

Report on Domestic Violence

Female lawmakers lead the way with bills to add more protection

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The battle against domestic violence struck an immovable object at the Statehouse — mail order fundraising — and one of the most popular issues in the 1994 session never had a chance.

But state Reps. Donna Sytek, R-Salem, and Neal Kurk, R-Weare, vow to be back in 1995 with their legislation to restrict access to driver's license records which are often obtained by abusers and used to find the latest whereabouts of their victims.

"This effort really started as a matter of privacy but we quickly learned that there was a major stalking, domestic violence component to these records," Sytek said.

"But we ran into the business lobby, all of which pay very good money to the state of New Hampshire to get these lists of names through driver's license records."

Mail order companies, bank investigators, private detectives, anti-drunken driving advocates among others all protested losing their right to peruse these records for their own pursuit.

"There's no doubt that if someone wants to find you, they will. Domestic violence was really something used by the bill's supporters to promote their own privacy agenda. It was a red herring," said Dick Bouley,

lobbyist for the Milford-based mail order company known as PVA-EPVA.

This was one issue on which lawmakers promoting the anti-domestic violence agenda agreed.

Sen. Barbara Baldizar, D-Nashua, said Sytek and Kurk's bill (HB 628) went too far in restricting access.

She favored letting Safety Commissioner Richard Flynn decide who should be able to have the list.

"It was a workable compromise that had the Senate's support. I tried to convince House supporter that was the best they were going to get but they didn't like the arrangement," Baldizar said.

The debate about the driver's license bill was the most notable setback for anti-domestic violence advocates. But there were others.

Baldizar had hoped the Legislature would give victims more power to confront their batterers by allowing them to secretly tape-record conversations for later use in court.

Under her bill, the state's wiretapping law would have been changed to coincide with the federal law that allows a tape recording to be made if one of the two parties to a conversation consents to it.

Nancy Richards-Stower, a Democrat from Merrimack, had worked on Baldizar's bill (SB 663) with former Supreme Court Justice and one-time Rep. Chuck Douglas,

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a Republican.

Presently, it's a felony in this state for anyone to tape-record another without first notifying them. Conviction can carry a fine of \$1,000 a day.

"I don't think it should be a crime to protect yourself . . . by making a tape recording of someone who is harassing or threatening you," Richards-Stower said. "Criminal defense attorneys love the law as it is. Victims of sexual harassment, stalking and domestic violence don't."

Attorney General Jeff Howard had embraced Baldizar's bill and made it one of several

recommendations to Gov. Steve Merrill's Commission on Domestic Violence.

This measure passed the Senate but died in the House before the Criminal Justice Committee.

"Many in the House get very nervous when we talk about changing our wiretapping law. We have one of the most restrictive in the country precisely because people in this state value their personal liberty," said Sytek, chairwoman of the Criminal Justice Committee.

Another bill which died on the cutting room floor in the House during 1994 would have required all police departments to hold training sessions on procedures for dealing with domestic violence cases. GOP leaders warned the bill would require the state to pay for those courses because it was a state mandate.

There were other proposals from Merrill's Commission on Domestic Violence or the 45-member task force on domestic violence protocol chaired by District Court Administrative Justice Edwin Kelly which were not adopted by the Legislature. Those include:

- A state law presuming that police would arrest anyone accused of violating a restraining order; currently that choice is up to the local police chief;

- Amending custody laws to make clear that custody of children should go to the victim of any domestic violence incidents; and,

- Creating a statewide council, made up of leaders in the three branches of government, that would continue reviewing policies and procedures in this area every year.



◆ Merrimack attorney Nancy Richards-Stower talks about telephone harassment during a legislative hearing on a domestic violence bill.