

HOUSE SELECT COMMITTEE ON DOMESTIC VIOLENCE



**REPORT TO THE
2005 GENERAL ASSEMBLY
OF NORTH CAROLINA**

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DOMESTIC VIOLENCE OCCURRED.

January 15, 2005

TO THE MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE
2005 GENERAL ASSEMBLY OF NORTH CAROLINA:

The House Select Committee on Domestic Violence herewith submits to
you for your consideration its report.

Respectfully submitted,

Representative Marian McLawhorn

Co-chair

Representative Wilma Sherrill

Co-chair

PREFACE

The House Select Committee on Domestic Violence, established by the Speakers of the House of Representatives on August 12, 2003, is authorized to review the causes of domestic violence, the laws related to domestic violence in North Carolina, the law enforcement and judicial system responses to domestic violence cases, the severity of criminal penalties in domestic violence cases, the effectiveness of the 1999 Crime Victims' Rights Act, and the adequacy of the data collection systems tracking domestic violence cases and homicides.

The Committee is cochaired by Representative Marian McLawhorn and Representative Wilma Sherrill. The committee clerk maintains a notebook containing the committee minutes and all information presented to the committee.

RECOMMENDATIONS

The House Select Committee on Domestic Violence makes the following recommendations to the 2005 General Assembly:

Recommendation 1

A statutory joint committee should be created to examine, on a continuing basis, the issues related to domestic violence in North Carolina, in order to make ongoing recommendations to the General Assembly on ways to reduce domestic violence and provide additional assistance to victims.

Recommendation 2

The Administrative Office of the Courts (AOC), in consultation with the Department of Correction, Division of Community Corrections (DCC), shall study and review programs in this State, and other states, that utilize Global Positioning Satellite technology to track criminal offenders. Based upon the study and review, the AOC shall make written recommendations to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee, and the Domestic Violence Committee (see Recommendation 1), for a pilot GPS tracking program as a condition for pretrial release pursuant to G.S. 15A-534.1. The recommendations shall include whether the alleged victim of the charged offense should have a receiver for immediate and direct notification of a GPS tracking violation by the defendant. The recommendations shall be made no later than July 1, 2005.

Recommendation 3

The Department of Correction, Division of Community Corrections (DCC), shall make a written report to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee and the Domestic Violence Committee (see Recommendation 1), on measures the Division is undertaking to address the issue of supervising Domestic Violence offenders. The reports, and any recommendations, shall be made no later than January 1, 2007.

Recommendation 4

Chapter 50B of the General Statutes should be amended to clarify that courts have the authority to enter consent agreements in domestic violence protective order cases without making specific findings of fact that an act of domestic violence occurred (see Attachment Legislative Proposal).

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Recommendation 5

The Department of Health and Human Services report required by S.L. 2004-186, Section 6.1 shall be submitted to the Speaker of the House of Representatives, in addition to the Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities and Substance Abuse Services and the General Assembly, no later than February 15, 2005.

Recommendation 6

Legal services funding created under S.L. 2004-186, Part IV and other current sources of funding, such as the Victims of Crime Act (VOCA) funds currently dedicated through the Governor's Crime Commission, should be maintained. In addition, additional sources of funding should be explored in order to expand the funding of legal services in domestic violence cases.

Recommendation 7

The Family Court Model should be expanded across the State as resources allow. Until expansion, the elements of the model that might be adopted without additional funding, such as the "one judge/one family" calendaring procedure, should be explored in each jurisdiction. Additionally, court records should be automated to allow queries on civil, criminal and juvenile matters.

Recommendation 8

Funding for domestic violence and sexual assault service providers should be addressed, and the State's current formula for administering state appropriated dollars should be reevaluated.

Recommendation 9

The position to oversee the Abuser Treatment Program should be recreated within the Council for Women and Domestic Violence Commission.

Recommendation 10

Additional sources of funding should be explored to establish additional visitation centers across the State.

ATTACHMENT