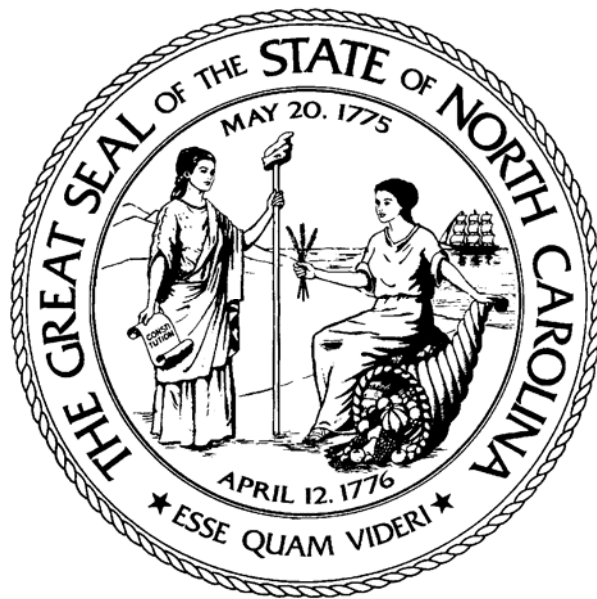


**JOINT LEGISLATIVE COMMITTEE ON
DOMESTIC VIOLENCE**



REPORT TO THE
2006 SESSION OF THE
2005 GENERAL ASSEMBLY
OF NORTH CAROLINA

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JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE

May 9, 2006

TO THE MEMBERS OF THE 2006 GENERAL ASSEMBLY (2005 REGULAR SESSION):

The Joint Legislative Committee on Domestic Violence submits to you for your consideration its report pursuant to G.S. 120-266(b).

Respectfully Submitted,

Sen. Julia Boseman, Co-Chair

Rep. Marian McLawhorn, Co-Chair

JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE

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Rep. Wilma Money Sherrill

Staff:

Susan Burleson, Committee Clerk

Dot Waugaman, Committee Clerk

Hal Pell, Staff Attorney

Wendy Ray, Staff Attorney

Susan Sitze, Staff Attorney

COMMITTEE PROCEEDINGS

The Joint Legislative Committee on Domestic Violence was established in S.L. 2005-356, by recommendation of the House Select Committee on Domestic Violence, which met from 2003-2005. It is a statutorily created committee charged with studying domestic violence issues on an ongoing basis and making recommendations to the General Assembly. The Committee was appointed and began meeting during the 2005-2006, having time for only two meetings. Those two meetings were mainly informational to give Committee members some background on the issue of domestic violence in North Carolina and to identify many of the interested parties and their agendas.

March 28, 2006

The first meeting of the Joint Legislative Committee on Domestic Violence took place at 1:30 p.m. in Room 544 of the Legislative Office Building on March 28, 2005. Representative McLawhorn and Senator Boseman, Co-Chairs of the Committee welcomed Committee members and members of the public. The Committee heard a brief presentation from staff on the background and work of the House Select Committee on Domestic Violence, which recommended the creation of the Joint Legislative Committee on Domestic Violence, and the charge of the Committee.

The Committee then heard presentations from Sergeant John Guard of the Pitt County Sheriff's Department with an overview of domestic violence; Jo McCants, Associate Counsel, Administrative Office of the Courts, who presented statistics resulting from the new domestic violence designation for criminal offenses; Bonnie Boyette, Chief of Program Services, Department of Correction (DOC), who spoke about the status of DOC abuser treatment programs; and Evelyn Pursely, Executive Director of the North Carolina IOLTA, North Carolina State Bar, George Hausen, Executive Director, Legal Aid of North Carolina, and Michelle Rheingold, Executive Director, Legal Aid Society of Northwest North Carolina, who spoke about legal services fees and legal aid.

May 3, 2006

The second and final meeting of the Committee in the 2005-2006 Interim took place at 2:00 p.m. in Room 643 of the Legislative Office Building on May 3, 2006. The Committee heard presentations from Teresa Pell, Executive Director of the North Carolina Domestic Violence Commission; Elizabeth Froehling, Public Policy Specialist, North Carolina Coalition Against Domestic Violence; Jackie Goodwyn, Director of Families living Violence Free in Granville County; and Peter Romary, who spoke about domestic violence education and training programs.

After the presentations, the Committee discussed legislative proposals to be recommended to the 2006 General Assembly and approved its report.

COMMITTEE RECOMMENDATIONS AND LEGISLATIVE PROPOSALS

At its final meeting of the 2005-2006 Interim, the Committee approved for transmittal to the 2006 Session of the 2005 General Assembly the following proposals:

Recommendation #1
Funds for Family Courts
Draft # 2006-SU-8 (attached)

The Committee recommends that the General Assembly enact legislation to appropriate funds in the amount of \$718,112 to be used to expand the family court program. \$175,000 would be appropriated to continue operating the family court program in District Court District 10 (Wake County). \$543,112 would be appropriated to establish programs in two additional district court districts to be selected by the Administrative Office of the Courts.

Recommendation #2
Funds for Domestic Violence Shelters
Draft # 2006-RK-15 (attached)

The Committee recommends that the General Assembly enact legislation to appropriate funds in the amount of \$2,000,000 for the purpose of constructing or purchasing space for shelter facilities for victims of domestic violence. Funds would also be available to assist in paying down capital construction costs of established shelters. The funds would be administered by the North Carolina Council for Women and Domestic Violence Commission. Grants would be made based upon criteria established by the Council.

Recommendation #3
Funds for Visitation Centers

The Committee recommends that the General Assembly appropriate funds to the Governor's Crime Commission in the amount of two million dollars (\$2,000,000) for the creation of new supervised visitation and exchange centers and the continued funding of existing supervised visitation and exchange centers in North Carolina. The Commission shall distribute the money through its grant process.

Recommendation #4
Abuser Treatment Program Coordinator Position

The Committee recommends that the General Assembly adjust the appropriation amount for the salary and benefits of the Abuser Treatment Program Coordinator position in the North Carolina Council for Women and Domestic Violence Commission by increasing the appropriation by \$12,000. This position was created in the 2005 budget at

\$35,245, which is inadequate to cover both the salary and associated benefits for the level of this position.

Recommendation #5
Internal Auditor Position

The Committee recommends that the General Assembly appropriate funds for an Internal Auditor position in the North Carolina Council for Women and Domestic Violence Commission. The Internal Auditor would be responsible for the Council's compliance with all statutory and regulatory requirements in its role as a granting agency, with a total of over eight million dollars (\$8,000,000) in grant authority, and in excess of 200 grant recipients. The position salary would be \$48,139 plus associated benefits.

Recommendation #6
Domestic Violence Training

The Committee recommends that the General Assembly mandate that all educators in the State, and all students, faculty, and staff in the University of North Carolina System or the North Carolina Community College System receive training on violence prevention, conflict resolution, and legal resources available to victims.

Recommendation #7
Criminal Offense Classifications

The Committee recommends that the General Assembly consider legislation regarding the criminal offense classifications for assault on a handicapped person, a child under 12, a female, or an elderly person. Specifically, the General Assembly should consider whether any or all of these offenses should be classified as a felony when the assault results in serious injury.

Recommendation #8
Enforcement of Protective Orders

The Committee recommends that the General Assembly strengthen the enforcement of domestic violence protective orders by requiring minimum sentences or higher penalties for violations.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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BILL DRAFT 2005-SU-8 [v.4] (04/28)

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
5/3/2006 10:27:03 AM**

Short Title: Funding for Expansion of Family Court Program. (Public)

Sponsors: Unknown.

Referred to:

**A BILL TO BE ENTITLED
AN ACT TO APPROPRIATE FUNDS FOR THE EXPANSION OF THE
FAMILY COURT PROGRAM.**

The General Assembly of North Carolina enacts:

SECTION 1. There is appropriated from the General Fund to the Judicial Department the sum of five hundred forty-three thousand one hundred twelve dollars (\$543,112) for the 2006-2007 fiscal year to expand the family court pilot program established by Section 25 of S.L. 1998-202 by establishing programs in two district court districts to be selected by the Administrative Office of the Courts.

SECTION 2. There is appropriated from the General Fund to the Judicial Department the sum of one hundred seventy-five thousand dollars (\$175,000) for the 2006-2007 fiscal year to continue the operation of the family court program in District Court District 10.

SECTION 3. This act becomes effective July 1, 2006.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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BILL DRAFT 2005-RK-15 [v.5] (05/01)

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
5/8/2006 11:44:26 AM**

Short Title: Funds for DV Shelters.

(Public)

Sponsors: Unknown.

Referred to:

A BILL TO BE ENTITLED
AN ACT TO APPROPRIATE FUNDS TO THE NORTH CAROLINA
COUNCIL FOR WOMEN AND DOMESTIC VIOLENCE COMMISSION
TO CREATE A MATCHING GRANT FUND FOR THE CONSTRUCTION
OR PURCHASE OF SPACE FOR SHELTERS FOR VICTIMS OF
DOMESTIC VIOLENCE AND TO ASSIST IN PAYMENT OF
CONSTRUCTION DEBT FOR EXISTING SHELTERS.

The General Assembly of North Carolina enacts:

SECTION 1. There is appropriated from the General Fund to the Department of Administration, North Carolina Council for Women and Domestic Violence Commission, the sum of two million dollars (\$2,000,000) for the 2006-2007 fiscal year, to provide for matching grant funds as follows:

(1) The Council shall make grants for the new construction of shelters for victims of domestic violence, to purchase existing space to use as a domestic violence shelter, and to assist in the payment of construction debt for existing domestic violence shelters. New construction includes additions to existing shelters, so long as the additional construction increases the residential space for victims of domestic violence. (2) The Council shall establish grant criteria, including: the availability of shelter facilities in the county where the shelter will be located or is currently located; the number of persons currently served or probable persons to be served by the facility; and the requirements under G.S. 50B-9(2) and (3) for receipt of funding.

(3) Funds provided under this section shall be matched one-for-one by the applicant. The Council shall not provide more than fifty thousand dollars (\$50,000) per fiscal year to any applicant.

(4) Grants shall be made bi-annually by the Council. Applications must be received by the Council by September 30 for the grant awards to be distributed on or after November 1, and received no later than March 31, for the grant awards to be distributed on or after May 1.

SECTION 2. The funds appropriated by this act shall not revert to the General Fund but shall remain with the Council for the same purpose.

SECTION 3. This act becomes effective July 1, 2006.