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Senate Judiciary Committee
Senator Richard Wilborn, Chair

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Neutral Testimony on HB 2071

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Chairman Wilborn and members of the committee, thank you for allowing me the opportunity to provide informational testimony on HB 2071. This bill would require the court to consider current and prior protective orders issued against a defendant in determining the sentence to be imposed. Information that can be provided by court services officers in the presentence report will be valuable to the court in formulating the sentence.

A court services officer (CSO) would search for protective orders while conducting the presentence investigation (PSI) and would include the relevant information in the report to the court.

- Information regarding protection from abuse orders, referenced in paragraphs (d)(2)(A) and (B) (page 2 of the bill, lines 36 through 40) can be accessed through a query to the National Crime Information Center (NCIC) Protection Order file. This file contains active, cleared, and expired orders from all states. Although finding and providing this information would take court services officers some additional time, the information is readily available and can be provided to the court for consideration at sentencing.
- Protection from stalking orders, described in paragraph (d)(2)(F) (page 3, lines 10 through 11), may not be entered into NCIC Protections Order File by all jurisdictions. They are further distinguished, as they may not be entered into the NCIC database until they become final. Only orders that are in the database can be included in the PSI.
- Items referenced in paragraphs (d)(2)(C), (D), and (E) are not contained in the NCIC database and can only be included in a presentence report if the court services officer receives reliable information about their existence.

Thank you for allowing me to provide information to the committee. I am happy to answer questions.