



2005 State Legislative Summary

Funding

- State funding is appropriated in the amount of \$4,682,500 to be distributed through the Council for Women/Domestic Violence Commission grants to all recognized domestic violence programs. This funding level is the same as last year when programs received a \$2 million increase.
- TANF funding is appropriated in the amount of \$1.2 million for domestic violence services to WorkFirst participants (same as last year).

Clarify/Enhance DV & Tenancy Laws

SB 1029 / SL 2005-423

Effective Date: October 1, 2005

This is the primary bill that NCCADV worked on this session as part of our legislative agenda for 2005. We worked with the NC Justice Center, the Attorney General's Office, the NC Association of Realtors, the NC Apartment Association, and NCCASA. North Carolina is the 2nd state in the nation to pass comprehensive tenancy laws to protect victims.

The bill includes the following provisions:

50B/50 Amendments

- ✓ Allows protective orders to be extended for 2 years at a time;
- ✓ Requires the sheriff to deliver a copy of the DVPO to the school principal if the defendant is ordered to stay away from the school;
- ✓ Prohibits the return of firearms when there are pending criminal charges against the defendant with the same victim; and
- ✓ Clarifies the waiver provision for custody mediation in dv cases.

Landlord/Tenant Provisions

(applies to leases entered into or renewed on or after 10/1/05)

- ✓ Prohibits discrimination against victims of domestic violence, sexual assault and stalking;
- ✓ Provides for changing locks on a victim's dwelling; and
- ✓ Allows for early termination of lease agreements by victims of domestic violence, sexual assault and stalking.

Domestic Violence Recommendations**HB 569/ SL 2005-356*****Effective Date: September 7, 2005***

NCCADV strongly supported this bill from the House Select Committee on Domestic Violence to create a permanent Joint Legislative Committee on Domestic Violence that will examine domestic violence issues in order to make recommendations to the General Assembly on ways to reduce incidences of domestic violence and to provide additional assistance to victims.

Increase NC Housing Trust Fund***Status: Additional \$5 million appropriated for a total of \$8 million.***

NCCADV supported the Campaign for Housing Carolina in their efforts to increase the Housing Trust Fund to \$50 million as part of NCCADV's legislative agenda to increase the availability of affordable housing for domestic violence victims.

TPR of Parent Who Murders Other Parent**HB 97 / SL 2005-146*****Effective Date: June 30, 2005***

Rep. Moore (Cleveland Co.) introduced this bill so that a court may terminate the parental rights of a parent who murders the other parent of a child. NCCADV supported this legislation which includes a provision that the court must consider whether the murder was committed in self-defense.

DV Victim "Empowerment" Act**HB 1311 / SL 2005-343*****Effective Date: October 1, 2005***

This bill was promoted by Grass Roots NC, a pro-gun organization, to allow a domestic violence victim to apply for a temporary concealed handgun permit upon showing proof of a protective order as evidence of an emergency situation. NCCADV successfully opposed an amendment that would have required the Sheriff to issue the permit. The bill requires the clerks to provide an informational sheet to victims. NCCADV is working with AOC to ensure that helpful information will be included regarding safety and resources for victims.

Death Penalty / Add Aggravating Factor**HB 1436 / SL 2005-295*****Status: Signed into law by the Governor on August 22, 2005.***

This bill directs the Sentencing Commission to study and make recommendations regarding evidence that a murder was committed in violation of a valid domestic violence protective order as an aggravating factor in capital sentencing.