



# 2007 State Legislative Summary

## NCCADV Agenda Items

### State Funding

State funding is maintained in the amount of \$5,032,500 to be distributed to all recognized domestic violence programs.

### TANF Funding

TANF Funding is maintained in the amount of \$2.2 million for domestic violence services to WorkFirst participants.

### Amend DV Laws/Homicide Reporting

HB 42/SL 2007-14

*Effective Date: December 1, 2007*

- Adds the offense of stalking to the crimes covered by the domestic violence bond law.
- Requires the Attorney General's office to develop a reporting system and a database that reflects the number of homicides in the state where the offender and the victim had a personal relationship as defined in Chapter 50B.

### DV Victims/Security

HB 46/SL 2007-15

*Effective Date: April 12, 2007*

- Requires the Council for Women/Domestic Violence Commission to review the CFW guidelines in cooperation with NCCADV to consider whether there should be specific guidelines designed to ensure safety at domestic violence shelters.
- Makes a secure area available in each courthouse, when practical and upon the request of the victim, for domestic violence victims to wait until they are needed in court. The Clerk shall notify the presiding judge that the victim is present in a segregated location.

### Violate Order/Possess Deadly Weapon

HB 47/SL 2007-190

*Effective Date: December 1, 2007*

Creates a *Class H* felony for violation of a domestic violence protective order if the offender is in possession of a deadly weapon and violates the protective order by failing to stay away from a place or a person as directed under the terms of the order. "Possession" is defined as on or about his or her person or within close proximity to his or her person.

**DV Victims/Add Protections**

SB 30/SL 2007-116

*Effective Date: October 1, 2007*

- Amends the name change statute so that a public posting is not required for victims of domestic violence, sexual offense, or stalking who provide appropriate documentation.
- Amends the Crime Victims' Rights Act so that a violation of a domestic violence protective order is included as a "crime" for the purposes of the Act.
- Requires the clerk of court to provide an informational sheet to the Plaintiff when a protective order is issued that contains the following:
  - Domestic violence /sexual assault services & agencies;
  - Victims' compensation services;
  - Legal aid services;
  - Address confidentiality program services;
  - Plaintiff's right to apply for a permit under GS 14-415.15 (concealed handgun).

**VAWA 2005 Compliance**

HB 1810/SL 2007-294

Brings NC into compliance with the Violence Against Women Act of 2005 so that NC does not lose millions of dollars of federal funding by:

- not allowing criminal justice agencies to require polygraph examinations of sexual assault victims as a precondition to the agency conducting an investigation into the matter; *Effective Date: December 1, 2007*
- and notifying criminal defendants of federal firearms laws through the distribution of an AOC form. *Effective Date: Form shall be provided to all defendants convicted of crimes subject to the firearm notification requirement effective January 1, 2008*

**Domestic Violence Appropriations**

SB 31/HB 43

*Status: Did not pass; eligible in the 2008 short session.*

- Increases state funding by \$2 million for domestic violence programs funded by the Council for Women/Domestic Violence Commission.
- Reinstates TANF funding to support local domestic violence prevention and awareness initiatives in the amount of \$1 million.
- Appropriates \$2 million to the Council for Women/Domestic Violence Commission to provide for matching grant funds for the construction of domestic violence shelters.
- Appropriates \$2 million to the Governor's Crime Commission to create new or continue existing supervised visitation and exchange centers.

**DV Orders/Repeat Violators**

HB 44

*Status: Did not pass; eligible in the 2008 short session.*

Strengthens the enforcement of domestic violence protective orders by reducing the number of prior convictions required from three prior convictions to one prior conviction to charge offenders with a Class H felony.

**School Violence Prevention Act**

HB 1366

*Status: Did not pass; eligible in the 2008 short session.*

Requires schools to adopt policies prohibiting bullying or harassing behaviors and to implement strategies to promote violence prevention.

**Amend Criminal Offense of Stalking**

HB 887

*Status: Did not pass; eligible in the 2008 short session.*

Rewrites the stalking statute with an expanded definition of stalking and increased penalties.

## Other Bills of Interest

**Increase Appointees/Governor's Crime Commission** HB 1649/SL 2007-454

*Effective Date: August 28, 2007*

Adds 2 voting members appointed by the Governor to the Governor's Crime Commission—one advocate for victims of all crimes and one representative from a domestic violence or sexual assault program.

**Amend Civil No-Contact Order Law**

HB 1482/SL 2007-199

*Effective Date: July 8, 2007*

Clarifies the definition of stalking and requires that the acts be done by a person 16 years of age or older.

**Protections for Victims of Human Trafficking**

SB 1079/SL 2007-547

*Effective Date: December 1, 2007*

Provides protections for victims of human trafficking including the receipt of state public benefits for non-residents, use of the Address Confidentiality Program, and eligibility for legal services.

**Amend Domestic Criminal Trespass**

SB 83

*Status: Did not pass; eligible in the 2008 short session.*

- Makes it a felony for a person who is the subject of a valid protective order to trespass on property that is operated as a safe house for victims of domestic violence without regard as to whether the persons covered by the protective order are present on the premises.
- Provides that it is an aggravating circumstance for first degree murder if a defendant who is the subject of a valid protective order commits a murder on the premises of a shelter.

**Prepared by the NC Coalition Against Domestic Violence**