

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2009

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SENATE BILL 144

Judiciary II Committee Substitute Adopted 3/30/09

Short Title: Limit Liability/Domestic Violence Shelters. (Public)

Sponsors:

Referred to:

February 12, 2009

1 A BILL TO BE ENTITLED

2 AN ACT TO LIMIT THE CIVIL LIABILITY OF DOMESTIC VIOLENCE SHELTERS AND
3 PERSONS ASSOCIATED WITH THOSE SHELTERS.

4 The General Assembly of North Carolina enacts:

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

7 "Article 51.

8 "Limited Civil Liability of Domestic Violence Shelters and Persons Associated With the
9 Shelters.

10 "**§ 1-610. Definitions.**

11 As used in this Article, the following terms mean:

- 12 (1) Client. – A person who is the victim of domestic violence, as defined in
13 Chapter 50B of the General Statutes, or of nonconsensual sexual conduct or
14 stalking, as defined in Chapter 50C of the General Statutes, and is using
15 services or facilities of a shelter.
- 16 (2) Conduct. – One or more actions or omissions.
- 17 (3) Domestic violence. – As defined in G.S. 50B-1(a).
- 18 (4) Harm. – Injury, death, or loss to person or property.
- 19 (5) Perpetrator. – A person who has committed domestic violence and who
20 bears one of the personal relationships specified in G.S. 50B-1(b) to the
21 victim of domestic violence, or a person who has committed nonconsensual
22 sexual conduct or stalking as defined in Chapter 50C of the General Statutes.
- 23 (6) Person associated with the shelter. – A person who is a director, owner,
24 trustee, officer, employee, victim advocate, or volunteer connected with the
25 shelter.
- 26 (7) Shelter. – A facility that meets the criteria set forth in G.S. 50B-9 and is
27 funded through the Domestic Violence Center Fund providing shelter to
28 victims of domestic violence, nonconsensual sexual conduct, or stalking.
- 29 (8) Victim advocate. – A person from a crime victim service organization who
30 provides support and assistance for a victim of a crime during court
31 proceedings and recovery efforts related to the crime.
- 32 (9) Volunteer. – An individual who provides any service at a shelter without
33 expectation of receiving and without receiving any compensation or other
34 form of remuneration, directly or indirectly, for the provision of the service.

35 "**§ 1-611. Immunity of a domestic violence shelter and any person associated with the**
36 **shelter concerning torts committed on the shelter's premises.**



1 (a) Except as provided in subsection (b) of this section, no shelter and no person
2 associated with the shelter is liable in damages in a tort action for any harm that a client or
3 other person who is on the premises of the shelter sustains as a result of tortious conduct of a
4 perpetrator that is committed on the premises of the shelter if the perpetrator is not a person
5 associated with the shelter.

6 (b) The immunity established by this section does not extend to gross negligence,
7 wanton conduct, or intentional wrongdoing that would otherwise be actionable."

8 **SECTION 2.** This act is effective when it becomes law.