

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 1810
Committee Substitute Favorable 5/9/07

Short Title: VAWA 2005 Compliance.

(Public)

Sponsors:

Referred to:

April 19, 2007

1 A BILL TO BE ENTITLED
2 AN ACT TO BRING STATE LAW INTO COMPLIANCE WITH THE FEDERAL
3 VIOLENCE AGAINST WOMEN ACT OF 2005.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Chapter 15A of the General Statutes is amended by adding a
6 new section to read:

7 "**§ 15A-831.1. Polygraph examinations of victims of sexual assaults.**

8 (a) A criminal or juvenile justice agency shall not require a person claiming to be
9 a victim of sexual assault or claiming to be a witness regarding the sexual assault of
10 another person to submit to a polygraph or similar examination as a precondition to the
11 agency conducting an investigation into the matter.

12 (b) An agency wishing to perform a polygraph examination of a person claiming
13 to be a victim or witness of sexual assault shall inform the person of the following:

14 (1) That taking the polygraph examination is voluntary.

15 (2) That the results of the examination are not admissible in court.

16 (3) That the person's decision to submit to or refuse a polygraph
17 examination will not be the sole basis for a decision by the agency not
18 to investigate the matter.

19 (c) An agency which declines to investigate an alleged case of sexual assault
20 following a decision by a person claiming to be a victim not to submit to a polygraph
21 examination shall provide to that person, in writing, the reasons why the agency did not
22 pursue the investigation at the request of the person."

23 SECTION 2. The Administrative Office of the Courts, in cooperation with
24 the North Carolina Coalition Against Domestic Violence and the North Carolina
25 Governor's Crime Commission, shall develop a form to comply with the criminal case
26 firearm notification requirements of the Violence Against Women Act of 2005. The
27 form shall be available for use by the courts no later than December 31, 2007. Effective
28 January 1, 2008, all defendants convicted of crimes subject to the firearm notification
29 requirements shall be provided a copy of the form by the court.

1 **SECTION 3.** Section 1 of this act becomes effective December 1, 2007, and
2 applies to sexual assault offenses alleged to have been committed on or after that date.
3 The remainder of this act is effective when it becomes law.