

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

FILED SENATE  
Mar 31, 2021  
S.B. 431  
PRINCIPAL CLERK

S

D

SENATE BILL DRS15199-ND-56

Short Title: Permanent DV Protective Orders. (Public)

Sponsors: Senator Edwards (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW PERMANENT DOMESTIC VIOLENCE PROTECTIVE ORDERS  
3 THAT SHALL REMAIN IN EFFECT FOR THE LIFETIME OF THE PERSON SUBJECT  
4 TO THE ORDER.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Chapter 50B of the General Statutes reads as rewritten:

7 "Chapter 50B.

8 "Domestic Violence.

9 ...

10 "§ 50B-2. Institution of civil action; motion for emergency relief; temporary orders;  
11 temporary custody.

12 ...

13 (e) All documents filed, issued, registered, or served in an action under this Chapter  
14 relating to an ex parte, emergency, fixed-time, or permanent domestic violence protective order  
15 may be filed electronically. Hearings held to consider ex parte relief pursuant to subsection (c)  
16 of this section may be held via video conference. Hearings held to consider ~~emergency~~  
17 emergency, fixed-time, or permanent relief pursuant to subsections (a) or (b) of this section shall  
18 not be held via video conference."

19 "§ 50B-3. Relief.

20 ...

21 (b) ~~Protective-Except~~ as provided in G.S. 50B-3.2, protective orders entered pursuant to  
22 this Chapter shall be for a fixed period of time not to exceed one year. The court may renew a  
23 protective order for a fixed period of time not to exceed two years, including an order that  
24 previously has been renewed, upon a motion by the aggrieved party filed before the expiration  
25 of the current order; provided, however, that a temporary award of custody entered as part of a  
26 protective order may not be renewed to extend a temporary award of custody beyond the  
27 maximum one-year period. The court may renew a protective order for good cause. The  
28 commission of an act as defined in G.S. 50B-1(a) by the defendant after entry of the current order  
29 is not required for an order to be renewed. Protective orders entered, including consent orders,  
30 shall not be mutual in nature except where both parties file a claim and the court makes detailed  
31 findings of fact indicating that both parties acted as aggressors, that neither party acted primarily  
32 in self-defense, and that the right of each party to due process is preserved. Protective orders  
33 entered pursuant to this Chapter expire at 11:59 P.M. on the indicated expiration date, unless  
34 specifically stated otherwise in the order.

35 ...

36 "§ 50B-3.1. Surrender and disposal of firearms; violations; exemptions.



\* D R S 1 5 1 9 9 - N D - 5 6 \*

1 ...  
2 **"§ 50B-3.2. Permanent domestic violence protective orders; remedy; duration.**  
3 (a) Duration. – Notwithstanding any other provision of law in this Chapter, a permanent  
4 protective order may be issued pursuant to this section, and it shall remain in effect for the  
5 lifetime of the respondent.  
6 (b) Concurrence. – A permanent protective order issued pursuant to this section may be  
7 issued concurrently with a fixed-time protective order issued pursuant to this Chapter.  
8 (c) Remedy. – If the court finds all of the following, the court may issue a permanent  
9 protective order:  
10 (1) An act of domestic violence has occurred.  
11 (2) Reasonable grounds exist for the victim to fear future contact with the  
12 respondent.  
13 (3) Process was properly served on the respondent.  
14 (4) The respondent answered the complaint and notice of hearing was given or  
15 the respondent failed to answer the complaint and is in default.  
16 (d) Relief. – The court may grant one or more of the following forms of relief in a  
17 permanent protective order under this section:  
18 (1) Order the respondent not to threaten, visit, assault, molest, or otherwise  
19 interfere with the victim.  
20 (2) Order the respondent not to follow the victim, including at the victim's  
21 workplace.  
22 (3) Order the respondent not to harass the victim.  
23 (4) Order the respondent not to abuse or injure the victim.  
24 (5) Order the respondent not to contact the victim by telephone, written  
25 communication, or electronic means.  
26 (6) Order the respondent to refrain from entering or remaining present at the  
27 victim's residence, school, place of employment, or other specified places at  
28 times when the victim is present.  
29 (e) Rescission. – At any time after the issuance of a permanent protective order, the  
30 victim may make a motion to rescind the order. If the court determines that reasonable grounds  
31 for the victim to fear any future contact with the respondent no longer exist, the court may rescind  
32 the permanent protective order.  
33 ...."  
34 **SECTION 2.** This act becomes effective October 1, 2021, and applies to actions or  
35 motions filed on or after that date.