

april 5, 2001

S 1057. AMEND DV LAWS/ADDRESS CONFIDENTIALITY. PROHIBITING THE ASSESSMENT OF COURT COSTS AS RELATED TO PROTECTIVE ORDERS IN DOMESTIC VIOLENCE CASES, AMENDING THE LAWS RELATING TO DOMESTIC VIOLENCE, AND ESTABLISHING AN ADDRESS CONFIDENTIALITY PROGRAM FOR VICTIMS OF DOMESTIC VIOLENCE, SEXUAL OFFENSES, AND STALKING. Provides that no court costs shall be assessed for the filing, issuance, registration, or service of a protective order, petition for protective order, or witness subpoena in a domestic violence action. Current law [GS 50B-2(c1)] authorizes magistrates to grant ex parte orders in domestic violence cases and provides that the orders expire and the magistrate must schedule a hearing before a district court judge within 72 hours or by the end of the next day district court is in session, whichever occurs first. Bill deletes 72-hour provision.

Creates new GS Ch. 15C, "Address Confidentiality Program," establishing a new program within the Office of the Sec'y of State. States that purpose of the program is to allow persons attempting to escape from actual or threatened domestic violence, sexual offenses, or violence threatened by stalkers to participate in elections and obtain driver's licenses and other records without fearing that assailants will locate them. Authorizes the following individuals to apply to the Sec'y of State to have an address designated by the Sec'y to serve as the person's address: (1) an adult resident of NC who is a victim of domestic violence, a sexual offense, or stalking; (2) a parent or guardian acting on behalf of a minor when the minor resides with the victim; and (3) a guardian acting on behalf of an incapacitated person who is a victim of domestic violence, a sexual offense, or stalking. Requires program participants to notify Sec'y of changes in name, address, or telephone number. Provides that a person who makes false statements in order to qualify for the program shall lose certification for the program and may be assessed a civil penalty of up to \$500. Requires state and local agencies to accept the Sec'y's address designation as the program participants' substitute address when creating a new public record for the participant. Prohibits the Sec'y from disclosing a program participant's true address except to a law enforcement agency for official use, or if the information is required by a court order. Makes unauthorized disclosure of information a Class 1 misdemeanor subject to a fine of up to \$400. Authorizes Sec'y to adopt rules to carry out program.

Intro. by Hagan.

Ref. to Judiciary II

GS 1, 1A, 15C, 50B

April 24, 2001

S 1057. AMEND DV LAWS. Intro. 4/5/01. Senate committee substitute makes the following changes to 1st edition. Deletes section creating proposed GS Ch. 15C regarding Address Confidentiality Program. Adds appropriation of \$300,000 for 2001-2002 from the General Fund to the Administrative Office of the Courts to implement the bill. Amends title to read *PROHIBITING THE ASSESSMENT OF COURT COSTS AS RELATED TO PROTECTIVE ORDERS IN DOMESTIC VIOLENCE CASES AND AMENDING THE LAWS RELATING TO DOMESTIC VIOLENCE AND MAKING AN APPROPRIATION.*