

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 115*

Short Title: Joint DV Committee/Recommendations. (Public)

Sponsors: Representatives McLawhorn, Ross, Farmer-Butterfield, Johnson (Primary Sponsors); M. Alexander, Earle, Faison, Fisher, Harrison, Howard, Hughes, Insko, Lucas, Luebke, McElraft, Underhill, R. Warren, and Weiss.

Referred to: State Government and State Personnel, if favorable, Judiciary I.

February 11, 2009

A BILL TO BE ENTITLED

AN ACT TO RENAME THE NORTH CAROLINA COUNCIL FOR WOMEN/DOMESTIC VIOLENCE COMMISSION AND CLARIFY ITS ROLE AND RESPONSIBILITIES, TO EXPAND THE ROLE OF THE NORTH CAROLINA COUNCIL FOR WOMEN AND DESIGNATE THE QUALIFICATIONS FOR MEMBERSHIP, TO REVISE THE MEMBERSHIP AND STAFFING OF THE NORTH CAROLINA DOMESTIC VIOLENCE COMMISSION, TO AMEND THE PROCEDURE FOR OBTAINING A DOMESTIC VIOLENCE PROTECTIVE ORDER, TO SUPPORT A STATEWIDE DOMESTIC VIOLENCE PROTECTIVE ORDER NOTIFICATION SYSTEM AND INVESTIGATE THE COSTS, AND TO STUDY STATE OVERSIGHT AND COORDINATION OF SERVICES FOR VICTIMS OF SEXUAL VIOLENCE, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE.

The General Assembly of North Carolina enacts:

SECTION 1. The name of the current agency "North Carolina Council For Women/Domestic Violence Commission," located within the Department of Administration, shall be renamed the "North Carolina Center For Women, Families, and Domestic Violence." The successor agency shall have the responsibility of providing staff and administrative support to the North Carolina Council For Women and to the North Carolina Domestic Violence Commission. All responsibilities relating to the administration of State grants, funds, or fees, which have been given by statute, or any other provision of law, to the Department of Administration, North Carolina Council For Women, shall be administered by the North Carolina Center For Women, Families, and Domestic Violence.

SECTION 2. G.S. 143B-393 reads as rewritten:

"§ 143B-393. North Carolina Council for Women – creation; powers and duties.

There is hereby created the North Carolina Council for Women of the Department of Administration. The North Carolina Council for Women shall have the following functions and duties:

- (1) To advise the Governor, the principal State departments, and the State legislature concerning ~~the education and employment of women in the State of North Carolina; and~~ Carolina, including, but not limited to, the following issues:
 - a. Employment.
 - b. Education.
 - c. Health.



- d. Pay equity.
- e. Domestic violence.
- f. Sexual violence.
- g. Housing.
- h. Child care.

- (2) To advise the Secretary of Administration upon any matter the Secretary may refer to it; and
- (3) To establish programs for the assistance of displaced homemakers as set forth in Part 10B of this Article."

SECTION 3. G.S. 143B-394 reads as rewritten:

"§ 143B-394. North Carolina Council for Women – members; selection; quorum; compensation.

(a) The North Carolina Council for Women of the Department of Administration shall consist of 20 members appointed by the Governor. The initial members of the Council shall be the appointed members of the North Carolina Council for Women, three of whose appointments expire June 30, 1977, and four of whose appointments expire June 30, 1978. Thirteen additional members shall be appointed in 1977, six of whom shall serve terms expiring June 30, 1978, and seven of whom shall serve terms expiring June 30, 1979. At the ends of the respective terms of office of the initial members of the Council and of the 13 members added in 1977, the appointment of their successors shall be for terms of two years and until their successors are appointed and qualify. Any appointment to fill a vacancy on the Council created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term. ~~Members of the Council shall be representative of age, sex, ethnic and geographic backgrounds.~~

(b) Members shall be representative of age, sex, and ethnic backgrounds, as well as reflect the geographic and cultural regions of the State. The members shall meet the following criteria:

- (1) Two members shall be representative of the educational community with specialized knowledge concerning available secondary and postsecondary education programs.
- (2) Two members shall be representative of the medical community with specialized knowledge concerning women's health issues.
- (3) One member shall be a representative of a center that is authorized to receive funding from the North Carolina Fund for Displaced Homemakers.
- (4) One member shall be an employee of the North Carolina Employment Security Commission.
- (5) One member shall be an attorney and member of the North Carolina State Bar who has studied issues relating to women.
- (6) One member shall be from the business community.
- (7) One member shall be a member of the law enforcement community with specialized knowledge of domestic violence and sexual violence issues.
- (8) One member shall be a representative of a linguistic and cultural minority community.
- (9) One member shall be a representative of a local service provider that provides services to victims of sexual violence and that is eligible to receive grant funds from the Rape Crisis and Sexual Assault Center Fund.
- (10) One member shall be a representative of a local service provider that provides services to victims of domestic violence and is eligible to receive grant funds from the Domestic Violence Center Fund.

1 (11) One member shall be an academician who is knowledgeable about trends
2 and data relating to women's issues, such as those described in
3 G.S. 143B-393.

4 (12) One member shall be a representative of a college or university who has
5 educational background and expertise in the field of women's studies.

6 (13) One member shall be a representative of the North Carolina Child Care
7 Coalition.

8 (14) Five members from the public at large.

9 (c) The Governor shall have the power to remove any member of the Council from
10 office in accordance with the provisions of G.S. 143B-16 of the Executive Organization Act of
11 1973.

12 (d) The Governor shall designate a member of the Council to serve as chairman at the
13 pleasure of the Governor.

14 (e) Members of the Council shall receive per diem and necessary travel and subsistence
15 expenses in accordance with the provisions of G.S. 138-5.

16 A majority of the Council shall constitute a quorum for the transaction of business.

17 All clerical and other services required by the Council shall be supplied by the Secretary of
18 Administration."

19 **SECTION 4.** The terms of all persons who are members of the North Carolina
20 Council For Women on the effective date of this act shall expire on June 30, 2009. Ten of the
21 20 appointed successors shall have terms that expire on June 30, 2010, and the appointment of
22 their successors shall be for terms of two years and until their successors are appointed and
23 qualify. The remaining 10 of the 20 appointed successors shall have terms that expire on June
24 30, 2011, and the appointment of their successors shall be for terms of two years and until their
25 successors are appointed and qualify.

26 **SECTION 5.** G.S. 143B-394.15 reads as rewritten:

27 "...

28 (c) Membership. – The Commission shall consist of 39 members, who reflect the
29 geographic and cultural regions of the State, as follows:

30 ...

31 (4) The following persons or their designees, ex officio:

32 a. The Governor.

33 b. The Lieutenant Governor.

34 c. The Attorney General.

35 d. The Secretary of the Department of Administration.

36 e. The Secretary of the Department of Crime Control and Public Safety.

37 f. The Superintendent of Public Instruction.

38 g. The Secretary of the Department of Correction.

39 h. The Secretary of the Department of Health and Human Services.

40 i. The Director of the Office of State Personnel.

41 j. The ~~Executive Director~~ Chair of the North Carolina Council for
42 Women.

43 k. The Dean of the School of Government at the University of North
44 Carolina at Chapel Hill.

45 l. The Chairman of the Governor's Crime Commission.

46 ...

47 (l) Staffing. – The Secretary of the Department of Administration shall be responsible
48 for staffing the Commission. ~~To that end, the Secretary shall, at a minimum, assign an~~
49 ~~employee to serve as a Deputy Director within the North Carolina Council for Women whose~~
50 ~~primary duties shall be to staff the Commission. The person assigned as Deputy Director shall~~
51 ~~have the education, experience, and any other qualifications necessary for the position."~~

1 **SECTION 6.** G.S. 50B-2(a) reads as rewritten:

2 "**§ 50B-2. Institution of civil action; motion for emergency relief; temporary orders;**
3 **temporary custody.**

4 (a) Any person residing in this State may seek relief under this Chapter by filing a civil
5 action or by filing a motion in any existing action filed under Chapter 50 of the General
6 Statutes alleging acts of domestic violence against himself or herself or a minor child who
7 resides with or is in the custody of such person. Any aggrieved party entitled to relief under this
8 Chapter may file a civil action and proceed pro se, without the assistance of legal counsel. The
9 district court division of the General Court of Justice shall have original jurisdiction over
10 actions instituted under this Chapter. Any action for a domestic violence protective order
11 requires that a separate summons be issued and served. The summons issued pursuant to this
12 Chapter shall require the defendant to answer within 10 days of the date of service.
13 Attachments to the summons shall include the complaint, notice of hearing, any temporary or
14 ex parte order that has been issued, and other papers through the appropriate law enforcement
15 agency where the defendant is to be served. No court costs shall be assessed for the filing,
16 issuance, registration, or service of a protective order or petition for a protective order or
17 witness subpoena in compliance with the Violence Against Women Act, 42 U.S.C. §
18 3796gg-5."

19 **SECTION 7.** The Joint Legislative Committee on Domestic Violence supports the
20 adoption of an automated statewide domestic violence protective order notification system.
21 In order to determine the financial and operational impact of developing the system, the
22 Administrative Office of the Courts, in consultation with the Governor's Crime Commission
23 and the North Carolina Attorney General's Office, shall (i) identify information in available
24 databases relating to civil domestic violence protective orders, criminal no-contact order
25 conditions, and postarrest conditions of release and (ii) determine the financial impact,
26 including personnel costs, for implementing a domestic violence protective order notification
27 system which interfaces with the North Carolina Statewide Automated Victim Assistance
28 Notification System. The Governor's Crime Commission shall report the findings to the Joint
29 Legislative Committee on Domestic Violence and the Fiscal Research Division by July 1,
30 2009.

31 **SECTION 8.** The North Carolina Domestic Violence Commission, in consultation
32 with the North Carolina Coalition Against Domestic Violence and the North Carolina Coalition
33 Against Sexual Assault, shall study the issue of State oversight and coordination of services to
34 victims of sexual violence and whether sexual violence should be included as a focus area of
35 the Commission. The study shall include, but is not limited to, a review of the organization and
36 membership of entities in other states that (i) provide information and recommendations to state
37 legislatures on domestic and sexual violence and (ii) information and services to the public on
38 these issues. The Commission shall report its findings and recommendations to the Joint
39 Legislative Committee on Domestic Violence by July 1, 2009.

40 **SECTION 9.** Section 6 of this act is effective for actions or motions filed on or
41 after December 1, 2009. The remainder of this act is effective when it becomes law.