

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 2189*

Short Title: DV Victim Assistance.

(Public)

Sponsors: Representatives McLawhorn, Ross, Farmer-Butterfield, Pierce (Primary Sponsors); Alexander, Bryant, Church, Cotham, Dickson, England, Faison, Fisher, Glazier, Goodwin, Gulley, Harrison, Insko, Johnson, Lucas, Luebke, Ray, Underhill, Wainwright, Walend, E. Warren, R. Warren, Weiss, and Williams.

Referred to: Judiciary III.

May 19, 2008

A BILL TO BE ENTITLED

1
2 AN ACT TO PROVIDE DOMESTIC VIOLENCE VICTIMS WITH INFORMATION
3 AND ASSISTANCE AND TO STUDY A STATEWIDE AUTOMATED
4 NOTIFICATION SYSTEM FOR PERSONS WITH DOMESTIC VIOLENCE
5 PROTECTIVE ORDERS, AS RECOMMENDED BY THE JOINT LEGISLATIVE
6 COMMITTEE ON DOMESTIC VIOLENCE.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 15A-831 reads as rewritten:

9 **"§ 15A-831. Responsibilities of law enforcement agency.**

10 (a) As soon as practicable but within 72 hours after identifying a victim covered
11 by this Article, the investigating law enforcement agency shall provide the victim with
12 the following information:

13 (1) The availability of medical services, if needed.

14 (2) The availability of crime victims' compensation funds under Chapter
15 15B of the General Statutes and the address and telephone number of
16 the agency responsible for dispensing the funds.

17 (3) The address and telephone number of the district attorney's office that
18 will be responsible for prosecuting the victim's case.

19 (4) The name and telephone number of an investigating law enforcement
20 agency employee whom the victim may contact if the victim has not
21 been notified of an arrest in the victim's case within six months after
22 the crime was reported to the law enforcement agency.

23 (5) Information about an accused's opportunity for pretrial release.

1 (6) The name and telephone number of an investigating law enforcement
2 agency employee whom the victim may contact to find out whether the
3 accused has been released from custody.

4 (7) The informational sheet described in G.S. 50B-3(c1), if there was a
5 personal relationship, as defined in G.S. 50B-1(b), with the accused.

6 (b) As soon as practicable but within 72 hours after the arrest of a person
7 believed to have committed a crime covered by this Article, the arresting law
8 enforcement agency shall inform the investigating law enforcement agency of the arrest.
9 As soon as practicable but within 72 hours of being notified of the arrest, the
10 investigating law enforcement agency shall notify the victim of the arrest.

11 (c) As soon as practicable but within 72 hours after receiving notification from
12 the arresting law enforcement agency that the accused has been arrested, the
13 investigating law enforcement agency shall forward to the district attorney's office that
14 will be responsible for prosecuting the case the defendant's name and the victim's name,
15 address, date of birth, social security number, race, sex, and telephone number, unless
16 the victim refuses to disclose any or all of the information, in which case, the
17 investigating law enforcement agency shall so inform the district attorney's office.

18 (d) Upon receiving the information in subsection (a) of this section, the victim
19 shall, on a form provided by the investigating law enforcement agency, indicate whether
20 the victim wishes to receive any further notices from the investigating law enforcement
21 agency on the status of the accused during the pretrial process. If the victim elects to
22 receive further notices during the pretrial process, the victim shall be responsible for
23 notifying the investigating law enforcement agency of any changes in the victim's name,
24 address, and telephone number."

25 **SECTION 2.** The North Carolina Domestic Violence Commission, in
26 consultation with the North Carolina Coalition Against Domestic Violence, the North
27 Carolina Attorney General's Office, and the Governor's Crime Commission, shall study
28 the adoption of a statewide automated victim notification system for persons who have
29 received a protective order under Chapter 50B of the General Statutes. As part of its
30 study of this issue, the Domestic Violence Commission shall review:

31 (1) Automated notification systems used in other state jurisdictions to
32 notify protective order holders of critical dates, e.g., the date the
33 respondent, if incarcerated, will be released from custody.

34 (2) Data, if any, on the effectiveness of other state systems.

35 (3) The current statewide system which provides automated notice to
36 crime victims (SAVAN), to determine if it could be enhanced to
37 include the proposed system.

38 (4) Sources of grant funding that are available to implement the system.

39 (5) Methods utilized for registering into the system, and whether the
40 information should be accessible to the general public, in addition to
41 the person or persons protected by the order.

42 (6) Methods to ensure that information relating to the respondent of an
43 order is uploaded in a timely manner and to confirm that notification
44 has been sent to registrants.

1 The North Carolina Domestic Violence Commission shall report with the
2 results of its study, and any recommendations, to the Joint Legislative Committee on
3 Domestic Violence and the General Assembly on or before January 1, 2009.

4 **SECTION 3.** This act becomes effective July 1, 2008.