

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H.B. 82
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HOUSE PRINCIPAL CLERK

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HOUSE DRH30028-LU-45A (12/02)

Short Title: Execution/Nonsecure Custody Order/Child Abuse. (Public)

Sponsors: Representatives Stevens, Zachary, Glazier, and Jordan (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT CLARIFYING THE MANNER IN WHICH A LAW ENFORCEMENT OFFICER
3 MAY TAKE CUSTODY OF A JUVENILE WHEN EXECUTING A NONSECURE
4 CUSTODY ORDER UNDER THE LAWS PERTAINING TO ABUSE, NEGLECT, AND
5 DEPENDENCY.
6 The General Assembly of North Carolina enacts:
7 **SECTION 1.** G.S. 7B-504 reads as rewritten:
8 "**§ 7B-504. Order for nonsecure custody.**
9 The custody order shall be in writing and shall direct a law enforcement officer or other
10 authorized person to ~~assume~~ take physical custody of the juvenile and to make due return on
11 the order. A copy of the order shall be given to the juvenile's parent, guardian, custodian, or
12 caretaker by the official executing the order.
13 An officer receiving an order for custody which is complete and regular on its face may
14 execute it in accordance with its terms. If the court finds on the basis of the petition and request
15 for nonsecure custody or the testimony of the petitioner that a less intrusive remedy is not
16 available, the court may authorize a law enforcement officer to enter private property to take
17 physical custody of the juvenile. If required by exigent circumstances of the case, the court may
18 authorize a law enforcement officer to make a forcible entry at any hour so long as the law
19 enforcement officer has reason to believe the child is being abused at the time the officer is
20 executing the nonsecure custody order. The officer is not required to inquire into the regularity
21 or continued validity of the order and shall not incur criminal or civil liability for its due
22 service."
23 **SECTION 2.** This act is effective when it becomes law and applies to orders issued
24 on or after that date.

