

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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HOUSE BILL 569

Short Title: DV Recommendations. (Public)

Sponsors: Representatives Sherrill, McLawhorn (Primary Sponsors); B. Allen, Carney, Coleman, Dickson, Farmer-Butterfield, Fisher, Glazier, Insko, Justice, McGee, Rapp, Ross, Stam, Wainwright, and Warren.

Referred to: Judiciary III.

March 10, 2005

A BILL TO BE ENTITLED

AN ACT TO CREATE A JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE, TO AMEND THE DOMESTIC VIOLENCE STATUTES AND TO STUDY OTHER ISSUES RELATED TO DOMESTIC VIOLENCE AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON DOMESTIC VIOLENCE.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 120 of the General Statutes is amended by adding a new Article to read:

"Article 30.

"Joint Legislative Committee on Domestic Violence.

"§ 120-265. Creation and membership of Joint Legislative Committee on Domestic Violence.

The Joint Legislative Committee on Domestic Violence is established. The Committee consists of 16 members as follows:

- (1) Eight members of the Senate appointed by the President Pro Tempore of the Senate; and
- (2) Eight members of the House of Representatives appointed by the Speaker of the House of Representatives.

Terms on the Committee are for two years and begin on the convening of the General Assembly in each odd-numbered year, except the terms of the initial members, which begin on appointment and end on the day of the convening of the 2007 General Assembly. Members may complete a term of service on the Committee even if they do not seek reelection or are not reelected to the General Assembly, but resignation or removal from service in the General Assembly constitutes resignation or removal from service on the Committee. A member continues to serve until his successor is appointed.

1 A vacancy shall be filled within 30 days by the officer who made the original
2 appointment.

3 **"§ 120-266. Purposes and powers of Committee.**

4 (a) The Joint Legislative Committee on Domestic Violence shall examine, on a
5 continuing basis, domestic violence issues in North Carolina in order to make ongoing
6 recommendations to the General Assembly on ways to reduce incidences of domestic
7 violence and to provide additional assistance to victims of domestic violence. In this
8 examination, the Committee shall:

- 9 (1) Study the budget, programs, and policies of the Domestic Violence
10 Commission to determine ways in which the General Assembly may
11 improve the effectiveness of the Commission;
- 12 (2) Study and evaluate the funding sources and needs of domestic violence
13 programs providing services to domestic violence victims and
14 programs providing treatment to domestic violence abusers;
- 15 (3) Study legal services funding for domestic violence victims and explore
16 additional sources of funding;
- 17 (4) Explore sources of additional funding for all domestic violence
18 programs, including visitation centers;
- 19 (5) Examine current programs and explore new programs to provide
20 effective services to domestic violence victims and treatment to
21 domestic violence abusers;
- 22 (6) Examine law enforcement and judicial responses to domestic violence;
- 23 (7) Review data collected on domestic violence cases pursuant to
24 G.S. 15A-1382.1;
- 25 (8) Study the effectiveness of the Crime Victims Rights Act as it relates to
26 domestic violence; and
- 27 (9) Conduct any other studies, evaluations, or assessments necessary for
28 the Committee to carry out its purpose.

29 (b) The Committee may make interim reports to the General Assembly on
30 matters for which it may report to a regular session of the General Assembly. A report
31 to the General Assembly may contain any legislation needed to implement a
32 recommendation of the Committee.

33 **"§ 120-267. Organization of the Committee.**

34 (a) The President Pro Tempore of the Senate and the Speaker of the House of
35 Representatives shall each designate a cochair of the Joint Legislative Committee on
36 Domestic Violence. The Committee shall meet at least once a quarter and may meet at
37 other times upon the joint call of the cochairs.

38 (b) A quorum of the Committee is nine members. No action may be taken except
39 by a majority vote at a meeting at which a quorum is present. While in the discharge of
40 its official duties, the Committee has the powers of a joint committee under G.S. 120-19
41 and G.S. 120-19.1 through G.S. 120-19.4.

42 (c) Members of the Committee receive subsistence and travel expenses as
43 provided in G.S. 120-3.1. The Committee may contract for consultants or hire
44 employees in accordance with G.S. 120-32.02. The Legislative Services Commission,

1 through the Legislative Services Officer, shall assign professional staff to assist the
2 Committee in its work. Upon the direction of the Legislative Services Commission, the
3 Supervisors of Clerks of the Senate and of the House of Representatives shall assign
4 clerical staff to the Committee. The expenses for clerical employees shall be borne by
5 the Committee.

6 (d) The Committee cochairs may establish subcommittees for the purpose of
7 making special studies pursuant to its duties and may appoint non-Commission
8 members to serve on each subcommittee as resource persons. Resource persons shall be
9 voting member of the subcommittee and shall receive subsistence and travel expenses in
10 accordance with G.S. 138-5 and G.S. 138-6."

11 **SECTION 2.** G.S. 50B-3(a) reads as rewritten:

12 **"§ 50B-3. Relief.**

13 (a) The court, including magistrates as authorized under G.S. 50B-2(c1), may
14 grant any protective order to bring about a cessation of acts of domestic violence. The
15 court may also enter any protective order upon consent of the parties. Except as
16 otherwise provided by subsection (b) of this section, orders entered upon consent of the
17 parties are not required to contain findings of fact that an act of violence occurred or
18 that an order is necessary to bring about a cessation of acts of domestic violence. The
19 orders may:

- 20 (1) Direct a party to refrain from such acts;
- 21 (2) Grant to a party possession of the residence or household of the parties
22 and exclude the other party from the residence or household;
- 23 (3) Require a party to provide a spouse and his or her children suitable
24 alternate housing;
- 25 (4) Award temporary custody of minor children and establish temporary
26 visitation rights pursuant to G.S. 50B-2 if the order is granted ex parte,
27 and pursuant to subsection (a1) of this section if the order is granted
28 after notice or service of process;
- 29 (5) Order the eviction of a party from the residence or household and
30 assistance to the victim in returning to it;
- 31 (6) Order either party to make payments for the support of a minor child
32 as required by law;
- 33 (7) Order either party to make payments for the support of a spouse as
34 required by law;
- 35 (8) Provide for possession of personal property of the parties;
- 36 (9) Order a party to refrain from doing any or all of the following:
 - 37 a. Threatening, abusing, or following the other party,
 - 38 b. Harassing the other party, including by telephone, visiting the
39 home or workplace, or other means, or
 - 40 c. Otherwise interfering with the other party;
- 41 (10) Award attorney's fees to either party;
- 42 (11) Prohibit a party from purchasing a firearm for a time fixed in the order;

1 (12) Order any party the court finds is responsible for acts of domestic
2 violence to attend and complete an abuser treatment program if the
3 program is approved by the Domestic Violence Commission; and

4 (13) Include any additional prohibitions or requirements the court deems
5 necessary to protect any party or any minor child."

6 **SECTION 3.** The Administrative Office of the Courts, in consultation with
7 the Department of Correction, Division of Community Corrections, shall study and
8 review programs in this State, and other states, that utilize Global Positioning Satellite
9 (GPS) technology to track criminal offenders. Based upon the study and review, the
10 Administrative Office of the Courts shall make written recommendations to the Joint
11 Legislative Committee on Domestic Violence and the Joint Legislative Corrections,
12 Crime Control, and Juvenile Justice Oversight Committee no later than July 1, 2005, for
13 a pilot GPS program as a condition for pretrial release pursuant to G.S. 15A-534.1. The
14 recommendations shall include whether the alleged victim of the charged offense should
15 have a receiver for immediate and direct notification of a GPS tracking violation by the
16 defendant.

17 **SECTION 4.** The Department of Correction, Division of Community
18 Corrections, shall make a written report no later than January 1, 2007, to the Joint
19 Legislative Committee on Domestic Violence and the Joint Legislative Corrections,
20 Crime Control, and Juvenile Justice Oversight Committee on measures the Division is
21 undertaking to address the issue of supervising domestic violence offenders.

22 **SECTION 5.** The Administrative Office of the Courts shall expand the
23 Family Court Model to additional jurisdictions of the State, as resources allow, shall
24 study the elements of the model that might be adopted without additional funding, and
25 implement those elements in jurisdictions where possible. The Administrative Office of
26 the Courts shall also study the automation of court records to allow queries on civil,
27 criminal and juvenile matters.

28 The Administrative Office of the Courts shall report to the Joint Legislative
29 Committee on Domestic Violence and the North Carolina Courts Commission no later
30 than January 1, 2007, on the results of the studies, the recommendations of the
31 Administrative Office of the Courts, and any steps requiring legislative action to
32 implement the recommendations.

33 **SECTION 6.** There is appropriated to the Department of Administration the
34 sum of thirty-five thousand two hundred forty-five dollars (\$35,245) for fiscal year
35 2005-2006 to create a position to oversee the Abuser Treatment Program within the
36 Council for Women and the Domestic Violence Commission.

37 **SECTION 7.** This act is effective when it becomes law.