

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE BILL 192
Judiciary I Committee Substitute Adopted 4/28/15
PROPOSED HOUSE COMMITTEE SUBSTITUTE S192-PCS45385-TC-48

Short Title: Citations/Sheriffs Accept Faxes.

(Public)

Sponsors:

Referred to:

March 9, 2015

A BILL TO BE ENTITLED

AN ACT TO ALLOW DOMESTIC VIOLENCE PROTECTIVE ORDERS, CIVIL NO-CONTACT ORDERS, AND INVOLUNTARY COMMITMENT ORDERS TO BE TRANSMITTED BY ELECTRONIC AND FACSIMILE TRANSMISSION, TO AMEND LAWS REGARDING TRANSPORTATION OF PERSONS BEING INVOLUNTARILY COMMITTED, AND TO REQUIRE THE ADMINISTRATIVE OFFICER OF THE COURTS TO RECEIVE INPUT ON CLARIFYING LANGUAGE USED IN CITATIONS AND MAKE CHANGES AS APPROPRIATE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 50B-3(c) reads as rewritten:

"(c) A copy of any order entered and filed under this Article shall be issued to each party. Law enforcement agencies shall accept receipt of copies of the order issued by the clerk of court by electronic or facsimile transmission for service on defendants. In addition, a copy of the order shall be issued promptly to and retained by the police department of the city of the victim's residence. If the victim does not reside in a city or resides in a city with no police department, copies shall be issued promptly to and retained by the sheriff, and the county police department, if any, of the county in which the victim resides. If the defendant is ordered to stay away from the child's school, a copy of the order shall be delivered promptly by the sheriff to the principal or, in the principal's absence, the assistant principal or the principal's designee of each school named in the order."

SECTION 2. G.S. 50C-9(b) reads as rewritten:

"(b) If the respondent was not present in court when the order was issued, the respondent may be served in the manner provided for service of process in civil proceedings in accordance with Rule 4(j) of the Rules of Civil Procedure. If the summons has not yet been served upon the respondent, it shall be served with the order. Law enforcement agencies shall accept receipt of copies of the order issued by the clerk of court by electronic or facsimile transmission for service on defendants."

SECTION 2.5.(a) G.S. 122C-251(d) reads as rewritten:

"(d) ~~In~~ To the extent feasible, in providing transportation of a respondent, a city or county shall provide a driver or attendant who is the same sex as the respondent, unless the law-enforcement officer allows a family member of the respondent to accompany the respondent in lieu of an attendant of the same sex as the respondent."

SECTION 2.5.(b) Part 1 of Article 5 of Chapter 122C of the General Statutes is amended by adding a new section to read:

§ 122C-210.3. Electronic and facsimile transmission of custody orders.



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1 A custody order entered by the clerk or magistrate pursuant to this Chapter may be
2 delivered to the law enforcement officer by electronic or facsimile transmission."

3 **SECTION 3.** Within 60 days of this act becoming law, the Administrative Officer
4 of the Courts shall solicit input from clerks of courts regarding use of the term "costs" rather
5 than "court costs" on the citation form used for violation of the motor vehicle laws, as provided
6 in G.S. 15A-302, and shall make changes as appropriate based on the received input.

7 **SECTION 4.** Section 3 of this act is effective when it becomes law but does not
8 require the replacement of citation forms until the printing of new forms is otherwise necessary.
9 The remainder of this act is effective when it becomes law.