

Honor Violence Aggravators

Honor violence is different from domestic violence in that often the entire family, and even community, believes the violence is justified. While domestic violence victims can often turn to a friend or family member to escape the abuse, honor violence victims have no place to turn for help. Family members and neighbors are unwilling to assist the honor violence victim because the fear that the violence will then also be directed towards them and/or they will be excommunicated from the community.

Honor violence is a foreign concept to most Americans. As a result, our current statutes fail to recognize the unique nature of honor violence; essentially that it is rooted in intolerance, a concept rejected by American society and reflected in our legislation in other areas. Honor violence calls for legislation similar to other legislation based on intolerance—that is, honor violence calls for an enhanced penalty. Not only will the addition of enhanced penalties for honor violence acknowledge the unique nature of honor violence, but legislative recognition of honor violence will encourage increased efforts by law enforcement and prosecutors to prevent, investigate, and prosecute these crimes.

I propose that provisions addressing honor violence be added in two places to our current statutory scheme. The first is in ARS §13-701(D), the felony sentencing statute, and the second in ARS §13-1204(A), the aggravated assault statute.

Suggest the following language (in red):

13-701 (D) (25) - proposed

13-701. Sentence of imprisonment for felony; presentence report; aggravating and mitigating factors; consecutive terms of imprisonment; definition

...

D. For the purpose of determining the sentence pursuant to subsection C of this section, the trier of fact shall determine and the court shall consider the following aggravating circumstances, except that the court shall determine an aggravating circumstance under paragraph 11 of this subsection:

(25) The defendant committed a felony against a family member because the family member's actual or perceived behavior was deemed to be shameful or to bring dishonor to the defendant, family or community and any of the circumstances exist that are set forth in §13-3601, subsection A.

13-1204 (A)(11) – proposed

13-1204. Aggravated assault; classification; definition

A. A person commits aggravated assault if the person commits assault as prescribed by section 13-1203 under any of the following circumstances:

...

(11) If the person commits assault as prescribed by §13-1203 against a family member because the family member's actual or perceived behavior is deemed to be shameful or to bring dishonor to the perpetrator, family or community and any of the circumstances exist that are set forth in §13-3601, subsection A.