

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
House Committee Substitute Favorable 6/14/95

Short Title: No Firearm/Domestic Violence Order.

(Public)

Sponsors:

Referred to:

March 20, 1995

A BILL TO BE ENTITLED
AN ACT TO STRENGTHEN THE DOMESTIC VIOLENCE LAW BY REQUIRING A
DOMESTIC VIOLENCE ORDER TO BE ACCESSIBLE BY COMPUTER AND
TO MAKE IT A CLASS H FELONY FOR ANY PERSON SUBJECT TO A
DOMESTIC VIOLENCE ORDER TO PURCHASE ANY FIREARM.

The General Assembly of North Carolina enacts:

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

"§ 50B-3. Relief.

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

- (1) Direct a party to refrain from such acts;
- (2) Grant to a spouse possession of the residence or household of the parties and exclude the other spouse from the residence or household;
- (3) Require a party to provide a spouse and his or her children suitable alternate housing;
- (4) Award temporary custody of minor children and establish temporary visitation rights;

- 1 (5) Order the eviction of a party from the residence or household and
2 assistance to the victim in returning to it;
- 3 (6) Order either party to make payments for the support of a minor child as
4 required by law;
- 5 (7) Order either party to make payments for the support of a spouse as
6 required by law;
- 7 (8) Provide for possession of personal property of the parties;
- 8 (9) Order a party to refrain from harassing or interfering with the other; ~~and~~
- 9 (10) Award costs and attorney's fees to either ~~party-party~~;
- 10 (11) Prohibit a party from purchasing a firearm for a time fixed in the order;
- 11 (12) Order any party the court finds is responsible for acts of domestic
12 violence to attend and complete an abuser treatment program if the
13 program is available within a reasonable distance of that party's
14 residence and is approved by the Department of Administration; and
- 15 (13) Include any additional prohibitions or requirements the court deems
16 necessary to protect any party or any minor child.

17 (b) Protective orders entered or consent orders approved pursuant to this Chapter
18 shall be for a fixed period of time not to exceed one year.

19 (c) A copy of any order entered and filed under this Article shall be issued to each
20 party. In addition, a copy of the order shall be issued to and retained by the police
21 department of the city of the victim's residence. If the victim does not reside in a city or
22 resides in a city with no police department, copies shall be issued to and retained by the
23 sheriff, and the county police department, if any, of the county in which the victim
24 resides.

25 (d) The sheriff of the county where a domestic violence order is entered shall
26 provide for immediate entry of the order onto the Division of Criminal Information
27 Network and shall provide for access of such orders to magistrates on a 24-hour-a-day
28 basis. Modifications of the order shall also be entered."

29 Sec. 2. Article 35 of Chapter 14 of the General Statutes is amended by adding
30 a new section to read:

31 "**§ 14-269.8. Purchase of firearms by person subject to domestic violence order**
32 **prohibited.**

33 (a) It is unlawful for any person to purchase or attempt to purchase any gun, rifle,
34 pistol, or other firearm while there remains in force and effect a domestic violence order
35 issued pursuant to Chapter 50B of the General Statutes, prohibiting the person from
36 purchasing a firearm.

37 (b) Any person violating the provisions of this section shall be guilty of a Class H
38 felony."

39 Sec. 3. The provisions of G.S. 50B-3(a)(12) as established in this act become
40 effective October 1, 1996. The remainder of this act becomes effective October 1, 1995,
41 and applies to offenses committed on or after that date.