

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

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**SENATE DRS35036-LH-12A (11/16)**

Short Title: Amend Domestic Crim. Trespass.

(Public)

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Sponsors: Senator Snow.

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Referred to:

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A BILL TO BE ENTITLED

1  
2 AN ACT TO AMEND THE OFFENSE OF DOMESTIC CRIMINAL TRESPASS BY  
3 MAKING IT A FELONY FOR A PERSON WHO IS THE SUBJECT OF A VALID  
4 PROTECTIVE ORDER TO TRESPASS ON PROPERTY THAT IS OPERATED  
5 AS A SAFE HOUSE OR HAVEN FOR DOMESTIC VIOLENCE VICTIMS  
6 WITHOUT REGARD AS TO WHETHER THE PERSONS COVERED BY THE  
7 PROTECTIVE ORDER ARE PRESENT ON THE PREMISES AND TO  
8 PROVIDE THAT IT IS AN AGGRAVATING CIRCUMSTANCE FOR FIRST  
9 DEGREE MURDER IF A DEFENDANT WHO IS THE SUBJECT OF A VALID  
10 PROTECTIVE ORDER MURDERS A PERSON COVERED BY THE  
11 PROTECTIVE ORDER ON THE PREMISES OF A SHELTER FOR VICTIMS OF  
12 DOMESTIC VIOLENCE.

13 The General Assembly of North Carolina enacts:

14 **SECTION 1.** G.S. 14-134.3 reads as rewritten:

15 **"§ 14-134.3. Domestic criminal trespass.**

16 (a) Any person who enters after being forbidden to do so or remains after being  
17 ordered to leave by the lawful occupant, upon the premises occupied by a present or  
18 former spouse or by a person with whom the person charged has lived as if married,  
19 shall be guilty of a misdemeanor if the complainant and the person charged are living  
20 apart; provided, however, that no person shall be guilty if said person enters upon the  
21 premises pursuant to a judicial order or written separation agreement which gives the  
22 person the right to enter upon said premises for the purpose of visiting with minor  
23 children. Evidence that the parties are living apart shall include but is not necessarily  
24 limited to:

25 (1) A judicial order of separation;

26 (2) A court order directing the person charged to stay away from the  
27 premises occupied by the complainant;

- 1           (3)    An agreement, whether verbal or written, between the complainant and
- 2                    the person charged that they shall live separate and apart, and such
- 3                    parties are in fact living separate and apart; or
- 4           (4)    Separate places of residence for the complainant and the person
- 5                    charged.

6 Except as provided in subsection (b) or (c) of this section, upon conviction, said person  
7 is guilty of a Class 1 misdemeanor.

8       (b)    A person convicted of a violation of this section is guilty of a Class G felony  
9 if the person is trespassing upon property operated as a safe house or haven for victims  
10 of domestic violence and the person is armed with a deadly weapon at the time of the  
11 offense.

12       (c)    It is unlawful for a person who is subject to a valid protective order that is  
13 enforceable under Chapter 50B of the General Statutes to enter property being operated  
14 as a safe house or haven for victims of domestic violence after being forbidden to do so  
15 or to remain on the premises after being ordered to leave by the lawful occupant, unless  
16 the person enters upon the premises pursuant to a judicial order or written separation  
17 agreement that gives the person the right to enter upon the premises for the purpose of  
18 visiting with minor children. A person who violates this subsection is guilty of this  
19 offense regardless of whether any of the parties protected by the protective order are  
20 present on the property. A person who violates this subsection is guilty of a Class H  
21 felony."

22       **SECTION 2.** G.S. 15A-2001 is amended by adding a new subdivision to  
23 read:

24       "(12) The defendant was the subject of a valid protective order enforceable  
25 under Chapter 50B of the General Statutes at the time of the  
26 commission of the capital felony and committed the capital felony on  
27 the premises of a safe house or haven for victims of domestic  
28 violence."

29       **SECTION 3.** This act becomes effective December 1, 2007, and applies to  
30 offenses committed on or after that date.