

1 (a) In all cases in which the defendant is charged with assault on, stalking,
2 communicating a threat to, or committing a felony provided in Articles 7A, 8, 10, or 15
3 of Chapter 14 of the General Statutes upon a spouse or former spouse or a person with
4 whom the defendant lives or has lived as if married, with domestic criminal trespass, or
5 with violation of an order entered pursuant to Chapter 50B, Domestic Violence, of the
6 General Statutes, the judicial official who determines the conditions of pretrial release
7 shall be a judge, and the following provisions shall apply in addition to the provisions of
8 G.S. 15A-534:

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

17 (2) A judge may impose the following conditions on pretrial release:
18 a. That the defendant stay away from the home, school, business
19 or place of employment of the alleged victim;
20 b. That the defendant refrain from assaulting, beating, molesting,
21 or wounding the alleged victim;
22 c. That the defendant refrain from removing, damaging or injuring
23 specifically identified property;
24 d. That the defendant may visit his or her child or children at times
25 and places provided by the terms of any existing order entered
26 by a judge.

27 The conditions set forth above may be imposed in addition to requiring
28 that the defendant execute a secured appearance bond.

29 (3) Should the defendant be mentally ill and dangerous to himself or
30 others or a substance abuser and dangerous to himself or others, the
31 provisions of Article 5 of Chapter 122C of the General Statutes shall
32 apply.

33 (b) A defendant may be retained in custody not more than 48 hours from the time
34 of arrest without a determination being made under this section by a judge. If a judge
35 has not acted pursuant to this section within 48 hours of arrest, the magistrate shall act
36 under the provisions of this section."

37 **SECTION 3.** The Attorney General's Office, in consultation with the North
38 Carolina Council for Women/Domestic Violence Commission, the North Carolina
39 Sheriffs' Association, and the North Carolina Association of Chiefs of Police, shall
40 develop a reporting system and database that reflects the number of homicides in the
41 state where the offender and the victim had a personal relationship, as defined by
42 G.S. 50B-1(b). The information in the database shall also include whether the victim
43 had obtained an order pursuant to G.S. 50B-3 and whether the offender was on pretrial
44 release pursuant to G.S. 15A-534.1. All State and local law enforcement agencies shall

1 report information to the Attorney General's Office upon making a determination that a
2 homicide meets the reporting system's criteria. The report shall be made in the format
3 adopted by the Attorney General's Office. The Attorney General's Office shall begin
4 collecting data required by this act for offenses occurring on or after July 1, 2007. The
5 Attorney General's Office shall report to the Joint Legislative Committee on Domestic
6 Violence, no later than February 1 of each year, with the data collected for the previous
7 calendar year.

8 **SECTION 4.** Sections 1 and 2 of this act become effective December 1,
9 2007, and apply to offenses committed on or after that date. The remainder of this act is
10 effective when it becomes law.