

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE DRS35041-RK-5A* (12/15)

Short Title: DV Abuser Treatment Program/Notifications. (Public)

Sponsors: Senator Daniel (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE DISTRICT ATTORNEY IS TO BE NOTIFIED IF A PERSON ON SUPERVISED OR UNSUPERVISED PROBATION IS DISCHARGED FROM A DOMESTIC VIOLENCE ABUSER TREATMENT PROGRAM FOR FAILURE TO COMPLY WITH THE PROGRAM OR ITS RULES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 15A-1343(b) reads as rewritten:

"(b) Regular Conditions. – As regular conditions of probation, a defendant must:

...

(12) Attend and complete an abuser treatment program if (i) the court finds the defendant is responsible for acts of domestic violence and (ii) there is a program, approved by the Domestic Violence Commission, reasonably available to the defendant, unless the court finds that such would not be in the best interests of justice. A defendant attending an abuser treatment program shall abide by all of the rules of the program.

a. If the defendant is on supervised probation and is discharged from the program for failure to comply with the program or its rules, such noncompliance shall be reported to the court. ~~district attorney.~~ The probation officer shall forward a copy of the judgment, including all conditions of probation to the program, and the abuser treatment program shall notify the probation officer of any violations of program rules by the defendant.

b. If the defendant is on unsupervised probation and is discharged from the program for failure to comply with the program or its rules, the abuser treatment program shall notify the district attorney of such noncompliance. The district attorney shall forward a copy of the judgment, including all conditions of probation to the program.

...

Defendants placed on unsupervised probation are subject to the provisions of this subsection, except that defendants placed on unsupervised probation are not subject to the regular conditions contained in subdivisions (2), (3), (6), (8), (13), (14), and (15) of this subsection. ~~If a defendant placed on unsupervised probation is subject to the condition contained in subdivision (12) of this subsection, the court shall schedule a compliance review hearing within 60 days of judgment and every 60 days thereafter until the defendant completes the abuser treatment program."~~



* D R S 3 5 0 4 1 - R K - 5 A *

1 **SECTION 2.** This act is effective when it becomes law and applies to all
2 defendants placed on supervised or unsupervised probation prior to, on, or after the effective
3 date of this act.