



# SENATE BILL 156: Clarify DV Misdemeanor.

2023-2024 General Assembly

<b>Committee:</b>	House Rules, Calendar, and Operations of the House	<b>Date:</b>	June 11, 2024
<b>Introduced by:</b>	Sens. Krawiec, Burgin, Corbin	<b>Prepared by:</b>	Susan Sitze
<b>Analysis of:</b>	Second Edition		Staff Attorney

**OVERVIEW:** *Senate Bill 156 would amend G.S. 14-32.5 (Misdemeanor crime of domestic violence) and make conforming changes in the following manner:*

- Clarify the definition of dating relationship.
- Clarify that violation of G.S. 14-33 is not a lesser included offense of a misdemeanor crime of domestic violence.
- Count a misdemeanor crime of domestic violence as a previous offense to qualify for a charge of habitual misdemeanor assault.
- Authorize law enforcement officers to arrest a person for a misdemeanor crime of domestic violence committed outside the officer's presence.
- Include misdemeanor crime of domestic violence in the offenses for which a judicial official must determine the conditions of pretrial release.
- Make the definition of dating relationship in Chapter 50B consistent with the definition in misdemeanor crime of domestic violence.

### CURRENT LAW:

The General Assembly enacted G.S. 14-32.5 (Misdemeanor crime of domestic violence) in S.L. 2023-14, creating a Class A1 misdemeanor for any person who uses or attempts to use physical force, or threatens the use of a deadly weapon against another person with whom they have one of the stated relationships, including a current or recent former dating relationship.

### BILL ANALYSIS:

**Section 1** would amend G.S. 14-32.5 as follows:

- Defining a current or recent former relationship as follows:
  - A "current or recent former dating relationship is a relationship between individuals who have or have within the preceding 12 months had a continuing serious relationship of a romantic or intimate nature. Whether a relationship constitutes a dating relationship shall be determined based on consideration of the length of the relationship, the nature of the relationship, and the frequency and type of interaction between the individuals involved in the relationship. A casual acquaintance or ordinary fraternization between persons in a business or social context is not a dating relationship."

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- Clarifying that an offense under G.S. 14-33 (Misdemeanor assaults, batteries, and affrays, simple and aggravated; punishments.) is not a lesser included offense of G.S. 14-32.5.

**Section 2** would amend G.S. 14-33.2 to provide that a conviction of misdemeanor crime of domestic violence pursuant to G.S. 14-32.5 is considered a previous offense in qualifying for a charge of habitual misdemeanor assault.

**Section 3** would authorize a law enforcement officer to arrest a person without a warrant if the officer has probable cause to believe the person has committed a misdemeanor crime of domestic violence pursuant to G.S. 14-32.5 outside the officer's presence.

**Section 4** would amend G.S. 15A-534.1, which requires that judge determine conditions of pretrial release for any person arrested for certain crimes against a victim with whom they have a personal relationship unless no judge is available for 48 hours, to include a person arrested for a misdemeanor crime of domestic violence pursuant to G.S. 14-32.5.

**Section 5** would amend the definition of dating relationship in G.S. 50B-1 to be consistent with the definition in G.S. 14-32.5. This definition would apply to domestic violence protective orders, to certain assault offenses under G.S. 14-33, and to the determination of whether G.S. 15A-534.1 applies in the determination of pretrial release conditions.

**EFFECTIVE DATE:** This act would become effective December 1, 2024, and apply to offenses committed and actions for protective orders filed on or after that date.