



**NORTH CAROLINA
COALITION**
AGAINST DOMESTIC VIOLENCE
1981-2011

NORTH CAROLINA COALITION AGAINST DOMESTIC VIOLENCE

2011 LEGISLATIVE SUMMARY

NCCADV Agenda Items

State Funding

[HB 200/SL 2011-145](#)

Effective Date: June 15, 2011

- **General Appropriation:** There are NO cuts to the domestic violence fund for distribution to local programs; state funding is maintained at \$4,619,298; one regional office is eliminated from the Council for Women.
- **Special Budget Provision:** Section 20.3 states that the Department of Administration shall not limit the number of grantees that are eligible in each county, or by any other geographic limitation.
- **Marriage License Fees:** Marriage license fees are maintained at \$30/license to be allocated to the Domestic Violence Center Fund.
- **Divorce Fees:** Divorce fees are maintained at \$20/fee to be allocated to the Domestic Violence Center Fund.

TANF Funding

[HB 200/SL 2011-145](#)

Effective Date: June 15, 2011

TANF funding is maintained at \$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.

Review DV Program Participation

[HB 176](#)

Recommendation of the Joint Legislative Committee on Domestic Violence

- Provides for review of a domestic violence offender's participation in a court-ordered abuser treatment program.
- Expands tracking of criminal domestic violence cases to include all acts of domestic violence as defined in Chapter 50B.

Status: Passed the House; eligible in the short session

Require DV Training/Certain Persons

[HB 682](#)

Recommendation of the Joint Legislative Committee on Domestic Violence

Requires domestic violence training for prosecutors, magistrates, mediators, custody evaluators, parenting coordinators, guardian ad litem, and educators in the public school system in collaboration with NCCADV.

Status: Did not pass; eligible in the short session

Bills Supported by NCCADV

Distribution of Excise Tax on Title Instruments

[SB 462/HB 574](#)

Designates that 50% of the proceeds remitted to the Department of Revenue from the excise tax levied on real property instruments must credit the Housing Trust Fund.

Status: Referred to a Study Commission

Healthy Families & Workplaces/Paid Sick Days

[HB 223](#)

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

Status: Did not pass

NC Human Trafficking Commission

[SB 547](#)

Creates a NC Human Trafficking Commission within the Department of Administration.

Status: Did not pass

Enhance Protection of Victims/Witnesses

[SB 268/SL 2011-190](#)

Increases the criminal penalty for the offense of intimidating or interfering with a witness from a Class H to a Class G felony.

Status: Passed; effective date December 1, 2011

Other Bills of Interest

Divorce/DVPO/Child Support Changes

[HB 589](#)

Recommendation of the Family Law Council of the NC Bar Association

NCCADV opposed the **original version** of the DVPO section (Section 2) of this bill which removed the judge's discretion to order possession of and eviction from a residence in the ex parte order if the order was issued based on the harassment definition of domestic violence (rather than actual or attempted physical injury). In addition, the original version stated that the ex parte order would expire if a hearing was not held within a specific time frame which could leave victims unprotected. NCCADV worked with the Bar Association and the bill sponsor to amend the bill so that the **current version** of the DVPO section removes the previous language and now provides that a continuance of a DVPO shall be limited to one extension of no more than 10 days unless all parties consent and that the hearing shall have priority on the court calendar.

Status: Passed the House; eligible in the short session

Req. DV Victim/List Prior Action Against Def.

[HB 199](#)

The **original version** of this bill required the Plaintiff to include in the DVPO complaint whether they had previously filed any action for domestic violence against the defendant and the disposition of the action. NCCADV worked with the bill sponsor to amend the bill so that the **current version** provides that the Administrative Office of the Courts shall develop a form to capture this information which shall be filed with the complaint for a DVPO.

Status: Passed the House; eligible in the short session

Consolidate DV Commission/Council for Women[HB 757](#)

This original version of this bill combined domestic violence, sexual assault, and displaced homemakers into one “fund” for the purposes of state funding allocations and creates a Commission on DV, SA and Displaced Homemakers. The funding allocation process set out in the bill for this “fund” would require that the applicant be a county board of commissioners that could contract with a nonprofit or other local government entity.

Status: Referred to a Study Commission; NCCADV opposed this bill

Impose Fee/Voluntary Dismissal/50B Orders[HB 905](#)

Imposes a fee against the Plaintiff for the voluntary dismissal of a domestic violence protective order. This bill violates the Violence Against Women Act and would cost NC millions of dollars each year in federal funding.

Status: Did not pass; NCCADV opposed this bill

Unborn Victims of Violence Act/Ethen’s Law[HB 215/SL 2011-60](#)

Creates criminal offenses for acts that cause the death or injury of an unborn child or are committed against a pregnant woman. NCCADV worked with the bill sponsor to include language to protect victims of domestic violence.

Status: Passed; effective date December 1, 2011

Nonprofits/Criteria to Receive State Funds[HB 100/SB 460](#)

Creates new eligibility criteria for nonprofits receiving state grants which would be virtually impossible to meet, including 1) getting at least 35% of their funding from private sources; and 2) spending no more than 15% of their total budgets on administrative expenses.

Status: Referred to a study bill ([HB 773](#)); NCCADV opposed this bill

Amend Various Gun Laws[HB 650/SL 2011-268](#)

Omnibus gun bill that combines elements from several bills, including HB 74 (Castle Doctrine) and HB 63 (Firearm in Locked Motor Vehicle/Parking Lot), both of which NCCADV opposed. The original version contained 33 sections, 3 of which directly related to domestic violence issues. NCCADV worked with the bill sponsor and legislative staff to remove these harmful sections from the final version with the exception of a clarification that a defendant does not forego “ownership” of a firearm when that firearm is surrendered pursuant to a DVPO. In addition, the final version includes the following provisions (*plus many more which are not outlined below*):

- Revises the Castle Doctrine by extending the automatic presumption of reasonable fear of death or bodily harm in cases where an intruder unlawfully and forcibly enters the home, to both vehicles and workplaces.
- Repeals the current “duty to retreat” and adds a new “stand your ground” provision, which allows for the use of deadly force in any situation in which a person reasonably fears for his or her life or the safety of another person.
- Does not allow private businesses to prohibit concealed carry permit holders from transporting firearms on their property, as long as the firearm is in a closed container in a locked vehicle or is locked in a compartment that is secured to the vehicle.

Status: Passed; effective date December 1, 2011

Handgun Permit Valid in Parks & Restaurants

[HB 111](#)

- Allows a concealed handgun in a restaurant if the person has a valid CCW permit unless the restaurant has posted a sign prohibiting handguns on the premises.
- Allows a concealed handgun on waters and grounds of the State Park System if the person has a valid CCW permit.
- Allows municipalities to exempt community recreation centers from the provisions in the bill by posting signs to that affect.

Status: Passed the House; eligible in the short session; NCCADV opposes this bill

Repeal Pistol/Crossbow Transfer Permit

[HB 390](#)

Repeals the current law that requires a person to obtain a permit to buy or sell a pistol which the sheriffs currently issue. There are already loopholes in the permit process as is and to do away with it will make it even easier for abusers to obtain guns.

Status: Did not pass; NCCADV opposed this bill

Support LE/Safe Neighborhoods

[HB 343](#)

This bill is a draconian anti-immigrant bill that would severely harm battered immigrants and make it very difficult for a local program to assist an illegal immigrant by making it a crime to provide certain services.

Status: Did not pass; NCCADV opposed this bill

Victims' Comp Law Changes

[SB 272/SL 2011-267](#)

The original version of this bill changed the definition of "dependent" to only include individuals "wholly" dependant on the victim for care and support and removed "substantially" dependent which concerned NCCADV. This section was removed in the final version.

- Clarifies the definition of collateral sources of benefits for economic loss.
- Limits a dependent's economic loss to a 26 week period and \$300/week in compensation.
- Clarifies confidentiality of records.

Status: Passed; effective date July 1, 2011

Reorganization/Legislative Oversight

[HB 595/SL 2011-291](#)

- Comprehensive bill that changes the structure and composition of certain legislative committees and commissions.
- Changes the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee to the Joint Legislative Oversight Committee on Justice and Public Safety and transfers the duties of the Joint Legislative Committee on Domestic Violence to this committee.

Status: Passed; effective date June 24, 2011

Pretrial Release Violation/Arrest

[SB 311/SL 2011-245](#)

Expands warrantless authority to include violations of pre-trial release conditions for all crimes and clarifies the use of electronic technology in criminal process and procedure.

Status: Passed; effective date 12/1/2011

For more information, please contact Beth Froehling, NCCADV's Co-Executive Director, at bfroehling@nccadv.org, and to find the text of a bill, click on the link or go to www.ncleg.net.