

April 3, 2003

**S 916. CREATE CIVIL NO-CONTACT PROTECTIVE ORDERS. TO ESTABLISH CIVIL NO-CONTACT ORDERS FOR THE PROTECTION OF INDIVIDUALS WHO ARE VICTIMS OF SEXUAL ASSAULT.** Enacts new GS Ch. 50C as title indicates. Allows victim of sexual assault to file petition for no-contact order without paying any filing fee. Specifies venue and procedure for civil actions seeking no-contact order, including provisions related to emergency orders. Requires expedited hearing. Provides special evidentiary rules. Limits defenses and grounds for denial of order. No-contact order requires respondent to stay away from petitioner. Emergency order is valid for 14-21 days; plenary order is valid for fixed period of time not to exceed two years. Violation of order is Class 1A misdemeanor (Class H felony for subsequent violation). Allows warrantless arrest for violation if officer has probable cause. Requires law enforcement agencies to maintain data regarding no-contact orders. Effective Dec. 1, 2003.

**Intro. by Clodfelter.**

Ref. to	GS 50C
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April 30, 2003

**S 916. PREVENT PERSONAL AND WORKPLACE VIOLENCE (NEW).** Intro. 4/3/03. Senate committee substitute adopted 4/29/03 makes the following changes to 1st edition. Expands unlawful conduct to include intentionally causing or attempting to cause bodily injury, stalking, and threatening physical injury in addition to the nonconsensual sexual contact covered by original bill. Adds provisions to allow employers to seek a protective order on behalf of an employee who is a victim of the unlawful conduct if that conduct was carried out at the employee's workplace, and amends title accordingly. Specifies that the civil action for a protective order must be brought in district court, and provides that violations of protective orders are punishable by contempt rather than criminal violations as provided in original bill. Deletes provisions requiring law enforcement agencies to maintain a record and index of all protection orders. Makes numerous technical and clarifying changes.

April 30, 2003

**S 916. PREVENT PERSONAL AND WORKPLACE VIOLENCE.** Intro. 4/3/03. Senate amendment makes the following changes to 2nd edition. Makes technical corrections.

July 8, 2004

**S 916. PREVENT WORKPLACE VIOLENCE (NEW).** Intro. 4/3/03. House committee substitute makes the following changes to 3rd edition. Deletes new GS 50C and transfers act's provisions to new GS Ch. 95, Art. 23. and makes the following amendments to the following sections. Definitions. Deletes definitions of "abuse," "nonconsensual," "sexual conduct," "sexual penetration," "stalking," and "victim" and amends definition of "unlawful conduct" by deleting references to nonconsensual sexual conduct and stalking and by adding to definition of unlawful conduct willfully harassing an employee that places employee in reasonable fear of employee's safety. Civil no-contact orders; persons protected. Deletes provision requiring that petition for no-contact order be filed in civil district court by the victim or victim's representative. Commencement of action. Deletes provision regarding filing fees and simplified forms and provides that action may be commenced by filing a verified complaint or motion in any existing civil action. Civil no-contact order; remedy. Deletes provisions concerning grounds for denial of a remedy and monetary damages and adds provision requiring that order include the following notice: "A knowing violation of a civil no-contact order shall be punishable as contempt of court which may result in a fine or imprisonment." Temporary civil no-contact order; court holidays and evenings. Amends provision to require that a temporary civil no-contact order granted without notice contain certain listed information. Permanent civil no-contact order. Adds requirement that no permanent order shall be issued without notice to the respondent. Duration; extension of orders. Amends subsection to limit length of temporary no-contact order to 10 days (was, 14 –21 days) unless extended for good cause. Further adds requirement that if a temporary order is granted without notice and a motion for a permanent order is made, the court shall set a hearing on motion at earliest possible date. Deletes procedure for entry of civil no-contact order in conjunction with another civil proceeding. Violation. Deletes requirement that violation be "knowing." Deletes sections on Pleadings, Venue, Hearsay, Contents of orders, Enforcement of orders, and Limits on liability. Enacts new GS 95-270 making it unlawful for any employer to take an adverse employment action against employee for absences needed to obtain relief under Ch. 50B. Makes technical changes. Effective Dec. 1, 2004 (was, Dec. 1, 2003).

July 15, 2004

**S 916. PREVENT WORKPLACE VIOLENCE.** Intro. 4/3/03. House amendment adopted 7/14/04 makes the following changes to 4th edition. Amends GS 95-270(a) to require that employee follow employer's usual time-off policy and to authorize employer to request documentation of any emergency that prevented employee from providing advance notice of absence only if such advance notice was required by employer's policy (was,

required that employee request time off in writing and provide documentation of the reason for absence, regardless of employer's general absence policy). Makes technical changes.

August 6, 2004

**SL 2004-165 (S 916). PREVENT WORKPLACE VIOLENCE. AN ACT TO ESTABLISH CIVIL NO-CONTACT ORDERS FOR THE PROTECTION OF EMPLOYEES FROM WORKPLACE VIOLENCE.** Summarized in *Daily Bulletin* 4/3/03, 4/30/03, 4/30/03, 7/8/04, and 7/15/04. Enacted August 2, 2004. Effective December 1, 2004.