

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 33
Committee Substitute Favorable 4/28/21

Short Title: Modify DV Statutes.

(Public)

Sponsors:

Referred to:

February 2, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY VARIOUS DOMESTIC VIOLENCE STATUTES.
3 The General Assembly of North Carolina enacts:

4 SECTION 1. G.S. 50B-1(b) reads as rewritten:

5 "(b) For purposes of this section, the term "personal relationship" means a relationship
6 wherein the parties involved:

- 7 (1) Are current or former ~~spouses;~~spouses.
8 (2) Are persons ~~of opposite sex in a romantic relationship~~ who live together or
9 have lived ~~together;~~together within the year preceding the filing of the action.
10 (3) Are related as parents and children, including others acting in loco parentis to
11 a minor child, or as grandparents and grandchildren. For purposes of this
12 subdivision, an aggrieved party may not obtain an order of protection against
13 a child or grandchild under the age of ~~16;~~16.
14 (4) Have a child in ~~common;~~common.
15 ~~(5) Are current or former household members;~~
16 (6) Are persons ~~of the opposite sex~~ who are in a dating relationship or have been
17 in a dating ~~relationship.~~relationship within the year preceding the filing of the
18 action. For purposes of this subdivision, a dating relationship is ~~one wherein~~
19 ~~the parties are romantically involved~~ a relationship of a romantic or intimate
20 nature characterized by the expectation of affectionate or sexual relations
21 existing over time and on a ~~continuous~~continuing basis during the course of
22 the relationship. A casual acquaintance or ordinary fraternization between
23 persons in a business or social context is not a dating relationship.
24 (7) In making the determination required in subdivision (6) of this subsection, the
25 court shall consider the following factors:
26 a. The degree of social interpersonal bonding between the parties over
27 and above that resulting from mere casual acquaintanceship or
28 ordinary fraternization.
29 b. The length of time during which the alleged dating activities continued
30 prior to the alleged acts of domestic violence.
31 c. The nature and frequency of the parties' interactions with each other.
32 d. The parties' ongoing expectations with respect to the relationship.
33 e. Whether the parties declared or demonstrated to others by statement
34 or conduct that their relationship was of a romantic nature.
35 f. Any other evidence that supports or detracts from a finding that a
36 dating relationship existed."



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1 **SECTION 2.** G.S. 50B-3 reads as rewritten:

2 "**§ 50B-3. Relief.**

3 (a) If the court, including magistrates as authorized under G.S. 50B-2(c1), finds that an
4 act of domestic violence has occurred, the court shall grant a protective order restraining the
5 defendant from further acts of domestic violence. A protective order may include any of the
6 following types of relief:

7 ...

8 (12) Order any party the court finds is solely or jointly responsible for acts of
9 domestic violence to attend and complete ~~an abuser treatment program if the~~
10 ~~program is approved by the Domestic Violence Commission, such counseling~~
11 or treatment as the court finds is reasonably likely to resolve the issues causing
12 acts of domestic violence, and that is reasonably available to and affordable
13 by the party who is ordered to attend and complete the counseling or treatment.

14 (13) Include any additional prohibitions or requirements the court deems necessary
15 to protect any party or any minor child.

16 ...

17 (a2) ~~If the court orders that the defendant~~ Any party ordered to attend an abuser a
18 counseling or treatment program pursuant to G.S. 50B-3(a)(12), the defendant shall begin regular
19 attendance of the program within 60 days of the entry of the order. When ordering a defendant
20 party to attend ~~an abuser a counseling or treatment program~~, the court shall also specify a date
21 and time for a review hearing with the court to assess whether the defendant party has complied
22 with that part of the order. The review hearing shall be held as soon as practicable after 60 days
23 from the entry of the original order. The date of the review shall be set at the same time as the
24 entry of the original order, and the clerk shall issue a Notice of Hearing for the compliance review
25 to be given to the defendant party and filed with the court on the same day as the entry of the
26 order. ~~If a defendant the party~~ is not present in court at the time the order to attend ~~an abuser a~~
27 counseling or treatment program is entered and the Notice of Hearing for review is filed, the clerk
28 shall serve a copy of the Notice of Hearing together with the service of the order. The plaintiff
29 may, but is not required to, attend the 60-day review hearing.

30 (a3) At any time prior to the 60-day review hearing set forth in subsection (a2) of this
31 section, a defendant party who is ordered to attend ~~an abuser a counseling or treatment program~~
32 may present to the clerk a written statement from ~~an abuser a counseling or treatment program~~
33 showing that the defendant party has enrolled in and begun regular attendance in ~~an abuser~~
34 ~~treatment the program~~. Upon receipt of the written statement, the clerk shall remove the 60-day
35 review hearing from the court docket, and the defendant party shall not be required to appear for
36 the 60-day review hearing. The clerk shall also notify the plaintiff that the defendant party has
37 complied with the order and that no 60-day review hearing will occur.

38 "

39 **SECTION 3.** G.S. 15A-1343(b)(12) reads as rewritten:

40 "**§ 15A-1343. Conditions of probation.**

41 ...

42 (b) Regular Conditions. – As regular conditions of probation, a defendant must:

43 ...

44 (12) Attend and complete ~~an abuser a treatment or counseling program~~ if (i) the
45 court finds the defendant is responsible for acts of domestic violence and (ii)
46 there is a ~~program, approved by the Domestic Violence Commission, program~~
47 reasonably available to and affordable by the defendant, and that is reasonably
48 likely to resolve the issues causing acts of domestic violence, unless the court
49 finds that such would not be in the best interests of justice. A defendant
50 attending an abuser treatment program shall abide by all of the rules of the
51 program.

- 1 a. If the defendant is placed on supervised probation, the following
2 procedures apply:
 - 3 1. The probation officer shall forward a copy of the judgment,
4 including all conditions of probation, to the abuser treatment
5 program.
 - 6 2. The program shall notify the probation officer if the defendant
7 fails to participate in the program or if the defendant is
8 discharged from the program for violating any of the program
9 rules.
 - 10 3. If the defendant fails to participate in the program or is
11 discharged from the program for failure to comply with the
12 program or its rules, the probation officer shall file a violation
13 report with the court and notify the district attorney of such
14 noncompliance.
- 15 b. If the defendant is placed on unsupervised probation, the following
16 procedures apply:
 - 17 1. The defendant shall be required to notify the district attorney
18 and the abuser treatment program of their choice of program
19 within 10 days of the judgment if the program has not
20 previously been selected.
 - 21 2. The district attorney shall forward a copy of the judgment,
22 including all conditions of probation, to the abuser treatment
23 program.
 - 24 3. If the defendant fails to participate in the program or is
25 discharged from the program for failure to comply with the
26 program or its rules, the program shall notify the district
27 attorney of such noncompliance."

28 **SECTION 4.** This act becomes effective December 1, 2021, and applies to offenses
29 committed on or after that date.