

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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HOUSE BILL 1534

Short Title: Domestic Violence Comm. Rulemaking. (Public)

Sponsors: Representatives Sherrill; Walend, Bowie, M. Crawford, Johnson, Morris,
and Thompson.

Referred to: State Government.

June 5, 2002

A BILL TO BE ENTITLED

1 AN ACT TO IMPLEMENT A RECOMMENDATION OF THE JOINT
2 LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE
3 TO GRANT THE DOMESTIC VIOLENCE COMMISSION AUTHORITY TO
4 ADOPT RULES TO APPROVE ABUSER TREATMENT PROGRAMS.
5

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 143B-394.16(a) reads as rewritten:

8 "(a) Powers and Duties. – The Commission shall have the following powers and
9 duties:

- 10 (1) As recommended in the January 15, 1999, final report of the
11 Governor's Task Force on Domestic Violence, to develop and
12 recommend to the General Assembly the "Safe Families Act" and to
13 promote adequate funding to promote victim safety and accountability
14 of perpetrators.
- 15 (2) To develop and recommend domestic violence training initiatives for
16 law enforcement and judicial personnel and for all persons who
17 provide treatment and services to domestic violence victims.
- 18 (3) To develop training initiatives for and make recommendations and
19 provide information and advice to State agencies in the areas of child
20 protection, education, employer/employee relations, criminal justice,
21 and subsidized housing.
- 22 (4) To provide information and advice to any private entities that request
23 assistance in providing services and support to domestic violence
24 victims.
- 25 (5) To design, coordinate, and oversee a statewide public awareness
26 campaign.
- 27 (6) To design and coordinate improved data collection efforts for domestic
28 violence crimes and acts in the State.

1 (7) To research, develop, and recommend proposals of how best to meet
2 the needs of domestic violence victims and to prevent domestic
3 violence in the State.

4 (8) To adopt rules in accordance with Article 2A of Chapter 150B of the
5 General Statutes for the approval of abuser treatment programs as
6 provided in G.S. 50B-3(a)(12)."

7 **SECTION 2.** G.S. 50B-3(a) reads as rewritten:

8 "(a) The court, including magistrates as authorized under G.S. 50B-2(c1), may
9 grant any protective order or approve any consent agreement to bring about a cessation
10 of acts of domestic violence. The orders or agreements may:

- 11 (1) Direct a party to refrain from such acts;
- 12 (2) Grant to a party possession of the residence or household of the parties
13 and exclude the other party from the residence or household;
- 14 (3) Require a party to provide a spouse and his or her children suitable
15 alternate housing;
- 16 (4) Award temporary custody of minor children and establish temporary
17 visitation rights;
- 18 (5) Order the eviction of a party from the residence or household and
19 assistance to the victim in returning to it;
- 20 (6) Order either party to make payments for the support of a minor child
21 as required by law;
- 22 (7) Order either party to make payments for the support of a spouse as
23 required by law;
- 24 (8) Provide for possession of personal property of the parties;
- 25 (9) Order a party to refrain from doing any or all of the following:
 - 26 a. Threatening, abusing, or following the other party,
 - 27 b. Harassing the other party, including by telephone, visiting the
28 home or workplace, or other means, or
 - 29 c. Otherwise interfering with the other party;
- 30 (10) Award costs and attorney's fees to either party;
- 31 (11) Prohibit a party from purchasing a firearm for a time fixed in the order;
- 32 (12) Order any party the court finds is responsible for acts of domestic
33 violence to attend and complete an abuser treatment program if the
34 program is approved by the ~~Department of Administration;~~ Domestic
35 Violence Commission; and
- 36 (13) Include any additional prohibitions or requirements the court deems
37 necessary to protect any party or any minor child."

38 **SECTION 3.** G.S. 15A-1343 (b1)(9a) reads as rewritten:

39 "(9a) Attend and complete an abuser treatment program if (i) the court finds
40 the defendant is responsible for acts of domestic violence and (ii) the
41 program is approved by the ~~Department of Administration;~~ Domestic
42 Violence Commission."

43 **SECTION 4.** This act is effective when it becomes law.