

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H

3

HOUSE BILL 24
Committee Substitute Favorable 2/11/13
Third Edition Engrossed 2/13/13

Short Title: DV Abuser Treatment Program/Notifications.

(Public)

Sponsors:

Referred to:

January 31, 2013

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE DISTRICT ATTORNEY IS TO BE NOTIFIED IF A PERSON ON SUPERVISED OR UNSUPERVISED PROBATION IS DISCHARGED FROM A DOMESTIC VIOLENCE ABUSER TREATMENT PROGRAM FOR FAILURE TO COMPLY WITH THE PROGRAM OR ITS RULES, AND TO MAKE OTHER CHANGES TO THE REPORTING REQUIREMENT FOR DOMESTIC VIOLENCE OFFENSES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 15A-1343(b) reads as rewritten:

"(b) Regular Conditions. – As regular conditions of probation, a defendant must:

...

(12) Attend and complete an abuser treatment program if (i) the court finds the defendant is responsible for acts of domestic violence and (ii) there is a program, approved by the Domestic Violence Commission, reasonably available to the defendant, unless the court finds that such would not be in the best interests of justice. A defendant attending an abuser treatment program shall abide by all of the rules of the program. ~~If the defendant is discharged from the program for failure to comply with the program or its rules, such noncompliance shall be reported to the court.~~

a. If the defendant is placed on supervised probation, probation and is discharged from the program for failure to comply with the program or its rules, such noncompliance shall be reported to the court. The the probation officer shall forward a copy of the judgment, including all conditions of probation, to the abuser treatment program. The program shall notify the probation officer of any violations of program rules by the defendant. If the defendant is discharged from the program for failure to comply with the program or its rules, the probation officer shall file a violation report with the court and notify the district attorney of such noncompliance.

b. If the defendant is placed on unsupervised probation, the district attorney shall forward a copy of the judgment, including all conditions of probation, to the abuser treatment program. If the defendant is discharged from the program for failure to comply with



* H 2 4 - V - 3 *

1 the program or its rules, the program shall notify the district attorney
2 of such noncompliance.

3 ...

4 Defendants placed on unsupervised probation are subject to the provisions of this
5 subsection, except that defendants placed on unsupervised probation are not subject to the
6 regular conditions contained in subdivisions (2), (3), (6), (8), (13), (14), and (15) of this
7 subsection.~~If a defendant placed on unsupervised probation is subject to the condition~~
8 ~~contained in subdivision (12) of this subsection, the court shall schedule a compliance review~~
9 ~~hearing within 60 days of judgment and every 60 days thereafter until the defendant completes~~
10 ~~the abuser treatment program."~~

11 **SECTION 2.** Section 3 of S.L. 2012-39 reads as rewritten:

12 "**SECTION 3.** This act becomes effective December 1, ~~2012, 2012.~~ and Section 1 of this
13 act applies to defendants placed on probation on or after that date. Section 2 of this act applies
14 to judgments entered on or after that date."

15 **SECTION 3.** This act is effective when it becomes law. Section 1 applies to all
16 defendants placed on supervised or unsupervised probation prior to, on, or after the effective
17 date of this act.