



NCCADV

North Carolina Coalition
Against Domestic Violence

NORTH CAROLINA COALITION AGAINST DOMESTIC VIOLENCE 2019-2020 LEGISLATIVE AGENDA

2019 DV Program Budget. The Coalition, member programs, and our allies will advocate strongly with legislative leaders, committee Chairs, and members to retain full domestic violence program funding and push for needed increases to meet the demand in the 2019-2020 state budget. **Programs funded at same levels. NCCADV is conducting a needs assessment in anticipation of collaborating with statewide partners to push for needed budget increases.**

Ensure that Implementing Legislation for North Carolina's new Victim Rights Amendment ("Marsy's Law") is equitable, protects the rights of survivors of Domestic Violence, and contains no collateral consequences for survivors of Domestic Violence who have cases pending in criminal court. On November 6, North Carolina voters approved a new Victim Rights amendment. The new amendment will require legislation to implement the language of the amendment, which will require careful consideration of possible collateral consequences for survivors of domestic violence who are victims of crimes or who are victim/defendants with cases proceeding through the criminal justice system. NCCADV will work with our lobbyists and key partners and legislators to ensure DV victims receive adequate attention in the process. **Marsy's Law implementing legislation passed in August 2019 with NCCADV and other stakeholder input. Highlights: Protections for survivor confidentiality added to privilege statute, protections for survivor notification of defendant's pre-trial release, judicial discretion preserved for exercise of rights to protect victim-defendants, and enforcement mechanisms to ensure survivor has recourse if rights are not afforded to them.**

Amend NC General Statutes to ensure that Misdemeanor Assault Convictions Qualify for Firearm Prohibition Under 18 U.S.C. § 922(g). NCCADV supports changing the criminal code to ensure that that a conviction for misdemeanor assault or assault on a female in NC prohibits a defendant from possession a firearm under federal law. The change is needed after the opinion in *United States v. Vinson*, 805 F.3d 120 (4th Cir. 2015). In *Vinson*, the Fourth Circuit ruled that conviction of misdemeanor assault or assault on a female in North Carolina is not a crime that qualifies for a ban on possessing firearms under

federal law. NCCADV will work with other stakeholders on a fix that ensures that NC's assault crimes meet the requirements under the 18 U.S.C.922(g) for firearms prohibition. **No change; NCCADV continues to communicate with stakeholders about future options to correct for *Vinson* ruling.**

Amend NC General Statute § 50B to Clarify that Judges have Discretion to Remove Firearms. NCCADV supports 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 authority and limited the surrender of firearms only after a finding of a "highrisk" factor. This amendment is critical because 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. **NCCADV defended against an attempt to codify *Stancill* after a bill was introduced to do so; Worked with a sponsor on an amendment to that bill to correct the *Stancill* ruling but was ultimately unsuccessful; status of the law remains the same.**

Amend NC General Statute § 50B to Clarify that Plaintiffs have protection if their orders expire between filing a motion to renew and the renewal hearing. NCCADV supports amending Chapter 50B to clarify that judges have the authority to continue an order beyond the period of the current order, even if the current order has been in place for the full year (or two years, if the order is one that has been previously renewed), when a plaintiff has filed a motion to renew and the current order expires during the interim between filing the motion and the date of the hearing on the renewal motion. **No changes here; NCCADV continues to work with stakeholders on possible resolutions.**

Amend NC General Statute §50B to Provide Equal Protection for All DV Survivors. NCCADV supports 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. **NCCADV worked with stakeholders to file a brief in support of a same sex plaintiff denied an order on grounds that they were ineligible under the statute; case is under appellate review.**

