

February 25, 1999

**S 170. RESTRUCTURE CIVIL CONTEMPT. TO ESTABLISH A LIMIT ON THE TIME A PERSON CAN BE IMPRISONED FOR CIVIL CONTEMPT AND TO RAISE THE STANDARD OF PROOF IN PROCEEDINGS FOR CIVIL CONTEMPT.** Amends GS 5A-21(b) to provide that a person may be imprisoned for civil contempt for no longer than 12 months (now, no limit) and to provide that the standard of proof in a civil contempt hearing is clear and convincing evidence.

**Intro. by Carpenter.**

Ref. to Judiciary I

GS 5A

April 15, 1999

**S 170. RESTRUCTURE CIVIL CONTEMPT.** Intro. 2/25/99. Senate committee substitute makes the following changes to 1st edition. Adds new GS 51-21(a)(2a) to make it clear that failure to comply with a court order is a continuing civil contempt only if it is willful. Rewrites proposed amendment to GS 5A-21(b) so that person found in civil contempt (other than for failure to comply with a nontestimonial identification order) may be imprisoned for no more than 30 days (was, for up to 12 months) for the same act of disobedience or refusal to comply with a court order. If person has not purged contempt within 30 days, he or she may be recommitted to one or more successive periods of up to 30 days, but total period of imprisonment for same act of disobedience or refusal to comply with court order may not exceed 6 months. Court must conduct a de novo hearing before recommittal. Failure to purge contempt may not be considered a separate or additional act of disobedience or refusal to comply with court order. Rewrites amendment to GS 5A-23(e) to require that findings be made with respect to each element of civil contempt and that each element be established by clear, cogent, and convincing evidence (was, clear and convincing evidence).

July 8, 1999

**S 170. RESTRUCTURE CIVIL CONTEMPT.** Intro. 2/24/99. House committee substitute makes the following changes to 2nd edition. Changes title to AN ACT TO ESTABLISH A LIMIT ON THE TIME A PERSON CAN BE IMPRISONED FOR CIVIL CONTEMPT. Amends bill to provide that notwithstanding the time limitations in GS 5A-21(b2), if a person is found in civil contempt for failure to pay child support or failure to comply with a court order to perform an act that does not require a monetary payment, the person may be imprisoned for as long as the civil contempt continues without further hearing. Amends GS 5A-21(b2) to increase the period of imprisonment for a person found guilty of civil contempt from 30 to 90 days. Increases the total period of imprisonment for the same act of disobedience or refusal to comply with the order of the court from 6 to 12 months. Amends GS 5A-21(c) and (d) to provide that a person who is found guilty of civil contempt cannot be found in criminal contempt for the same conduct and vice-versa. Adds proposed GS 5A-23(a1), which describes how proceedings for civil contempt may be initiated, notice requirements, and information that must be included in a motion. Places burden of proof on the aggrieved party. Applies to all proceedings for civil contempt held on or after Dec. 1, 1999.