

March 1, 1999

S 197. SAFE FAMILIES ACT. TO MODIFY THE GENERAL STATUTES TO IMPLEMENT CERTAIN RECOMMENDATIONS OF THE GOVERNOR'S TASK FORCE ON DOMESTIC VIOLENCE. Amends various provisions of Chapter 50B, Domestic Violence, as follows: (1) Requires the sheriff to enter domestic violence orders into the NCIC registry rather than the DCI network so that the orders can be accessed by law enforcement agencies in other states; (2) deletes provision requiring law enforcement officers to arrest and take a person into custody for purposes of contempt hearing if the person violates a protective order; (3) makes violation of a valid protective order entered by the courts of another state or an Indian tribe, as well as those entered by NC courts, a Class A1 misdemeanor. (4) Provides that out-of-state protective orders are to be treated as NC orders whether or not the order has been registered and provides that, in determining validity of out-of-state order, law enforcement officer may rely upon copy of order provided and on statement of person protected by order that the order remains in effect. Allows, but does not require, registration of out-of-state orders by the filing with the clerk of superior court a copy of the out-of-state order along with an affidavit by the person protected by the order that the order is presently in effect as written. No notice of registration is given to the defendant. (5) Deletes provision allowing law enforcement agency not to respond to multiple complaints within a 48 hour period from the same complainant of domestic violence.

Amends GS 15A-401(b) to add following to crimes for which law enforcement officer may make warrantless arrests: (1) violating a domestic violence protective order; (2) assault by pointing a gun when the defendant and victim have a "familial relationship" (term no longer in the statutes), (3) to expand coverage to simple assault, assault inflicting serious injury and assault on a female when the defendant and victim have a "familial" relationship, (current law, requires the narrower relationship of current or former spouses or person who are living or have lived together as if married).

Changes regarding violation of an out-of-state order being a crime and regarding warrantless arrests take effect December 1, 1999; remainder takes effect October 1, 1999.

Intro. by Cooper.

Ref. to Judiciary I

GS 50B, 15A, 1C

March 9, 1999

S 197. SAFE FAMILIES ACT. Intro. 3/1/99. Senate committee substitute makes the following changes to 1st edition. Adds GS 50B-4.1(b) to provide that a law enforcement officer who has probable cause to believe that a person has violated a valid protective order excluding the person from the domestic violence victim's residence shall arrest and take that person into custody without a warrant or other process.

March 10, 1999

S 197. SAFE FAMILIES ACT. Intro. 3/1/99. Senate amendment makes the following changes to 1st edition. Provides that section 1 (entry of order into National Crime Information Center registry) and section 2 (amendment to GS 50B-4) become effective only if funds are appropriated or received by federal grant to implement those sections on or before Dec. 1, 1999. Effective only if funds are not appropriated or received by federal grant to implement sections 1 and 2 by Dec. 1, 1999, amends GS 50B-4 in the same manner as provided in the committee substitute, except that entry of registration of the order is made in the Division of Criminal Information Network instead of the National Crime Information Center registry.

March 22, 1999

S 197. SAFE FAMILIES ACT. Intro. 3/1/99. House committee substitute makes the following changes to 3rd edition. (1) Adds new GS 50B-4.2, making it a Class 2 misdemeanor to knowingly give a false statement to a law enforcement agency or officer that a protective order entered under GS Ch. 50B ("Domestic Violence"), or under the laws of another state or Indian tribe, remains in effect. (2) Adds amendments to GS 50B-3 providing that copies of protective orders entered pursuant to the statute are to be issued promptly (this word added) and retained by the police or sheriff.

March 25, 1999

S 197. SAFE FAMILIES ACT. Intro. 3/25/99. House amendment changes 4th edition by providing that a law enforcement officer must arrest and take a person into custody without a warrant or other process if the officer has probable cause to believe that the person has *knowingly* violated a valid protective order designed to protect a victim of domestic violence (italicized word added).

March 30, 1999

S 197. SAFE FAMILIES ACT. Intro. 3/1/99. House amendment makes the following changes to 4th edition. Adds language to GS 50B-3(d) specifying that modifications, terminations, and dismissals of a domestic violence order shall be promptly entered (adds underlined words). Adds to 50B-3 (Enforcement of orders) a new subsection requiring the court, upon application or motion by a party, to determine whether an out-of-state order remains in full force and effect. Adds a new subsection to GS 50B-4.1 to provide that a person arrested without a warrant for violation of a protective order who contests that the order is still in effect be provided information about the arrestee that appears on the National Crime Information Center registry.

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