

March 3, 2009

S 381. EST. DV FATALITY REVIEW TEAM/MECKLENBURG CO. Filed 3/3/09. *ESTABLISHING A DOMESTIC VIOLENCE FATALITY PREVENTION AND PROTECTION REVIEW TEAM IN MECKLENBURG COUNTY.*

Allows Mecklenburg County to establish a Domestic Violence Fatality Prevention and Protection Review Team (team) to identify and review domestic violence related deaths and facilitate communication among the various agencies and organizations involved in domestic violence cases to prevent future fatalities. Provides that the team consists of a lead agency, Community Support Services of Charlotte, North Carolina, and representatives of public and nonpublic agencies in the community that provide services to victims or families of domestic violence, including individuals representing specified entities. Requires the team to meet at least four times a year. Lists the team's duties including examining the laws, rules, and policies related to confidentiality and making recommendations for system improvements and needed resources where gaps and deficiencies exist. Requires that the lead agency develop a written plan outlining standard operating procedures. Provides that the team has access to all medical records, hospital records, and records maintained by the county or local agency as necessary to carry out the act's purposes. Provides that all otherwise confidential information and records acquired by the team (1) are confidential, (2) may not be subject to discovery or introduction into evidence in any proceedings, and (3) may only be disclosed as necessary to carry out the purposes of the team. Prohibits any member of the team or any person attending a meeting of the team from testifying in any proceeding about what transpired at a particular meeting, information presented at the meeting, or opinions formed by a person as a result of the meeting. Requires each member of the team and any invited participants to sign a statement concerning confidentiality. Provides that team members are immune from claims of liability, and confidential information gathered under the act is not subject to subpoena or discovery. Provides that access to criminal investigative reports and intelligence information of public law enforcement agencies and confidential information in the team's possession is governed by GS 132-1.4 (criminal investigations; intelligence information records; Innocence Inquiry Commission records). A team established pursuant to this act operates for five years from the act's effective date. Requires each team established to issue an interim report to the local board of county commissioners and the Governor's Crime Commission by June 15, 2011, and a final report with recommendations for action by June 15, 2014. Provides that the act is not to be construed to obligate the General Assembly to appropriate funds for the act.

Intro. by Dannelly.

MECKLENBURG

March 25, 2009

S 381. EST. DV FATALITY REVIEW TEAM/MECKLENBURG CO. Filed 3/3/09. Senate committee substitute makes the following changes to 1st edition. Adds new section relating to limitation on access. Prohibits any member of the Domestic Violence Fatality Prevention and Protection Review Team (Review Team) from reviewing a domestic violence fatality case while the case is under investigation by any law enforcement agency or if an action is pending in any criminal or civil court in the State except if (1) a district attorney has given written approval for access due to the completion of the investigation or court proceedings or (2) a district attorney has given written approval for access, stating that access by the Review Team will not have any negative or adverse effects on the investigation or completion of a pending case. Changes the termination date of Review Team (was, operated for five years from the effective date of the act). A Review Team established by a county shall terminate upon the earlier of its filing its final report, or June 15, 2014. Adds the North Carolina Domestic Violence Commission to the list of entities to which each Review Team must report.

May 21, 2009

S 381. EST. DV FATALITY REVIEW TEAM/MECKLENBURG CO. Filed 3/3/09. House committee substitute makes the following changes to 2nd edition. Clarifies that the Domestic Violence Fatality Prevention and Protections Review Team (Review Team) meetings are not subject to the provisions of GS Chapter 143, Article 33C (requiring that meetings of public bodies

be conducted openly); however, provides that the Review Team may hold periodic public meetings to discuss its findings and recommendations for preventive actions in a general manner that does not reveal confidential information. Amends the title to read *AN ACT ESTABLISHING A DOMESTIC VIOLENCE FATALITY PREVENTION AND PROTECTION REVIEW TEAM*, deleting the phrase "in Mecklenburg County."

May 26, 2009

S 381. EST. DV FATALITY REVIEW TEAM/ MECKLENBURG CO. Filed 3/3/09. House amendments make the following changes to 3rd edition. Amendment #1 provides that in a domestic violence fatality case, the Domestic Violence Fatality Prevention and Protection Review Team (Review Team) is to provide notice at least 30 days before reviewing records to the personal representative of the estate of the deceased, or if the estate is closed, to the next of kin, that the Review Team will review records of the deceased as necessary to carry out the purposes of the act. Makes an exception to the notice requirement if the personal representative or the next of kin has been charged with or convicted of a crime in connection with the death of the victim of domestic violence. Amendment #2 qualifies the immunity from criminal or civil criminal liability for persons disclosing information or providing records under this act, providing for possible civil or criminal liability for breach of confidentiality.

June 2, 2009

SL 2009-52 (S 381). ESTABLISH DOMESTIC VIOLENCE FATALITY REVIEW TEAM/MECKLENBURG CO. AN ACT ESTABLISHING A DOMESTIC VIOLENCE FATALITY PREVENTION AND PROTECTION REVIEW TEAM. Summarized in *Daily Bulletin* 3/3/09, 3/25/09, 5/21/09, and 5/26/09. Enacted June 1, 2009. Effective June 1, 2009.