

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 87*

Short Title: DV Abuser Treatment Program/Notifications. (Public)

Sponsors: Senators Daniel (Primary Sponsor); and Goolsby.

Referred to: Judiciary II.

February 14, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT THE DISTRICT ATTORNEY IS TO BE NOTIFIED IF A
3 PERSON ON SUPERVISED OR UNSUPERVISED PROBATION IS DISCHARGED
4 FROM A DOMESTIC VIOLENCE ABUSER TREATMENT PROGRAM FOR FAILURE
5 TO COMPLY WITH THE PROGRAM OR ITS RULES.

6 The General Assembly of North Carolina enacts:

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

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

9 ...

10 (12) Attend and complete an abuser treatment program if (i) the court finds the
11 defendant is responsible for acts of domestic violence and (ii) there is a
12 program, approved by the Domestic Violence Commission, reasonably
13 available to the defendant, unless the court finds that such would not be in
14 the best interests of justice. A defendant attending an abuser treatment
15 program shall abide by all of the rules of the program.

16 a. If the defendant is on supervised probation and is discharged from
17 the program for failure to comply with the program or its rules, such
18 noncompliance shall be reported to the court–district attorney. The
19 probation officer shall forward a copy of the judgment, including all
20 conditions of probation to the program, and the abuser treatment
21 program shall notify the probation officer of any violations of
22 program rules by the defendant.

23 b. If the defendant is on unsupervised probation and is discharged from
24 the program for failure to comply with the program or its rules, the
25 abuser treatment program shall notify the district attorney of such
26 noncompliance. The district attorney shall forward a copy of the
27 judgment, including all conditions of probation to the program.

28 ...

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



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1 **SECTION 2.** This act is effective when it becomes law and applies to all
2 defendants placed on supervised or unsupervised probation prior to, on, or after the effective
3 date of this act.