

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 82
PROPOSED SENATE COMMITTEE SUBSTITUTE H82-PCS40455-TJ-30

Short Title: Execution/Nonsecure Custody Order/Child Abuse.

(Public)

Sponsors:

Referred to:

February 16, 2015

1 A BILL TO BE ENTITLED
2 AN ACT CLARIFYING THE MANNER IN WHICH A LAW ENFORCEMENT OFFICER
3 MAY TAKE CUSTODY OF A JUVENILE WHEN EXECUTING A NONSECURE
4 CUSTODY ORDER UNDER THE LAWS PERTAINING TO ABUSE, NEGLECT, AND
5 DEPENDENCY.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 7B-504 reads as rewritten:
8 "**§ 7B-504. Order for nonsecure custody.**

9 The custody order shall be in writing and shall direct a law enforcement officer or other
10 authorized person to ~~assume~~ take physical custody of the juvenile and to make due return on
11 the order. A copy of the order shall be given to the juvenile's parent, guardian, custodian, or
12 caretaker by the official executing the order.

13 An officer receiving an order for custody which is complete and regular on its face may
14 execute it in accordance with its terms. If the court finds on the basis of the petition and request
15 for nonsecure custody or the testimony of the petitioner that a less intrusive remedy is not
16 available, the court may authorize a law enforcement officer to enter private property to take
17 physical custody of the juvenile. If required by exigent circumstances of the case, the court may
18 authorize a law enforcement officer to make a forcible entry at any hour. The officer is not
19 required to inquire into the regularity or continued validity of the order and shall not incur
20 criminal or civil liability for its due service."

21 **SECTION 2.** This act is effective when it becomes law and applies to orders issued
22 on or after that date.



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