GENERAL ASSEMBLY OF NORTH CAROLINA **SESSION 2013**

S 1 **SENATE BILL 664**

Short Title:	Consolidate DV Commission/Council for Women.	(Public)
Sponsors:	Senators Cook, Rabin, and Jackson (Primary Sponsors).	_
Referred to:	Rules and Operations of the Senate.	

April 4, 2013

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

The General Assembly of North Carolina enacts:

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

"§ 1-630. Definitions.

As used in this Article, the following terms mean:

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

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

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

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

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

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1 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 Domestic Violence, Sexual Assault, and Displaced Homemakers, reasonably 12 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 Any protected tenant may terminate his or her rental agreement for a dwelling unit "(a) 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 28 G.S. 50B-9G.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 following types of relief: 33 34 35 Order any party the court finds is responsible for acts of domestic violence (12)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. 101-2(b) reads as rewritten: 42 "(b) The publication in subsection (a) of this section is not required if the applicant: 43 44 (2) Provides evidence that the applicant is a victim of domestic violence, sexual 45 offense, or stalking. This evidence may include any of the following: 46 . . . 47 b. Documentation from a program receiving funds from the Domestic 48 Violence Center Fund, Violence, Sexual Assault, and Displaced 49 Homemakers Fund, if the applicant is alleged to be a victim of domestic violence." 50

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SECTION 9. G.S. 114-2.7 reads as rewritten:

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

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The Attorney General's Office, in consultation with the North Carolina Council for Women/Domestic Violence Commission, Commission on Domestic Violence, Sexual Assault, and Displaced Homemakers, the North Carolina Sheriffs' Association, and the North Carolina Association of Chiefs of Police, shall develop a reporting system and database that reflects the number of homicides in the State where the offender and the victim had a personal relationship, as defined by G.S. 50B-1(b). The information in the database shall also include the type of personal relationship that existed between the offender and the victim, whether the victim had obtained an order pursuant to G.S. 50B-3, and whether there was a pending charge for which the offender was on pretrial release pursuant to G.S. 15A-534.1. All State and local law enforcement agencies shall report information to the Attorney General's Office upon making a determination that a homicide meets the reporting system's criteria. The report shall be made in the format adopted by the Attorney General's Office. The Attorney General's Office shall report to the Joint Legislative Committee on Domestic Violence, no later than February 1 of each year, with the data collected for the previous calendar year."

SECTION 10. G.S. 120-123(31) reads as rewritten:

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

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

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

SECTION 11. G.S. 120-266(a)(1) reads as rewritten:

- "(a) The Joint Legislative Committee on Domestic Violence shall examine, on a continuing basis, domestic violence issues in North Carolina in order to make ongoing recommendations to the General Assembly on ways to reduce incidences of domestic violence and to provide additional assistance to victims of domestic violence. In this examination, the Committee shall:
 - (1) Study the budget, programs, and policies of the Domestic Violence Commission on <u>Domestic Violence</u>, <u>Sexual Assault</u>, and <u>Displaced Homemakers</u> to determine ways in which the General Assembly may improve the effectiveness of the Commission;

SECTION 12. G.S. 143B-262(e) reads as rewritten:

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

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

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General Assembly of North Carolina 1 **SECTION 13.** Parts 10, 10A, 10C, and 10D of Article 9 of Chapter 143B of the 2 General Statutes are repealed. 3 **SECTION 14.** G.S. 143B-394.4 reads as rewritten: 4 "§ 143B-394.4. Definitions. 5 As used in this Part, unless the context otherwise requires: 6 7 (2) "Council" means the North Carolina Council for Women." Commission" 8 means the Commission on Domestic Violence, Sexual Assault, and 9 Displaced Homemakers. 10 11 **SECTION 15.** G.S. 143B-394.10 is repealed. 12 **SECTION 16.** Article 9 of Chapter 143B of the General Statutes is amended by 13 adding the following new Part to read: 14 "Part 10E. The Commission on Domestic Violence, Sexual Assault, and Displaced 15 Homemakers. 16 "\(\) 143B-394.30. Commission created; purpose; membership; transaction of business. 17 Creation. – There is hereby created the Commission on Domestic Violence, Sexual 18 19 20 21 22 23 24

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Assault, and Displaced Homemakers (Commission). The Commission shall be located within the Department of Administration for organizational, budgetary, and administrative purposes.

Purpose. – The purpose of the Commission is to (i) assess statewide needs related to domestic violence, sexual assault and rape crisis, and displaced homemakers; (ii) assure that necessary services, policies, and programs are provided to those in need; (iii) strengthen the existing domestic violence, sexual assault and rape crisis, and displaced homemaker programs established and funded through the Domestic Violence, Sexual Assault, Displaced Homemakers Fund under G.S. 143B-394.32; and (iv) recommend new programs.

- Membership. The Commission shall consist of 12 members, who reflect the geographic and cultural regions of the State, as follows:
 - Four persons appointed by the Governor, one of whom is a clerk of superior <u>(1)</u> court; one of whom is a member of the medical community; one of whom is a former victim of domestic violence or sexual assault or a former displaced homemaker; and one of whom is a member of the public at large.
 - Four persons appointed by the General Assembly, upon recommendation of <u>(2)</u> the President Pro Tempore of the Senate, one of whom is a member of the Senate; one of whom is a district attorney or assistant district attorney; one of whom is a member of the business community; one of whom is a representative of the law enforcement community with specialized knowledge of domestic violence and sexual assault issues.
 - Four persons appointed by the General Assembly, upon recommendation of **(3)** the Speaker of the House of Representatives, one of whom is a member of the House of Representatives; one of whom is a county manager; one of whom is a district court judge; and one of whom is a member of the North Carolina Bar Association who has studied domestic violence issues.

No officer, board member, or employee of any recipient of funds directly or indirectly from the Domestic Violence, Sexual Assault, and Displaced Homemakers Fund shall serve on the Commission.

Guests of Commission. - The Commission, the chair of the Commission, or the executive director may, for whatever purpose deemed appropriate, invite the participation of any or all of the following to participate in any meeting of the Commission, provided the participants shall have no vote in matters before the Commission and shall not be considered members of the Commission for purposes of establishing a quorum or be reimbursed for travel expenses from the Domestic Violence, Sexual Assault, and Displaced Homemakers Fund:

Page 4 S664 [Edition 1] 1 (1) The Governor.

- (2) The Lieutenant Governor.
- 3 (3) The Attorney General.
 4 (4) The Secretary of the December 1
 - (4) The Secretary of the Department of Administration.
 - (5) The Secretary of the Department of Crime Control and Public Safety.
 - (6) The Superintendent of Public Instruction.
 - (7) The Secretary of the Department of Correction.
 - (8) The Secretary of the Department of Health and Human Services.
 - (9) The Director of the Office of State Personnel.
 - (10) The Dean of the School of Government at the University of North Carolina at Chapel Hill.
 - (11) The Chairman of the Governor's Crime Commission.
 - (e) Terms. Members shall serve for two-year staggered terms, with no prohibition against being reappointed, except initial appointments shall be for terms as follows:
 - (1) The Governor shall initially appoint two members for terms of two years and two members for terms of three years.
 - (2) The President Pro Tempore of the Senate shall initially appoint two members for terms of two years and two members for terms of three years.
 - (3) The Speaker of the House of Representatives shall initially appoint two members for terms of two years and two members for terms of three years.

<u>Initial terms shall commence on September 1, 2013.</u>

- (f) Chair. The chair shall be appointed biennially by the Governor from among the membership of the Commission. The initial term shall commence on September 1, 2013.
- (g) <u>Vacancies. A vacancy on the Commission or as chair of the Commission resulting</u> from the resignation of a member or otherwise shall be filled in the same manner in which the <u>original appointment was made, and the term shall be for the balance of the unexpired term.</u>
- (h) Compensation. The Commission members shall receive no salary as a result of serving on the Commission but shall receive per diem, subsistence, and travel expenses in accordance with the provisions of G.S. 120-3.1, 138-5, and 138-6, as applicable. When approved by the Commission, members may be reimbursed for subsistence and travel expenses in excess of the statutory amount.
- (i) Removal. Members may be removed in accordance with G.S. 143B-13 as if that section applied to this Article.
- (j) Meetings. The chair shall convene the Commission. Meetings shall be held as often as necessary but not less than four times a year.
- (k) Quorum. A majority of the members of the Commission shall constitute a quorum for the transaction of business. The affirmative vote of a majority of the members present at meetings of the Commission shall be necessary for action to be taken by the Commission.
- (l) Office Space. The Department of Administration shall provide office space in Raleigh for use as offices by the Commission, and the Department of Administration shall receive no reimbursement from the Commission for the use of the property during the life of the Commission.
- (m) <u>Staffing. The Secretary of the Department of Administration shall be responsible for staffing the Commission.</u>
- (n) Open Meetings and Public Records. Any recipient of a grant or contract through a county board of commissioners from the Domestic Violence, Sexual Assault, and Displaced Homemakers Fund under G.S. 143B-394.32 shall be subject to the Open Meetings laws under Chapter 143 of the General Statutes and the Public Records laws under Chapter 132 of the General Statutes. However, any confidential information that identifies a particular client shall not be made public, except as otherwise provided by law.
- "§ 143B-394.31. Powers and duties of the Commission; reports.

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1 Powers and Duties. – The Commission shall have the following powers and duties: (a) 2 To adopt any rules necessary to carry out the provisions of this Part. (1) 3 **(2)** To advise the Governor, the principal State departments, and the State 4 legislature concerning the education and employment of women in the State 5 of North Carolina. 6 To advise the Secretary of Administration upon any matter under the <u>(3)</u> 7 Commission's purview the Secretary may refer to it. 8 To develop and implement a standardized screening, diagnosis, and intake <u>(4)</u> 9 assessment process and a standardized online data-based reporting system to 10 provide for an annual statewide assessment of patterns, trends, variances, 11 deficiencies, needs, and best practices as related to provision of services for victims of domestic violence or sexual assault and for displaced 12 13 homemakers. 14 Domestic violence. – As related to domestic violence, the Commission shall <u>(5)</u> 15 have the following additional powers and duties: 16 To promote adequate funding to promote victim safety and <u>a.</u> 17 accountability of perpetrators. 18 <u>b.</u> To develop and recommend domestic violence training initiatives for 19 law enforcement and judicial personnel and for all persons who 20 provide treatment and services to domestic violence victims. 21 To develop training initiatives for and make recommendations and <u>c.</u> 22 provide information and advice to State agencies in the areas of child 23 protection, education, employer/employee relations, criminal justice, 24 and subsidized housing. 25 To provide information and advice to any private entities that request d. 26 assistance in providing services and support to domestic violence 27 victims. 28 To design, coordinate, and oversee a statewide public awareness <u>e.</u> 29 campaign. 30 To design and coordinate improved data collection efforts for <u>f.</u> 31 domestic violence crimes and acts in the State. 32 To research, develop, and recommend proposals of how best to meet g. 33 the needs of domestic violence victims and to prevent domestic 34 violence in the State. 35 To adopt rules in accordance with Article 2A of Chapter 150B of the <u>h.</u> 36 General Statutes for the approval of abuser treatment programs as 37 provided in G.S. 50B-3(a)(12). The Commission shall adopt rules to 38 establish a consistent level of performance from providers of abuser 39 treatment programs and to ensure that approved programs enhance 40 the safety of victims and hold those who perpetrate acts of domestic 41 violence responsible. 42 Sexual assault. – As related to sexual assault, the Commission shall have the (6) 43 following additional powers and duties: 44 To facilitate and coordinate all programs and services which deal a. 45 with victims of sexual assault. To research the needs of the State and already existing programs for 46 b. 47 sexual assault services. 48 To create a liaison between public services and private services with <u>c.</u> 49 which victims of sexual assault normally come in contact. 50 <u>d.</u> To be an information clearinghouse on all aspects of sexual assault 51 services.

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- **General Assembly of North Carolina** Session 2013 To develop model programs and training techniques to be used to 1 <u>e.</u> 2 train medical, legal, and psychological personnel (both in the public 3 and private sectors) who deal with the victims of sexual assault and 4 to aid in implementing these programs to suit the needs of specific 5 communities. To be available to aid and advise sexual assault services on <u>f.</u> 7 operational and functional problems. To develop and coordinate a public education program for the State g. 9 on the phenomenon of sexual assault. Displaced homemakers. - As related to displaced homemakers, the <u>(7)</u> 11 Commission shall facilitate and coordinate programs for the assistance of displaced homemakers as set forth in Part 10B of this Article. Report. – The Commission shall report its findings and recommendations, including any legislative or administrative proposals, to the General Assembly no later than April 1 each
 - "§ 143B-394.32. Domestic Violence, Sexual Assault, and Displaced Homemakers Fund.
 - The Domestic Violence, Sexual Assault, and Displaced Homemakers Fund (Fund) is established within the State treasury. The Department of Administration, Commission on Domestic Violence, Sexual Assault, and Displaced Homemakers, shall oversee the distribution of the shares from the Fund to the counties as provided in this section. The Department shall allocate funds from the Fund to each county. Upon proper application to the board of county commissioners in that county, the board of county commissioners shall use these funds to make quarterly grants to any of the following:
 - (1) A center for victims of domestic violence.
 - A center for victims of sexual assault or rape crisis. (2)
 - **(3)** A center for displaced homemakers.
 - (4) A center providing any combination of services as described in subdivisions (1) through (3) of this subsection.

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

- To be eligible to receive funds under this section, an applicant shall meet the following requirements:
 - (1) It shall offer, at a minimum, the following services:
 - A crisis hotline operated 24 hours a day, seven days a week, 365 <u>a.</u> days each year.
 - Transportation services. <u>b.</u>
 - Counseling services to (i) assist in the prevention and mitigation of <u>c.</u> domestic violence or sexual assault and (ii) facilitate employment, education, and permanent housing for victims of domestic violence or sexual assault.
 - Community awareness and education programs. <u>d.</u>
 - A shelter to provide temporary "safe house" services. <u>e.</u>
 - <u>f.</u> Daytime services.
 - Call forwarding during the night. g.

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49 50 Emergency room services or temporary medical assistance for h. victims of domestic violence or sexual assault, including counseling and trauma support for victims. Services for displaced homemakers in accordance <u>i.</u> with G.S. 143B-394.8. Court advocacy services. <u>j.</u> Any other criteria established by the Department of Administration. k.

(2) It shall be a county board of commissioners. The county board of commissioners may contract with one or more nonprofits or with other local government entities or may choose to deliver the services by a department of the county. A county may join with one or more other counties to provide services to a multicounty area, or a board of county commissioners may contract with one or more contractors to provide services with that county so long as services are equally available to all persons in the county.

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

- (c) <u>In accordance with the 2010 census, the number of centers that are eligible for a share of the Fund shall be limited as follows:</u>
 - (1) <u>In counties with less than a population of 400,000, no more than one center</u> shall be eligible for an equal share of the Fund.
 - (2) In counties with populations of between 400,000 to 800,000, no more than two centers shall be eligible, and each shall receive an equal share of the Fund.
 - (3) In counties with a population of more than 800,000, no more than three centers shall be eligible, and each shall receive an equal share of the Fund."

SECTION 17. G.S. 143B-704(e) reads as rewritten:

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

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

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

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

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

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applicants that thirty dollars (\$30.00) of the fee for a marriage license shall be used for Domestic Violence programs."

SECTION 19. The Revisor of Statutes shall change the word "Council" to the word "Commission" wherever it appears in Part 10B of Article 9 of Chapter 143B of the General Statutes.

SECTION 20.(a) All unencumbered funds in the Domestic Violence Center Fund shall be transferred to the Domestic Violence, Sexual Assault, and Displaced Homemakers Fund established under G.S. 143B-394.32, as enacted by Section 16 of this act.

SECTION 21.(b) All unencumbered funds in the Sexual Assault and Rape Crisis Center Fund shall be transferred to the Domestic Violence, Sexual Assault, and Displaced Homemakers Fund established under G.S. 143B-394.32, as enacted by Section 16 of this act.

SECTION 22.(c) All unencumbered funds in the North Carolina Fund for Displaced Homemakers shall be transferred to the Domestic Violence, Sexual Assault, and Displaced Homemakers Fund established under G.S. 143B-394.32, as enacted by Section 16 of this act.

SECTION 23. The terms of the members currently serving on the North Carolina Council for Women and the Domestic Violence Commission shall expire on the effective date of this act. The initial members appointed to serve on the Commission on Domestic Violence, Sexual Assault, and Displaced Homemakers in accordance with G.S. 143B-394.30, as enacted by Section 16 of this act, shall serve for the terms for which they were appointed and until their successors are appointed and qualified.

SECTION 24. This act is effective when it becomes law.

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