

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

FILED SENATE
Mar 24, 2015
S.B. 416
PRINCIPAL CLERK

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SENATE DRS45203-LU-23 (12/16)

Short Title: No One-Yr Separation Req/Felony Conviction. (Public)

Sponsors: Senators J. Jackson, Harrington, and Barringer (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ELIMINATE THE REQUIRED ONE-YEAR PERIOD OF SEPARATION FOR
3 ABSOLUTE DIVORCE WHEN A SPOUSE IS CONVICTED OF A CERTAIN LEVEL
4 FELONY AND THE CONVICTED FELON'S SPOUSE IS THE NAMED VICTIM.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 50-6 reads as rewritten:

7 "§ 50-6. Divorce after separation of one year on application of either party.

8 (a) Marriages may be dissolved and the parties thereto divorced from the bonds of
9 matrimony on the application of either party, if and when the husband and wife have lived
10 separate and apart for one year, and the plaintiff or defendant in the suit for divorce has resided
11 in the State for a period of six months. However, if a person is convicted of a Class A, B1, B2,
12 C, D, E, or F felony, or attempt or conspiracy thereof, in which the person's spouse by marriage
13 is the named victim, when applicable, the spouse who is the victim of the crime may seek a
14 divorce pursuant to this section without having to meet the one-year period of separation.

15 (b) A divorce under this section shall not be barred to either party by any defense or
16 plea based upon any provision of G.S. 50-7, a plea of res judicata, or a plea of recrimination.
17 Notwithstanding the provisions of G.S. 50-11, or of the common law, a divorce under this
18 section shall not affect the rights of a dependent spouse with respect to alimony which have
19 been asserted in the action or any other pending action.

20 (c) Whether there has been a resumption of marital relations during the period of
21 separation shall be determined pursuant to G.S. 52-10.2. Isolated incidents of sexual intercourse
22 between the parties shall not toll the statutory period required for divorce predicated on
23 separation of one year."

24 SECTION 2. This act is effective when it becomes law and applies to actions
25 commenced on or after that date.

