

April 9, 2009

**H 1464. CLARIFY DV LAWS/ARREST/VALID PROTECTIVE ORDER.** Filed 4/9/09. *TO CLARIFY DOMESTIC VIOLENCE LAWS REGARDING WHEN A LAW ENFORCEMENT OFFICER MUST ARREST A PERSON WHO HAS KNOWINGLY VIOLATED A VALID PROTECTIVE ORDER.*

Amends GS 50B-4.1(b) to clarify that a law enforcement officer must arrest and take a person into custody without a warrant or other process where there is probable cause to believe that the person knowingly violated a valid protective order.

**Intro. by Parmon.**

GS 50B

May 7, 2009

**H 1464. CLARIFY DV LAWS/ARREST/VALID PROTECTIVE ORDER.** Filed 4/9/09. House committee substitute makes the following changes to 1st edition. Changes the title to *AN ACT TO CLARIFY DOMESTIC VIOLENCE LAWS REGARDING WHEN A LAW ENFORCEMENT OFFICER SHALL ARREST A PERSON WHO HAS KNOWINGLY VIOLATED A VALID PROTECTIVE ORDER DESPITE THE 2006 HOLDING BY THE NORTH CAROLINA COURT OF APPEALS IN COCKERHAM-ELLERBEE V. THE TOWN OF JONESVILLE*. Adds whereas clauses regarding the North Carolina Court of Appeals holding in Cockerham-Ellerbee v. The Town of Jonesville (a 2006 case) that GS 50B-4.1(b) was a discretionary provision rather than a mandatory one, and noting that the General Assembly intended GS 50B-4.1(b) to create a mandatory provision. Deletes section 1 of the 1st edition, and instead of amending GS 50B-4.1(b), states in the new section 1 that GS 50B-4.1(b) creates a mandatory provision requiring a law enforcement officer to arrest and take a person into custody without a warrant or other process if the requirements set forth in GS 50B-4.1(b) are met.

June 30, 2009

**H 1464. CLARIFY DV LAWS/ARREST/VALID PROTECTION ORDER.** Filed 4/9/09. Senate committee substitute makes the following changes to 2nd edition. Amends GS 50B-4.1(b) to clarify that a law enforcement officer must arrest and take a person into custody with or without (was, without) a warrant or other process if the officer has probable cause to believe that the person knowingly has violated a valid protective order excluding the person from the residence occupied by a victim of domestic violence or directing the person to refrain from threatening, abusing, or following the other party, harassing the other party, or otherwise interfering with the other party.

August 3, 2009

**SL 2009-389 (H 1464). CLARIFY DOMESTIC VIOLENCE LAWS/ARREST/VALID PROTECTIVE ORDER.** *AN ACT TO CLARIFY DOMESTIC VIOLENCE LAWS REGARDING WHEN A LAW ENFORCEMENT OFFICER SHALL ARREST A PERSON WHO HAS KNOWINGLY VIOLATED A VALID PROTECTIVE ORDER DESPITE THE 2006 HOLDING BY THE NORTH CAROLINA COURT OF APPEALS IN COCKERHAM-ELLERBEE V. THE TOWN OF JONESVILLE*. Summarized in *Daily Bulletin* 4/9/09, 5/7/09, and 6/30/09. Enacted July 31, 2009. Effective July 31, 2009.