



Key Message

Interpersonal violence is a behavior that asserts power or control over another person that includes various forms of abuse, which may negatively impact service member readiness and resiliency. States can enhance statutes relating to domestic violence, sexual assault and filing procedures for protection orders to assist victims of interpersonal violence.

Analysis

Addressing issues of sexual assault, domestic violence, abuse and harassment within the military is important for maintaining a resilient and ready force. The department has expanded victim support services to assist those affected. Specialized resources such as counseling, advocacy and legal assistance have been established to provide victims with support, protection and access to justice.

States can support service members through the implementation of the following policies that specifically address the issue of interpersonal violence:

- Allow military protection orders to be admitted as evidence when applying for civilian protection orders.
- Extend the legal authority of commanders beyond duty times and increase the responsibility of peace officers regarding MPOs.
- Allow a special victims' counsel to apply for a protective order on behalf of a victim.
- Allow victims to access post-discharge travel funds to fully cover the expense of traveling to and from and participating in court proceedings.
- Amend domestic violence definitions to include coercive control.
- Allow victims of military sexual trauma or interpersonal violence to appear virtually in court proceedings.

Best Practices

1. **Allow military protection orders to be sufficient evidence when applying for civilian protection orders.**

EXAMPLE:

Texas Code of Criminal Procedure. Title 1, Chapter 7B, Article 7B.002 (b), Temporary ex parte order
<https://statutes.capitol.texas.gov/DocViewer.aspx?DocKey=CR%2fCR.7B&Phrases=military%7cprotective%7corder&HighlightType=1&ExactPhrase=False&QueryText=military+protective+order>

“(b) For purposes of this article, a military protective order issued to a person because the person was a reported victim of an offense under Section 22.011, 22.012, or 22.021, Penal Code, constitutes sufficient



information for a court to find there is a clear and present danger of sexual assault or abuse or other harm to the applicant.”

2. Extend the legal authority of military commanders and military protection orders beyond military locations and duty times.

EXAMPLES:

Maine Legislative Document 2029 (HP 1511)

<https://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP1511&item=1&snum=130>

Section B-4. 17-A Maine Revised Statutes, Section 506-A, Subsection 1, Paragraph A, as amended by Public Law 2009, c. 246, Section 1, is further amended by enacting a new subparagraph (3) to read:

“(3) After having been notified, in writing or otherwise, while the person was a member of the National Guard, not to engage in such conduct by a commanding officer. A person violates this subparagraph regardless of whether the person is a member of the National Guard when the person engages in the conduct and regardless of where the conduct occurs. The notification not to engage in such conduct expires one year from the date of issuance.”

Maine Legislative Document 2029 (HP 1511)

<https://www.mainelegislature.org/legis/bills/getMSWORD.asp?paper=HP1511&item=2&snum=130>

Sec. B-12. 37-B Maine Revised Statutes, Section 463 is enacted to read:

“1. **Prohibition; criminal harassment.** Any person subject to this Code who commits an offense prohibited under Title 17-A, section 506-A is guilty of that offense under this Code.

2. **Punishment.** Any person found guilty of an offense prohibited under Title 17-A, section 506-A must be punished as a court-martial may direct.”

3. Recognize military special victims' counsels.

EXAMPLES:

IOWA CODE 916.1 defines special victims' counsel

<https://www.legis.iowa.gov/docs/code/916.1.pdf>

“(2) ‘Military victim advocate’ or ‘advocate’ means a person who is a member of the national guard or a branch of the armed forces of the United States and who has completed a military victim advocate course provided by a branch of the armed forces of the United States or by the United States department of defense.

(3) ‘Special victims’ counsel’ means military personnel who are members of the judge advocate general’s corps of the national guard or a branch of the armed forces of the United States, who have completed special victims’ counsel training, and who are serving as a special victims’ counsel to a victim. For the purposes of [this chapter](#), special victims’ counsel shall also be considered military victim advocates.”



IOWA CODE 916 allows a special victims' counsel to apply for a protective order on the victims' behalf.

<https://www.legis.iowa.gov/docs/code/2023/916.pdf>

"A military victim advocate may request registration on behalf of a person who was a reported victim of an offense, with their consent."

4. Provide victims access to travel funds.

EXAMPLE:

Maine Legislative Document 2029 (HP 1511)

<https://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP1511&item=1&num=130>

Sec. B-9. 37-B Maine Revised Statutes, Section 3, Subsection 1, Paragraph D, as repealed and replaced by Public Law 2017, c. 475, Pt. A, Section 63 and amended by Public Law 2019, c. 377, Section 6, is further amended by enacting a new subparagraph (24) to read:

"(24) The Adjutant General shall provide current and former members of the National Guard who were the victims of sexual assault or sexual harassment while members of the National Guard and who are involved in state criminal or civil court proceedings or proceedings under Maine Code of Military Justice related to the sexual assault or sexual harassment with financial assistance to fully cover the expenses of traveling to and from and participating in those proceedings."

5. Update domestic violence definitions to include coercive control.

EXAMPLES:

Hawaii House Bill 2425

https://www.capitol.hawaii.gov/sessions/session2020/bills/HB2425_.HTM

"SECTION 2. Section 432:1-101.6, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

'(e) As used in this section, "domestic abuse" means: [...]

(5) Coercive control, as defined in section 586-1, between family or household members.' [...]

SECTION 5. Section 586-1, Hawaii Revised Statutes, is amended as follows:

1. By adding a new definition to be appropriately inserted and to read:

"'Coercive control' means a pattern of threatening, humiliating, or intimidating actions, which may include assaults, or other abuse that is used to harm, punish, or frighten an individual. 'Coercive control' includes a pattern of behavior that seeks to take away the individual's liberty or freedom and strip away the individual's sense of self, including bodily integrity and human rights, whereby the 'coercive control' is designed to make an individual dependent by isolating them from support, exploiting them, depriving them of independence, and regulating their everyday behavior including:



- (1) Isolating the individual from friends and family;
- (2) Controlling how much money is accessible to the individual and how it is spent;
- (3) Monitoring the individual's activities, communications, and movements;
- (4) Name-calling, degradation, and demeaning the individual frequently;
- (5) Threatening to harm or kill the individual or a child or relative of the individual;
- (6) Threatening to publish information or make reports to the police or the authorities;
- (7) Damaging property or household goods; and
- (8) Forcing the individual to take part in criminal activity or child abuse."

6. Allow virtual appearances in court proceedings.

EXAMPLES:

Alabama Code Title 12, Section 12-21-135.1

https://adfs.alabama.gov/content/pdfs/toxicology/code_of_alabama_12-21-135.1_Video_Testimony.pdf

Video testimony from active military witness; video testimony from employee of the Alabama Department of Forensic Sciences

“(a) This section shall be known as the ‘Alabama Armed Services Accommodation Act.’

(b) The Legislature finds it to be an important matter of public policy that an accommodation be made for military members who are asked to testify in civil or criminal trials in this state but are unable to attend in person. The purpose of this section is to ease the burdens on military personnel and their families brought on by the duty of appearing as a witness in a trial in this state when summoned. The purpose of this section is also to allow members of the armed services to assist in trials in this state as witnesses without interrupting their military service, while protecting the rights of all parties in civil or criminal litigation. The purpose of this section is also to better enable the fact-finder to obtain crucial evidence and will aid in the expeditious resolution of cases in this state by providing a procedure in which testimony of a person serving in the armed services may be taken without undue hardship.

(c) The Legislature also finds it is a matter of public policy that an accommodation be made for the employees and representatives of the Alabama Department of Forensic Sciences who are asked or required to testify in civil or criminal trials in this state. This section will allow the employees and representatives of the Alabama Department of Forensic Sciences to appear as a witness, while minimizing the amount of time required for the employees and representatives of the Alabama Department of Forensic Sciences to be out of their respective facilities.

(d) For purposes of this section, the following words shall have the following meanings:

(1) Active duty. Full-time duty status in the Armed Services of the United States, including members of the reserve and National Guard components on active duty orders pursuant to 10 U.S.C. §§ 331, 332, 333, 12301(d), 12302, 12304, and 12406.



- (2) Armed services. The federal military forces of the United States including the Army, Navy, Marine Corps, Air Force, Coast Guard, a reserve component thereof, and the National Guard.
- (3) Forensic scientist. Any employee or representative of the Alabama Department of Forensic Sciences.
- (4) Two-way video conference. A conference among people in different locations by means of transmitted audio and video signals. The term includes use of all communication technologies that allow individuals in two or more locations to interact by two-way video and audio transmissions simultaneously in real time.
- (e) Upon motion by either party, a circuit or district court judge may permit a witness to testify in any civil case by a two-way video conference presented in open court, if the moving party establishes all of the following to the satisfaction of the court:
- (1) The witness is a member of the armed services currently on active duty status.
 - (2) The witness currently is not physically present in the State of Alabama.
 - (3) The witness's absence from the state is a direct result of official military duty.
 - (4) The testimony of the witness is given under oath and subject to cross-examination.
- (f) Upon consent of all the parties, a circuit or district court judge may permit a witness to testify in any criminal case by a two-way video conference presented in open court if the witness meets all of the requirements provided in subsection (e) for witnesses testifying in a civil case.
- (g) Upon motion by either party, and upon consent by both parties, a circuit or district court judge may permit a forensic scientist to testify in any civil or criminal case by a two-way video conference presented in open court if the testimony of the witness is given under oath and subject to cross-examination.
- (h) If the trial court authorizes testimony by a two-way video conference, the testimony shall be admissible only if it meets all of the following requirements:
- (1) The parties, the court, and the trier of fact are able to see and hear the witness.
 - (2) The witness is able to see and hear the courtroom proceedings.
 - (3) Any attorney who is representing a party in any criminal or civil proceeding, or who is representing a victim in a criminal proceeding, is able to see and hear the witness.
 - (4) All persons present with the witness are identified on the record.
- (i) Only the following persons may be present with the witness during his or her video testimony:
- (1) The video conference technician.



(2) Any attorney assigned to represent or advise the witness, if provided at the discretion of the military or otherwise obtained by the witness at no cost to the state.

(3) Any person the court determines may be present.

(j) The party seeking to introduce testimony via two-way video conference shall be responsible for coordinating the audiovisual feed into the courtroom and any associated costs. Nothing in this section shall require any court to acquire two-way video conference equipment for these purposes. Any testimony given by two-way video conference under this section shall be recorded in the same manner as any other testimony in the proceeding. The oath may be administered to the witness by two-way video conference.

(k) Any testimony given by two-way video conference under this section must be otherwise admissible under the rules of evidence in the courts of this state."

Senate Bill 538, California Family Code, Section 6308

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB538

"(a) A party, support person as defined in Section 6303, or witness may appear remotely at the hearing on a petition for a domestic violence restraining order. The superior court of each county shall develop local rules and instructions for remote appearances permitted under this section, which shall be posted on its internet website."

7. Additional suggested language

Definition of MPO

"Military protection order" means a protection order issued pursuant to 10 USC §1567, as amended from time to time, by a commanding officer in the armed forces of the United States or the Connecticut National Guard or the National Guard of any other state against a person under such officer's command.

Responsibilities of peace officers regarding MPOs

It shall be the responsibility of any peace officer to ascertain whether a military protective order registered in the Federal Bureau of Investigation's National Crime Information Center database has been issued against any person subject to arrest who is a member of, or otherwise associated with, the armed forces of the United States. The peace officer shall notify the law enforcement agency which entered the military protective order into the National Crime Information Center database that the law enforcement officer has probable cause to believe the service member has violated the military protective order.