



2021-2022 Legislative Agenda

Budget Priorities

Priority	Proposed Legislation or Language
Rape Crisis Center Funding	The State budget has remained steady with rape crisis center funding at \$2.895 million for years; in order to meet the increased demand for services, our rape crisis centers need to be adequately funded.
Legislative Partners: Speaker Moore, Senator Brent Jackson, Senator Kathy Harrington	

Rape Kit Funding

Priority	Proposed Legislation or Language
Rape Kit Funding to Finish Testing Backlogged Kits The price for testing a kit has increased by \$500.	\$9 Million allocation, as requested by the SBI.
Legislative Partners: Speaker Moore, Senator Brent Jackson, Senator Kathy Harrington	

Updated Criminal Statutes



Priority	Proposed Legislation or Language
<p>Updating and Removing Gendered Language from Rape Statutes</p>	<p>Would need to be updated through § 14-27.</p> <p>First-degree forcible rape. (a) A person is guilty of first-degree forcible rape if the person engages in vaginal intercourse with another person by force and against the will of the other person, and does anyof the following:...</p>

Sexting

Priority	Proposed Legislation or Language
<p>In North Carolina, if a 16- and a 17- year old have sex with each other, they are completely acting within the law. However, if they consensually exchange “sexts” with each other, they may be convicted of a felony and be forced to register as a sex offender.</p>	<p>A simple approach would be to mimic how North Carolina law differentiates between “Indecent Liberties With Children” (A Class F Felony, and a reportable offense for the sex offender registry) and “Indecent Liberties Between Children” (A XXX misdemeanor that is not a reportable offense.”</p> <p>Additionally completion of the educational program should be sufficient to either completely divert charges or expunge any charges from a minor’s record on their first offense (or group of</p>



	offenses).
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Legislative Partners: Representative Representative , Senator Daniel, Senator Britt
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Child Marriage

Priority	Proposed Legislation or Language
In order to protect minors in North Carolina (and increasingly surrounding states) from the harms of child marriage we seek to raise the minimum age of marriage to 18. Eighteen is the age of legal adulthood in North Carolina and this will ensure that all parties to a marriage are on equal legal footing and will best protect children from the abuse and exploitation that can occur under the guise of marriage	Raise the minimum age of marriage to 18 from 14 (with parental consent). Language forthcoming.

Legislative Partners: Representative Turner and Saine, Senators Sawyer and Foushee

Protection of Survivor Identity

Priority	Proposed Legislation or Language
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<p>In order to protect survivor identity during criminal proceedings, North Carolina should allow for victims to protect their identity if the survivor chooses to do so.</p>	<p>On request of the State, a victim of or witness to a crime as defined in § 15A-824, or a victim’s representative, a judge, State’s Attorney, intake officer, or law enforcement officer may withhold the address or telephone number of the victim, victim’s representative, or witness before the trial or adjudicatory hearing in a juvenile delinquency proceeding, unless a judge determines that good cause has been shown for the release of the information.</p>
<p>Legislative Partners: Representative Bell</p>	

Anti-SLAPP Legislation

Priority	Proposed Legislation or Language
<p>With the influx of sexual assault survivors coming forward on social media or disclosing their assaults, perpetrators have used the court system to file defamation lawsuits to silence the survivor. This would provide a quick, effective and inexpensive mechanism to combat such suits. Anti-SLAPP laws enable those who are the subject of a SLAPP suit to seek early dismissal and oftentimes get their legal fees reimbursed.</p>	<p>Section 2. {Time for Filing Special Motion to Dismiss; Discovery.} A party, other than a government agency, entity, or employee acting in an official capacity, may file a special motion to dismiss a claim under this Act if the claim infringes upon that party’s exercise of the constitutional right of petition, free speech, or association under the United States Constitution or the North Carolina Constitution in connection with a public issue, which includes:</p> <p>(1) the right of free speech, which means a communication that falls within the protection of the Constitution of the United States or the Constitution of the State of North Carolina.</p>

(2) the right to petition the government through (a) a communication in connection with an issue under consideration or review by a legislative, executive, administrative, judicial, or other official body; (b) a communication that is reasonably likely to encourage consideration or review of an issue by a legislative, executive, administrative, judicial, or other official body; or (c) a communication that is reasonably likely to enlist public participation in an effort to effect consideration of an issue by a legislative, executive, administrative, judicial, or other official body; or

(3) the right of association, meaning a communication between individuals who join together to collectively express, promote, pursue, or defend common interests that falls within the Constitution of the United States or the Constitution of the State of North Carolina.

(B) A special motion to dismiss under this section must be filed not later than the 60th day after the date of service of the legal action. The court may extend the time to file a motion under this section for good cause.

(C) All discovery, except specified and limited discovery relevant to the motion, in the proceeding shall be stayed upon the filing of a special motion to dismiss under this section. The stay of discovery shall remain in effect until the entry of the order ruling on the motion and any interlocutory appeal thereof. Notwithstanding the stay imposed by this section, the court, on motion by a party or the court's own motion and for good cause shown, may order specified and limited discovery relevant to the motion.

Section 3. {Expedited Hearing on Special Motion to Dismiss; Determination; Appeal.}

(A) The court shall conduct an expedited hearing on the motion. A hearing on the motion shall be held not later than [30] days after service of the motion, or [30] days of ordering discovery under paragraph (D), unless docket conditions of the court require a later hearing, upon a showing of good cause, or by agreement of the parties.

(B) Consideration of the Special Motion to Dismiss.

(1) If the moving party makes an initial showing by a preponderance of the evidence that the legal action infringes upon that party's exercise of the constitutional right to free speech, right to petition, or right of association as defined in Section 2(A), , the court shall grant the motion to dismiss unless the party bringing the action can establish a prima facie case for the legal action.

(2) Notwithstanding paragraph (B)(1), the court shall grant the motion to dismiss if the moving party establishes each element of a valid defense to the claim.

(3) Notwithstanding paragraph (B)(1), if a party against whom a Special Motion to Dismiss is brought under this title can show that the party's claim is a constitutionally protected public interest case and is used as a vehicle for effective political expression or injury, or as means of communicating useful information to the public, then the Motion to Dismiss shall be denied.

(4) In its determination, the court shall consider pleadings and supporting and opposing affidavits stating the facts upon which the liability or defense is based.

(5) The court shall rule on a special motion to dismiss as soon as possible, [but no later than [30] days after hearing the motion. If the court does not rule on a motion to dismiss within this period, the motion is considered to have been denied by operation of law.]

(C) An order granting or denying a special motion to dismiss shall be appealable under [insert reference to state statute or court rule providing grounds for interlocutory appeals].

Section 4. {Recovery of Attorneys' Fees and Costs; Sanctions.}

(A) If the court orders dismissal of a legal action under this Act, the court shall award to the moving party costs and reasonable attorney’s fees, including those incurred on the motion.

(B) If the court finds that a special motion to dismiss is frivolous and solely intended to cause unnecessary delay, the court shall award costs and reasonable attorney’s fees to the party opposing the motion.

Section 5. {Exemptions / Rules of Construction.}

(A) PUBLIC INTEREST.— The court shall not grant a special motion to dismiss under this section in any action brought to enforce an important constitutional or statutory right held by the general public, or in an action seeking declaratory or injunctive relief against a government entity, agency, or employee acting in an official capacity.

(B) FAMILY LAW – This Act shall not apply to the Family Code or an application for a protective order.

(C) This Act shall not:

- (1) Apply to an enforcement action, with the exception of an action directed against an individual or entity requesting information in accordance with the state’s open record laws, that is brought in the name of this state or a political subdivision of this state by the attorney general, a district attorney, or a county attorney;
- (2) Result in findings or determinations that are admissible into evidence at any later stage of the case or in any subsequent action;
- (3) Affect or limit the authority of a court to award sanctions, costs, attorneys’ fees or any other relief available under any statute, court rule, or other authority;
- (4) Affect, limit, or preclude the right of the moving party to any defense, remedy, immunity, or privilege otherwise authorized by law;
- (5) Affect the substantive law governing any asserted claim; or
- (6) Create a private right of action.



Legislative Partners: Representative Bell, Saine	

SANE Resources

Priority	Proposed Legislation or Language
As exemplified in many national reports and in state reporting on the accessibility of SANEs in North Carolina, we believe a study into how many Sexual Assault Nurse Examiners are in the state, and the availability of trauma informed staff to conduct rape kits if there aren't SANE nurses at the affected hospital.	Proposed audit of hospitals.
Legislative Partners: Representative	