

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: Senate Bill 627 (3rd Edition)

SHORT TITLE: Domestic Violence Changes

SPONSOR(S): Senator Miller

FISCAL IMPACT

Yes () No () No Estimate Available (X)

FY 1997-98 FY 1998-99 FY 1999-00 FY 2000-01 FY 2001-02

REVENUES

EXPENDITURES

NO ESTIMATE AVAILABLE

POSITIONS:

**PRINCIPAL DEPARTMENT(S) &
PROGRAM(S) AFFECTED:** Judicial Branch

EFFECTIVE DATE: December 1, 1997; applies to offenses committed on or after that date

BILL SUMMARY: S 627. DOMESTIC VIOLENCE CHANGES. TO CLARIFY AND EXPAND THE CLASSIFICATION OF PERSONS WHO MAY OBTAIN A DOMESTIC VIOLENCE PROTECTIVE ORDER, AND TO CLARIFY THE CIRCUMSTANCES UNDER WHICH MAGISTRATES MAY ISSUE PROTECTIVE ORDERS. Amends GS 50B-1(b) to define "personal relationship" for purposes of obtaining protective order against domestic violence to include a relationship between parents and children (including persons acting in loco parentis to a minor child) or between grandparents and grandchildren, but prohibits issuance of order of protection against child or grandchild under age of 16. Also includes within definition of "personal relationship" current or former household members and persons who "are dating or have dated." Defines dating relationship as one wherein parties are romantically involved over time and on continuous basis and excludes casual acquaintance or ordinary fraternization in business or social context. Amends GS 50B-2(c1) to provide that when district court is not in session, magistrate may hear motion for protective order when party seeks emergency relief (now, magistrate may issue protective order only if clerk of superior court is unavailable.¹

ASSUMPTIONS AND METHODOLOGY:

¹ *Daily Bulletin*, Institute of Government, UNC-Chapel Hill, April 1997

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The Judicial Branch analyzed the 2 sections of the bill separately.

A) Expand Definition of Domestic Violence: *No Estimate Available*

The first section greatly expands the number of persons who may seek Chapter 50B relief from acts of domestic violence by changing the definition to include “personal relationships” instead of just “familial” relationships.

There is no way to estimate the additional number of Chapter 50B cases that could or would be filed. New cases that are filed will involve additional district court time.

B) Expand authority of Magistrates to hear motions for emergency relief: *No Impact*

Under current law the magistrate can hear the motion if district court is not in session and no District Court Judge is available and if the clerk of Superior Court is not available. This bill would allow magistrates to hear motions even if the clerk’s office is open.

In either case, magistrates can hear the motions only if the district court judge grants that authority, which has occurred in less than half the districts. This change will primarily affect rural areas where there is not always a district court judge available and is unlikely to have a fiscal impact

TECHNICAL CONSIDERATIONS: These provisions are the same as parts 1 and 2 of HB 929 which passed the House April 29th.

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DATE: May 8, 1997



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