



LEGISLATIVE CHRONOLOGY OF STATE DOMESTIC VIOLENCE LAWS

- 1979** Enactment of Chapter 50B, the domestic violence act, that grants protection to domestic violence victims through domestic violence protective orders (initially limited to spouses, former spouses, and parties who live or have lived together as if married).
- 1989** “Pro Se” option in Chapter 50B allowing victims to file for protective orders without an attorney.
- 1991** Warrantless arrest for crimes of domestic violence allowing officers to arrest without a warrant if probable cause exists; increase in marriage licenses fees to support funding for domestic violence programs.
- 1992** Stalking law that allows for arrest if the victim has been threatened with injury or death.
- 1993** Repeal of the marital rape exemption so that a spouse living in the home can be charged with rape.
- 1994** Chapter 50B amended to allow magistrates to issue protective orders in certain situations.
- 1995** Expansion of relief authorized in Chapter 50B, including ordering defendants to batterers treatment programs and prohibiting the purchase of firearms; bond law requiring a judge rather than a magistrate to set bond in certain domestic violence cases within 48 hours of arrest.
- 1996** Increase of \$500,000 in state funding for domestic violence programs; expansion of persons entitled to file for a protective order to include parties with a child in common; prohibition against mutual protective orders unless certain conditions are met; judges must consider domestic violence in making custody decisions; protective orders may be extended beyond original expiration date.
- 1997** State funding for domestic violence programs increased by \$1 million in the non-recurring budget; Chapter 50B expanded to include current or former household

members and persons in a heterosexual dating relationship; violation of a protective order is made a crime.

- 1998** Enabling legislation for the Victims Rights Act which includes misdemeanor crimes of domestic violence; victims of domestic violence with a protective order may file for unemployment insurance.
- 1999** Establishment of the Domestic Violence Commission (consolidated with the Council for Women in 2001); full faith and credit must be given to out-of-state protective orders; warrantless arrest crimes expanded to include assault by pointing a gun and violation of a protective order; TANF funding of \$1 million for prevention and education.
- 2001** \$1 million in state funding moved to the recurring budget; TANF funding of \$1.8 million for domestic violence services for WorkFirst participants and \$900,000 included for prevention and education; testimonial privilege for confidential communications between victims and counselors at domestic violence and sexual assault programs; expansion of Chapter 50B and stalking law to include cases of serious harassment; bond law expanded to include certain felony crimes of domestic violence; increase in penalties for violating a protective order and for stalking; extension of protective orders entered by magistrates so that victims do not have to return every 72 hours.
- 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 a protective order; 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; 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; mandatory training for law enforcement; treatment required for offenders placed on probation; and tracking of domestic violence criminal cases; 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 domestic violence cases clarified; Joint Legislative Committee on Domestic Violence established; NC Housing Trust Fund increased by \$3 million to \$8 million; court may terminate parental rights of parent who murders other parent.
- 2006** State funding increased by \$350,000 for domestic violence programs for a total of \$5,032,500; TANF funding increased by \$1,000,000 for domestic violence services to WorkFirst participants; state's minimum wage increased by \$1.00 per hour and linked to the federal minimum wage.
- 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; 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** Criminal penalty for the offense of intimidating or interfering with a witness increased from a Class H to a Class G felony; warrantless authority expanded to include violations of pre-trial release conditions for all crimes.
- 2012** 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**