SENATE JUDICIARY
Exhibit No. 10
Date 2-1-07
Bill No. SB 350

TO: **Senate Judiciary Committee**

FROM: **Cynthia L. Wolken, Esq., Montana Legal Services Association**

DATE: **February 1, 2007**

RE: **SB 350, Crime of tampering with or destroying communication equipment**

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Good morning, Mr. Chairman and Members of the Committee. My name is Cynthia Wolken and I am an attorney with Montana Legal Services Association in Helena and I represent survivors of domestic and sexual violence. I am here on behalf of these clients to encourage you to support **SB 350.**

[**SB 350** will protect survivors of domestic and sexual violence by creating enhancements to criminal offenses like Partner Family Member Assault. This bill is being brought forth by Senator Perry as an enhancement to a criminal offense. The bill states that a person commits criminal destruction if he/she before, during, or after committing a criminal offense destroys, tampers with, or in anyway prohibits someone from using a communication device capable of contacting law enforcement or medical personnel. This applies to both misdemeanors and felonies.]

A common response by a domestic violence abuser to his or her victim's attempts to summon help from law enforcement or medical emergency providers is to pull the telephone from the wall, grab a cell phone out of the victim's hands and throw it, or to otherwise prevent the victim from using the telephone at all. Often, this behavior is part of a larger pattern of isolation, intimidation, control, and physical violence. Tampering with a communication device in the course of a domestic violence crime is unfortunately

something many of our clients at Montana Legal Services experience. One example, out of many, involves a client whom I will call Sarah (not her real name). Sarah was being physically assaulted by her boyfriend in his truck in the parking lot of a local restaurant. Sarah's boyfriend had locked the doors of the truck so she could not escape. When Sarah got her cell phone out of her purse and began dialing for help, her boyfriend grabbed the phone and threw it out of the driver's side door. It smashed into pieces on the pavement. Sarah's boyfriend then continued to assault her.

Criminalizing this violent and terrorizing behavior protects a domestic violence victim's right to immediately seek help in removing herself from a domestic violence situation, and if necessary, seek medical help. It also sends a message to batterers that the law recognizes the harm this behavior causes to the victim and that such action will not be tolerated. For all of above reasons, I ask that you support **SB 350** on behalf of clients like Sarah. Thank you.