

NC Coalition Against Domestic Violence

Legislative Updates

May 16, 2014

I. March 17 Legislative Meeting

i. **Funding:** So far even in the recession, DV/SA funding hasn't been cut at the state even though other great programs have. However, this session there will be unprecedented pressure to find cuts because:

1. **Tax reform "Tax cut" bill- 2.5 BILLION dollars of revenue gone over the next couple of years**
2. **Medicaid hole- typically by now we know what the gap is. But this year we still don't know what the gap is because of the failure of the new TRACS system. But the hole will be huge.**
3. **Promise of raises for teachers and state employees. 14% increase in pay for new teachers.**

There is LESS revenue, a huge budget hole, and monies earmarked for salary increases. They will HAVE to find new cuts. In the past, the appropriations subcommittee would direct a flat % management cut where each agency would have the discretion to figure out where the cut comes from. But they haven't been doing that since 2011. Now the legislators are going through budgets line by line and making those decisions. So the general appropriations subcommittee which includes DV and SA Center fund, CFW grants etc. will be poured over by legislators looking for things to cut or reduce. NC Coalition Against Domestic Violence (NCCADV) requested that programs contact their legislators for their support.

Update 5/14/2014: The Governor's budget recommendations contain no cuts to DV funding.

ii. **Allison's law update:** House Bill 477, Allison's law, passed the House in the long session and was referred to committee in the Senate. Allison's law would add a remedy to 50b/DVPOs where if a court finds that a defendant has committed an act of DV, the Court can order that they be subject to electronic monitoring by GPS tracking or other device which would send a signal to the victim and local law enforcement if Defendant is in any prohibited location. DPS & NCCADV were charged with studying this further to assess implementation issues. A meeting was held in August and DPS said that they support protecting victims but because of the due process/constitutional questions they do not feel they have the authority to provide the monitoring.

Follow up: NCCADV met with Representative Lambeth and a private company, Tarheel Monitoring, to evaluate electronic monitoring technology. Representative Lambeth requested a follow up meeting with NCCADV.

- iii. **Magistrate powers:** At a recent House Judicial Efficiency Committee meeting in February that a proposal was considered to extend magistrate powers to give a blanket power to all magistrates to grant ex parte 50Bs, 50Cs, and temporary custody. Currently that power is discretionary and is up to the Chief District Court judge in each district as to whether magistrates have that power, and to develop policies guiding the limits and procedures. House Committee Members expressed some concern regarding granting all duties which are currently discretionary. NCGA staff will develop a list of recommendations for the next committee meeting for them to be discussed and voted on. NCCADV contacted Administrative Office of the Courts for a list of current districts which grant magistrates the power currently but they didn't have a current list. A list from 10 years ago showed almost 2/3 of the counties grant the power to magistrates in some form. Concerns include but are not limited to: inability to connect victims with advocates for follow-up services and assistance in completing the paperwork, lack of uniformity with magistrates even within the same district, lack of training on the law and DV/sexual assault. NCCADV and our lobbyists will continue to watch this.
- iv. **Federal appropriations:** federal appropriations for DV programs received a slight increase in funding, with exception to the Rural Grant funding. Many programs have responded to a call for action.
- v. **National Lobby Day:** National Network to End Domestic Violence is hosting their annual DV Advocacy Day on June 2nd to 4th in D.C. Members from NCCADV are attending and welcome any other programs to contact them if they are able to attend.

II. Recent Development

Committee Approves Bill Draft Including New Rules for Nonprofits' Use of State Funds

On Monday, the Joint Legislative Program Evaluation Oversight Committee recommended a bill draft that would make changes to laws governing how nonprofits use state funds. The proposal would:

1. Require nonprofits with \$100,000 in state grants in any year to deposit state funds in interest-bearing accounts and to use any interest earned for purposes consistent with their state grants. Nonprofits would be allowed to use up to \$250 in interest earned to cover administrative costs related to holding these funds. This would apply to direct appropriations to nonprofits and to grants made to nonprofits by state agencies, but not to nonprofits' contracts to provide services for the state. **This is an improvement over a previous version that would have required nonprofits to return all interest to the state and would have also applied these rules to smaller nonprofit grantees.**
2. Create a durational period for all state grants to nonprofits. The default duration would be two years, but state agencies could create different durational periods in their grant agreements.

3. Require the N.C. Office of State Budget and Management (OSBM) to help state grantees use current and generally-accepted accounting principles.
4. Create new mandatory penalties for nonprofits that use state funds for unauthorized purposes, knowingly fail to submit information to OSBM, or willfully falsify information they submit to OSBM. Penalties include: administrative action by OSBM; notification of the Attorney General of potential criminal violations; immediate suspension of state funds; and recovery of previously disbursed state funds.

III. 2015 Long Session:

Mecklenburg will be adding the following two items to the upcoming legislative agenda (for long session) based on recommendations from their Domestic Violence Fatality Review Team.

Finding: In prosecuting a serious DV-related crime prior to the murder itself, per North Carolina statute the prosecutor was prohibited from "looking back" more than 15 years to indict for habitual misdemeanor assault and was also limited by the requirement that there must be physical injury.

1) Amend the habitual assault statute, NCGS 14 -33.2, as follows:

A person commits the offense of habitual misdemeanor assault if that person violates any of the provisions of GS 14-33 and causes physical injury, or 14-277.1 and displays or uses a deadly weapon, or GS 14-34, and has two or more prior convictions for either misdemeanor or felony assault, with the earlier of the two prior convictions occurring no more than 15 years prior to the date of the current violation. A prior conviction is not a prior conviction for purposes of this section if a period of more than 15 years has elapsed between (1) the date of the conviction or the person's release from the confinement imposed for that conviction, whichever is the later date, and (2) the date of the current violation. A conviction under this section shall not be used as a prior conviction for any other habitual offense statute. A person convicted of violating this section is guilty of a Class H felony.

Finding: It is well documented that children who have been exposed to domestic violence are more likely to become perpetrators and or victims of domestic violence in their intimate partner relationships as adults. In the cases reviewed by the Mecklenburg DVFRT, children were present in 9 of the 16 cases reviewed to date.

2) Request the North Carolina General Assembly to enact an additional aggravating factor for felony structured sentencing as follows: "The defendant knew or reasonably should have known that the offense was being witnessed by sight or hearing, by a person under the age of 16 who was not involved in the commission of the offense."