

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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HOUSE BILL 757

Short Title: Consolidate DV Commission/Council for Women. (Public)

Sponsors: Representative Cook (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Appropriations.

April 7, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO IMPROVE SERVICES TO VICTIMS OF DOMESTIC VIOLENCE AND  
3 SEXUAL ASSAULT AND SERVICES TO DISPLACED HOMEMAKERS BY  
4 CONSOLIDATING THE NORTH CAROLINA COUNCIL FOR WOMEN AND THE  
5 DOMESTIC VIOLENCE COMMISSION INTO ONE COMMISSION.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. G.S. 1-630(6) reads as rewritten:

8 "§ 1-630. Definitions.

9 As used in this Article, the following terms mean:

10 ...

11 (6) Shelter. – A facility that meets the criteria set forth in  
12 ~~G.S. 50B-9~~G.S. 143B-394.32(b) and is funded through the Domestic  
13 ~~Violence Center~~Violence, Sexual Assault, and Displaced Homemakers Fund  
14 providing shelter to victims of domestic violence, nonconsensual sexual  
15 conduct, or stalking.

16 ...."

17 SECTION 2. G.S. 7A-305(a2) reads as rewritten:

18 "(a2) In every action for absolute divorce filed in the district court, a cost of seventy-five  
19 dollars (\$75.00) shall be assessed against the person filing the divorce action. Costs collected  
20 by the clerk pursuant to this subsection shall be remitted to the State Treasurer, who shall  
21 deposit ~~fifty five dollars (\$55.00) to the North Carolina Fund for Displaced Homemakers~~  
22 ~~established under G.S. 143B-394.10 and twenty dollars (\$20.00) to the Domestic Violence~~  
23 ~~Center Fund established under G.S. 50B-9~~seventy-five dollars (\$75.00) to the Domestic  
24 Violence, Sexual Assault, and Displaced Homemakers Fund established under  
25 G.S. 143B-394.32. Costs assessed under this subsection shall be in addition to any other costs  
26 assessed under this section."

27 SECTION 3. G.S. 7B-1402(b)(18a) reads as rewritten:

28 "(b) The Task Force shall be composed of 35 members, 11 of whom shall be ex officio  
29 members, four of whom shall be appointed by the Governor, 10 of whom shall be appointed by  
30 the Speaker of the House of Representatives, and 10 of whom shall be appointed by the  
31 President Pro Tempore of the Senate. The ex officio members other than the Chief Medical  
32 Examiner shall be nonvoting members and may designate representatives from their particular  
33 departments, divisions, or offices to represent them on the Task Force. The members shall be as  
34 follows:

35 ...



1 (18a) A representative from the ~~North Carolina Domestic Violence Commission,~~  
2 Commission on Domestic Violence, Sexual Assault, and Displaced  
3 Homemakers, appointed by the Speaker of the House of Representatives  
4 upon recommendation of the ~~Director~~ chair of the Commission;

5 ...."

6 **SECTION 4.** G.S. 15A-1343(b)(12) reads as rewritten:

7 "(b) Regular Conditions. – As regular conditions of probation, a defendant must:

8 ...

9 (12) Attend and complete an abuser treatment program if (i) the court finds the  
10 defendant is responsible for acts of domestic violence and (ii) there is a  
11 program, approved by the ~~Domestic Violence Commission,~~Commission on  
12 Domestic Violence, Sexual Assault, and Displaced Homemakers, reasonably  
13 available to the defendant, unless the court finds that such would not be in  
14 the best interests of justice.

15 ...."

16 **SECTION 5.** G.S. 42-45.1(a) reads as rewritten:

17 "(a) Any protected tenant may terminate his or her rental agreement for a dwelling unit  
18 by providing the landlord with a written notice of termination to be effective on a date stated in  
19 the notice that is at least 30 days after the landlord's receipt of the notice. The notice to the  
20 landlord shall be accompanied by either: (i) a copy of a valid order of protection issued by a  
21 court pursuant to Chapter 50B or 50C of the General Statutes, other than an ex parte order, (ii)  
22 a criminal order that restrains a person from contact with a protected tenant, or (iii) a valid  
23 Address Confidentiality Program card issued pursuant to G.S. 15C-4 to the victim or a minor  
24 member of the tenant's household. A victim of domestic violence or sexual assault must submit  
25 a copy of a safety plan with the notice to terminate. The safety plan, dated during the term of  
26 the tenancy to be terminated, must be provided by a domestic violence or sexual assault  
27 program which substantially complies with the requirements set forth in  
28 ~~G.S. 50B-9~~G.S. 143B-394.32(b) and must recommend relocation of the protected tenant."

29 **SECTION 6.** G.S. 50B-3(a)(12) reads as rewritten:

30 "(a) If the court, including magistrates as authorized under G.S. 50B-2(c1), finds that an  
31 act of domestic violence has occurred, the court shall grant a protective order restraining the  
32 defendant from further acts of domestic violence. A protective order may include any of the  
33 following types of relief:

34 ...

35 (12) Order any party the court finds is responsible for acts of domestic violence  
36 to attend and complete an abuser treatment program if the program is  
37 approved by the ~~Domestic Violence Commission,~~Commission on Domestic  
38 Violence, Sexual Assault, and Displaced Homemakers.

39 ...."

40 **SECTION 7.** G.S. 50B-9 is repealed.

41 **SECTION 8.** G.S. 114-2.7 reads as rewritten:

42 **"§ 114-2.7. Reporting system and database on certain domestic-violence-related**  
43 **homicides; reports by law enforcement agencies required; annual report to the**  
44 **General Assembly.**

45 The Attorney General's Office, in consultation with the ~~North Carolina Council for~~  
46 ~~Women/Domestic Violence Commission,~~Commission on Domestic Violence, Sexual Assault,  
47 and Displaced Homemakers, the North Carolina Sheriffs' Association, and the North Carolina  
48 Association of Chiefs of Police, shall develop a reporting system and database that reflects the  
49 number of homicides in the State where the offender and the victim had a personal relationship,  
50 as defined by G.S. 50B-1(b). The information in the database shall also include the type of  
51 personal relationship that existed between the offender and the victim, whether the victim had

1 obtained an order pursuant to G.S. 50B-3, and whether there was a pending charge for which  
2 the offender was on pretrial release pursuant to G.S. 15A-534.1. All State and local law  
3 enforcement agencies shall report information to the Attorney General's Office upon making a  
4 determination that a homicide meets the reporting system's criteria. The report shall be made in  
5 the format adopted by the Attorney General's Office. The Attorney General's Office shall report  
6 to the Joint Legislative Committee on Domestic Violence, no later than February 1 of each  
7 year, with the data collected for the previous calendar year."

8 **SECTION 9.** G.S. 120-123(31) reads as rewritten:

9 **"§ 120-123. Service by members of the General Assembly on certain boards and**  
10 **commissions.**

11 No member of the General Assembly may serve on any of the following boards or  
12 commissions:

13 ...

14 (31) ~~The North Carolina Council for Women, as established by G.S. 143B-393.~~

15 ...."

16 **SECTION 10.** G.S. 120-266(a)(1) reads as rewritten:

17 "(a) The Joint Legislative Committee on Domestic Violence shall examine, on a  
18 continuing basis, domestic violence issues in North Carolina in order to make ongoing  
19 recommendations to the General Assembly on ways to reduce incidences of domestic violence  
20 and to provide additional assistance to victims of domestic violence. In this examination, the  
21 Committee shall:

22 (1) Study the budget, programs, and policies of the ~~Domestic Violence~~  
23 Commission on Domestic Violence, Sexual Assault, and Displaced  
24 Homemakers to determine ways in which the General Assembly may  
25 improve the effectiveness of the Commission;

26 ...."

27 **SECTION 11.** G.S. 143B-262(e) reads as rewritten:

28 "(e) The Department, in consultation with the ~~Domestic Violence~~  
29 Commission, Commission on Domestic Violence, Sexual Assault, and Displaced Homemakers,  
30 and in accordance with established best practices, shall establish a domestic violence treatment  
31 program for offenders sentenced to a term of imprisonment in the custody of the Department  
32 and whose official record includes a finding by the court that the offender committed acts of  
33 domestic violence.

34 The Department shall ensure that inmates, whose record includes a finding by the court that  
35 the offender committed acts of domestic violence, complete a domestic violence treatment  
36 program prior to the completion of the period of incarceration, unless other requirements,  
37 deemed critical by the Department, prevent program completion. In the event an inmate does  
38 not complete the program during the period of incarceration, the Department shall document, in  
39 the inmate's official record, specific reasons why that particular inmate did not or was not able  
40 to complete the program."

41 **SECTION 12.** Parts 10, 10A, 10C, and 10D of Article 9 of Chapter 143B of the  
42 General Statutes are repealed.

43 **SECTION 13.** G.S. 143B-394.4 reads as rewritten:

44 **"§ 143B-394.4. Definitions.**

45 As used in this Part, unless the context otherwise requires:

46 ...

47 (2) ~~"Council" means the North Carolina Council for Women.~~ 'Commission'  
48 means the Commission on Domestic Violence, Sexual Assault, and  
49 Displaced Homemakers.

50 ...."

51 **SECTION 14.** G.S. 143B-394.10 is repealed.



1           (11) The Chairman of the Governor's Crime Commission.  
2       (e) Terms. – Members shall serve for two-year staggered terms, with no prohibition  
3 against being reappointed, except initial appointments shall be for terms as follows:

4           (1) The Governor shall initially appoint two members for terms of two years and  
5 two members for terms of three years.

6           (2) The President Pro Tempore of the Senate shall initially appoint two  
7 members for terms of two years and two members for terms of three years.

8           (3) The Speaker of the House of Representatives shall initially appoint two  
9 members for terms of two years and two members for terms of three years.

10       Initial terms shall commence on September 1, 2011.

11       (f) Chair. – The chair shall be appointed biennially by the Governor from among the  
12 membership of the Commission. The initial term shall commence on September 1, 2011.

13       (g) Vacancies. – A vacancy on the Commission or as chair of the Commission resulting  
14 from the resignation of a member or otherwise shall be filled in the same manner in which the  
15 original appointment was made, and the term shall be for the balance of the unexpired term.

16       (h) Compensation. – The Commission members shall receive no salary as a result of  
17 servicing on the Commission but shall receive per diem, subsistence, and travel expenses in  
18 accordance with the provisions of G.S. 120-3.1, 138-5, and 138-6, as applicable. When  
19 approved by the Commission, members may be reimbursed for subsistence and travel expenses  
20 in excess of the statutory amount.

21       (i) Removal. – Members may be removed in accordance with G.S. 143B-13 as if that  
22 section applied to this Article.

23       (j) Meetings. – The chair shall convene the Commission. Meetings shall be held as  
24 often as necessary, but not less than four times a year.

25       (k) Quorum. – A majority of the members of the Commission shall constitute a quorum  
26 for the transaction of business. The affirmative vote of a majority of the members present at  
27 meetings of the Commission shall be necessary for action to be taken by the Commission.

28       (l) Office Space. – The Department of Administration shall provide office space in  
29 Raleigh for use as offices by the Commission, and the Department of Administration shall  
30 receive no reimbursement from the Commission for the use of the property during the life of  
31 the Commission.

32       (m) Staffing. – The Secretary of the Department of Administration shall be responsible  
33 for staffing the Commission.

34       (n) Open Meetings and Public Records. – Any recipient of a grant or contract through a  
35 county board of commissioners from the Domestic Violence, Sexual Assault, and Displaced  
36 Homemakers Fund under G.S. 143B-394.32 shall be subject to the Open Meetings laws under  
37 Chapter 143 of the General Statutes and the Public Records laws under Chapter 132 of the  
38 General Statutes. However, any confidential information that identifies a particular client shall  
39 not be made public, except as otherwise provided by law.

40       **§ 143B-394.31. Powers and duties of the Commission; reports.**

41       (a) Powers and Duties. – The Commission shall have the following powers and duties:

42           (1) To adopt any rules necessary to carry out the provisions of this Part.

43           (2) To advise the Governor, the principal State departments, and the State  
44 legislature concerning the education and employment of women in the State  
45 of North Carolina.

46           (3) To advise the Secretary of Administration upon any matter under the  
47 Commission's purview the Secretary may refer to it.

48           (4) To develop and implement a standardized screening, diagnosis, and intake  
49 assessment process and a standardized online data-based reporting system to  
50 provide for an annual statewide assessment of patterns, trends, variances,  
51 deficiencies, needs, and best practices as related to provision of services for

- 1 victims of domestic violence or sexual assault and for displaced  
2 homemakers.
- 3 (5) Domestic violence. – As related to domestic violence, the Commission shall  
4 have the following additional powers and duties:
- 5 a. To promote adequate funding to promote victim safety and  
6 accountability of perpetrators.
- 7 b. To develop and recommend domestic violence training initiatives for  
8 law enforcement and judicial personnel and for all persons who  
9 provide treatment and services to domestic violence victims.
- 10 c. To develop training initiatives for and make recommendations and  
11 provide information and advice to State agencies in the areas of child  
12 protection, education, employer/employee relations, criminal justice,  
13 and subsidized housing.
- 14 d. To provide information and advice to any private entities that request  
15 assistance in providing services and support to domestic violence  
16 victims.
- 17 e. To design, coordinate, and oversee a statewide public awareness  
18 campaign.
- 19 f. To design and coordinate improved data collection efforts for  
20 domestic violence crimes and acts in the State.
- 21 g. To research, develop, and recommend proposals of how best to meet  
22 the needs of domestic violence victims and to prevent domestic  
23 violence in the State.
- 24 h. To adopt rules in accordance with Article 2A of Chapter 150B of the  
25 General Statutes for the approval of abuser treatment programs as  
26 provided in G.S. 50B-3(a)(12). The Commission shall adopt rules to  
27 establish a consistent level of performance from providers of abuser  
28 treatment programs and to ensure that approved programs enhance  
29 the safety of victims and hold those who perpetrate acts of domestic  
30 violence responsible.
- 31 (6) Sexual assault. – As related to sexual assault, the Commission shall have the  
32 following additional powers and duties:
- 33 a. To facilitate and coordinate all programs and services which deal  
34 with victims of sexual assault.
- 35 b. To research the needs of the State and already existing programs for  
36 sexual assault services.
- 37 c. To create a liaison between public services and private services with  
38 which victims of sexual assault normally come in contact.
- 39 d. To be an information clearinghouse on all aspects of sexual assault  
40 services.
- 41 e. To develop model programs and training techniques to be used to  
42 train medical, legal, and psychological personnel (both in the public  
43 and private sectors) who deal with the victims of sexual assault, and  
44 to aid in implementing these programs to suit the needs of specific  
45 communities.
- 46 f. To be available to aid and advise sexual assault services on  
47 operational and functional problems.
- 48 g. To develop and coordinate a public education program for the State  
49 on the phenomenon of sexual assault.

1           (7) Displaced homemakers. – As related to displaced homemakers, the  
2           Commission shall facilitate and coordinate programs for the assistance of  
3           displaced homemakers as set forth in Part 10B of this Article.

4           (b) Report. – The Commission shall report its findings and recommendations, including  
5           any legislative or administrative proposals, to the General Assembly no later than April 1 each  
6           year.

7           **"§ 143B-394.32. Domestic Violence, Sexual Assault, and Displaced Homemakers Fund.**

8           (a) The Domestic Violence, Sexual Assault, and Displaced Homemakers Fund (Fund)  
9           is established within the State treasury. The Department of Administration, Commission on  
10           Domestic Violence, Sexual Assault, and Displaced Homemakers, shall oversee the distribution  
11           of the shares from the Fund to the counties as provided in this section. The Department shall  
12           allocate funds from the Fund to each county. Upon proper application to the board of county  
13           commissioners in that county, the board of county commissioners shall use these funds to make  
14           quarterly grants to any of the following:

15                   (1) A center for victims of domestic violence.

16                   (2) A center for victims of sexual assault or rape crisis.

17                   (3) A center for displaced homemakers.

18                   (4) A center providing any combination of services as described in subdivisions  
19                   (1) through (3) of this subsection.

20 A recipient of grant funds from a local county board of commissioners may subcontract with  
21 the North Carolina Coalition Against Domestic Violence, Inc., the North Carolina Coalition  
22 Against Sexual Assault, Inc., or any other State agency, including the North Carolina  
23 Community College System or The University of North Carolina system to provide research,  
24 training, and evaluation of services to grant recipients. Notwithstanding any other provision of  
25 law, no contractor receiving a grant from the Fund or contract pursuant to the Fund may use  
26 any funds to pay directly or indirectly for lobbying services directed at any executive  
27 department or legislative entity.

28           (b) To be eligible to receive funds under this section, an applicant shall meet the  
29 following requirements:

30                   (1) It shall offer, at a minimum, the following services:

31                           a. A crisis hotline operated 24 hours a day, seven days a week, 365  
32                           days each year.

33                           b. Transportation services.

34                           c. Counseling services to (i) assist in the prevention and mitigation of  
35                           domestic violence or sexual assault and (ii) facilitate employment,  
36                           education, and permanent housing for victims of domestic violence  
37                           or sexual assault.

38                           d. Community awareness and education programs.

39                           e. A shelter to provide temporary 'safe house' services.

40                           f. Daytime services.

41                           g. Call forwarding during the night.

42                           h. Emergency room services or temporary medical assistance for  
43                           victims of domestic violence or sexual assault, including counseling  
44                           and trauma support for victims.

45                           i. Services for displaced homemakers in accordance with  
46                           G.S. 143B-394.8.

47                           j. Court advocacy services.

48                           k. Any other criteria established by the Department of Administration.

49                   (2) It shall be a county board of commissioners. The county board of  
50                   commissioners may contract with one or more nonprofits or with other local  
51                   government entities or may choose to deliver the services by a department of

1           the county. A county may join with one or more other counties to provide  
2           services to a multi-county area or a board of county commissioners may  
3           contract with one or more contractors to provide services with that county so  
4           long as services are equally available to all persons in the county.

5 An applicant that meets all the requirements of this subsection shall be eligible for a grant  
6 under this section. When grants are awarded under this section, each grant recipient shall  
7 receive an equal share of the grant funds. This Fund shall be administered in accordance with  
8 the provisions of the Executive Budget Act.

9       (c) In accordance with the 2010 census, the number of centers that are eligible for a  
10 share of the Fund shall be limited as follows:

11           (1) In counties with less than a population of 400,000, no more than one center  
12 shall be eligible for an equal share of the Fund.

13           (2) In counties with populations of between 400,000 to 800,000, no more than  
14 two centers shall be eligible, and each shall receive an equal share of the  
15 Fund.

16           (3) In counties with a population of more than 800,000, no more than three  
17 centers shall be eligible, and each shall receive an equal share of the Fund."

18       **SECTION 16.** G.S. 161-11.2 reads as rewritten:

19       **"§ 161-11.2. Fees for domestic violence centers.**

20       Thirty dollars (\$30.00) of each fee collected by a register of deeds for issuance of a  
21 marriage license pursuant to G.S. 161-10(a)(2) shall be forwarded by the register of deeds to  
22 the county finance officer, who shall forward the funds to the Department of Administration to  
23 be credited to the ~~Domestic Violence Center Fund established under G.S. 50B-9.~~ Domestic  
24 Violence, Sexual Assault, and Displaced Homemakers Fund established under  
25 G.S. 143B-394.32. The register of deeds shall forward the fees to the county finance officer as  
26 soon as practical. The county finance officer shall forward the fees to the Department of  
27 Administration within 60 days after receiving the fees. The Register of Deeds shall inform the  
28 applicants that thirty dollars (\$30.00) of the fee for a marriage license shall be used for  
29 Domestic Violence programs."

30       **SECTION 17.** The Revisor of Statutes shall change the word "Council" to the  
31 word "Commission" wherever it appears in Part 10B of Article 9 of Chapter 143B of the  
32 General Statutes.

33       **SECTION 18.(a)** All unencumbered funds in the Domestic Violence Center Fund  
34 shall be transferred to the Domestic Violence, Sexual Assault, and Displaced Homemakers  
35 Fund established under G.S. 143B-394.32, as enacted by Section 15 of this act.

36       **SECTION 18.(b)** All unencumbered funds in the Sexual Assault and Rape Crisis  
37 Center Fund shall be transferred to the Domestic Violence, Sexual Assault, and Displaced  
38 Homemakers Fund established under G.S. 143B-394.32, as enacted by Section 15 of this act.

39       **SECTION 18.(c)** All unencumbered funds in the North Carolina Fund for  
40 Displaced Homemakers shall be transferred to the Domestic Violence, Sexual Assault, and  
41 Displaced Homemakers Fund established under G.S. 143B-394.32, as enacted by Section 15 of  
42 this act.

43       **SECTION 19.** The terms of the members currently serving on the North Carolina  
44 Council for Women and the Domestic Violence Commission shall expire on the effective date  
45 of this act. The initial members appointed to serve on the Commission on Domestic Violence,  
46 Sexual Assault, and Displaced Homemakers in accordance with G.S. 143B-394.30, as enacted  
47 by Section 15 of this act, shall serve for the terms for which they were appointed and until their  
48 successors are appointed and qualified.

49       **SECTION 20.** This act is effective when it becomes law.