

February 11, 2009

S 140. AMEND DOMESTIC CRIM. TRESPASS. Filed 2/11/09. *TO AMEND THE OFFENSE OF DOMESTIC CRIMINAL TRESPASS BY MAKING IT A FELONY FOR A PERSON WHO IS THE SUBJECT OF A VALID PROTECTIVE ORDER TO TRESPASS ON PROPERTY WHERE THE PROTECTED PARTY RESIDES AND THAT IS OPERATED AS A SAFE HOUSE OR HAVEN FOR DOMESTIC VIOLENCE VICTIMS WITHOUT REGARD AS TO WHETHER THE PERSON COVERED BY THE PROTECTIVE ORDER IS PRESENT ON THE PREMISES AND TO PROVIDE THAT IT IS AN AGGRAVATING CIRCUMSTANCE FOR FIRST DEGREE MURDER IF A DEFENDANT WHO IS THE SUBJECT OF A VALID PROTECTIVE ORDER COMMITS A MURDER ON THE PREMISES OF A SHELTER FOR VICTIMS OF DOMESTIC VIOLENCE WHERE THE PROTECTED PARTY IS RESIDING.*

Amends GS 14-134.3 (Domestic criminal trespass) to provide that it is unlawful for a person subject to a valid protective order that is enforceable under GS Chapter 50B to enter property being operated as a safe house or haven for victims of domestic violence where the protected party is residing after being forbidden to do so or to remain on the premises after being ordered to leave by the lawful occupant, unless the person enters upon the premises pursuant to a judicial order or written separation agreement, which gives the person the right to enter the premises in order to visit minor children. Makes violation of this provision a Class H felony, regardless of whether any of the parties protected by the protective order are present on the property. Makes a conforming change.

Amends GS 15A-2000(e) to add to the list of aggravating circumstances relevant to considering a sentence of death or life imprisonment for capital felonies that a defendant was subject to a valid protective order enforceable under GS Chapter 50B at the time of the commission of the capital felony and committed the capital felony on the premises of a safe house or haven for victims of domestic violence where the protected party was residing. Effective December 1, 2009, and applies to offenses committed on or after that date.

Intro. by Snow.

GS 14

July 23, 2009

S 140. AMEND DOMESTIC CRIM. TRESPASS. Filed 2/11/09. House committee substitute makes the following changes to 1st edition. Amends proposed language in GS 14-134.3(c) to remove the exception that allowed a person, who is otherwise prohibited by a protective order from doing so, to enter or remain on the premises of a safe house or haven for victims of domestic violence because of a judicial order or separation agreement granting the person visitation rights with minor children.

May 26, 2010

S 140. PROTECT VICTIMS/DV SHELTERS. Filed 2/11/09. House committee substitute makes the following changes to 2nd edition.

Deletes proposed changes to GS 14-134.3 (domestic criminal trespass) and GS 15A-2000 (sentence of death or life imprisonment for capital felonies; further proceedings to determine sentence). Enacts new subsection (g1) in GS 50B-4.1 making it a Class H felony for a person subject to a valid domestic violence protective order (DVPO) to enter a property designated as a haven or safe house where the person protected under the DVPO resides. Provides that the offense does not require the person protected by the DVPO actually be present on the property at the time of the trespass. Effective December 1, 2010.

Enacts new Article 52 to GS Chapter 1 to provide that no shelter, or person associated with the shelter, is liable in tort for any harm caused to a shelter client, or any other person who is on the premises of the shelter that results from the tortious conduct of a perpetrator on the premises of the shelter, who is not a person associated with the shelter. Limits the application of the immunity providing that the immunity does not apply to gross negligence, wanton conduct, or intentional wrongdoing on the part of the shelter or a person associated with the shelter. Provides definitions for terms as used in proposed Article 52.

Makes conforming changes to the title.

June 8, 2010

SL 2010-5 (S 140). PROTECT VICTIMS/DV SHELTERS. AN ACT TO MAKE IT A FELONY FOR A PERSON WHO IS THE SUBJECT OF A VALID PROTECTIVE ORDER TO TRESPASS ON PROPERTY WHERE THE PROTECTED PARTY RESIDES AND THAT IS OPERATED AS A SAFE HOUSE OR HAVEN FOR DOMESTIC VIOLENCE VICTIMS WITHOUT REGARD AS TO WHETHER THE PERSON COVERED BY THE PROTECTIVE ORDER IS PRESENT ON THE PREMISES, AND TO LIMIT THE LIABILITY OF DOMESTIC VIOLENCE SHELTERS FOR TORTUOUS CONDUCT COMMITTED ON SHELTER PREMISES. Summarized in *Daily Bulletin* 2/11/09, 7/23/09, and 5/26/10. Enacted June 7, 2010. Section 1 is effective December 1, 2010. The remainder is effective June 7, 2010.