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# CITY OF BILLINGS

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SENATE JUDICIARY  
EXHIBIT NO. 8  
DATE 1/27/09  
BILL NO. SB230

January 26, 2009

RE: Senate Bill 230, revising criminal contempt laws

I am a prosecutor for the City of Billings and the attorney in *City v. Letasky*, 2007 MT 51, 336 Mont. 178, 152 P.3d 1288. I have prosecuted criminal cases for 20 years. I am writing in support of Senate Bill 230, which plugs the hole in criminal contempt prosecution left by the Montana Supreme Court's ruling in *Letasky*. Letasky was previously convicted of partner or family member assault. A condition of his sentence included the no contact provision. During his sentence he violated this provision. This bill allows for prosecution for criminal contempt when an offender knowingly disobeys a condition of bond or a condition of a suspended or deferred sentence.

The use of the no contact provision in domestic violence cases is a well-recognized way to keep victims of domestic violence safe. Montana has a no contact law, §45-5-209, MCA, which protects a victim of domestic violence from the time of an offender's arrest through conviction.

We need this legislation to cover no contact violations for non-domestic violence victims in assault, stalking, and privacy in communications cases. This law will also address offenders who drink in violation of no alcohol restrictions.

Revision of the criminal contempt law will protect victims before, during, and after conviction by allowing prosecution for this separate criminal action.

Without this legislation, police officers' ability to enforce the post conviction no contact provision is severely limited. Currently police are not able to arrest an offender for violation of the no contact provision. This legislation is a deterrent and provides much needed protection for women, children, and families who have experienced violence.

Sincerely,

Melanie S. Pfeifer  
Deputy City Attorney