



**Senate Committee on Judiciary
March 13, 2025**

**House Bill 2192
Testimony of the BIDS Legislative Committee
Presented by Lindsie Ford and Emily Brandt
Opponent**

Chairperson Warren and Members of the Committee:

While HB 2192 appears to be a thoughtful bill designed to diminish recidivism for domestic violence offenses—a worthy goal for any bill—we believe this bill will have unintended consequences not only for offenders, but their victims and families as well. For these reasons, as more fully explained below, the BIDS Legislative Committee respectfully continues to oppose the bill.

There is a surprising amount of overlap between the batterers and victims in domestic violence cases. Even the way we discuss the parties in such a dynamic can be misleading: batterer and victim are not fixed categories of people, but rather individuals who perpetrate violence on others almost always have a history of being victimized and traumatized themselves. “Hurt people hurt people” may be a trite observation, but it is axiomatic for a reason. Moreover, the needs of these populations are largely similar. The things that prevent future violence and future victimhood are not more and longer prison sentences, but include things like what this bill would seek to restrict, namely employment.

This bill seeks to increase punishment as a means of deterring future abuse, but in so doing, it risks punishing victims for their own abuse. The nature of domestic violence makes plain the interconnectedness of victims and offenders. While taking away or limiting an individual’s capacity to participate in work release programs certainly increases the punishment for domestic battery, it’s unclear how pushing offenders, their victims, and their dependents, deeper into poverty will protect victims or prevent future abuse.

Restricting a batterer’s ability to earn an income means less money for themselves and their family. By punishing the offender in this way, the victim will be forced into becoming the sole breadwinner for at least as long as the offender is in jail. Significant amounts of domestic violence cases involve people who have children together and so limiting the opportunities for a co-parent to financially support their children can be detrimental to the health and well-being of victims and their children. This is particularly true given the high incidence of poverty experienced by victims and their families. And since child support is never tied to access to the child, restricting access to work release is likely to economically punish the victims of domestic violence without meaningfully increasing their safety.

As for preventing future abuse, proponents of this bill may argue that HB 2192 could address recidivism in people who commit domestic violence by serving as a deterrent. Deterrence-by-punishment is a thoroughly studied theory of public safety that has simply not borne out; harsher punishments may intuitively feel effective, but they do not reduce crime or recidivism and they may even harm public safety in the long run. Moreover, data suggest that offenders who participate in work release programs are significantly less likely to reoffend than those who do not.¹ So, not only are additional punishments not likely to serve as a deterrent, but the nature of the punishment proposed by this bill may increase recidivism for offenders with relatively low rates of reoffending. HB 2192 may have the opposite impact it intends to.

Lastly, this bill takes away important discretion from district court judges. Judges are in the best position to evaluate the appropriate sentence for offenders. If a judge thought an offender posed a public safety risk, they are not required, under the current law, to authorize work release. Restricting a judge's ability to impose an individualized sentence that appropriately takes into consideration the needs of both the offender and the community does not benefit those that this bill is broadly intended to help. We should trust that district court judges exercise their discretion responsibly and leave the decision to authorize work release in their hands.

For the above reasons, we oppose this bill. Thank you for your time and consideration.

Lindsie Ford
Senior Assistant Public Defender
Twenty-Ninth Judicial District Public Defender Office
Member of BIDS Legislative Committee
lford@sbids.org

Emily Brandt
Assistant Appellate Defender
Appellate Defender Office
Member of BIDS Legislative Committee
ebrandt@sbids.org

¹ <https://www.ojp.gov/pdffiles1/nij/grants/249845.pdf>; Bureau of Justice Statistics, Recidivism of State Prisoners Released in 2005, Update on Prisoner Recidivism: A 9-year Follow-up Period (2018); J. Silver et al., A Study of the Pre-Attack Behaviors of Active Shooters in the United States Between 2000 – 2013 (2018).