

DOMESTIC VIOLENCE CRIMES

Crime Charged	Relationship Between Defendant and Victim	Only Judge May Set Bond for First 48 Hours After Arrest	Authority to Arrest Without Warrant for Offense Out of Officer's Presence	Crime Victims' Rights Act (VRA) Applies
Simple assault [G.S. 14-33(a)]	<ul style="list-style-type: none"> • Current or former spouses. • Persons who live or have lived together as if married. <hr/> <ul style="list-style-type: none"> • Child in common. • Persons of the opposite sex in a dating relationship. • Parent and child or grandparent and grandchild. • Current or former household members. 	<p style="text-align: center;">Yes</p> <hr/> <p style="text-align: center;">No</p>	Yes	Yes [Magistrate must indicate domestic violence crime on criminal process]
Assault on a female [G.S. 14-33(c)(2)]	<ul style="list-style-type: none"> • Current or former spouses. • Persons who live or have lived together as if married. <hr/> <ul style="list-style-type: none"> • Child in common. • Persons of the opposite sex in a dating relationship. • Parent and child or grandparent and grandchild. • Current or former household members. 	<p style="text-align: center;">Yes</p> <hr/> <p style="text-align: center;">No</p>	Yes	Yes [Magistrate must indicate domestic violence crime on criminal process]
Assault with a deadly weapon [G.S. 14-33(c)(1)]	<ul style="list-style-type: none"> • Current or former spouses. • Persons who live or have lived together as if married. <hr/> <ul style="list-style-type: none"> • Child in common. • Persons of the opposite sex in a dating relationship. • Parent and child or grandparent and grandchild. • Current or former household members. 	<p style="text-align: center;">Yes</p> <hr/> <p style="text-align: center;">No</p>	Yes	Yes [Magistrate must indicate domestic violence crime on criminal process]

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Assault inflicting serious injury [G.S. 14-33(c)(1)]	<ul style="list-style-type: none"> • Current or former spouses. • Persons who live or have lived together as if married. <hr/> <ul style="list-style-type: none"> • Child in common. • Persons of the opposite sex in a dating relationship. • Parent and child or grandparent and grandchild. • Current or former household members. 	<p>Yes</p> <hr/> <p>No</p>	Yes	Yes [Magistrate must indicate domestic violence crime on criminal process]
Assault by pointing a gun [G.S. 14-34]	<ul style="list-style-type: none"> • Current or former spouses. • Persons who live or have lived together as if married. <hr/> <ul style="list-style-type: none"> • Child in common. • Persons of the opposite sex in a dating relationship. • Parent and child or grandparent and grandchild. • Current or former household members. 	<p>Yes</p> <hr/> <p>No</p>	Yes	Yes [Magistrate must indicate domestic violence crime on criminal process]
Assault with a deadly weapon with intent to kill; assault with a deadly weapon inflicting serious injury; assault with a deadly weapon with intent to kill inflicting serious injury [G.S. 14-32]	<ul style="list-style-type: none"> • Current or former spouses. • Persons who live or have lived together as if married. <hr/> <ul style="list-style-type: none"> • Child in common. • Persons of the opposite sex in a dating relationship. • Parent and child or grandparent and grandchild. • Current or former household members. 	<p>Yes</p> <hr/> <p>No</p>	Yes; because crime is a felony	Yes; because VRA felony no matter what relationship.
Assault inflicting serious bodily injury [G.S. 14-32.4]	<ul style="list-style-type: none"> • Current or former spouses. • Persons who live or have lived together as if married. <hr/> <ul style="list-style-type: none"> • Child in common. • Persons of the opposite sex in a dating relationship. • Parent and child or grandparent and grandchild. • Current or former household members. 	<p>Yes</p> <hr/> <p>No</p>	Yes; because crime is a felony	Yes; because VRA felony no matter what relationship.

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Communicating a threat [G.S. 14-277.1]	<ul style="list-style-type: none"> • Current or former spouses. • Persons who live or have lived together as if married. <hr/> <ul style="list-style-type: none"> • Child in common. • Persons of the opposite sex in a dating relationship. • Parent and child or grandparent and grandchild. • Current or former household members. 	<p>Yes</p> <hr/> <p>No</p>	No; unless cause physical injury to others unless immediately arrested or other reason under GS 15A-401(b)(2)b.	No
Domestic criminal trespass [G.S. 14-134.3]	<ul style="list-style-type: none"> • Current or former spouses. • Persons who live or have lived together as if married. (having one of these relationships is an element of this offense) 	Yes	Yes	Yes [Magistrate must indicate domestic violence crime on criminal process]
Violating a protective order [G.S. 50B-4.1]	<ul style="list-style-type: none"> • Current or former spouses. • Persons who live or have lived together as if married. <hr/> <ul style="list-style-type: none"> • Child in common. • Persons of the opposite sex in a dating relationship. • Parent and child or grandparent and grandchild. • Current or former household members. 	Yes	Yes [mandatory arrest if violation is going to residence or threaten, follow, harass, or interfere with plaintiff]	No
Stalking [G.S. 14-277.3]	<ul style="list-style-type: none"> • Current or former spouses. • Persons who live or have lived together as if married. <hr/> <ul style="list-style-type: none"> • Child in common. • Persons of the opposite sex in a dating relationship. • Parent and child or grandparent and grandchild. • Current or former household members. 	No	No; unless cause physical injury to others unless immediately arrested or other reason under GS 15A-401(b)(2)b.	Yes [Magistrate must indicate domestic violence crime on criminal process]
Rape or sexual offense [G.S. 14-27.2 to -27.8]	<ul style="list-style-type: none"> • Current or former spouses. • Persons who live or have lived together as if married. <hr/> <ul style="list-style-type: none"> • Child in common. • Persons of the opposite sex in a dating relationship. • Parent and child or grandparent and grandchild. • Current or former household members. 	<p><i>Before 3/1/02 No</i> <i>Offenses on or after 3/1/02 Yes</i></p> <hr/> <p>No</p>	Yes; because crime is a felony	Yes; because VRA felony no matter what relationship.

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Kidnapping [GS. 14-39] Felony restraint [G.S. 14-433]	<ul style="list-style-type: none"> • Current or former spouses. • Persons who live or have lived together as if married. <hr/> <ul style="list-style-type: none"> • Child in common. • Persons of the opposite sex in a dating relationship. • Parent and child or grandparent and grandchild. • Current or former household members. 	<i>Before 3/1/02</i> No <i>Offenses on or after 3/1/02</i> Yes <hr/> No	Yes; because crime is a felony	Yes because VRA felony no matter what relationship.
Arson and Other Burnings [G.S. 14-58 to – 69.2]	<ul style="list-style-type: none"> • Current or former spouses. • Persons who live or have lived together as if married. <hr/> <ul style="list-style-type: none"> • Child in common. • Persons of the opposite sex in a dating relationship. • Parent and child or grandparent and grandchild. • Current or former household members. 	<i>Before 3/1/02</i> No <i>Offenses on or after 3/1/02</i> Yes <hr/> No	Yes; because crime is a felony	Yes because VRA felony no matter what relationship
Burning personal property [G.S. 14-66]	<ul style="list-style-type: none"> • Current or former spouses. • Persons who live or have lived together as if married. <hr/> <ul style="list-style-type: none"> • Child in common. • Persons of the opposite sex in a dating relationship. • Parent and child or grandparent and grandchild. • Current or former household members. 	<i>Before 3/1/02</i> No <i>Offenses on or after 3/1/02</i> Yes <hr/> No	Yes; because crime is a felony	Yes because VRA felony no matter what relationship