

February 7, 2007

S 83. AMEND DOMESTIC CRIM. TRESPASS. Filed 2/7/07. *TO AMEND THE OFFENSE OF DOMESTIC CRIMINAL TRESPASS BY MAKING IT A FELONY FOR A PERSON WHO IS THE SUBJECT OF A VALID PROTECTIVE ORDER TO TRESPASS ON PROPERTY THAT IS OPERATED AS A SAFE HOUSE OR HAVEN FOR DOMESTIC VIOLENCE VICTIMS WITHOUT REGARD AS TO WHETHER THE PERSONS COVERED BY THE PROTECTIVE ORDER ARE PRESENT ON THE PREMISES AND TO PROVIDE THAT IS IT AN AGGRAVATING CIRCUMSTANCE FOR FIRST DEGREE MURDER IF A DEFENDANT WHO IS THE SUBJECT OF A VALID PROTECTIVE ORDER COMMITS A MURDER ON THE PREMISES OF A SHELTER FOR VICTIMS OF DOMESTIC VIOLENCE.* Amends GS 14-134.3 (Domestic Criminal Trespass) by making it a Class H felony for a person who is subject to a valid protective order enforceable under GS Chapter 50B to enter a shelter for victims of domestic violence, or to remain on the premises after being ordered to leave by the lawful occupant regardless of whether any of the parties protected by the protective order are present on the property at the time. Provides an exception if the person enters the premises pursuant to a judicial order or a written separation agreement that gives the person the right to enter the premises for visitation with minor children. Enacts GS 15A-2001(12) [apparently intends GS 15A-2000(e)(12)], providing that it is an aggravating circumstance for first degree murder if the defendant who is the subject of a valid protective order commits a murder on the premises of a shelter for victims of domestic violence. Effective for offenses committed on or after December 1, 2007.

Intro. by Snow.

GS 14, 15A

April 30, 2007

S 83. AMEND DOMESTIC CRIM. TRESPASS. Filed 2/7/07. Senate committee substitute makes the following changes to 1st edition. Corrects the statute amended in Section 2 of the bill to GS 15A-2000(e).

July 17, 2008

S 83. AMEND DOMESTIC CRIM. TRESPASS. Filed 2/7/07. Senate amendment makes the following changes to 2nd edition. Enacts a new Article 51 in GS Chapter 1 to limit civil liability of domestic violence shelters and persons associated with the shelters. Defines *client, conduct, domestic violence, harm, perpetrator, shelter, victim advocate, and volunteer*. Provides immunity from liability for a shelter and a director, owner, trustee, officer, employee, victim advocate, or volunteer for damages in a tort action for harm that a client or other person on shelter premises sustains as a result of tortious conduct of a perpetrator committed on shelter premises if (1) the perpetrator illegally entered and remained on the shelter premises at the time the conduct caused the harm, (2) the perpetrator legally entered the premises but was instructed to leave before the perpetrator caused the harm and, despite those reasonable efforts, the perpetrator remained on the premises and committed the tortious act, or (3) the perpetrator legally entered the premises and was granted permission to remain on the premises after a shelter associate exercised reasonable judgment and discretion of a prudent person under similar circumstances to determine that the person did not pose a threat of harm to the client or another person on the premises. Provides that this immunity does not extend to gross negligence, wanton conduct, or intentional wrongdoing that would otherwise be actionable.

Changes the effective date from December 1, 2007, to December 1, 2008, and applies to offenses committed and causes of action arising on or after that date.

Makes a conforming change to the title.