

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 757

Short Title: Define/DV Personal Relationship/Crim Pro Laws. (Public)

Sponsors: Representative McNeill (Primary Sponsor).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Judiciary Subcommittee C.

April 11, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE A DEFINITION FOR PERSONAL RELATIONSHIP UNDER THE
3 LAWS REGARDING BAIL AND PRETRIAL RELEASE FOR DOMESTIC VIOLENCE
4 OFFENSES TO ENSURE CONSISTENCY WITH THE DEFINITION FOR PERSONAL
5 RELATIONSHIP UNDER THE LAWS PERTAINING TO DOMESTIC VIOLENCE.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 15A-534.1(a) reads as rewritten:

8 "(a) In all cases in which the defendant is charged with assault on, stalking,
9 communicating a threat to, or committing a felony provided in Articles 7A, 8, 10, or 15 of
10 Chapter 14 of the General Statutes upon a ~~spouse or former spouse or a person with whom the~~
11 ~~defendant lives or has lived as if married,~~ person with whom the defendant has or has had a
12 personal relationship as defined in G.S. 50B-1(b), with domestic criminal trespass, or with
13 violation of an order entered pursuant to Chapter 50B, Domestic Violence, of the General
14 Statutes, the judicial official who determines the conditions of pretrial release shall be a judge.
15 The judge shall direct a law enforcement officer or a district attorney to provide a criminal
16 history report for the defendant and shall consider the criminal history when setting conditions
17 of release. After setting conditions of release, the judge shall return the report to the providing
18 agency or department. No judge shall unreasonably delay the determination of conditions of
19 pretrial release for the purpose of reviewing the defendant's criminal history report. The
20 following provisions shall apply in addition to the provisions of G.S. 15A-534:

21 (1) Upon a determination by the judge that the immediate release of the
22 defendant will pose a danger of injury to the alleged victim or to any other
23 person or is likely to result in intimidation of the alleged victim and upon a
24 determination that the execution of an appearance bond as required by
25 G.S. 15A-534 will not reasonably assure that such injury or intimidation will
26 not occur, a judge may retain the defendant in custody for a reasonable
27 period of time while determining the conditions of pretrial release.

28 (2) A judge may impose the following conditions on pretrial release:

- 29 a. That the defendant stay away from the home, school, business or
30 place of employment of the alleged victim.
31 b. That the defendant refrain from assaulting, beating, molesting, or
32 wounding the alleged victim.
33 c. That the defendant refrain from removing, damaging or injuring
34 specifically identified property.



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- 1 d. That the defendant may visit his or her child or children at times and
- 2 places provided by the terms of any existing order entered by a
- 3 judge.
- 4 e. That the defendant abstain from alcohol consumption, as verified by
- 5 the use of a continuous alcohol monitoring system, of a type
- 6 approved by the Division of Adult Correction of the Department of
- 7 Public Safety, and that any violation of this condition be reported by
- 8 the monitoring provider to the district attorney.
- 9 The conditions set forth above may be imposed in addition to requiring that
- 10 the defendant execute a secured appearance bond.
- 11 (3) Should the defendant be mentally ill and dangerous to himself or others or a
- 12 substance abuser and dangerous to himself or others, the provisions of
- 13 Article 5 of Chapter 122C of the General Statutes shall apply."
- 14 **SECTION 2.** This act becomes effective December 1, 2013, and applies to
- 15 offenses committed on or after that date.