

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 402
Judiciary I/Constitution Committee Substitute Adopted 5/9/95
Third Edition Engrossed 5/10/95

Short Title: No Firearm/Domestic Violence Order.

(Public)

Sponsors:

Referred to:

March 20, 1995

A BILL TO BE ENTITLED

1 AN ACT TO STRENGTHEN THE DOMESTIC VIOLENCE LAW BY REQUIRING
2 DOMESTIC VIOLENCE ORDER TO BE ACCESSIBLE BY COMPUTER, TO
3 ALLOW THE JUDGE ISSUING THE ORDER TO REQUIRE SEIZURE OF
4 FIREARMS AND PROHIBIT POSSESSION OF FIREARMS, AND MAKE IT A
5 CLASS H FELONY FOR ANY PERSON SUBJECT TO A DOMESTIC VIOLENCE
6 ORDER TO PURCHASE OR POSSESS ANY FIREARM.
7

8 The General Assembly of North Carolina enacts:

9 Section 1. G.S. 50B-3 reads as rewritten:

10 **"§ 50B-3. Relief.**

11 (a) The court may grant any protective order or approve any consent agreement to
12 bring about a cessation of acts of domestic violence. The orders or agreements may:

- 13 (1) Direct a party to refrain from such acts;
14 (2) Grant to a spouse possession of the residence or household of the parties
15 and exclude the other spouse from the residence or household;
16 (3) Require a party to provide a spouse and his or her children suitable
17 alternate housing;

- 1 (4) Award temporary custody of minor children and establish temporary
2 visitation rights;
- 3 (5) Order the eviction of a party from the residence or household and
4 assistance to the victim in returning to it;
- 5 (6) Order either party to make payments for the support of a minor child as
6 required by law;
- 7 (7) Order either party to make payments for the support of a spouse as
8 required by law;
- 9 (8) Provide for possession of personal property of the parties;
- 10 (9) Order a party to refrain from harassing or interfering with the other; and
- 11 (10) Award costs and attorney's fees to either party-party;
- 12 (11) Order a party to surrender all firearms possessed to the sheriff or other
13 law enforcement officer specified by the court to be held for the time
14 specified in the order, and not purchase or possess a firearm for a time
15 fixed in the order, upon a finding that a threat was made to use a
16 weapon, or a firearm was used during a domestic dispute to threaten or
17 harm the spouse; and
- 18 (12) Order a party to attend and complete an abuser treatment program if the
19 program is available within a reasonable distance of the abuser's
20 residence and is approved by the Administrative Office of the Courts.
- 21 (b) Protective orders entered or consent orders approved pursuant to this Chapter
22 shall be for a fixed period of ~~time not to exceed one year-time.~~
- 23 (c) A copy of any order entered and filed under this Article shall be issued to each
24 party. In addition, a copy of the order shall be issued to and retained by the police
25 department of the city of the victim's residence. ~~If the victim does not reside in a city or~~
26 ~~resides in a city with no police department, residence, if applicable, and copies shall be issued~~
27 ~~to and retained by the sheriff, and the county police department, if any, of the county in~~
28 which the victim resides.
- 29 (d) Upon receipt of a domestic violence order, or any modification thereof, which
30 includes any prohibition or limitation against the possession of firearms, the sheriff, as
31 soon as reasonably possible, shall provide for the entry of the limiting order or
32 modification, onto the Division of Criminal Information Network.
- 33 (e) If the party fails to comply with an order that requires surrender of firearms,
34 upon a finding of probable cause, the court may also issue a search warrant for premises
35 where the party's firearms may be found, authorizing officers to enter the premises of the
36 party subject to the order and seize the firearms. The firearms shall be held by the sheriff
37 or other law enforcement officer as specified by the court for the time period specified by
38 the court."
- 39 Sec. 2. This act becomes effective October 1, 1995, and applies to domestic
40 violence orders entered on or after that date.