

TABLED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 650

AMENDMENT NO. A2
(to be filled in by
Principal Clerk)

S650-ACE-66 [v.2]

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Amends Title [YES]
Second Edition

Date _____, 2023

Senator Marcus

1 moves to amend the bill on page 1, line 4, by inserting the following at the end of the line before
2 the period:

3
4 "AND TO AUTHORIZE THE ISSUANCE OF AN EXTREME RISK PROTECTION ORDER
5 TO RESTRICT TEMPORARILY A PERSON'S ACCESS TO FIREARMS IF THERE IS
6 EVIDENCE THAT THE PERSON POSES A DANGER OF PHYSICAL HARM TO SELF OR
7 OTHERS AND TO REQUIRE A COURT TO ORDER THE SEIZURE OF ANY FIREARM,
8 AMMUNITION, OR PERMITS A DEFENDANT FAILS TO SURRENDER AFTER THE
9 ISSUANCE OF AN EMERGENCY OR EX PARTE DOMESTIC VIOLENCE PROTECTIVE
10 ORDER";

11
12 and on page 2, lines 4-5 by inserting the following between the lines:

13
14 "SECTION 2.4(a) The General Statutes are amended by adding a new Chapter to
15 read:

16 **"Chapter 50E.**

17 **"Extreme Risk Protection Orders.**

18 **"§ 50E-1. Title of Chapter.**

19 This Chapter may be cited as the "Extreme Risk Protection Orders Act."

20 **"§ 50E-2. Purpose.**

21 The purpose of this Chapter is to reduce gun deaths and injuries, while respecting
22 constitutional rights, by providing a court procedure for concerned citizens and law enforcement
23 to obtain an order temporarily restricting a person's access to firearms. The court orders
24 authorized under this Chapter are intended to be limited to situations in which the person poses
25 a significant danger of harming themselves or others by possessing a firearm and include
26 standards and safeguards to protect the rights of respondents and due process of law.

27 **"§ 50E-3. Definitions.**

28 The following definitions apply in this Chapter:

29 (1) Extreme Risk Protection Order or ERPO. – An order granted under this
30 Chapter, which includes a remedy authorized under G.S. 50E-6.

31 (2) Family or household member. – Any of the following:

32 a. A person related by blood, marriage, or adoption to the respondent.



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- 1 **b.** A person who is in a dating relationship, or has been in a dating
2 relationship, with the respondent. For purposes of this
3 sub-subdivision, a dating relationship is one wherein the parties are
4 romantically involved over time and on a continuous basis during the
5 course of the relationship, but is not any of the following:
6 1. A casual acquaintance.
7 2. Ordinary fraternization between persons in a business or social
8 context.
9 3. A dating relationship that ended more than one year before the
10 date the petitioner filed a petition for an ERPO under this
11 Chapter.
12 **c.** A person who has a child in common with the respondent, regardless
13 of whether the person has been married to the respondent or has lived
14 together with the respondent at any time.
15 **d.** A domestic partner of the respondent.
16 **e.** A person who has a biological or legal parent-child relationship with
17 the respondent, including stepparents, stepchildren, grandparents, and
18 grandchildren.
19 **f.** A person who is acting or has acted as the respondent's legal guardian.
20 **(3)** Firearm. – Any weapon, including a starter gun, which will or is designed to
21 or may readily be converted to expel a projectile by the action of an explosive,
22 or its frame or receiver.

23 **§ 50E-4. Commencement of action.**

24 **(a) Petition. – Any of the following may file a verified petition in district court for an**
25 **ERPO:**

- 26 **(1) A family or household member.**
27 **(2) A current or former spouse or dating partner.**
28 **(3) A law enforcement officer or agency.**
29 **(4) A health care provider.**

30 **(b) Venue. – A petition for an ERPO is governed by G.S. 1-82.**

31 **(c) Required Information in Petition. – A petition for an ERPO under this Chapter shall**
32 **include all of the following:**

- 33 **(1) An allegation that the respondent poses a danger of physical harm to self or**
34 others by having in his or her care, custody, possession, ownership, or control
35 a firearm. If the petitioner is seeking an ex parte ERPO, the petition shall
36 include an allegation that the respondent poses an imminent danger of physical
37 harm to self or others by having in his or her care, custody, possession,
38 ownership, or control a firearm. The allegation required under this subdivision
39 shall include facts to support the allegation.
40 **(2) An identification, to the best of the petitioner's knowledge, of the number,**
41 types, and locations of firearms under the respondent's custody or control.
42 **(3) An identification of any existing protection order under State law governing**
43 the respondent.

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1 (4) An identification of any pending lawsuits, complaints, petitions, or other
2 actions between the petitioner and the respondent.

3 (d) Verification of Terms of Existing Orders. – The clerk of court shall verify the terms
4 of any existing protection orders governing the petitioner and respondent. The court shall not
5 delay or deny granting relief because of the existence of a pending action between the petitioner
6 and respondent or the necessity of verifying the terms of an existing protection order.

7 (e) Nondisclosure of Address. – A petitioner with a current and valid Address
8 Confidentiality Program authorization card issued pursuant to the provisions of Chapter 15C of
9 the General Statutes may use the substitute address designated by the Address Confidentiality
10 Program when filing with the court any document required under this Chapter. If a petitioner
11 does not have a current and valid Address Confidentiality Program authorization card, but
12 submits to the court a copy of a protective order without attachments, if any, issued to the
13 petitioner under G.S. 50B-3 or a lawful order of any court of competent jurisdiction restricting
14 the access or contact of one or more persons with the petitioner, accompanied by a signed
15 statement that the petitioner has good reason to believe that the physical safety of the petitioner
16 or a member of the petitioner's family residing with the petitioner would be jeopardized if the
17 petitioner's address were open to public inspection, that petitioner's address shall be kept
18 confidential.

19 (f) Court Costs. – No court costs shall be assessed for the filing or service of the petition,
20 or the service of any ERPOs.

21 (g) Electronic Filing. – All documents filed, issued, registered, or served in an action
22 under this Chapter relating to an ERPO may be filed electronically.

23 (h) Report. – Beginning December 1, 2023, and occurring annually thereafter, the
24 Administrative Office of the Courts shall submit a report to the Joint Legislative Oversight
25 Committee on Justice and Public Safety and the Fiscal Research Division that includes all of the
26 following information:

27 (1) The number of petitions filed under this Chapter during the prior calendar
28 year.

29 (2) The number of ex parte ERPOs issued during the prior calendar year.

30 (3) The number of ex parte ERPOs the courts declined to issue during the prior
31 calendar year and justification for why each was declined.

32 (4) The number of final ERPOs issued during the prior calendar year.

33 (5) The number of final ERPOs the courts declined to issue during the prior
34 calendar year and justification for why each was declined.

35 **§ 50E-5. Process.**

36 (a) Summons Required. – Except as otherwise provided in G.S. 50E-8, a petition for an
37 ERPO requires that a summons be issued and served not later than five days prior to the date set
38 for the final ERPO hearing. Attachments to the summons shall include the petition for any ERPO,
39 any ex parte ERPO that has been issued and the notice of hearing on the ex parte ERPO, and a
40 description of what an ERPO is.

41 (b) Service of the Summons and Attachments. – The clerk of court shall effect service of
42 the summons and any attachments through the appropriate law enforcement agency where the
43 respondent is to be served.

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1 **"§ 50E-6. ERPO requirements; remedy; mental health or chemical dependency evaluation.**

2 (a) Required Information in ERPO. – An ERPO issued under this Chapter shall include
3 all of the following:

4 (1) A statement of the grounds supporting issuance of the ERPO.

5 (2) The date and time the ERPO was issued.

6 (3) The date and time the ERPO expires.

7 (4) Whether a mental health evaluation or chemical dependency evaluation of the
8 respondent is required.

9 (5) The address of the court in which any responsive pleading may be filed.

10 (6) A description of the requirements for relinquishment and retrieval of any
11 firearms, ammunition, permits to purchase firearms, and permits to carry
12 concealed firearms that are in the care, custody, ownership, or control of the
13 respondent.

14 (7) A description of the process for seeking termination of the ERPO.

15 (8) A statement that a violation of the ERPO is punishable as a Class A1
16 misdemeanor.

17 (b) Remedy Granted. – Upon issuance of an ERPO, including an ex parte ERPO, the
18 court shall order the respondent to surrender to the sheriff all firearms, ammunition, permits to
19 purchase firearms, and permits to carry concealed firearms that are in the care, custody,
20 possession, ownership, or control of the respondent.

21 (c) Mental Health or Chemical Dependency Evaluation. – During a hearing for issuance
22 of an ERPO, the court shall consider whether a mental health evaluation or chemical dependency
23 evaluation of the respondent is appropriate and may order the respondent to undergo evaluation
24 if appropriate.

25 **"§ 50E-7. Hearing and issuance of a final Extreme Risk Protection Order.**

26 (a) Hearing. – A court shall hold a hearing on a petition for a final ERPO no later than
27 10 days from either of the following dates:

28 (1) If an ex parte ERPO has been issued, the date the ex parte ERPO was issued.

29 (2) If subdivision (1) of this subsection does not apply, the date the petition for a
30 final ERPO was served on the respondent.

31 A continuance shall be limited to one extension of no more than 10 days unless all parties
32 consent or good cause is shown.

33 (b) Order. – A court may issue a final ERPO if all of the following requirements are met:

34 (1) The court finds by clear and convincing evidence that the respondent poses a
35 danger of causing physical harm to self or others by having in his or her
36 custody a firearm. In determining whether the requirement set forth in this
37 subdivision is met, the court may consider any relevant evidence, including,
38 but not limited to, any of the following:

39 a. A recent act or threat of violence, or a pattern of acts or threats of
40 violence within the 12 months preceding the petition, by the
41 respondent against himself, herself, or others, whether or not the
42 violence or threat of violence involves a firearm or other weapon.

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- 1 b. Evidence of the respondent being seriously mentally ill or having
2 recurring mental health issues.
- 3 c. A violation by the respondent of an order issued under Chapter 50B,
4 50C, or 50D of the General Statutes.
- 5 d. A previous or existing ERPO issued against the respondent, including
6 whether the respondent committed a violation of the previous or
7 existing ERPO.
- 8 e. Whether the respondent, in this State or any other state, has been
9 convicted of or had adjudication withheld on a crime that constitutes
10 domestic violence as defined in G.S. 50B-1 or a crime involving
11 violence or a threat of violence.
- 12 f. The unlawful or reckless use, display, or brandishing of a firearm by
13 the respondent.
- 14 g. The recurring use of, or threat to use, physical force by the respondent
15 against another person or the respondent stalking another person.
- 16 h. Evidence of the abuse of controlled substances or alcohol by the
17 respondent.
- 18 i. Evidence of recent acquisition of firearms or ammunition by the
19 respondent.
- 20 j. Witness testimony, taken while the witness is under oath, relating to
21 the matter before the court.
- 22 (2) Process was served on the respondent in accordance with the requirements of
23 this Chapter.
- 24 (3) Notice of hearing was given to the respondent in accordance with the
25 requirements of this Chapter.
- 26 **§ 50E-8. Hearing and issuance of an ex parte Extreme Risk Protection Order.**
- 27 (a) Hearing. – Upon receipt of a petition for an ex parte ERPO, the court shall hold a
28 hearing in person on the day the petition is filed or the day immediately following the day the
29 petition is filed.
- 30 (b) Order. – If the court finds that there is clear and convincing evidence that the
31 respondent poses an imminent danger of causing physical harm to self or others by having in his
32 or her custody a firearm, a judge or magistrate of district court may issue an ex parte ERPO
33 before a hearing for a final ERPO and without evidence of service of process or notice.
- 34 (c) Requirements. – An ex parte ERPO granted without notice shall meet all of the
35 following requirements:
- 36 (1) The ERPO shall be endorsed with the date and hour of issuance.
- 37 (2) The ERPO shall be filed immediately in the clerk's office and entered of
38 record.
- 39 (3) The ERPO shall include a statement detailing why the ERPO was granted
40 without notice.
- 41 (4) The ERPO shall include the applicable information required under
42 G.S. 50E-6(a).

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1 (5) The ERPO shall expire by its terms within a specified amount of time after
2 entry, not to exceed the limits set forth in G.S. 50E-10(a).

3 (d) Court Out of Session. – When the court is not in session, the petitioner may file for
4 an ex parte ERPO before any judge or magistrate designated by the chief district court judge to
5 grant relief under this Chapter. If the judge or magistrate finds that the requirements of this
6 section have been met, the judge or magistrate may issue an ex parte ERPO. The chief district
7 court judge may designate for each county at least one judge or magistrate to be reasonably
8 available to issue ex parte ERPOs when the court is not in session.

9 (e) Video Conference. – Hearings held to consider ex parte relief pursuant to subsection
10 (a) of this section may be held via video conference.

11 **"§ 50E-9. Surrender, retrieval, and disposal of firearms.**

12 (a) Surrender of Firearms. – Upon service of an ERPO, the respondent shall immediately
13 surrender to the sheriff possession of all firearms, ammunition, permits to purchase firearms, and
14 permits to carry concealed firearms that are in the care, custody, possession, ownership, or control
15 of the respondent. In the event that weapons cannot be surrendered at the time the ERPO is
16 served, the respondent shall surrender the firearms, ammunitions, and permits to the sheriff
17 within 24 hours of service at a time and place specified by the sheriff. The sheriff shall store the
18 firearms or contract with a licensed firearms dealer to provide storage.

19 (b) Failure to Surrender. – Upon the sworn statement of the petitioner or the sheriff
20 alleging that the respondent has failed to comply with the surrender of firearms required under
21 subsection (a) of this section, the court shall determine whether probable cause exists to believe
22 that the respondent has failed to surrender all firearms in his or her care, custody, possession,
23 ownership, or control. If probable cause exists, the court shall issue a warrant describing the
24 firearms and authorizing (i) a search of the locations where the firearms are reasonably believed
25 to be and (ii) seizure of any firearms discovered pursuant to the search.

26 (c) Receipt. – At the time of surrender or seizure, the sheriff taking possession of a
27 firearm shall issue a receipt identifying all firearms that have been surrendered or seized and shall
28 provide a copy of the receipt to the respondent. Within 48 hours after issuing the receipt, the
29 officer shall file the original receipt with the court and shall also retain a copy for the sheriff's
30 records.

31 (d) Fee. – The sheriff may charge the respondent a reasonable fee for the storage of any
32 firearms and ammunition taken pursuant to an ERPO. The fees are payable to the sheriff. The
33 sheriff shall transmit the proceeds of these fees to the county finance officer. The fees shall be
34 used by the sheriff to pay the costs of administering this section. The county shall expend the
35 restricted funds for these purposes only. The sheriff shall not release firearms, ammunition, or
36 permits without a court order granting the release. The respondent shall remit all fees owed prior
37 to the authorized return of any firearms, ammunition, or permits. The sheriff shall not incur any
38 civil or criminal liability for alleged damage or deterioration due to storage or transportation of
39 any firearms or ammunition held pursuant to this section.

40 (e) Retrieval. – If the court does not enter a final ERPO when the ex parte ERPO expires,
41 the respondent may retrieve any firearms, ammunition, or permits surrendered to the sheriff
42 unless the court finds that the respondent is otherwise precluded from owning or possessing a
43 firearm pursuant to State or federal law.

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1 (f) Motion for Return. – The respondent may request the return of any firearms,
2 ammunition, or permits surrendered by filing a motion with the court after the expiration or
3 termination of the ERPO. Unless the court finds that the respondent is otherwise precluded from
4 owning or possessing a firearm pursuant to State or federal law, all firearms, ammunition, and
5 permits surrendered by the respondent shall be returned within 30 days of the date the motion
6 was received by the court. If the court does not enter a final ERPO when the ex parte ERPO
7 expires, and the court orders the return of the items to the respondent, the respondent is not
8 required to pay any fees imposed under subsection (d) of this section and the sheriff shall
9 promptly refund to the respondent any fees already paid pursuant to subsection (d) of this section
10 for the storage of any items taken pursuant to the ex parte ERPO.

11 (g) Motion for Return by Third Party. – A third-party owner of firearms or ammunition
12 who is otherwise eligible to possess the items may file a motion requesting the return to the third
13 party of any of the items in the possession of the sheriff surrendered or seized as a result of the
14 entry of an ERPO. The third-party owner shall also provide proof of ownership of the firearms
15 or ammunition. Upon receipt of the third party's motion, the court shall schedule a hearing and
16 provide written notice to all parties and the sheriff. The court shall order return of the items to
17 the third party unless the third-party owner fails to provide proof of ownership or certification as
18 required under this subsection, or the court determines that the third party is disqualified from
19 owning or possessing the items pursuant to State or federal law. If the court orders the return of
20 the items to the third party, the third party is not required to pay any fees imposed under
21 subsection (d) of this section. If the court denies the return of the items to the third party, the
22 items shall be disposed of by the sheriff as provided in subsection (h) of this section.

23 (h) Disposal of Firearms. – If the respondent or a third-party owner does not file a motion
24 within the applicable time period prescribed by this section requesting the return of any
25 surrendered firearms, ammunition, or permits; if the court determines that the respondent or
26 third-party owner is precluded from regaining possession of any surrendered firearms,
27 ammunition, or permits; or if the respondent fails to remit all fees owed for the storage of the
28 firearms or ammunition within 30 days of the entry of the order granting the return of the
29 firearms, ammunition, or permits, the sheriff who has control of the firearms, ammunition, or
30 permits shall give notice to the respondent and the sheriff shall apply to the court for an order of
31 disposition of the firearms, ammunition, or permits. The judge, after a hearing, may order the
32 sheriff in possession, or the sheriff's duly authorized agent, to destroy the firearms, ammunition,
33 and permits, or to dispose of the firearms, ammunition, and permits in one or more of the ways
34 authorized by law, including subdivision (4b), (5), or (6) of G.S. 14-269.1. The sheriff shall
35 maintain a record of any firearms, ammunition, and permits destroyed in accordance with this
36 subsection. If a sale by the sheriff does occur, any proceeds from the sale after deducting any
37 costs associated with the storage and sale, in accordance with all applicable State and federal law,
38 shall be provided to the respondent if ordered by the judge.

39 **"§ 50E-10. Duration; renewal of ERPOs.**

40 (a) Duration of Ex Parte ERPO. – Except as otherwise provided in this subsection, an ex
41 parte ERPO shall be effective until the date a hearing is held under G.S. 50E-7. If a hearing is
42 not held or a continuance was not granted, an ex parte ERPO shall be effective for not more than
43 10 days from the date the ex parte ERPO was issued.

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1 **(b) Duration of Final ERPO.** – A final ERPO shall be effective for a fixed period of time
2 not to exceed one year.

3 **(c) Renewal.** – Any ERPO may be renewed one or more times, as required, provided that
4 the requirements of G.S. 50E-7 or G.S. 50E-8, as appropriate, are satisfied. The court may renew
5 an ERPO, including an ERPO that previously has been renewed, upon a motion by the petitioner
6 filed before the expiration of the current ERPO. Upon a motion for a renewal, the court shall hold
7 a hearing no later than 10 days after the date the motion is served on the respondent. The court
8 may renew an ex parte or final ERPO if the court finds by clear and convincing evidence that
9 there has been no material change in relevant circumstances since entry of the respective ERPO.
10 The commission of an act of unlawful conduct by the respondent after entry of the current ERPO
11 is not required for an ERPO to be renewed. If the motion for renewal is uncontested and the
12 petitioner seeks no modification of the ERPO, the ERPO may be renewed if the petitioner's
13 motion or affidavit states that there has been no material change in relevant circumstances since
14 entry of the ERPO and states the reason for the requested renewal.

15 **(d) Expiration Date.** – An ERPO expiring on a day the court is not open for business shall
16 expire in accordance with the provisions of Rule 6(a) of the Rules of Civil Procedure, G.S. 1A-1.
17 **"§ 50E-11. Termination of an Extreme Risk Protection Order.**

18 **(a) Motion.** – The respondent may request the termination of a final ERPO by filing a
19 motion with the court. The respondent may submit no more than one motion for termination for
20 every 12-month period the final ERPO is in effect, starting from the date of the final ERPO and
21 continuing through any renewals.

22 **(b) Hearing.** – Upon receipt of a request for a hearing to terminate a final ERPO, the court
23 shall set a date for a hearing. Notice of the request for a hearing shall be served on the petitioner
24 in accordance with Rule 5 of the Rules of Civil Procedure. The court shall set the date for the
25 hearing no sooner than 10 days and no later than 30 days from the date of service of the request
26 upon the petitioner.

27 **(c) Burden of Proof; Termination.** – The respondent shall have the burden of proving, by
28 a preponderance of the evidence, that the respondent does not pose a danger of causing physical
29 harm to self or others by having in his or her care, custody, possession, ownership, or control a
30 firearm. If the court finds after the hearing that the respondent has met his or her burden, the
31 court shall terminate the final ERPO.

32 **"§ 50E-12. Notice.**

33 **(a) Notice Law Enforcement; Entry into National Database.** – The clerk of court shall
34 deliver on the same day that an ERPO is issued a certified copy of that ERPO to the sheriff of
35 the county in which the ERPO is issued. Any order extending, modifying, or revoking an ERPO
36 shall be promptly delivered to the sheriff by the clerk and served in a manner provided for service
37 of process. The sheriff shall promptly enter the ERPO into the National Crime Information Center
38 registry and shall provide for access of such orders to the courts on a continuous basis.
39 Modifications, terminations, renewals, and dismissals of the ERPO shall also be promptly
40 entered. A copy of the ERPO shall be issued promptly to and retained by the police department
41 of the municipality of the petitioner's residence. If the petitioner's residence is not located in a
42 municipality or is in a municipality with no police department, copies shall be issued promptly
43 to and retained by the sheriff of the county in which the petitioner's residence is located.

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(2) Address Confidentiality Program or Program. – A program in the Office of the Attorney General to protect the confidentiality of the address of an ERPO petitioner or a relocated victim of domestic violence, sexual offense, or stalking to prevent the petitioner's or victim's assailants or potential assailants from finding the petitioner or victim through public records.

...

(5a) ERPO petitioner. – The person who petitions for an Extreme Risk Protection Order under Chapter 50E of the General Statutes.

...

"§ 15C-3. Address Confidentiality Program.

The General Assembly establishes the Address Confidentiality Program in the Office of the Attorney General to protect the confidentiality of the address of an ERPO petitioner or a relocated victim of domestic violence, sexual offense, stalking, or human trafficking to prevent the petitioner's or victim's assailants or potential assailants from finding the petitioner or victim through public records. Under this Program, the Attorney General shall designate a substitute address for a program participant and act as the agent of the program participant for purposes of service of process and receiving and forwarding first-class mail or certified or registered mail. The Attorney General shall not be required to forward any mail other than first-class mail or certified or registered mail to the program participant. The Attorney General shall not be required to track or otherwise maintain records of any mail received on behalf of a program participant unless the mail is certified or registered mail.

"§ 15C-4. Filing and certification of applications; authorization card.

(a) An individual who wants to participate in the Address Confidentiality Program shall file an application with the Attorney General with the assistance of an application assistant. Any of the following individuals may apply to the Attorney General to have an address designated by the Attorney General to serve as the substitute address of the individual:

(1) An adult individual.

(2) A parent or guardian acting on behalf of a minor when the minor resides with the individual.

(3) A guardian acting on behalf of an incapacitated individual.

(b) The application shall be dated, signed, and verified by the applicant and shall be signed by the application assistant who assisted in the preparation of the application.

(c) The application shall contain all of the following:

(1) A statement by the applicant that the applicant is an ERPO petitioner or a victim of domestic violence, sexual offense, stalking, or human trafficking and that the applicant fears for the applicant's safety or the safety of the applicant's child.

(2) ~~Evidence~~ Except for an applicant that is an ERPO petitioner, evidence that the applicant is a victim of domestic violence, sexual offense, stalking, or human trafficking. For an applicant that is an ERPO petitioner, evidence that the applicant is at risk from violence or other unlawful conduct from the respondent in a petition filed under Chapter 50E of the General Statutes. This evidence may include any of the following:

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- 1 a. Law enforcement, court, or other federal or state agency records or
2 files.
3 b. Documentation from a domestic violence program if the applicant is
4 alleged to be a victim of domestic violence.
5 c. Documentation from a religious, medical, or other professional from
6 whom the applicant has sought assistance in dealing with the alleged
7 domestic violence, sexual offense, or stalking.
8 d. Documentation submitted to support a victim of human trafficking's
9 application for federal assistance or benefits under federal human
10 trafficking laws.

11 ...
12 (4) ~~A-Except for an applicant that is an ERPO petitioner, a statement by the~~
13 applicant that the applicant has or will confidentially relocate in North
14 Carolina.

15 ...
16 (7) The address that the applicant requests not to be disclosed by the Attorney
17 General that directly relates to the increased risk of domestic violence, sexual
18 offense, ~~or stalking~~ stalking, or other unlawful conduct.
19"

20 **SECTION 2.4(c)** Development of Forms. – The Administrative Office of the Courts
21 shall develop the appropriate forms to implement the processes provided under Chapter 50E of
22 the General Statutes, as enacted by this section.

23 **SECTION 2.4(d)** This section becomes effective October 1, 2023.

24 **SECTION 2.5(a)** G.S. 50B-3.1(d) reads as rewritten:

25 "(d) Surrender. – Upon service of the order, the defendant shall immediately surrender to
26 the sheriff possession of all firearms, machine guns, ammunition, permits to purchase firearms,
27 and permits to carry concealed firearms that are in the care, custody, possession, ownership, or
28 control of the defendant. In the event that weapons cannot be surrendered at the time the order is
29 served, the defendant shall surrender the firearms, ammunitions, and permits to the sheriff within
30 24 hours of service at a time and place specified by the sheriff. If the defendant fails to surrender
31 the firearms, ammunitions, and permits to the sheriff within 24 hours of service, the court shall
32 order the sheriff to seize the firearms, ammunitions, and permits. The sheriff shall store the
33 firearms or contract with a licensed firearms dealer to provide storage.

34 (1) If the court orders the defendant to surrender firearms, ammunition, and
35 permits, the court shall inform the plaintiff and the defendant of the terms of
36 the protective order and include these terms on the face of the order, including
37 that the defendant is prohibited from possessing, purchasing, or receiving or
38 attempting to possess, purchase, or receive a firearm for so long as the
39 protective order or any successive protective order is in effect. The terms of
40 the order shall include instructions as to how the defendant may request
41 retrieval of any firearms, ammunition, and permits surrendered to the sheriff
42 when the protective order is no longer in effect. The terms shall also include
43 notice of the penalty for violation of G.S. 14-269.8.

