

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 182

Children & Human Resources Committee Substitute Adopted 3/17/99

Short Title: Establish Domestic Violence Commission.

(Public)

Sponsors:

Referred to:

March 1, 1999

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE DOMESTIC VIOLENCE COMMISSION AND TO APPROPRIATE FUNDS FOR THAT PURPOSE.

The General Assembly of North Carolina enacts:

Section 1. Article 9 of Chapter 143B of the General Statutes is amended by adding a new Part to read:

**"PART 10C. DOMESTIC VIOLENCE COMMISSION.**

**"§ 143B-394.15. Commission established; purpose; membership; transaction of business.**

(a) Establishment. – There is established the Domestic Violence Commission. The Commission shall be located within the Department of Administration for organizational, budgetary, and administrative purposes.

(b) Purpose. – The purpose of the Commission is to assess statewide needs related to domestic violence and to assure that necessary services, policies, and programs are provided to those in need.

(c) Membership. – The Commission shall consist of 32 members, who reflect the geographic and cultural regions of the State, as follows:

(1) Seven persons appointed by the Governor, one of whom is a clerk of superior court; one of whom is an academician who is knowledgeable

1 about domestic violence trends and treatment; one of whom is a member  
2 of the medical community; one of whom is a United States Attorney for  
3 the State of North Carolina or that person's designee; one of whom is a  
4 member of the North Carolina Bar Association who has studied  
5 domestic violence issues; one of whom is a representative of a local  
6 victims' assistance program; and one of whom is a member of the North  
7 Carolina Coalition Against Domestic Violence.

8 (2) Seven persons appointed by the General Assembly, upon  
9 recommendation of the President Pro Tempore of the Senate, one of  
10 whom is a member of the Senate; one of whom is a district court judge;  
11 one of whom is a district attorney or assistant district attorney; one of  
12 whom is a representative of the law enforcement community with  
13 specialized knowledge of domestic violence issues; one of whom is a  
14 county manager; one of whom is a representative of a community legal  
15 services agency who works with domestic violence victims; and one of  
16 whom is a representative of the linguistic and cultural minority  
17 communities.

18 (3) Seven persons appointed by the General Assembly, upon  
19 recommendation of the Speaker of the House of Representatives, one of  
20 whom is a member of the House of Representatives; one of whom is a  
21 magistrate; one of whom is a member of the business community; one  
22 of whom is a district court judge; one of whom is a representative of a  
23 local victims' assistance program; one of whom is a representative of the  
24 law enforcement community with specialized knowledge of domestic  
25 violence issues; and one of whom is a representative of the linguistic  
26 and cultural minority communities.

27 (4) The following persons or their designees, ex officio:

28 a. The Governor.

29 b. The Lieutenant Governor.

30 c. The Attorney General.

31 d. The Secretary of the Department of Administration.

32 e. The Secretary of the Department of Crime Control and Public  
33 Safety.

34 f. The Superintendent of Public Instruction.

35 g. The Secretary of the Department of Correction.

36 h. The Secretary of the Department of Health and Human Services.

37 i. The Director of the Office of State Personnel.

38 j. The Executive Director of the North Carolina Council for  
39 Women.

40 k. The Director of the Institute of Government.

41 (d) Terms. – Members shall serve for two-year terms, with no prohibition against  
42 being reappointed, except initial appointments shall be for terms as follows:

1           (1)    The Governor shall initially appoint four members for a term of two  
2           years and three members for a term of three years.

3           (2)    The President Pro Tempore of the Senate shall initially appoint four  
4           members for a term of two years and three members for a term of three  
5           years.

6           (3)    The Speaker of the House of Representatives shall initially appoint four  
7           members for a term of two years and three members for a term of three  
8           years.

9           Initial terms shall commence on September 1, 1999.

10          (e)    Chair. – The chair shall be appointed biennially by the Governor from among  
11          the membership of the Commission. The initial term shall commence on September 1,  
12          1999.

13          (f)    Vacancies. – A vacancy in the Commission or as chair of the Commission  
14          resulting from the resignation of a member or otherwise shall be filled in the same  
15          manner in which the original appointment was made, and the term shall be for the  
16          balance of the unexpired term.

17          (g)    Compensation. – The Commission members shall receive no salary as a result  
18          of serving on the Commission but shall receive per diem, subsistence, and travel  
19          expenses in accordance with the provisions of G.S. 120-3.1, 138-5, and 138-6, as  
20          applicable. When approved by the Commission, members may be reimbursed for  
21          subsistence and travel expenses in excess of the statutory amount.

22          (h)    Removal. – Members may be removed in accordance with G.S. 143B-13 as if  
23          that section applied to this Article.

24          (i)    Meetings. – The chair shall convene the Commission. Meetings shall be held  
25          as often as necessary, but not less than four times a year.

26          (j)    Quorum. – A majority of the members of the Commission shall constitute a  
27          quorum for the transaction of business. The affirmative vote of a majority of the members  
28          present at meetings of the Commission shall be necessary for action to be taken by the  
29          Commission.

30          (k)    Office Space. – The Department of Administration shall provide office space  
31          in Raleigh for use as offices by the Domestic Violence Commission, and the Department  
32          of Administration shall receive no reimbursement from the Commission for the use of the  
33          property during the life of the Commission.

34          **"§ 143B-394.16. Powers and duties of the Commission; reports.**

35          (a)    Powers and Duties. – The Commission shall have the following powers and  
36          duties:

37               (1)    As recommended in the January 15, 1999, final report of the Governor's  
38               Task Force on Domestic Violence, to develop and recommend to the  
39               General Assembly the 'Safe Families Act' and to promote adequate  
40               funding to promote victim safety and accountability of perpetrators.

41               (2)    To develop and recommend domestic violence training initiatives for  
42               law enforcement and judicial personnel and for all persons who provide  
43               treatment and services to domestic violence victims.

- 1           (3)    To develop training initiatives for and make recommendations and  
2           provide information and advice to State agencies in the areas of child  
3           protection, education, employer/employee relations, criminal justice,  
4           and subsidized housing.
- 5           (4)    To provide information and advice to any private entities that request  
6           assistance in providing services and support to domestic violence  
7           victims.
- 8           (5)    To design, coordinate, and oversee a statewide public awareness  
9           campaign.
- 10          (6)    To design and coordinate improved data collection efforts for domestic  
11          violence crimes and acts in the State.
- 12          (7)    To research, develop, and recommend proposals of how best to meet the  
13          needs of domestic violence victims and to prevent domestic violence in  
14          the State.

15          (b)    Report. – The Commission shall report its findings and recommendations,  
16          including any legislative or administrative proposals, to the General Assembly no later  
17          than April 1 each year."

18                Section 2. There is appropriated from the General Fund to the Department of  
19 Administration the sum of one hundred thousand dollars (\$100,000) for the 1999-2000  
20 fiscal year for an executive director, an administrative assistant, and operating costs of  
21 the Domestic Violence Commission.

22                Section 3. If it recommends the adoption in North Carolina of a "Safe  
23 Families Act", the Domestic Violence Commission shall report its legislative proposal to  
24 the General Assembly on or before April 1, 2000.

25                Section 4. This act becomes effective July 1, 1999.