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**Testimony to the Senate Judiciary Committee
In Support of SB73
January 31, 2023**

Chair Warren and Committee Members:

Our associations support SB73 adding domestic violence and protection order violations to the actions of intent to create a burglary or aggravated burglary. Domestic battery continues to be a major crime of violence and violations of protection orders are too often an ingredient in these crimes. Entering an unauthorized space to commit a domestic battery or violate a protection order are strong indicators of a high risk for further violence, and probably an escalated level of violence, on the victim.

It is important in these discussions to remember the base elements of the crime of burglary. First, the offender must enter a protected area without authority. This is important to this discussion because the first element to be proven is that the entry was without authority. Consider a common residence where no court orders have been issued giving one party authority over the residence of both parties. This could not be a burglary because both parties still have a right to the protected space. However, if one party is prohibited from entering the residence by court order (divorce action, protection order, restraining order) then they would likely be entering “without authority.” Another example is for both parties to be in the structure, such as a third party’s home where a social gathering is being held, with authority. In this case there would be no burglary. This part of the law is not changed in this bill.

The second element is the type of space that is entered. It must be one of the spaces listed in the statute. That part of the current law is unchanged.

The third element is the intent of entering into the space, the focus of the amendment. In current law, these include intent to commit a felony, a theft, or a sexually motivated crime. This bill proposes adding domestic battery and violation of a protection order to this list of crimes.

To be clear, the changes proposed in this bill will not apply to every domestic battery occurring within a structure, vehicle, etc. The offender must have no authority to enter the space, plus enter with the intent to commit one of the listed crimes. We believe adding domestic battery and protection order violations will be a helpful tool to enhance the protections for victims of those two crimes.

We encourage you to recommend this bill favorably.

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