

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 140
House Committee Substitute Favorable 7/23/09
House Committee Substitute #2 Favorable 5/26/10

Short Title: Protect Victims/DV Shelters.

(Public)

Sponsors:

Referred to:

February 12, 2009

A BILL TO BE ENTITLED

AN ACT TO MAKE IT A FELONY FOR A PERSON WHO IS THE SUBJECT OF A VALID PROTECTIVE ORDER TO TRESPASS ON PROPERTY WHERE THE PROTECTED PARTY RESIDES AND THAT IS OPERATED AS A SAFE HOUSE OR HAVEN FOR DOMESTIC VIOLENCE VICTIMS WITHOUT REGARD AS TO WHETHER THE PERSON COVERED BY THE PROTECTIVE ORDER IS PRESENT ON THE PREMISES, AND TO LIMIT THE LIABILITY OF DOMESTIC VIOLENCE SHELTERS FOR TORTIOUS CONDUCT COMMITTED ON SHELTER PREMISES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 50B-4.1 is amended by adding a new subsection to read:

"(g1) Unless covered under some other provision of law providing greater punishment, any person who is subject to a valid protective order, as provided in subsection (a) of this section, who enters property operated as a safe house or haven for victims of domestic violence, where a person protected under the order is residing, shall be guilty of a Class H felony. A person violates this subsection regardless of whether the person protected under the order is present on the property."

SECTION 2. Chapter 1 of the General Statutes is amended by adding a new Article to read:

"Article 52.

"Limited Civil Liability of Domestic Violence Shelters and Persons Associated With the Shelters.

"§ 1-619. Definitions.

As used in this Article, the following terms mean:

- (1) Client. – A person who is the victim of domestic violence, as defined in Chapter 50B of the General Statutes, or of nonconsensual sexual conduct or stalking, as defined in Chapter 50C of the General Statutes, and is using services or facilities of a shelter.
- (2) Conduct. – One or more actions or omissions.
- (3) Harm. – Injury, death, or loss to person or property.
- (4) Perpetrator. – A person who has committed domestic violence and who bears one of the personal relationships specified in G.S. 50B-1(b) to the victim of domestic violence, or a person who has committed nonconsensual sexual conduct or stalking as defined in Chapter 50C of the General Statutes.
- (5) Person associated with the shelter. – A person who is a director, owner, trustee, officer, employee, victim advocate, or volunteer connected with the shelter.



- 1 (6) Shelter. – A facility that meets the criteria set forth in G.S. 50B-9 and is
2 funded through the Domestic Violence Center Fund providing shelter to
3 victims of domestic violence, nonconsensual sexual conduct, or stalking.
4 (7) Victim advocate. – A person from a crime victim service organization who
5 provides support and assistance for a victim of a crime during court
6 proceedings and recovery efforts related to the crime.
7 (8) Volunteer. – An individual who provides any service at a shelter without
8 expectation of receiving and without receiving any compensation or other
9 form of remuneration, directly or indirectly, for the provision of the service.

10 **"§ 1-620. Immunity of a domestic violence shelter and any person associated with the**
11 **shelter concerning torts committed on the shelter's premises.**

12 (a) Except as provided in subsection (b) of this section, no shelter and no person
13 associated with the shelter is liable in damages in a tort action for any harm that a client or
14 other person who is on the premises of the shelter sustains as a result of tortious conduct of a
15 perpetrator that is committed on the premises of the shelter if the perpetrator is not a person
16 associated with the shelter.

17 (b) The immunity established by this section does not extend to gross negligence,
18 wanton conduct, or intentional wrongdoing that would otherwise be actionable."

19 **SECTION 3.** Section 1 of this act becomes effective December 1, 2010, and
20 applies to offenses committed on or after that date. The remainder of this act is effective when
21 it becomes law.