

## DOMESTIC VIOLENCE CRIMES<sup>1</sup>

Crime Charged	Relationship Between Defendant and Victim	Only Judge May Set Bond for First 48 Hours After Arrest	Crime Victims' Rights Act (VRA) Applies
Simple assault [G.S. 14-33(a)]	<ul style="list-style-type: none"> <li>• Current or former spouses.</li> <li>• Persons who live or have lived together as if married.</li> </ul> <hr/> <ul style="list-style-type: none"> <li>• Child in common.</li> <li>• Persons of the opposite sex in a dating relationship.</li> <li>• Parent and child or grandparent and grandchild.</li> <li>• Current or former household members.</li> </ul>	<p style="text-align: center;">Yes</p> <hr/> <p style="text-align: center;">No</p>	<p style="text-align: center;">Yes</p> <p>[Magistrate must indicate VRA Case on the criminal process]</p>
Assault on a female [G.S. 14-33(c)(2)]	<ul style="list-style-type: none"> <li>• Current or former spouses.</li> <li>• Persons who live or have lived together as if married.</li> </ul> <hr/> <ul style="list-style-type: none"> <li>• Child in common.</li> <li>• Persons of the opposite sex in a dating relationship.</li> <li>• Parent and child or grandparent and grandchild.</li> <li>• Current or former household members.</li> </ul>	<p style="text-align: center;">Yes</p> <hr/> <p style="text-align: center;">No</p>	<p style="text-align: center;">Yes</p> <p>[Magistrate must indicate VRA Case on the criminal process]</p>
Assault with a deadly weapon [G.S. 14-33(c)(1)]	<ul style="list-style-type: none"> <li>• Current or former spouses.</li> <li>• Persons who live or have lived together as if married.</li> </ul> <hr/> <ul style="list-style-type: none"> <li>• Child in common.</li> <li>• Persons of the opposite sex in a dating relationship.</li> <li>• Parent and child or grandparent and grandchild.</li> <li>• Current or former household members.</li> </ul>	<p style="text-align: center;">Yes</p> <hr/> <p style="text-align: center;">No</p>	<p style="text-align: center;">Yes</p> <p>[Magistrate must indicate VRA Case on the criminal process]</p>

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<sup>1</sup> This chart lists the most common offenses to which the special 48-hour pretrial release rule applies, but it does not list every felony to which it applies. The rule covers any felony in Articles 7A (Rape and Sexual Offenses), 8 (Assaults), 10 (Kidnapping and Abduction), or 15 (Arson and Other Burnings) of the General Statutes if the relationship between the defendant and the victim is current or former spouse or persons who are living together or have lived together as if married.

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Assault inflicting serious injury [G.S.14-33(c)(1)]	<ul style="list-style-type: none"> <li>• Current or former spouses.</li> <li>• Persons who live or have lived together as if married.</li> </ul> <hr/> <ul style="list-style-type: none"> <li>• Child in common.</li> <li>• Persons of the opposite sex in a dating relationship.</li> <li>• Parent and child or grandparent and grandchild.</li> <li>• Current or former household members.</li> </ul>	<p>Yes</p> <hr/> <p>No</p>	<p>Yes</p> <p>[Magistrate must indicate VRA Case on the criminal process]</p>
Assault by pointing a gun [G.S. 14-34]	<ul style="list-style-type: none"> <li>• Current or former spouses.</li> <li>• Persons who live or have lived together as if married.</li> </ul> <hr/> <ul style="list-style-type: none"> <li>• Child in common.</li> <li>• Persons of the opposite sex in a dating relationship.</li> <li>• Parent and child or grandparent and grandchild.</li> <li>• Current or former household members.</li> </ul>	<p>Yes</p> <hr/> <p>No</p>	<p>Yes</p> <p>[Magistrate must indicate VRA Case on the criminal process]</p>
Assault with a deadly weapon with intent to kill [G.S. 14-32(c)]	<ul style="list-style-type: none"> <li>• Current or former spouses.</li> <li>• Persons who live or have lived together as if married.</li> </ul> <hr/> <ul style="list-style-type: none"> <li>• Child in common.</li> <li>• Persons of the opposite sex in a dating relationship.</li> <li>• Parent and child or grandparent and grandchild.</li> <li>• Current or former household members.</li> </ul>	<p>Yes</p> <hr/> <p>No</p>	<p>Yes; because VRA felony no matter what relationship.</p>
Assault with a deadly weapon inflicting serious injury [G.S. 14-32(b)]	<ul style="list-style-type: none"> <li>• Current or former spouses.</li> <li>• Persons who live or have lived together as if married.</li> </ul> <hr/> <ul style="list-style-type: none"> <li>• Child in common.</li> <li>• Persons of the opposite sex in a dating relationship.</li> <li>• Parent and child or grandparent and grandchild.</li> <li>• Current or former household members.</li> </ul>	<p>Yes</p> <hr/> <p>No</p>	<p>Yes; because VRA felony no matter what relationship.</p>

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Assault with a deadly weapon with intent to kill inflicting serious injury [GS 14-32(a)]	<ul style="list-style-type: none"> <li>• Current or former spouses.</li> <li>• Persons who live or have lived together as if married.</li> </ul> <hr/> <ul style="list-style-type: none"> <li>• Child in common.</li> <li>• Persons of the opposite sex in a dating relationship.</li> <li>• Parent and child or grandparent and grandchild.</li> <li>• Current or former household members..</li> </ul>	<p>Yes</p> <hr/> <p>No</p>	Yes; because VRA felony no matter what relationship.
Assault inflicting serious bodily injury [G.S. 14-32.4(a)]	<ul style="list-style-type: none"> <li>• Current or former spouses.</li> <li>• Persons who live or have lived together as if married.</li> </ul> <hr/> <ul style="list-style-type: none"> <li>• Child in common.</li> <li>• Persons of the opposite sex in a dating relationship.</li> <li>• Parent and child or grandparent and grandchild.</li> <li>• Current or former household members.</li> </ul>	<p>Yes</p> <hr/> <p>No</p>	Yes; because VRA felony no matter what relationship.
Assault by strangulation [G.S. 14-32.4(b)]	<ul style="list-style-type: none"> <li>• Current or former spouses.</li> <li>• Persons who live or have lived together as if married.</li> </ul> <hr/> <ul style="list-style-type: none"> <li>• Child in common.</li> <li>• Persons of the opposite sex in a dating relationship.</li> <li>• Parent and child or grandparent and grandchild.</li> <li>• Current or former household members.</li> </ul>	<p>Yes</p> <hr/> <p>No</p>	No
Habitual misdemeanor assault [G.S. 14-33.2]	<ul style="list-style-type: none"> <li>• Current or former spouses.</li> <li>• Persons who live or have lived together as if married.</li> </ul> <hr/> <ul style="list-style-type: none"> <li>• Child in common.</li> <li>• Persons of the opposite sex in a dating relationship.</li> <li>• Parent and child or grandparent and grandchild.</li> <li>• Current or former household members.</li> </ul>	<p>Yes</p> <hr/> <p>No</p>	Yes; because VRA felony no matter what relationship.
Communicating a threat [G.S. 14-277.1]	<ul style="list-style-type: none"> <li>• Current or former spouses.</li> <li>• Persons who live or have lived together as if married.</li> </ul> <hr/> <ul style="list-style-type: none"> <li>• Child in common.</li> <li>• Persons of the opposite sex in a dating relationship.</li> <li>• Parent and child or grandparent and grandchild.</li> <li>• Current or former household members.</li> </ul>	<p>Yes</p> <hr/> <p>No</p>	No

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Domestic criminal trespass [G.S. 14-134.3]	<ul style="list-style-type: none"> <li>• Current or former spouses.</li> <li>• Persons who live or have lived together as if married. (having one of these relationships is an element of this offense)</li> </ul>	Yes	Yes [Magistrate must indicate VRA Case on the criminal process]
Violating a protective order [G.S. 50B-4.1]	<ul style="list-style-type: none"> <li>• Current or former spouses.</li> <li>• Persons who live or have lived together as if married.</li> </ul> <hr/> <ul style="list-style-type: none"> <li>• Child in common.</li> <li>• Persons of the opposite sex in a dating relationship.</li> <li>• Parent and child or grandparent and grandchild.</li> <li>• Current or former household members.</li> </ul>	Yes	Yes [Magistrate must indicate VRA Case on the criminal process]
Stalking [G.S. 14-277.3A]	<ul style="list-style-type: none"> <li>• Current or former spouses.</li> <li>• Persons who live or have lived together as if married.</li> </ul> <hr/> <ul style="list-style-type: none"> <li>• Child in common.</li> <li>• Persons of the opposite sex in a dating relationship.</li> <li>• Parent and child or grandparent and grandchild.</li> <li>• Current or former household members.</li> </ul>	<div>Yes</div> <hr/> <div>No</div>	<div>Yes</div> <div>[Magistrate must indicate VRA Case on the criminal process]</div>
Rape or sexual offense [G.S. 14-27.2 to -27.8]	<ul style="list-style-type: none"> <li>• Current or former spouses.</li> <li>• Persons who live or have lived together as if married.</li> </ul> <hr/> <ul style="list-style-type: none"> <li>• Child in common.</li> <li>• Persons of the opposite sex in a dating relationship.</li> <li>• Parent and child or grandparent and grandchild.</li> <li>• Current or former household members.</li> </ul>	<div>Yes</div> <hr/> <div>No</div>	<div>Yes;</div> <div>because VRA felony no matter what relationship.</div>

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Kidnapping [GS. 14-39]	<ul style="list-style-type: none"> <li>• Current or former spouses.</li> <li>• Persons who live or have lived together as if married.</li> </ul> <hr/> <ul style="list-style-type: none"> <li>• Child in common.</li> <li>• Persons of the opposite sex in a dating relationship.</li> <li>• Parent and child or grandparent and grandchild.</li> <li>• Current or former household members.</li> </ul>	<div>Yes</div> <hr/> <div>No</div>	Yes because VRA felony no matter what relationship.
Harassing telephone calls [G.S. 14-196]	<ul style="list-style-type: none"> <li>• Current or former spouses.</li> <li>• Persons who live or have lived together as if married.</li> </ul> <hr/> <ul style="list-style-type: none"> <li>• Child in common.</li> <li>• Persons of the opposite sex in a dating relationship.</li> <li>• Parent and child or grandparent and grandchild.</li> <li>• Current or former household members.</li> </ul>	No	No
Arson	<ul style="list-style-type: none"> <li>• Current or former spouses.</li> <li>• Persons who live or have lived together as if married.</li> </ul> <hr/> <ul style="list-style-type: none"> <li>• Child in common.</li> <li>• Persons of the opposite sex in a dating relationship.</li> <li>• Parent and child or grandparent and grandchild.</li> <li>• Current or former household members.</li> </ul>	<div>Yes</div> <hr/> <div>No</div>	Yes because VRA felony no matter what relationship.