



## **NORTH CAROLINA COALITION AGAINST DOMESTIC VIOLENCE**

### **2013 LEGISLATIVE UPDATE**

The North Carolina Coalition Against Domestic Violence proposed an ambitious legislative agenda for the North Carolina General Assembly's 2013 Session and saw a number of successes.

#### **Notification of BIP Noncompliance**

First of all, House Bill 24 passed, providing for notification to the District Attorney's office if the abuser fails to complete an abuser treatment program or otherwise does not follow the Court's orders to comply with the judgment. If the defendant is on probation, his probation officer is notified. This measure should improve the rates of Batterer Intervention Program completion. This bill is effective on December 1, 2013.

#### **Valid Consent Orders**

A second bill, **House Bill 209**, changed the law as set out in the ruling in *Kenton vs. Kenton*, which struck down the validity of consent orders where the Court failed to make findings of fact and conclusions of law. Now, thanks to house Bill 209, domestic violence orders entered by consent and agreed to in writing by the parties are enforceable even if the Court does not make specific findings of fact or conclusions of law. This helpful tool to be used to fashion agreements between the parties becomes effective on October 1, 2013.

#### **Domestic Violence Fatality Review Team**

Mecklenburg County has, for several years, had a Domestic Violence Fatality Review Team to examine deaths caused by domestic violence. This has been very helpful for examining domestic violence fatalities. **Senate Bill 302** renewed that original legislation, changing the composition of the review team, as well as authorizing Alamance and Pitt counties to form domestic violence fatality review teams.

#### **Budget**

##### **No Cuts to Domestic Violence Programs**

The budget did not cut funding through the Council for Women for the Domestic Violence Center Fund to be distributed to domestic violence programs.

## **Displaced Homemaker Program**

The **Displaced Homemaker program** would be eliminated in the second year of the biennium, and the funds from each divorce filing fee (currently \$55 to the Displaced Homemaker program and \$20 to the DV Center Fund) would be divided for the 2013-2014 fiscal year as follows: \$35 to the Displaced Homemaker Fund and \$40 for the Domestic Violence Center Fund. At the start of fiscal year 2014-2015 funding for the Displaced Homemaker program would cease and all \$75 from each divorce filing fee would be directed to the DV Center. Many thanks to Colleen Kochanek for this information.

## **Additional bills were passed:**

### **Rule 11 Clarification**

**Senate Bill 409** has made changes to NCGS section 50B-2 to clarify as follows: "In compliance with the federal Violence Against Women Act, no costs or attorneys' fees shall be assessed for the filing, issuance, registration or service of a protective order or petition for a protective order or witness subpoena, except as provided in G.S. 1A-1, Rule 11." Rule 11, which has been enacted for many years, is a rule of Civil Procedure that provides for sanctions against those who improperly sign and verify pleadings, motions and other papers and has applied to all civil cases since it was enacted. The act pursuant to Senate Bill 409 becomes effective on October 1, 2013.

### **Firearm Legislation**

This session also saw significant changes in firearm laws. **House Bill 937** sets out the new laws regarding firearms and becomes effective on October 1, 2013. This very lengthy bill affects many aspects of firearm usage including the permitting and possession of firearms, and sentencing laws for illegal use. Some examples are:

- Creation of the status offense of Armed Habitual Felon, where, if convicted of the underlying felony and convicted of being an Armed Habitual Felon, the defendant is sentenced as a Class C felon, unless the underlying felony is Class A, B1 or B2.
- Provides for increased minimum sentences for Class A, B1, B2, C, D or E offenses where a firearm is possessed, used or displayed, or there is a threat of use or display.
- Provides that information on firearms permits issued by Sheriffs is not public record and is confidential although available to law enforcement officers.
- Provides that sales information collected by firearms dealers is not public record and is available to law enforcement officers.
- Changes the restoration process which is used to remove the mental commitment bar to exercising firearm rights.
- Provides for conditions under which a resident employee of an institution of higher learning or a nonpublic post-secondary educational institution may possess a handgun on campus.
- Changes the conditions under which a child under age 12 may possess or have access to a firearm.

