

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 934*

Short Title: Establish Domestic Violence Commission.

(Public)

Sponsors: Representatives Easterling; Alexander, Boyd-McIntyre, Cunningham, Esposito, Luebke, Morris, Mosley, Sexton, Sherrill, Wainwright, and Wright.

Referred to: Rules, Calendar and Operations of the House, if favorable, Appropriations.

April 6, 1999

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE DOMESTIC VIOLENCE COMMISSION AND TO APPROPRIATE FUNDS FOR THAT PURPOSE.

The General Assembly of North Carolina enacts:

Section 1. Article 9 of Chapter 143B of the General Statutes is amended by adding a new Part to read:

"PART 10C. DOMESTIC VIOLENCE COMMISSION.

"§ 143B-394.15. Commission established; purpose; membership; transaction of business.

(a) Establishment. – There is established the Domestic Violence Commission. The Commission shall be located within the Department of Administration for organizational, budgetary, and administrative purposes.

(b) Purpose. – The purpose of the Commission is to assess statewide needs related to domestic violence and to assure that necessary services, policies, and programs are provided to those in need.

(c) Membership. – The Commission shall consist of 29 members, who reflect the geographic and cultural regions of the State, as follows:

(1) Six persons appointed by the Governor, one of whom is an academician who is knowledgeable about domestic violence trends and treatment;

1 one of whom is a member of the medical community; one of whom is a
2 United States Attorney for the State of North Carolina or that person's
3 designee; one of whom is a member of the North Carolina Bar
4 Association who has studied domestic violence issues; one of whom is a
5 representative of a local victims' assistance program; and one of whom
6 is a member of the North Carolina Coalition Against Domestic
7 Violence.

8 (2) Six persons appointed by the General Assembly, upon recommendation
9 of the President Pro Tempore of the Senate, one of whom is a member
10 of the Senate; one of whom is a district attorney or assistant district
11 attorney; one of whom is a representative of the law enforcement
12 community with specialized knowledge of domestic violence issues;
13 one of whom is a county manager; one of whom is a representative of a
14 community legal services agency who works with domestic violence
15 victims; and one of whom is a representative of the linguistic and
16 cultural minority communities.

17 (3) Six persons appointed by the General Assembly, upon recommendation
18 of the Speaker of the House of Representatives, one of whom is a
19 member of the House of Representatives; one of whom is a member of
20 the business community; one of whom is a district court judge; one of
21 whom is a representative of a local victims' assistance program; one of
22 whom is a representative of the law enforcement community with
23 specialized knowledge of domestic violence issues; and one of whom is
24 a representative of the linguistic and cultural minority communities.

25 (4) The following persons or their designees, ex officio:

26 a. The Governor.

27 b. The Lieutenant Governor.

28 c. The Attorney General.

29 d. The Secretary of the Department of Administration.

30 e. The Secretary of the Department of Crime Control and Public
31 Safety.

32 f. The Superintendent of Public Instruction.

33 g. The Secretary of the Department of Correction.

34 h. The Secretary of the Department of Health and Human Services.

35 i. The Director of the Office of State Personnel.

36 j. The Executive Director of the North Carolina Council for
37 Women.

38 k. The Director of the Institute of Government.

39 (d) Terms. – Members shall serve for two-year terms, with no prohibition against
40 being reappointed, except initial appointments shall be for terms as follows:

41 (1) The Governor shall initially appoint three members for a term of two
42 years and three members for a term of three years.

1 (2) The President Pro Tempore of the Senate shall initially appoint three
2 members for a term of two years and three members for a term of three
3 years.

4 (3) The Speaker of the House of Representatives shall initially appoint three
5 members for a term of two years and three members for a term of three
6 years.

7 Initial terms shall commence on September 1, 1999.

8 (e) Chair. – The chair shall be appointed biennially by the Governor from among
9 the membership of the Commission. The initial term shall commence on September 1,
10 1999.

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

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

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

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

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

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

32 **"§ 143B-394.16. Powers and duties of the Commission; reports.**

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

35 (1) As recommended in the January 15, 1999, final report of the Governor's
36 Task Force on Domestic Violence, to develop and recommend to the
37 General Assembly the 'Safe Families Act' and to promote adequate
38 funding to promote victim safety and accountability of perpetrators.

39 (2) To develop and recommend domestic violence training initiatives for
40 law enforcement and judicial personnel and for all persons who provide
41 treatment and services to domestic violence victims.

42 (3) To develop training initiatives for and make recommendations and
43 provide information and advice to State agencies in the areas of child

- 1 protection, education, employer/employee relations, criminal justice,
2 and subsidized housing.
- 3 (4) To provide information and advice to any private entities that request
4 assistance in providing services and support to domestic violence
5 victims.
- 6 (5) To design, coordinate, and oversee a statewide public awareness
7 campaign.
- 8 (6) To design and coordinate improved data collection efforts for domestic
9 violence crimes and acts in the State.
- 10 (7) To research, develop, and recommend proposals of how best to meet the
11 needs of domestic violence victims and to prevent domestic violence in
12 the State.
- 13 (b) Report. – The Commission shall report its findings and recommendations,
14 including any legislative or administrative proposals, to the General Assembly no later
15 than April 1 each year."
- 16 Section 2. There is appropriated from the General Fund to the Department of
17 Administration the sum of one hundred thousand dollars (\$100,000) for the 1999-2000
18 fiscal year for an executive director, an administrative assistant, and operating costs of
19 the Domestic Violence Commission.
- 20 Section 3. If it recommends the adoption in North Carolina of a "Safe
21 Families Act", the Domestic Violence Commission shall report its legislative proposal to
22 the General Assembly on or before April 1, 2000.
- 23 Section 4. This act becomes effective July 1, 1999.