

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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SENATE BILL 156  
PROPOSED COMMITTEE SUBSTITUTE S156-PCS45136-TT-7

Short Title: No-Contact Orders.

(Public)

Sponsors:

Referred to:

February 28, 2019

1 A BILL TO BE ENTITLED  
2 AN ACT TO AUTHORIZE A JUDICIAL OFFICIAL TO ORDER A DEFENDANT NOT TO  
3 CONTACT THE VICTIM.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 15A-511 reads as rewritten:

6 "**§ 15A-511. Initial appearance.**

7 ...

8 (d) Procedure When Arrest Is Pursuant to Warrant. – If the arrest is made pursuant to a  
9 warrant, the magistrate must proceed in accordance with subsection (e).

10 (d1) No-contact order. – A judicial official conducting an initial appearance may order a  
11 defendant to have no contact with the alleged victim of any crime even prior to the determination  
12 of pretrial release conditions by a judge.

13 (e) Commitment or Bail. – If the person arrested is not released pursuant to subsection  
14 (c), the magistrate must release him in accordance with Article 26 of this Chapter, Bail, or commit  
15 him to an appropriate detention facility pursuant to G.S. 15A-521 pending further proceedings in  
16 the case.

17 ...."

18 **SECTION 2.** G.S. 15A-536 reads as rewritten:

19 "**§ 15A-536. Release-Conditions after conviction in the superior court.**

20 (a) A defendant whose guilt has been established in the superior court and is either  
21 awaiting sentence or has filed an appeal from the judgment entered may be ordered released upon  
22 conditions in accordance with the provisions of this Article.

23 (a1) A judge may order a defendant to have no contact with the alleged victim pursuant to  
24 G.S. 15A-535.5, whether the defendant is released or not.

25 (b) If release is ordered, the judge must impose the conditions set out in G.S. 15A-534(a)  
26 which will reasonably assure the presence of the defendant when required and provide adequate  
27 protection to persons and the community. If no single condition gives the assurance, the judge  
28 may impose the condition in G.S. 15A-534(a)(3) in addition to any other condition and may also,  
29 or in lieu of the condition in G.S. 15A-534(a)(3), place restrictions on the travel, associations,  
30 conduct, or place of abode of the defendant.

31 ...."

32 **SECTION 3.** G.S. 15A-1431 reads as rewritten:

33 "**§ 15A-1431. Appeals by defendants from magistrate and district court judge; trial de**  
34 **novo.**

35 ...



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1 (e) Any order of pretrial release remains in effect pending appeal by the defendant unless  
2 the judge modifies the order.

3 (e1) Any order of no contact remains in effect pending appeal by the defendant unless the  
4 order is modified by a judge.

5 ...."

6 **SECTION 4.** Article 26 of Chapter 15A of the General Statutes is amended by  
7 adding a new section to read:

8 "**§ 15A-535.5. No-contact orders.**

9 (a) Authority. – A judicial official may order a defendant to have no contact with the  
10 alleged victim of any crime even prior to the determination of pretrial release conditions.

11 (b) Order. – The judicial official ordering the defendant to have no contact with the  
12 alleged victim must issue an appropriate order and inform the defendant in writing that any  
13 violation of a no-contact order may result in additional criminal charges. The no-contact order  
14 must be filed with the clerk and a copy given to the defendant and the appropriate detention  
15 facility, if any.

16 (c) Effect. – A no-contact order issued pursuant to this section takes effect immediately  
17 and remains in effect until modified or until the final disposition of the criminal charge.

18 (d) Appeal. – If a judgment is entered and the defendant appeals the conviction, a  
19 no-contact order remains in effect pending appeal by the defendant unless a judge modifies the  
20 order."

21 **SECTION 5.** This act becomes effective December 1, 2019, and applies to offenses  
22 committed on or after that date.