

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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SENATE BILL 144

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

Sponsors: Senators Snow; Berger of Franklin and Dorsett.

Referred to: Judiciary II.

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 and if any of the following situations apply:

6           (1) The perpetrator illegally entered and illegally remained on the premises of  
7 the shelter at the time the perpetrator's tortious conduct caused the harm  
8 sustained by a client or other person who was also on the premises.

9           (2) The perpetrator legally entered the premises of the shelter and a person  
10 associated with the shelter instructed the perpetrator to leave the premises  
11 before the perpetrator caused the harm sustained by a client or other person  
12 who was also on the premises and, despite those reasonable steps, the  
13 perpetrator remained on the premises and committed the tortious conduct  
14 that caused the harm sustained by a client or other person who was on the  
15 premises.

16           (3) The perpetrator legally entered the premises of the shelter and a person  
17 associated with the shelter granted the perpetrator permission to remain on  
18 the premises after the person associated with the shelter in exercising the  
19 reasonable judgment and discretion of a prudent person under similar  
20 circumstances, determined that granting the person permission to remain on  
21 the premises did not appear to pose a threat of harm to a client or other  
22 person who was on the premises.

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

25       **SECTION 2.** This act becomes effective December 1, 2009, and applies to  
26 offenses committed and causes of action arising on or after that date.