

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30291-ND-49

Short Title: Clarify DVPO Expiration and Firearm Surrender. (Public)

Sponsors: Representatives Stevens, McNeill, and Hurley (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ADD PROCEDURAL EFFICIENCIES WHEN A DEFENDANT IS ORDERED TO ATTEND AN ABUSER TREATMENT PROGRAM AND TO CLARIFY THE SPECIFIC TIME THAT A DOMESTIC VIOLENCE PROTECTION ORDER EXPIRES ON THE LAST DAY THAT THE ORDER IS VALID.

The General Assembly of North Carolina enacts:

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

"§ 50B-3. Relief.

...

(a2) If the court orders that the defendant attend an abuser treatment program pursuant to G.S. 50B-3(a)(12), the defendant shall begin regular attendance of the program within 60 days of the entry of the order. When ordering a defendant to attend an abuser treatment program, the court shall also specify a date and time for a review hearing with the court to assess whether the defendant has complied with that part of the order. The review hearing shall be held as soon as practicable after 60 days from the entry of the original order. The date of the review shall be set at the same time as the entry of the original order, and the clerk shall issue a Notice of Hearing for the compliance review to be given to the defendant and filed with the court on the same day as the entry of the order. If a defendant is not present in court at the time the order to attend an abuser treatment program is entered and the Notice of Hearing for review is filed, the clerk shall serve a copy of the Notice of Hearing together with the service of the order. The plaintiff may, but is not required to, attend the 60-day review hearing.

(a3) At any time prior to the 60-day review hearing set forth in subsection (a2) of this section, a defendant who is ordered to attend an abuser treatment program may present to the clerk a written statement from an abuser treatment program showing that the defendant has enrolled in and begun regular attendance in an abuser treatment program. Upon receipt of the written statement, the clerk shall remove the 60-day review hearing from the court docket, and the defendant shall not be required to appear for the 60-day review hearing. The clerk shall also notify the plaintiff that the defendant has complied with the order and that no 60-day review hearing will occur.

(b) Protective orders entered pursuant to this Chapter shall be for a fixed period of time not to exceed one year. The court may renew a protective order for a fixed period of time not to exceed two years, including an order that previously has been renewed, upon a motion by the aggrieved party filed before the expiration of the current order; provided, however, that a temporary award of custody entered as part of a protective order may not be renewed to extend a temporary award of custody beyond the maximum one-year period. The court may renew a protective order for good cause. The commission of an act as defined in G.S. 50B-1(a) by the



1 defendant after entry of the current order is not required for an order to be renewed. Protective
2 orders entered, including consent orders, shall not be mutual in nature except where both parties
3 file a claim and the court makes detailed findings of fact indicating that both parties acted as
4 aggressors, that neither party acted primarily in self-defense, and that the right of each party to
5 due process is preserved. Protective orders entered pursuant to this Chapter expire at 11:59 P.M.
6 on the indicated expiration date, unless specifically stated otherwise in the order.

7"

8 **SECTION 2.** G.S. 50B-3.1(a) reads as rewritten:

9 "(a) Required Surrender of Firearms. – Upon issuance of an emergency ~~or order~~, ex parte
10 ~~order~~ order, or an order issued following notice and due process to the defendant pursuant to this
11 Chapter, the court shall order the defendant to surrender to the sheriff all firearms, machine guns,
12 ammunition, permits to purchase firearms, and permits to carry concealed firearms that are in the
13 care, custody, possession, ownership, or control of the defendant if the court finds any of the
14 following factors:

15"

16 **SECTION 3.** This act becomes effective October 1, 2019, and applies to court orders
17 issued on or after that date.