escalate the level of violence as they begin to lose their power and control over the victim. Truly holding a violent repeat domestic abuse perpetrator accountable at this very dangerous time for the victim can be the difference between life or death for survivors.

We urge the Committee to pass this important legislation and fix this technical issue in statutory language. We thank you for your consideration of domestic abuse survivor safety in Rhode Island.