



NCCADV PUBLIC POLICY INITIATIVE

Legislative Accomplishments 2002-2012

- 2002** Address Confidentiality Program for victims of domestic violence, sexual assault and stalking to provide a substitute address in all public records; compliance with VAWA 2000 by not charging victims any fees associated with filing for a protective order; and rulemaking authority granted to the Domestic Violence Commission for standards for court referred abuser treatment programs.
- 2003** Mandatory prohibition of firearms in high-risk protective order cases that provides for the surrender of firearms to the sheriff's office for the life of the protective order; clarification of Chapter 50B to allow victims to renew protective orders multiple times for good cause and ensuring that consent orders are treated the same as orders entered pursuant to a hearing; enhancement of the penalty for committing serious assaults within presence of a minor child; and amendment to unemployment insurance law so that victims are not required to obtain a protective order to qualify for benefits.
- 2004** Comprehensive legislation passed as a result of the House Select Committee, including: new felony crime of non-fatal strangulation; judges required to consider custody in 50B cases and must consider factors listed; protection against employment discrimination for victims seeking a DVPO; warrantless arrest authority for violation of pretrial release conditions; state law conformity with federal law so that all felons are prohibited from possessing firearms; increased funding for legal services to provide representation to victims of domestic violence; training for law enforcement, judges, and other court personnel; treatment required for offenders placed on probation; and tracking of domestic violence criminal cases; creation of workplace violence protective order and civil no-contact order; and state funding increased by \$2 million for domestic violence programs for a total of \$4,682,500

- 2005** New landlord/tenant law to protect victims of domestic violence, sexual assault, and stalking that 1) prohibits landlords from discriminating against victims, 2) allows victims to change locks on their dwellings, and 3) allows victims to terminate lease agreements if relocation is necessary to escape from an abuser; protective orders can be renewed for up to 2 years at a time; sheriff required to deliver copy of 50B order to school principal or designee if defendant ordered to stay away from school; return of firearms prohibited in 50B cases if there are pending criminal charges with the same victim; waiver provision for custody mediation in dv cases clarified; Joint Legislative Committee on Domestic Violence established; NC Housing Trust Fund increased by \$3 million to \$8 million as part of Campaign for Housing Carolina; and court may terminate parental rights of parent who murders other parent.
- 2006** State funding increased by \$350,000 for domestic violence programs; TANF funding increased by \$1 million for domestic violence services to WorkFirst participants; and minimum wage increased by \$1.00 per hour.
- 2007** Stalking added to the crimes covered by the domestic violence bond law; homicide database established in the Attorney General's office; secure waiting area for domestic violence victims established in each courthouse when practical; review required of Council for Women guidelines to consider safety at domestic violence shelters; creation of a Class H felony for violation of a DVPO when the offender is armed with a deadly weapon; name change statute amended so that a public posting is no longer required for victims of domestic violence, sexual assault, and stalking who provide appropriate documentation; Crime Victims' Rights Act amended to include violation of a DVPO; Clerk of Courts required to provide an informational sheet to Plaintiffs in 50B cases listing certain resources; NC brought into compliance with VAWA 2005 by 1) no longer allowing criminal justice agencies to require polygraph examinations of sexual assault victims as a precondition to conducting an investigation and 2) criminal defendants being notified of federal firearms laws through the distribution of a new AOC form; and two voting members added to the Governor's Crime Commission, including a domestic violence/sexual assault advocate and a crime victims advocate.
- 2008** Number of prior convictions of a DVPO is reduced from 3 to 2 to charge an offender with a Class H felony for a violation; study of the adoption of a statewide automated victim notification system for persons who have

received a protective order under Chapter 50B; criminal offense of stalking is clarified and expanded to hold offenders accountable for a wide range of acts, communications, and conduct; and new funding from an increase in divorce fees of \$20 to be allocated to the Domestic Violence Center Fund.

- 2009** Protection and possession of pets added to relief section of Chapter 50B; Joint Legislative Study Committee created on family violence and child custody; 50B summons revised to allow Defendant ten days to respond; clarification of Chapter 50B to ensure that ex parte orders are treated as valid protective orders for purposes of enforcement in response to State v. Byrd; DV Commission directed to study issue of State oversight and coordination of services to victims of sexual violence; clarification of Chapter 50B to ensure mandatory arrest for certain DVPO violations in response to Cockerham-Ellerbee v. The Town of Jonesville; domestic violence prevention and review team established in Mecklenburg County to identify and review domestic violence-related deaths; compliance with VAWA by making significant changes to the Rape Victim Assistance Program so that all victims have access to an exam free of charge; conforming changes to NC statutes related to the enactment of the new stalking law in 2008; and marriage license fee increased by \$10 to be allocated to the Domestic Violence Center Fund.
- 2010** TANF funding increased by \$440,000 to \$2.2 million; domestic violence shelters protected by providing immunity for certain harmful acts committed on the premises by a perpetrator; judges required to consider the defendant's criminal record when determining the conditions of pre-trial release in a criminal domestic violence case; request to the NC Supreme Court to establish minimum standards of education and training for district court judges in handling domestic violence cases; and pilot program established in Alamance County for the electronic filing in Chapter 50B and 50C cases.
- 2011** No cuts to domestic violence state funding for local programs; no cuts to TANF funding for domestic violence services to WorkFirst participants; and criminal penalty increased for the offense of intimidating or interfering with a witness from a Class H to a Class G felony.
- 2012** No cuts to domestic violence state funding for local programs; review of domestic violence offender's participation in a court-ordered abuser treatment program required; tracking of criminal domestic violence cases expanded to include all acts of domestic violence as defined in Chapter 50B.

**Prepared by the
North Carolina Coalition Against Domestic Violence**