



NCCADV Legislative Agenda 2017-2018

The 2015 and 2016 state budget passed with no cuts to domestic violence program funding. The Coalition, member programs, and our allies will continue to advocate strongly with legislative leaders, committee chairs, and members to protect full funding for domestic violence programs and push for needed increases to meet the demand in the 2017-18 state budget.

Amend “Disclosure of Private Images” Offense to Improve Victim Safety and Offender Accountability

North Carolina’s new law, N.C.G.S. §14-190.5A, “Disclosure of Private Images” passed in the 2015-16 session, made a step in the right direction of criminalizing the incredibly harmful act of disseminating explicit images of someone without their consent. Unfortunately NCCADV has heard from survivors, law enforcement, advocates, prosecutors, magistrates, and allies across the state that the current law is still inadequate to hold offenders accountable and protect victims. NCCADV supports amending this law in order to 1) protect all victims of this crime and not only those who are in a “personal relationship” as defined by N.C.G.S. §50B; 2) protect victims whose images were originally taken without their consent; and 3) protect victims when perpetrators superimpose images on their likeness.

Technical Provisions Clean Up

We have completed a comprehensive review of statutes related to domestic violence and stalking and have identified several technical inconsistencies/gaps that we propose be addressed. These include: 1) clarify that a domestic violence protective order (DVPO) is enforceable while an appeal is pending by creating a comparative exception to the “stay” in N.C.G.S. 1-294 present for other similar critical family law matters (such as child custody and child support); 2) add “cyberstalking” and false imprisonment as crimes and “child in common” as a relationship that triggers a “domestic violence hold” in N.C.G.S. §15A-534.1, “Pre-trial release conditions for crimes of domestic violence”; 3) revise the definitions section of the NC Victim’s Rights Act, N.C.G.S. §15A-830(a)(7)(d) to include victims of strangulation (N.C.G.S. §14-32.4(b)).

Amend NC General Statute §50B to Clarify that Judges have Discretion to Remove Firearms

We support amending N.C.G.S. §50B to reinstate our district court judges' authority to order the surrender of firearms in any DVPO case where the judge finds it an appropriate remedy for the safety of the victim and children. This amendment is necessary after the decision in *Stancill v. Stancill* (June 2015) in which the NC Court of Appeals took away this previous authority and limited the surrender of firearms only after a finding of a "high-risk" factor. This amendment is critical because domestic violence can be lethal and the risk of homicide is greatly increased when an abuser has access to firearms and when a victim is in the process of leaving an abusive partner.

Amend NC General Statute §50B to Provide Equal Protection for All DV Survivors

We support amending the "personal relationship" definition included in Chapter 50B to remove the discriminatory "opposite sex" requirement for dating relationships to ensure that ALL victims of domestic violence are able to get the protection they need, regardless of who they love.

Support Housing Trust Fund and Family Court

We recognize that access to affordable and accessible housing is essential in order for domestic violence survivors to escape abusive partners. Therefore NCCADV will work with allies to ensure that the Housing Trust Fund is fully funded. In addition, NCCADV supports fully funding Family Court to ensure swifter and better custody outcomes for domestic violence survivors.

