



# 2008 State Legislative Summary

## NCCADV Agenda Items

### State Funding

- *General Appropriation:* State funding from the general fund is maintained in the amount of \$5,032,500 to be distributed to all recognized domestic violence programs.
- *Divorce Fees:* New funding from a \$20 increase in divorce fees is allocated to the Domestic Violence Center Fund to be distributed to all recognized domestic violence programs pursuant to GS 50B-9. *Effective July 20, 2008.*

### TANF Funding

TANF Funding is maintained in the amount of \$2.2 million for domestic violence services to WorkFirst participants. Funds shall be used to provide domestic violence counseling, support and other direct services to clients. Each county department of social services and the local domestic violence program shall jointly develop a plan for utilizing these funds. The county plan must be submitted to the Division of Social Services by 12/1/08.

### DV Victim Assistance

[HB 2189 / SL 2008-0004](#)

*Effective Date: July 1, 2008*

- Requires law enforcement agencies to provide an informational sheet to domestic violence victims covered by the Crime Victims' Rights Act.
- Requires a study of the adoption of a statewide automated victim notification system for persons who have received a protective order under Chapter 50B.

*Recommendation of the Joint Legislative Committee on Domestic Violence.*

### DV Orders / Repeat Violators

[HB 44 / SL 2008-93](#)

*Effective Date: December 1, 2008*

Strengthens the enforcement of domestic violence protective orders by reducing the number of prior convictions required from 3 to 2 to charge an offender with a Class H felony for a violation.

*Recommendation of the Joint Legislative Committee on Domestic Violence.*

**DV Appropriations**

SB 31 / HB 43

*Status: Did Not Pass (see funding items above)*

This bill included a \$2 million increase in the general fund appropriation to support local domestic violence programs; \$2 million to provide for matching grant funds for the construction of domestic violence shelters; \$1 million in TANF funding to support local prevention initiatives; and \$2 million to support supervised visitation and exchange centers.

*Recommendation of the Joint Legislative Committee on Domestic Violence.*

**Bills Supported by NCCADV****School Violence Prevention Act**

HB 1366

*Status: Did Not Pass*

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.

**Amend Criminal Offense of Stalking**[HB 887 / SL 2008-167](#)

*Effective Date: December 1, 2008*

Clarifies and expands the criminal offense of stalking in order to hold offenders accountable for a wide range of acts, communications, and conduct.

**Report Denial of Some Pistol Permits**

HB 1287

*Status: Did Not Pass*

Requires that pistol permit denials are reported to the SBI for entry into a statewide database so that accurate information is available to all sheriffs in the state.

**Increase NC Housing Trust Fund**

An additional \$2 million in recurring dollars is allocated to the Housing Trust Fund for a total of \$10 million, plus \$7 million in non-recurring funds for affordable housing for people with disabilities. An additional \$3 million in recurring dollars is allocated to expand the Home Protection Pilot Program.

**Paid Sick Days Campaign**

HJR 2670 / SJR 2110

*Status: Did Not Pass*

Both the House and Senate introduced joint resolutions authorizing the General Assembly to consider a bill to provide sick days to workers to address their own health needs and the health needs of their families. Neither resolution had a hearing in a committee.

## Other Bills of Interest

### Amend Domestic Criminal Trespass

SB 83

*Status: Did Not Pass*

- 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.
- An amendment to the bill provides for immunity of domestic violence shelters for certain harmful acts committed on the premises by a perpetrator.

### Amend Child Abuse

[SB 1860 / SL 2008-191](#)

*Effective Date: December 1, 2008*

Reclassifies misdemeanor child abuse as a Class A1 crime; creates 2 new felony child abuse crimes based on the level of injury to the child to cover willful acts or grossly negligent omissions in the care of a child that show a reckless disregard for human life.

*Recommendation of the NC Child Fatality Task Force.*

### NICS Reporting/Restoration

[SB 2081 / SL 2008-210](#)

*Effective Date: December 1, 2008*

Requires the Clerk of Court to transmit a report to the National Instant Criminal Background Check System (NICS) when:

- 1) there has been a judicial determination that an individual shall be involuntarily committed (outpatient commitments shall only be reported if the individual is found to be a danger to self or others); or
- 2) an individual is found not guilty by reason of insanity or found mentally incompetent to proceed to criminal trial.

Anyone who purchases a gun from a licensed dealer is required to pass a background check using NICS. It is unlawful for someone to purchase a firearm if they have been deemed mentally incompetent. The bill provides for a restoration process.

*Recommendation of the Campus Safety Task Force.*

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

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