

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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SENATE BILL 6

Short Title: Transfer Domestic Violence Commission.

(Public)

Sponsors: Senator Jordan.

Referred to: Judiciary II.

January 25, 2001

A BILL TO BE ENTITLED

AN ACT TO TRANSFER THE DOMESTIC VIOLENCE COMMISSION TO THE
DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY.

The General Assembly of North Carolina enacts:

SECTION 1. The Domestic Violence Commission of the Department of Administration, as established in Part 10C of Article 9 of Chapter 143B of the General Statutes, is hereby transferred to the Department of Crime Control and Public Safety by a Type II transfer, as defined in G.S. 143A-6. The Domestic Violence Commission shall exercise all its prescribed statutory powers independently of the Secretary of Crime Control and Public Safety and, other provisions of this Chapter notwithstanding, shall be subject to the direction and supervision of the Secretary only with respect to the management functions of coordinating and reporting.

SECTION 2. Part 10C of Article 9 of Chapter 143B of the General Statutes is repealed.

SECTION 3. Article 11 of Chapter 143B of the General Statutes is amended by adding the following new Part to read:

"Part 7. Domestic Violence Commission.

"§ 143B-508. 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 Crime Control and Public Safety for organizational, budgetary, and administrative purposes.

(b) Purpose. – The purpose of the Commission is to (i) assess statewide needs related to domestic violence, (ii) assure that necessary services, policies, and programs are provided to those in need, and (iii) coordinate and collaborate with the North Carolina Council for Women in strengthening the existing domestic violence programs which have been established pursuant to G.S. 50B-9 and are funded through the Domestic Violence Center Fund and in establishing new domestic violence programs.

1 (c) Membership. – The Commission shall consist of 39 members, who reflect the
2 geographic and cultural regions of the State, as follows:

3 (1) Nine persons appointed by the Governor, one of whom is a clerk of
4 superior court; one of whom is an academician who is knowledgeable
5 about domestic violence trends and treatment; one of whom is a
6 member of the medical community; one of whom is a United States
7 Attorney for the State of North Carolina or that person's designee; one
8 of whom is a member of the North Carolina Bar Association who has
9 studied domestic violence issues; one of whom is a representative of a
10 victims' service program eligible for funding by the Governor's Crime
11 Commission or the North Carolina Council for Women; one of whom
12 is a member of the North Carolina Coalition Against Domestic
13 Violence; one of whom is a former victim of domestic violence; and
14 one of whom is a member of the public at large.

15 (2) Nine persons appointed by the General Assembly, upon
16 recommendation of the President Pro Tempore of the Senate, one of
17 whom is a member of the Senate; one of whom is a district court
18 judge; one of whom is a district attorney or assistant district attorney;
19 one of whom is a representative of the law enforcement community
20 with specialized knowledge of domestic violence issues; one of whom
21 is a county manager; one of whom is a representative of a community
22 legal services agency who works with domestic violence victims; one
23 of whom is a representative of the linguistic and cultural minority
24 communities; one of whom is a representative of a victims' service
25 program eligible for funding by the Governor's Crime Commission or
26 the North Carolina Council for Women; and one of whom is a member
27 of the public at large.

28 (3) Nine persons appointed by the General Assembly, upon
29 recommendation of the Speaker of the House of Representatives, one
30 of whom is a member of the House of Representatives; one of whom is
31 a magistrate; one of whom is a member of the business community;
32 one of whom is a district court judge; one of whom is a representative
33 of a victims' service program eligible for funding by the Governor's
34 Crime Commission or the North Carolina Council for Women; one of
35 whom is a representative of the law enforcement community with
36 specialized knowledge of domestic violence issues; one of whom
37 provides offender treatment and is approved by the North Carolina
38 Council for Women; one of whom is a representative of the linguistic
39 and cultural minority communities; and one of whom is a public
40 member.

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

- 42 a. The Governor.
43 b. The Lieutenant Governor.
44 c. The Attorney General.

- 1 d. The Secretary of the Department of Administration.
2 e. The Secretary of the Department of Crime Control and Public
3 Safety.
4 f. The Superintendent of Public Instruction.
5 g. The Secretary of the Department of Correction.
6 h. The Secretary of the Department of Health and Human
7 Services.
8 i. The Director of the Office of State Personnel.
9 j. The Executive Director of the North Carolina Council for
10 Women.
11 k. The Director of the Institute of Government.
12 l. The Chairman of the Governor's Crime Commission.

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

- 15 (1) The Governor initially appointed five members for terms of two years
16 and four members for terms of three years.
17 (2) The President Pro Tempore of the Senate initially appointed five
18 members for terms of two years and four members for terms of three
19 years.
20 (3) The Speaker of the House of Representatives initially appointed five
21 members for terms of two years and four members for terms of three
22 years.

23 Initial terms began September 1, 1999.

24 (e) Chair. – The chair shall be appointed biennially by the Governor from among
25 the membership of the Commission. The term of the initial chair began on September 1,
26 1999.

27 (f) Vacancies. – A vacancy on the Commission or as chair of the Commission
28 resulting from the resignation of a member or otherwise shall be filled in the same
29 manner in which the original appointment was made and the term shall be for the
30 balance of the unexpired term.

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

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

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

40 (j) Quorum. – A majority of the members of the Commission shall constitute a
41 quorum for the transaction of business. The affirmative vote of a majority of the
42 members present at meetings of the Commission shall be necessary for action to be
43 taken by the Commission.

1 (k) Office Space. – The Department of Crime Control and Public Safety shall
2 provide office space in Raleigh for use as offices by the Domestic Violence
3 Commission, and the Department of Crime Control and Public Safety shall receive no
4 reimbursement from the Commission for the use of the property during the life of the
5 Commission.

6 **"§ 143B-509. Powers and duties of the Commission; reports.**

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

- 9 (1) As recommended in the January 15, 1999, final report of the
10 Governor's Task Force on Domestic Violence, to develop and
11 recommend to the General Assembly the "Safe Families Act" and to
12 promote adequate funding to promote victim safety and accountability
13 of perpetrators.
- 14 (2) To develop and recommend domestic violence training initiatives for
15 law enforcement and judicial personnel and for all persons who
16 provide treatment and services to domestic violence victims.
- 17 (3) To develop training initiatives for and make recommendations and
18 provide information and advice to State agencies in the areas of child
19 protection, education, employer/employee relations, criminal justice,
20 and subsidized housing.
- 21 (4) To provide information and advice to any private entities that request
22 assistance in providing services and support to domestic violence
23 victims.
- 24 (5) To design, coordinate, and oversee a statewide public awareness
25 campaign.
- 26 (6) To design and coordinate improved data collection efforts for domestic
27 violence crimes and acts in the State.
- 28 (7) To research, develop, and recommend proposals of how best to meet
29 the needs of domestic violence victims and to prevent domestic
30 violence in the State.

31 (b) Report. – The Commission shall report its findings and recommendations,
32 including any legislative or administrative proposals, to the General Assembly no later
33 than April 1 each year."

34 **SECTION 4.** This act becomes effective July 1, 2001.