



HOUSE BILL 33: Modify DV Statutes.

2021-2022 General Assembly

Committee:	House Judiciary 3. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	March 27, 2021
Introduced by:	Reps. Warren, Moffitt, Zachary	Prepared by:	Bill Patterson
Analysis of:	PCS to First Edition H33-CSTG-6		Committee Co-Counsel

OVERVIEW: *The Proposed Committee Substitute for House Bill 33 would modify the criteria used in determining the availability of domestic violence orders and the circumstances under which a party can be ordered to attend a treatment or counseling program under a domestic violence protective order or as a condition of probation.*

CURRENT LAW: Domestic violence protective orders issued under Chapter 50B of the General Statutes are available to persons who were in a "personal relationship" with the perpetrator at the time of the commission of the act of domestic violence. The following persons, among others, are deemed to be in a "personal relationship" for this purpose:

- Persons of the opposite sex who live together or have lived together. G.S. 50B-1(b)(2).
- Persons of the opposite sex who are in a dating relationship or have been in a dating relationship. G.S. 50B-1(b)(6).

As used in G.S. 50B-1(b)(6), a dating relationship is defined as one in which the parties are romantically involved over time and on a continuous basis during the course of the relationship. It does not include a casual acquaintance or ordinary fraternization between persons in a business or social context.

The terms "personal relationship" and "dating relationship" as defined in G.S. 50B-1 are cross-referenced in other sections throughout the General Statutes.

G.S. 50B-3(a)(12) authorizes the court to issue a protective order requiring any party found responsible for acts of domestic violence to attend and complete an abuser treatment program that is approved by the Domestic Violence Commission.

G.S. 15A-1343(b)(12) provides that a convicted defendant who is found to be responsible for acts of domestic violence must be ordered to attend and complete an abuser treatment program if there a program approved by the Domestic Violence Commission is reasonably available to the defendant, unless the court finds that such would not be in the best interests of justice.

BILL ANALYSIS: Section 1 of the PCS for House Bill 33 would amend G.S. 50B-1 to:

- Expand the number of persons deemed to be in a "personal relationship" either by virtue of living together under G.S. 50B-1(b)(2), or by virtue of being in a dating relationship under G.S. 50B-1(b)(6), by deleting the restrictive words "of the opposite sex."

Jeffrey Hudson
Director



Legislative Analysis
Division
919-733-2578

House PCS 33

Page 2

- Amend G.S. 50B-1(b)(2) to require that persons living together must be in a romantic relationship to be deemed to be in a "personal relationship."
- Provide that for a relationship to be deemed a "dating relationship" it must have been in existence within the year preceding the filing of the action and must be of a romantic or intimate nature characterized by the expectation of affectionate or sexual relations existing on a continuing basis over its course.
- Require a court to consider the following factors when determining whether the parties are or have been in a "dating relationship:"
 - The degree of social interpersonal bonding between the parties over and above that resulting from mere casual acquaintanceship or ordinary fraternization.
 - The length of time during which the alleged dating activities continued prior to the alleged acts of domestic violence.
 - The nature and frequency of the parties' interactions with each other.
 - The parties' ongoing expectations with respect to the relationship.
 - Whether the parties declared or demonstrated to others by statement or conduct that their relationship was of a romantic nature.
 - Any other evidence that supports or detracts from a finding that a dating relationship existed.

Section 2 would amend G.S. 50B-3(a)(12) to provide that a court's authority to issue a protective order requiring a party to attend and complete a counseling or treatment program is conditioned on the program being reasonably likely to resolve the issues causing the acts of domestic violence and being reasonably available to and affordable by the defendant. The program would not have to be approved by the Domestic Violence Commission.

Section 3 would amend G.S. 7A-1343(b)(12) to provide that a treatment or counseling program that a convicted defendant is required to attend as a condition of probation must be affordable by the defendant and must be reasonably likely to resolve the issues causing acts of domestic violence. The program would not have to be approved by the Domestic Violence Commission.

EFFECTIVE DATE: This act would become effective December 1, 2021 and would apply to offenses committed on or after that date.