



North Carolina Coalition Against Domestic Violence Public Policy Initiative

The NCCADV Public Policy Initiative advocates to improve statewide policies and legislation to positively impact the lives of survivors of domestic violence and their children. NCCADV develops a Legislative Agenda prior to each legislative session through its Legislative Committee, membership and Board of Directors. NCCADV contracts with a lobbyist to advance its Legislative Agenda and works closely with the Joint Legislative Committee on Domestic Violence to make recommendations.

Legislative Accomplishments 2001-2010

Domestic Violence Protective Orders

- Definition of domestic violence is expanded to include serious harassment cases (2001)
- Penalties are increased for violation of a domestic violence protective order (2001)
- Duration of an ex parte DVPO issued by a magistrate is extended until the next time a district court judge is available to review the order (2001)
- Compliance with VAWA 2000 by not charging victims any fees associated with filing for a protective order (2002)
- 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 (2003)
- 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 (2003)
- Judges required to consider custody in 50B cases and must consider factors listed (2004)
- Protection against employment discrimination for victims seeking a DVPO (2004)
- Clerk required to provide a private area for plaintiffs to fill out forms and make inquiries, whenever feasible (2004)
- Protective orders can be renewed for up to 2 years at a time (2005)
- Sheriff required to deliver a copy of 50B order to school principal or designee if defendant ordered to stay away from school (2005)
- Return of firearms prohibited in 50B cases if there are pending criminal charges with the same victim (2005)
- Crime Victims' Rights Act amended to include violation of a DVPO (2007)
- Clerk of Courts required to provide an informational sheet to Plaintiffs in 50B cases listing certain resources (2007)

- Study of the adoption of a statewide automated victim notification system for persons who have received a protective order under Chapter 50B (2008)
- Protection and possession of pets added to relief section of Chapter 50B (2009)
- 50B summons revised to allow Defendant ten days to respond (2009)
- 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 (2009)
- Clarification of Chapter 50B to ensure mandatory arrest for certain DVPO violations in response to Cockerham-Ellerbee v. The Town of Jonesville (2009)
- Pilot program established in Alamance County for the electronic filing in Chapter 50B and 50C cases (2010)

Custody

- Judges required to consider custody in 50B cases and must consider factors listed (2004)
- Court must follow provisions in 50B when determining general custody cases if the court finds that domestic violence has occurred (2004)
- Waiver provision for custody mediation in domestic violence cases clarified (2005)
- Court may terminate parental rights of parent who murders other parent (2005)

Criminal

- Crime of interference with emergency communications is strengthened (2001)
- Stalking law expanded to include serious harassment cases and penalties for stalking are increased (2001)
- Domestic violence bond law expanded to include rape and sexual offenses, felonious assaults, kidnapping and felonious restraint, and arson crimes (2001)
- Penalty for committing serious assaults within presence of a minor child is enhanced (2003)
- Creation of Class H felony crime of non-fatal strangulation (2004)
- Warrantless arrest authority is provided to law enforcement for violation of pretrial release conditions (2004)
- State law conformity with federal law so that all felons are prohibited from possessing firearms (2004)
- Abuser treatment required for offenders placed on probation (2004)
- Aggravating factor provided for felony sentencing if the defendant took advantage of a position of trust, including a domestic relationship (2004)
- Felony crime of "habitual misdemeanor assault" amended to only require 2 or more prior convictions for either misdemeanor or felony assault (2004)
- Stalking added to the crimes covered by the domestic violence bond law (2007)
- Creation of a Class H felony for violation of a DVPO when the offender is armed with a deadly weapon (2007)
- 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 (2007)
- 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 (2008)

- Criminal offense of stalking is clarified and expanded to hold offenders accountable for a wide range of acts, communications, and conduct (2008)
- Judges required to consider the defendant's criminal record when determining the conditions of pre-trial release in a criminal domestic violence case (2010)

Training

- Mandatory training for law enforcement (2004)
- Request to the NC Supreme Court to adopt rules establishing minimum standards of education and training for district court judges in handling domestic violence cases (2004)
- AOC to study the issue of training for court personnel in the area of domestic violence (2004)
- Request to the NC Supreme Court to establish minimum standards of education and training for district court judges in handling domestic violence cases (2010)

Funding

- State funding increased by \$2 million for domestic violence programs for a total of \$4,682,500 (2004)
- Increased funding for legal services to provide representation to victims of domestic violence (2004)
- NC Housing Trust Fund increased by \$3 million to \$8 million as part of Campaign for Housing Carolina (2005)
- State funding increased by \$350,000 for a total of \$5,032,500 to be distributed to domestic violence programs (2006)
- TANF funding increased by \$1 million for a total of \$2.2 million for domestic violence services to WorkFirst participants (2006)
- New funding from an increase in divorce fees of \$20/fee to be allocated to the Domestic Violence Center Fund (2008)
- NC Housing Trust Fund increased by \$2 million to \$10 million as part of Campaign for Housing Carolina (2008)
- Marriage license fee increased by \$10/fee to be allocated to the Domestic Violence Center Fund (2009)

Oversight

- Rulemaking authority granted to the Domestic Violence Commission for standards for court referred abuser treatment programs (2002)
- House Select Committee on Domestic Violence established (2003)
- NC Department of Public Instruction in collaboration with the State Board of Education directed to study the issue of anti-violence programs in schools (2004)
- Two positions added to the Child Fatality Task Force, including a representative from NCCADV and a representative from the Council for Women/DV Commission (2004)
- DHHS directed to study and develop a plan for serving clients of domestic violence programs with mental health and substance abuse service needs (2004)

- NC State Bar in cooperation with the NC Bar Association directed to study the issue of providing CLE credit to active attorneys for providing pro bono legal representation (2004)
- NC Sentencing and Policy Advisory Commission directed to study misdemeanor assault offenses and make recommendations for reclassifications (2004)
- Tracking of domestic violence criminal cases required (2004)
- Joint Legislative Committee on Domestic Violence established (2005)
- Homicide database established in the Attorney General's office (2007)
- Review required of Council for Women guidelines to consider safety at domestic violence shelters (2007)
- Two voting members added to the Governor's Crime Commission, including a domestic violence/sexual assault advocate and a crime victims advocate (2007)
- Joint Legislative Study Committee created on family violence and child custody (2009)
- DV Commission directed to study issue of State oversight and coordination of services to victims of sexual violence (2009)
- Domestic violence prevention and review team established in Mecklenburg County to identify and review domestic violence-related deaths (2009)

Other Laws to Help Survivors of Domestic Violence / Local Programs

- "Qualified" testimonial privilege created between counselors in domestic violence and sexual assault programs and the victims they serve (2001)
- Statute of limitations extended from one year to three years for the intentional torts of assault, battery, and false imprisonment (2001)
- Registered voter who has a protective order in effect can keep his/her address confidential by the county Board of Elections (2001)
- Address Confidentiality Program is established for victims of domestic violence, sexual assault and stalking to provide a substitute address in all public records (2002)
- Amendment to unemployment insurance law so that victims are not required to obtain a protective order to qualify for benefits (2003)
- Creation of workplace violence protective order (2004)
- Creation of civil no-contact order for victims of sexual assault and stalking (2004)
- 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 (2005)
- Minimum wage increased by \$1.00 per hour (2006)
- Secure waiting area for domestic violence victims established in each courthouse when practical (2007)
- 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 (2007)
- 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 (2009)
- Domestic violence shelters protected by providing immunity for certain harmful acts committed on the premises by a perpetrator (2010)