



2009 State Legislative Summary

Domestic Violence and Related Bills

State Funding

[SB 202 / SL 2009-451](#)

Effective Date: August 7, 2009

- General Appropriation: State funding from the general fund is cut by \$170,202 in each of the next two years from last year's original budget of \$5,032,500 to be distributed to all recognized domestic violence programs.
- Marriage License Fees: The budget includes an increase in the marriage license fee by \$10 to be allocated to the Domestic Violence Center Fund. This should make up for the cut in the General Fund appropriation.

TANF Funding

[SB 202 / SL 2009-451](#)

Effective Date: August 7, 2009

TANF funding is cut from \$2.2 million to \$1,760,000 for domestic violence services to WorkFirst participants. Funds shall be used to provide domestic violence counseling, support and other direct services to clients.

Strengthen DVPOs / Pets

[SB 1062 / SL 2009-425](#)

Effective Date: August 5, 2009

Amends the relief section of Chapter 50B to specifically address the protection of pets and the possession of pets in domestic violence protective orders.

NOTE: AOC forms have been revised accordingly. Please visit www.nccourts.org to download new DVPO complaint and order forms (CV-303, CV-304 & CV-306).

Establish Family Violence & Child Custody Com.

[HB 945 / SL 2009-574](#)

Effective Date: September 10, 2009

Recommendation of the NC Center for Public Policy Research.

Creates a Joint Legislative Study Committee on family violence and child custody to study the issue of child custody and the impact family violence has on custody decisions in NC.

Passed as part of the "Studies Act of 2009," Section 2.5.

Joint DV Committee / Recommendations

[HB 115 / SL 2009-342](#)

Effective Date: July 24, 2009 (unless otherwise noted)

Recommendation of the Joint Legislative Committee on Domestic Violence.

- Clarifies purpose and membership of the Domestic Violence Commission.
- Amends Chapter 50B to require that a summons be issued which allows the Defendant to respond within 10 days so that the time period is consistent with the 10-day hearing. This section **effective December 1, 2009**.
- Clarifies that ex parte orders are valid protective orders for purposes of enforcement and sentencing enhancement in response to **State v. Byrd**.
- Supports the adoption of an automated statewide domestic violence protective order notification system and directs AOC to identify and provide certain information.
- Directs the Domestic Violence Commission, in consultation with NCCADV and NCCASA, to study the issue of State oversight and coordination of services to victims of sexual violence. Findings and recommendations shall be reported by February 1, 2010.

Limit Liability / DV Shelters

[SB 144](#)

Status: Passed the Senate but not the House; eligible in 2010 short session.

Protects domestic violence shelters by providing immunity for certain harmful acts committed on the premises by a perpetrator.

Amend Domestic Criminal Trespass

[Section 1, SB 140](#)

Status: Passed the Senate but not the House; eligible in 2010 short session.

Section 1 creates a Class H felony for trespassing on the property of a safe house for victims of domestic violence if the offender is the subject of a domestic violence protective order and the protected party is residing at the safe house.

NOTE: NCCADV does not have a position on Section 2 of SB 140.

School Violence Prevention Act

[SB 526 / SL 2009-212](#)

Effective Date: June 30, 2009

Requires schools to adopt policies prohibiting bullying or harassing behaviors and to implement strategies to promote violence prevention. Research literature shows a consistent link between bullying in schools and perpetrating domestic violence in adulthood, as well as many other negative outcomes.

Healthy Families / Healthy Workplaces Act

[SB 534 / HB 177](#)

Status: Hearings held in the House and Senate; eligible in the 2010 short session.

Provides for paid sick days to covered employees which may be used to address the psychological, physical, or legal effects of domestic violence, sexual assault, or stalking.

Housing Trust Fund Appropriation[SB 202 / SL 2009-451](#)

Status: The Housing Trust Fund is not cut and is maintained at \$10 million.

The goal of the Campaign for Housing Carolina which NCCADV supports is to appropriate \$50 million to the Housing Finance Agency for the Housing Trust Fund to increase the availability of affordable housing in NC.

Clarify DV Laws/Arrest/Valid PO[HB 1464 / SL 2009-389](#)

Effective Date: July 31, 2009

Clarifies that a law enforcement officer must make an arrest for certain violations of a domestic violence protective order in response to Cockerham-Ellerbee v. The Town of Jonesville (2006). This law is referred to as *Candice's Law* in honor of Vernetta Cockerham's daughter who was murdered.

DV Fatality Review / Mecklenburg County[SB 381 / SL 2009-52](#)

Effective Date: June 1, 2009

Establishes a domestic violence prevention and protection review team in Mecklenburg County to identify and review domestic violence-related deaths.

Free Medical Exam-Victims of Rape/Sex Offenses[HB 1342 / SL 2009-354](#)

Effective Date: July 27, 2009

Brings NC into compliance with the federal Violence Against Women Act by making significant changes to the Rape Victim Assistance Program so that all victims have access to an exam free of charge.

Stalking Law Conforming Changes[SB 617 / SL 2009-58](#)

Effective Date: June 5, 2009

Recommendation of the General Statutes Commission.

Makes conforming changes to NC statutes related to the enactment of the new stalking law last session.

NC Human Trafficking Commission[SB 353](#)

Status: Did not pass; eligible in the 2010 short session.

Creates a Human Trafficking Commission within the Department of Administration.

To find the text of a bill, click on the link or go to www.ncleg.net and enter the bill number in the search box (H# or S#).

Prepared by the NC Coalition Against Domestic Violence