

April 8, 2009

**H 1255. SEX OFFENDERS/PERMANENT NO CONTACT ORDER.** Filed 4/8/09. *TO PROVIDE THAT WHEN SENTENCING A DEFENDANT CONVICTED OF A SEX OFFENSE AND UPON REQUEST OF THE DISTRICT ATTORNEY, THE COURT MAY ENTER A PERMANENT NO CONTACT ORDER PROHIBITING ANY FUTURE CONTACT OF A CONVICTED SEX OFFENDER WITH THE CRIME VICTIM IF THE COURT DETERMINES THAT APPROPRIATE GROUNDS EXIST FOR THE ORDER.*

Adds new GS 15A-1340.50 (Chapter 15A, Article 81D) as title indicates.

Authorizes a judge, at the request of the district attorney, to determine whether to issue a permanent no-contact order when sentencing a defendant convicted of a sex offense. Allows judge to hold a show-cause hearing why such an order should not be issued as part of the sentencing procedures. At such a hearing the sentencing judge is the trier of fact for purposes of the show-cause hearing; the defendant may move to dismiss the order. Provides that at the conclusion of the hearing the judge must enter a finding for or against the defendant. Directs the judge to issue a permanent no-contact order if the judge determines that reasonable grounds exist for the victim to fear any future contact with the defendant. Directs the judge to enter written findings of fact and the grounds on which the order is issued. Requires the no-contact order to be incorporated into the judgment imposing the sentence.

Authorizes the order to be enforced through civil or criminal contempt proceedings. Provides that the remedies under the bill are not exclusive.

Effective December 1, 2009, and applies to offenses committed on or after that date.

**Intro. by Holloway.**

GS 15A

May 14, 2009

**H 1255. SEX OFFENDERS/PERMANENT NO CONTACT ORDER.** Filed 4/8/09. House amendment makes the following changes to 1st edition. Provides that the victim, not only the defendant, may move to dismiss an order to show cause why a permanent no-contact order should be issued. Enumerates specific kinds of contact that the judge may expressly prohibit in a permanent no-contact order. Deletes language saying that a no-contact order may be enforced through civil or criminal contempt proceedings and, instead, provides that a permanent no contact order must be enforced by all law enforcement agencies without further order of the court. Adds language requiring a law enforcement officer to take a person into custody if the officer has probable cause to believe the person knowingly has violated a permanent no-contact order. Makes it a Class A1 misdemeanor for a person to knowingly violate a permanent no-contact order.

July 13, 2009

**H 1255. SEX OFFENDERS/PERMANENT NO CONTACT ORDER.** Filed 4/8/09. Senate committee substitute makes the following changes to 2nd edition. Amends GS 15A-1340.50 to: (1) specify that a victim has a right to be heard at the show cause hearing for a no contact order (was, the defendant or victim may move to dismiss the order) and (2) provide that the State may, at the request of the victim, or the defendant, make a motion to rescind a no contact order. A court may rescind the order if it determines that there are no longer reasonable grounds for the victim to fear any future contact with the defendant. Makes other technical changes.

August 3, 2009

**SL 2009-380 (H 1255). SEX OFFENDERS/PERMANENT NO CONTACT ORDER. AN ACT TO PROVIDE THAT WHEN SENTENCING A DEFENDANT CONVICTED OF A SEX OFFENSE AND UPON REQUEST OF THE DISTRICT ATTORNEY, THE COURT MAY ENTER A PERMANENT NO CONTACT ORDER PROHIBITING ANY FUTURE CONTACT OF A CONVICTED SEX OFFENDER WITH THE CRIME VICTIM IF THE COURT DETERMINES THAT APPROPRIATE GROUNDS EXIST FOR THE ORDER.** Summarized in *Daily Bulletin* 4/8/09, 5/14/09, and 7/13/09. Enacted July 31, 2009. Effective December 1, 2009.