

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 569
Committee Substitute Favorable 3/29/05

Short Title: DV Recommendations.

(Public)

Sponsors:

Referred to:

March 10, 2005

A BILL TO BE ENTITLED

AN ACT TO CREATE A JOINT LEGISLATIVE COMMITTEE ON DOMESTIC
VIOLENCE AND TO STUDY OTHER ISSUES RELATED TO DOMESTIC
VIOLENCE AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON
DOMESTIC VIOLENCE.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 120 of the General Statutes is amended by adding a
new Article to read:

"Article 30.

"Joint Legislative Committee on Domestic Violence.

**"§ 120-265. Creation and membership of Joint Legislative Committee on Domestic
Violence.**

The Joint Legislative Committee on Domestic Violence is established. The
Committee consists of 16 members as follows:

- (1) Eight members of the Senate appointed by the President Pro Tempore
of the Senate; and
- (2) Eight members of the House of Representatives appointed by the
Speaker of the House of Representatives.

Terms on the Committee are for two years and begin on the convening of the
General Assembly in each odd-numbered year, except the terms of the initial members,
which begin on appointment and end on the day of the convening of the 2007 General
Assembly. Members may complete a term of service on the Committee even if they do
not seek reelection or are not reelected to the General Assembly, but resignation or
removal from service in the General Assembly constitutes resignation or removal from
service on the Committee. A member continues to serve until his successor is appointed.
A vacancy shall be filled within 30 days by the officer who made the original
appointment.

"§ 120-266. Purposes and powers of Committee.

1 (a) The Joint Legislative Committee on Domestic Violence shall examine, on a
2 continuing basis, domestic violence issues in North Carolina in order to make ongoing
3 recommendations to the General Assembly on ways to reduce incidences of domestic
4 violence and to provide additional assistance to victims of domestic violence. In this
5 examination, the Committee shall:

- 6 (1) Study the budget, programs, and policies of the Domestic Violence
7 Commission to determine ways in which the General Assembly may
8 improve the effectiveness of the Commission;
- 9 (2) Study and evaluate the funding sources and needs of domestic violence
10 programs providing services to domestic violence victims and
11 programs providing treatment to domestic violence abusers;
- 12 (3) Study legal services funding for domestic violence victims and explore
13 additional sources of funding;
- 14 (4) Explore sources of additional funding for all domestic violence
15 programs, including visitation centers;
- 16 (5) Examine current programs and explore new programs to provide
17 effective services to domestic violence victims and treatment to
18 domestic violence abusers;
- 19 (6) Examine law enforcement and judicial responses to domestic violence;
- 20 (7) Review data collected on domestic violence cases pursuant to
21 G.S. 15A-1382.1;
- 22 (8) Study the effectiveness of the Crime Victims Rights Act as it relates to
23 domestic violence; and
- 24 (9) Conduct any other studies, evaluations, or assessments necessary for
25 the Committee to carry out its purpose.

26 (b) The Committee may make interim reports to the General Assembly on
27 matters for which it may report to a regular session of the General Assembly. A report
28 to the General Assembly may contain any legislation needed to implement a
29 recommendation of the Committee.

30 **"§ 120-267. Organization of the Committee.**

31 (a) The President Pro Tempore of the Senate and the Speaker of the House of
32 Representatives shall each designate a cochair of the Joint Legislative Committee on
33 Domestic Violence. The Committee shall meet at least once a quarter and may meet at
34 other times upon the joint call of the cochairs.

35 (b) A quorum of the Committee is nine members. No action may be taken except
36 by a majority vote at a meeting at which a quorum is present. While in the discharge of
37 its official duties, the Committee has the powers of a joint committee under G.S. 120-19
38 and G.S. 120-19.1 through G.S. 120-19.4.

39 (c) Members of the Committee receive subsistence and travel expenses as
40 provided in G.S. 120-3.1. The Committee may contract for consultants or hire
41 employees in accordance with G.S. 120-32.02. The Legislative Services Commission,
42 through the Legislative Services Officer, shall assign professional staff to assist the
43 Committee in its work. Upon the direction of the Legislative Services Commission, the
44 Supervisors of Clerks of the Senate and of the House of Representatives shall assign

1 clerical staff to the Committee. The expenses for clerical employees shall be borne by
2 the Committee.

3 (d) The Committee cochairs may establish subcommittees for the purpose of
4 making special studies pursuant to its duties and may appoint non-Commission
5 members to serve on each subcommittee as resource persons. Resource persons shall be
6 voting member of the subcommittee and shall receive subsistence and travel expenses in
7 accordance with G.S. 138-5 and G.S. 138-6."

8 **SECTION 2.** The Administrative Office of the Courts, in consultation with
9 the Department of Correction, Division of Community Corrections, shall study and
10 review programs in this State, and other states, that utilize Global Positioning Satellite
11 (GPS) technology to track criminal offenders. Based upon the study and review, the
12 Administrative Office of the Courts shall make written recommendations to the Joint
13 Legislative Committee on Domestic Violence and the Joint Legislative Corrections,
14 Crime Control, and Juvenile Justice Oversight Committee no later than July 1, 2005, for
15 a pilot GPS program as a condition for pretrial release pursuant to G.S. 15A-534.1. The
16 recommendations shall include whether the alleged victim of the charged offense should
17 have a receiver for immediate and direct notification of a GPS tracking violation by the
18 defendant.

19 **SECTION 3.** The Department of Correction, Division of Community
20 Corrections, shall make a written report no later than January 1, 2007, to the Joint
21 Legislative Committee on Domestic Violence and the Joint Legislative Corrections,
22 Crime Control, and Juvenile Justice Oversight Committee on measures the Division is
23 undertaking to address the issue of supervising domestic violence offenders.

24 **SECTION 4.** The Administrative Office of the Courts shall expand the
25 Family Court Model to additional jurisdictions of the State, as resources allow, shall
26 study the elements of the model that might be adopted without additional funding, and
27 implement those elements in jurisdictions where possible. The Administrative Office of
28 the Courts shall also study the automation of court records to allow queries on civil,
29 criminal, and juvenile matters.

30 The Administrative Office of the Courts shall report to the Joint Legislative
31 Committee on Domestic Violence and the North Carolina Courts Commission no later
32 than January 1, 2007, on the results of the studies, the recommendations of the
33 Administrative Office of the Courts, and any steps requiring legislative action to
34 implement the recommendations.

35 **SECTION 5.** There is appropriated to the Department of Administration the
36 sum of thirty-five thousand two hundred forty-five dollars (\$35,245) for fiscal year
37 2005-2006 to create a position to oversee the Abuser Treatment Program within the
38 Council for Women and the Domestic Violence Commission.

39 **SECTION 6.** This act is effective when it becomes law.