

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

H.B. 1208
Apr 30, 2026
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40712-MLa-187

Short Title: Community Safety Risk Protection Act.

(Public)

Sponsors: Representative Budd.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THE SURRENDER OF FIREARMS BY A RESPONDENT UPON
3 THE ISSUANCE OF A CIVIL NO-CONTACT ORDER, AND TO AUTHORIZE THE
4 ISSUANCE OF AN INDIVIDUAL RISK PROTECTION ORDER TO RESTRICT A
5 PERSON'S ACCESS TO FIREARMS IF THE PERSON POSES A DANGER OF
6 PHYSICAL HARM TO SELF OR OTHERS.

7 The General Assembly of North Carolina enacts:

8
9 **SURRENDER OF FIREARMS UPON ISSUANCE OF CIVIL NO-CONTACT ORDER**

10 **SECTION 1.(a)** Chapter 50C of the General Statutes is amended by adding a new
11 section to read:

12 **"§ 50C-9.1. Surrender and disposal of firearms; violations; exemptions.**

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

18 (1) The use or threatened use of a deadly weapon by the defendant or a pattern of
19 prior conduct involving the use or threatened use of violence with a firearm
20 against persons.

21 (2) Threats to seriously injure or kill the victim.

22 (3) Threats to commit suicide by the defendant.

23 (4) Serious injuries inflicted upon the victim.

24 (b) Ex Parte or Emergency Hearing. – The court shall inquire of the complainant, at the
25 ex parte or emergency hearing, the presence of, ownership of, or otherwise access to firearms by
26 the respondent, as well as ammunition, permits to purchase firearms, and permits to carry
27 concealed firearms, and include, whenever possible, identifying information regarding the
28 description, number, and location of firearms, ammunition, and permits in the order.

29 (c) Ten-Day Hearing. – The court, at the 10-day hearing, shall inquire of the respondent
30 the presence of, ownership of, or otherwise access to firearms by the respondent, as well as
31 ammunition, permits to purchase firearms, and permits to carry concealed firearms, and include,
32 whenever possible, identifying information regarding the description, number, and location of
33 firearms, ammunition, and permits in the order.

34 (d) Surrender. – Upon service of the order, the respondent shall immediately surrender to
35 the sheriff possession of all firearms, machine guns, ammunition, permits to purchase firearms,
36 and permits to carry concealed firearms that are in the care, custody, possession, ownership, or



1 control of the respondent. In the event that weapons cannot be surrendered at the time the order
2 is served, the respondent shall surrender the firearms, ammunitions, and permits to the sheriff
3 within 24 hours of service at a time and place specified by the sheriff. The sheriff shall store the
4 firearms or contract with a licensed firearms dealer to provide storage.

5 (1) If the court orders the respondent to surrender firearms, ammunition, and
6 permits, the court shall inform the complainant and the respondent of the terms
7 of the protective order and include these terms on the face of the order,
8 including that the respondent is prohibited from possessing, purchasing, or
9 receiving or attempting to possess, purchase, or receive a firearm for so long
10 as the protective order or any successive protective order is in effect. The
11 terms of the order shall include instructions as to how the respondent may
12 request retrieval of any firearms, ammunition, and permits surrendered to the
13 sheriff when the protective order is no longer in effect. The terms shall also
14 include notice of the penalty for violation of G.S. 14-269.8.

15 (2) The sheriff may charge the respondent a reasonable fee for the storage of any
16 firearms and ammunition taken pursuant to a protective order. The fees are
17 payable to the sheriff. The sheriff shall transmit the proceeds of these fees to
18 the county finance officer. The fees shall be used by the sheriff to pay the costs
19 of administering this section and for other law enforcement purposes. The
20 county shall expend the restricted funds for these purposes only. The sheriff
21 shall not release firearms, ammunition, or permits without a court order
22 granting the release, unless release without a court order is authorized
23 pursuant to subsection (e) of this section. The respondent must remit all fees
24 owed prior to the authorized return of any firearms, ammunition, or permits.
25 The sheriff shall not incur any civil or criminal liability for alleged damage or
26 deterioration due to storage or transportation of any firearms or ammunition
27 held pursuant to this section.

28 (e) Retrieval. – Unless the court finds that the respondent is precluded from owning or
29 possessing a firearm pursuant to State or federal law or final disposition of any pending criminal
30 charges committed against the person that is the subject of the current civil no-contact order, the
31 respondent may retrieve any weapons surrendered to the sheriff without additional order of the
32 court upon the occurrence of one of the following conditions:

33 (1) The court does not enter a permanent civil no-contact order when the ex parte
34 or emergency order expires.

35 (2) The civil no-contact order is denied by the court following a hearing.

36 Prior to release of any firearms to the respondent pursuant to this subsection, the sheriff shall
37 verify through a criminal history check conducted through the National Instant Criminal
38 Background Check System (NICS) that the respondent is not prohibited from possessing or
39 receiving a firearm pursuant to 18 U.S.C. § 922 or any State law and the respondent does not
40 have any pending criminal charges committed against the person that is the subject of the current
41 civil no-contact order or pending charges that, if convicted, would prohibit the respondent from
42 possessing a firearm.

43 (f) Motion for Return by Respondent. – The respondent may request the return of any
44 firearms, ammunition, or permits surrendered by filing a motion with the court at the expiration
45 of the current order or final disposition of any pending criminal charges committed against the
46 person that is the subject of the current civil no-contact order and not later than 90 days after the
47 expiration of the current order or final disposition of any pending criminal charges committed
48 against the person that is the subject of the current civil no-contact order. Upon receipt of the
49 motion, the court shall schedule a hearing and provide written notice to the complainant who
50 shall have the right to appear and be heard and to the sheriff who has control of the firearms,
51 ammunition, or permits. The court shall determine whether the respondent is subject to any State

1 or federal law or court order that precludes the respondent from owning or possessing a firearm.

2 The inquiry shall include:

- 3 (1) Whether the civil no-contact order has been renewed.
- 4 (2) Whether the respondent is subject to any other protective orders.
- 5 (3) Whether the respondent is disqualified from owning or possessing a firearm
6 pursuant to 18 U.S.C. § 922 or any State law.
- 7 (4) Whether the respondent has any pending criminal charges, in either State or
8 federal court, committed against the person that is the subject of the current
9 civil no-contact order.

10 The court shall deny the return of firearms, ammunition, or permits if the court finds that the
11 respondent is precluded from owning or possessing a firearm pursuant to State or federal law or
12 if the respondent has any pending criminal charges, in either State or federal court, committed
13 against the person that is the subject of the current civil no-contact order until the final disposition
14 of those charges.

15 (g) Motion for Return by Third-Party Owner. – A third-party owner of firearms,
16 ammunition, or permits who is otherwise eligible to possess such items may file a motion
17 requesting the return to said third party of any such items in the possession of the sheriff seized
18 as a result of the entry of a civil no-contact order. The motion may be filed at any time following
19 the seizure of the items by the sheriff prior to their disposal pursuant to subsection (h) of this
20 section. Upon receipt of the third party's motion, the court shall schedule a hearing and provide
21 written notice to all parties and the sheriff. The court shall order return of the items to the third
22 party unless the court determines that the third party is disqualified from owning or possessing
23 said items pursuant to State or federal law. If the court denies the return of said items to the third
24 party, the items shall be disposed of by the sheriff as provided in subsection (h) of this section.

25 (h) Disposal of Firearms. – After notice to the respondent and all parties known or
26 believed to have an ownership or possessory interest in the firearm, including any third-party
27 owner, the sheriff who has control of the firearms, ammunition, or permits may apply to the court
28 for an order of disposition of the firearms, ammunition, or permits under any of the following
29 circumstances:

- 30 (1) Both of the following criteria are met:
 - 31 a. The respondent or third-party owner has not filed a motion requesting
32 the return of any firearms, ammunition, or permits surrendered within
33 90 days after the expiration of the current order or final disposition of
34 any pending criminal charges committed against the person that is the
35 subject of the current civil no-contact order.
 - 36 b. The respondent has not retrieved the firearms pursuant to subsection
37 (e) of this section within 90 days after the expiration of the current
38 order or final disposition of any pending criminal charges committed
39 against the person that is the subject of the current civil no-contact
40 order.
- 41 (2) The court has determined that the respondent or third-party owner is precluded
42 from regaining possession of any firearms, ammunition, or permits
43 surrendered.
- 44 (3) The respondent or third-party owner fails to remit all fees owed for the storage
45 of the firearms or ammunition within 30 days of either (i) the entry of the order
46 granting the return of the firearms, ammunition, or permits, or (ii) a request to
47 retrieve the firearms, ammunition, or permits pursuant to subsection (e) of this
48 section.

49 The judge, after a hearing, may order the disposition of the firearms,
50 ammunition, or permits in one or more of the ways authorized by law,
51 including subdivision (4), (4b), (5), or (6) of G.S. 14-269.1. If a sale by the

sheriff does occur, any proceeds from the sale after deducting any costs associated with the sale, and in accordance with all applicable State and federal law, shall be provided to the respondent or any known third-party owner if requested by the respondent or any known third-party owner by motion made before the hearing or at the hearing and if ordered by the judge.

(i) Prohibitions. – It is unlawful for any person subject to a civil no-contact order prohibiting the possession or purchase of firearms to do any of the following:

(1) Fail to surrender all firearms, ammunition, permits to purchase firearms, and permits to carry concealed firearms to the sheriff as ordered by the court.

(2) Fail to disclose all information pertaining to the possession of firearms, ammunition, and permits to purchase and permits to carry concealed firearms as requested by the court.

(3) Provide false information to the court pertaining to any of these items.

(j) Violations. – In accordance with G.S. 14-269.8, it is unlawful for any person to possess, purchase, or receive or attempt to possess, purchase, or receive a firearm, as defined in G.S. 14-409.39(2), machine gun, ammunition, or permits to purchase or carry concealed firearms if ordered by the court for so long as that civil no-contact order or any successive civil no-contact order entered against that person pursuant to this Chapter is in effect. Any respondent violating the provisions of this section shall be guilty of a Class H felony.

(k) Official Use Exemption. – This section shall not prohibit law enforcement officers and members of any branch of the Armed Forces of the United States, not otherwise prohibited under federal law, from possessing or using firearms for official use only.

(l) Additional Relief. – Nothing in this section is intended to limit the discretion of the court in granting additional relief as provided in other sections of this Chapter."

SECTION 1.(b) G.S. 14-269.8 reads as rewritten:

"§ 14-269.8. **Purchase or possession of firearms by person subject to ~~domestic violence~~protective order prohibited.**

(a) In accordance with ~~G.S. 50B-3.1~~,G.S. 50B-3.1, 50C-9.1, or 50E-9, it is unlawful for any person to possess, purchase, or receive or attempt to possess, purchase, or receive a firearm, as defined in G.S. 14-409.39(2), machine gun, ammunition, or permits to purchase or carry concealed firearms if ordered by the court for so long as that protective order or any successive protective order entered against that person pursuant to Chapter ~~50B~~50B, 50C, or 50E of the General Statutes, as applicable, is in effect.

(b) Any person violating the provisions of this section shall be guilty of a Class H felony."

SECTION 1.(c) This section becomes effective December 1, 2026, and applies to civil no-contact orders issued on or after that date.

AUTHORIZE THE ISSUANCE OF AN INDIVIDUAL RISK PROTECTION ORDER

SECTION 2.(a) The General Statutes are amended by adding a new Chapter to read:

"Chapter 50E.

"Individual Risk Protection Orders.

"§ 50E-1. Title of Chapter.

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

"§ 50E-2. Purpose.

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

"§ 50E-3. Definitions.

1 The following definitions apply in this Chapter:

2 (1) Firearm. – Any weapon, including a starter gun, which will or is designed to
3 or may readily be converted to expel a projectile by the action of an explosive,
4 or its frame or receiver.

5 (2) Individual Risk Protection Order or IRPO. – An order granted under this
6 Chapter, which includes a remedy authorized under G.S. 50E-6.

7 **"§ 50E-4. Commencement of action.**

8 (a) Petition. – Any of the following may file a verified petition in district court for an
9 IRPO:

10 (1) The head of a law enforcement officer or agency, or his or her designee.

11 (2) A judicial official.

12 (3) A licensed physician, licensed psychiatrist, licensed psychologist, registered
13 nurse, licensed clinical social worker, certified clinical nurse specialist,
14 certified nurse practitioner, licensed clinical marriage and family therapist,
15 registered professional nurse, licensed master social worker, or licensed
16 mental health counselor, who has treated the person against whom the IRPO
17 is sought, or a family member of the person against whom the IRPO is sought,
18 in the six months immediately preceding the filing of the petition.

19 (b) Venue. – A petition for an IRPO is governed by G.S. 1-82.

20 (c) Required Information in Petition. – A petition for an IRPO under this Chapter shall
21 include all of the following:

22 (1) An allegation that the respondent poses a danger of physical harm to self or
23 others by having in his or her custody or control, owning, purchasing,
24 possessing, or receiving a firearm. If the petitioner is seeking an ex parte
25 IRPO, the petition shall include an allegation that the respondent poses an
26 imminent danger of physical harm to self or others by having in his or her
27 care, custody, possession, ownership, or control a firearm. The allegation
28 required under this subdivision shall include facts to support the allegation.

29 (2) An identification, to the best of the petitioner's knowledge, of the number,
30 types, and locations of firearms in the respondent's custody, possession,
31 ownership, or control.

32 (3) An identification of any existing protective order or civil no-contact order
33 under State law governing the respondent.

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

36 (d) Verification of Terms of Existing Orders. – The clerk of court shall verify the terms
37 of any existing protective orders or civil no-contact orders governing the petitioner and
38 respondent. The court shall not delay or deny granting relief because of the existence of a pending
39 action between the petitioner and respondent or the necessity of verifying the terms of an existing
40 protection order or civil no-contact order.

41 (e) Nondisclosure of Address. – A petitioner with a current and valid Address
42 Confidentiality Program authorization card issued pursuant to the provisions of Chapter 15C of
43 the General Statutes may use the substitute address designated by the Address Confidentiality
44 Program when filing with the court any document required under this Chapter. If a petitioner
45 does not have a current and valid Address Confidentiality Program authorization card, but
46 submits to the court a copy of a protective order without attachments, if any, issued to the
47 petitioner under G.S. 50B-3 or a lawful order of any court of competent jurisdiction restricting
48 the access or contact of one or more persons with the petitioner, accompanied by a signed
49 statement that the petitioner has good reason to believe that the physical safety of the petitioner
50 or a member of the petitioner's family residing with the petitioner would be jeopardized if the

1 petitioner's address were open to public inspection, that petitioner's address shall be kept
2 confidential.

3 (f) Court Costs. – No court costs shall be assessed for the filing or service of the petition,
4 or the service of any IRPOs.

5 (g) Electronic Filing and Confidentiality. – All documents filed, issued, registered, or
6 served in an action under this Chapter relating to an IRPO may be filed electronically. All
7 documents filed, issued, registered, or served in an action under this Chapter shall be withheld
8 from public inspection and, except as otherwise provided in this subsection, may be examined
9 only by order of the court. The following persons may examine the records described in this
10 subsection and obtain copies of the records without an order of the court:

11 (1) The person who filed the petition for the IRPO.

12 (2) The person against whom the IRPO is sought.

13 (3) A family member of the person against whom the IRPO is sought.

14 (h) Report. – Beginning December 1, 2026, and occurring annually thereafter, the
15 Administrative Office of the Courts shall submit a report to the Joint Legislative Oversight
16 Committee on Justice and Public Safety and the Fiscal Research Division that includes all of the
17 following information:

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

20 (2) The number of ex parte IRPOs issued during the prior calendar year.

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

23 (4) The number of final IRPOs issued during the prior calendar year.

24 (5) The number of final IRPOs the courts declined to issue during the prior
25 calendar year and justification for why each was declined.

26 **"§ 50E-5. Process.**

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

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

35 **"§ 50E-6. IRPO requirements; remedy; mental health or chemical dependency evaluation.**

36 (a) Required Information in IRPO. – An IRPO issued under this Chapter shall include all
37 of the following:

38 (1) A statement of the grounds supporting issuance of the IRPO.

39 (2) The date and time the IRPO was issued.

40 (3) The date and time the IRPO expires.

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

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

44 (6) A description of the requirements for relinquishment and retrieval of any
45 firearms, ammunition, permits to purchase firearms, and permits to carry
46 concealed firearms that are in the care, custody, possession, ownership, or
47 control of the respondent.

48 (7) A description of the process for seeking termination of the IRPO.

49 (8) A statement that a violation of the IRPO is punishable as a Class A1
50 misdemeanor.

1 (b) Remedy Granted. – Upon issuance of an IRPO, the court shall order the respondent
2 pursuant to G.S. 50E-9 to surrender to the sheriff all firearms, ammunition, permits to purchase
3 firearms, and permits to carry concealed firearms that are in the care, custody, possession,
4 ownership, or control of the respondent.

5 (c) Mental Health or Chemical Dependency Evaluation. – During a hearing for issuance
6 of an IRPO, the court shall consider whether a mental health evaluation or chemical dependency
7 evaluation of the respondent is appropriate and may order the respondent to undergo evaluation
8 if appropriate.

9 **"§ 50E-7. Hearing and issuance of a final Individual Risk Protection Order.**

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

- 12 (1) If an ex parte IRPO has been issued, the date the ex parte IRPO was issued.
13 (2) If subdivision (1) of this subsection does not apply, the date the petition for a
14 final IRPO was served on the respondent.

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

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

- 18 (1) The court finds by a preponderance of the evidence that the respondent poses
19 a danger of causing physical harm to self or others by having in his or her
20 custody or control, owning, purchasing, possessing, or receiving a firearm. In
21 determining whether the requirement set forth in this subdivision is met, the
22 court may consider any relevant evidence, including, but not limited to, any
23 of the following:

- 24 a. A recent act or threat of violence, or a pattern of acts or threats of
25 violence within the 12 months preceding the petition, by the
26 respondent against himself, herself, or others, whether or not the
27 violence or threat of violence involves a firearm or other weapon.
28 b. Evidence of the respondent being seriously mentally ill or having
29 recurring mental health issues.
30 c. A violation by the respondent of an order issued under Chapter 50B,
31 50C, 50D, or 50E of the General Statutes.
32 d. Whether the respondent, in this State or any other state, has been
33 convicted of or had adjudication withheld on a crime that constitutes
34 domestic violence as defined in G.S. 50B-1 or a crime involving
35 violence or a threat of violence.
36 e. The unlawful or reckless use, display, or brandishing of a firearm by
37 the respondent.
38 f. The recurring use of, or threat to use, physical force by the respondent
39 against another person or the respondent stalking another person.
40 g. Evidence of the abuse of controlled substances or alcohol by the
41 respondent.
42 h. Evidence of recent acquisition of firearms or ammunition by the
43 respondent.
44 i. Evidence of recent acts of cruelty to animals.
45 j. Witness testimony, taken while the witness is under oath, relating to
46 the matter before the court.

- 47 (2) Process was served on the respondent in accordance with the requirements of
48 this Chapter.

- 49 (3) Notice of hearing was given to the respondent in accordance with the
50 requirements of this Chapter.

51 **"§ 50E-8. Hearing and issuance of an ex parte Individual Risk Protection Order.**

1 (a) Hearing. – Upon receipt of a petition for an ex parte IRPO, the court shall hold a
2 hearing in person on the day the petition is filed or the day immediately following the day the
3 petition is filed.

4 (b) Order. – If the court finds that there is probable cause that the respondent poses an
5 imminent danger of causing physical harm to self or others by having in his or her custody or
6 control, owning, purchasing, possessing, or receiving a firearm, a judge or magistrate of district
7 court may issue an ex parte IRPO before a hearing for a final IRPO.

8 (c) Requirements. – An ex parte IRPO granted without notice shall meet all of the
9 following requirements:

10 (1) The IRPO shall be endorsed with the date and hour of issuance.

11 (2) The IRPO shall be filed immediately in the clerk's office and entered of record.

12 (3) The IRPO shall include a statement of the grounds supporting the issuance of
13 the order.

14 (4) The IRPO shall include the applicable information required under
15 G.S. 50E-6(a).

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

18 (d) Court Out of Session. – When the court is not in session, the petitioner may file for
19 an ex parte IRPO before any judge or magistrate designated by the chief district court judge to
20 grant relief under this Chapter. If the judge or magistrate finds that the requirements of this
21 section have been met, the judge or magistrate may issue an ex parte IRPO. The chief district
22 court judge may designate for each county at least one judge or magistrate to be reasonably
23 available to issue ex parte IRPOs when the court is not in session.

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

26 **"§ 50E-9. Surrender, retrieval, and disposal of firearms.**

27 (a) Required Surrender of Firearms. – Upon issuance of an order pursuant to this Chapter,
28 the court shall order the respondent to surrender to the sheriff all firearms, machine guns,
29 ammunition, permits to purchase firearms, and permits to carry concealed firearms that are in the
30 care, custody, possession, ownership, or control of the respondent.

31 (b) Ex Parte Hearing. – The court shall inquire of the petitioner, at the ex parte hearing,
32 the presence of, ownership of, or otherwise access to firearms by the respondent, as well as
33 ammunition, permits to purchase firearms, and permits to carry concealed firearms, and include,
34 whenever possible, identifying information regarding the description, number, and location of
35 firearms, ammunition, and permits in the order.

36 (c) Surrender. – Upon service of the order, the respondent shall immediately surrender to
37 the sheriff possession of all firearms, machine guns, ammunition, permits to purchase firearms,
38 and permits to carry concealed firearms that are in the care, custody, possession, ownership, or
39 control of the respondent. In the event that weapons cannot be surrendered at the time the order
40 is served, the respondent shall surrender the firearms, ammunitions, and permits to the sheriff
41 within 24 hours of service at a time and place specified by the sheriff. The sheriff shall store the
42 firearms or contract with a licensed firearms dealer to provide storage.

43 (1) If the court orders the respondent to surrender firearms, ammunition, and
44 permits, the court shall inform the petitioner and the respondent of the terms
45 of the order and include these terms on the face of the order, including that the
46 respondent is prohibited from possessing, purchasing, or receiving or
47 attempting to possess, purchase, or receive a firearm for so long as the order
48 or any order is in effect. The terms of the order shall include instructions as to
49 how the respondent may request retrieval of any firearms, ammunition, and
50 permits surrendered to the sheriff when the order is no longer in effect. The
51 terms shall also include notice of the penalty for violation of G.S. 14-269.8.

1 (2) The sheriff may charge the respondent a reasonable fee for the storage of any
2 firearms and ammunition taken pursuant to an order. The fees are payable to
3 the sheriff. The sheriff shall transmit the proceeds of these fees to the county
4 finance officer. The fees shall be used by the sheriff to pay the costs of
5 administering this section and for other law enforcement purposes. The county
6 shall expend the restricted funds for these purposes only. The sheriff shall not
7 release firearms, ammunition, or permits without a court order granting the
8 release, unless release without a court order is authorized pursuant to
9 subsection (d) of this section. The respondent must remit all fees owed prior
10 to the authorized return of any firearms, ammunition, or permits. The sheriff
11 shall not incur any civil or criminal liability for alleged damage or
12 deterioration due to storage or transportation of any firearms or ammunition
13 held pursuant to this section.

14 (d) Retrieval. – Unless the court finds that the respondent is precluded from owning or
15 possessing a firearm pursuant to State or federal law, the respondent may retrieve any weapons
16 surrendered to the sheriff without additional order of the court upon the occurrence of one of the
17 following conditions:

18 (1) The court does not enter a final order when the ex parte order expires.

19 (2) The order is denied by the court following a hearing.

20 Prior to release of any firearms to the respondent pursuant to this subsection, the sheriff shall
21 verify through a criminal history check conducted through the National Instant Criminal
22 Background Check System (NICS) that the respondent is not prohibited from possessing or
23 receiving a firearm pursuant to 18 U.S.C. § 922 or any State law and the respondent does not
24 have pending charges that, if convicted, would prohibit the respondent from possessing a firearm.

25 (e) Motion for Return by Respondent. – The respondent may request the return of any
26 firearms, ammunition, or permits surrendered by filing a motion with the court at the expiration
27 of the current order and not later than 90 days after the expiration of the current order. Upon
28 receipt of the motion, the court shall schedule a hearing and provide written notice to the
29 petitioner who shall have the right to appear and be heard and to the sheriff who has control of
30 the firearms, ammunition, or permits. The court shall determine whether the respondent is subject
31 to any State or federal law or court order that precludes the defendant from owning or possessing
32 a firearm. The inquiry shall include:

33 (1) Whether the order has been renewed.

34 (2) Whether the respondent is subject to any other protective orders.

35 (3) Whether the respondent is disqualified from owning or possessing a firearm
36 pursuant to 18 U.S.C. § 922 or any State law.

37 The court shall deny the return of firearms, ammunition, or permits if the court finds that the
38 respondent is precluded from owning or possessing a firearm pursuant to State or federal law.

39 (f) Motion for Return by Third-Party Owner. – A third-party owner of firearms,
40 ammunition, or permits who is otherwise eligible to possess such items may file a motion
41 requesting the return to said third party of any such items in the possession of the sheriff seized
42 as a result of the entry of an order. The motion may be filed at any time following the seizure of
43 the items by the sheriff prior to their disposal pursuant to subsection (g) of this section. Upon
44 receipt of the third party's motion, the court shall schedule a hearing and provide written notice
45 to all parties and the sheriff. The court shall order return of the items to the third party unless the
46 court determines that the third party is disqualified from owning or possessing said items pursuant
47 to State or federal law. If the court denies the return of said items to the third party, the items
48 shall be disposed of by the sheriff as provided in subsection (g) of this section.

49 (g) Disposal of Firearms. – After notice to the respondent and all parties known or
50 believed to have an ownership or possessory interest in the firearm, including any third-party
51 owner, the sheriff who has control of the firearms, ammunition, or permits may apply to the court

1 for an order of disposition of the firearms, ammunition, or permits under any of the following
2 circumstances:

- 3 (1) Both of the following criteria are met:
4 a. The respondent or third-party owner has not filed a motion requesting
5 the return of any firearms, ammunition, or permits surrendered within
6 90 days after the expiration of the current order.
7 b. The respondent has not retrieved the firearms pursuant to subsection
8 (d) of this section within 90 days after the expiration of the current
9 order.
- 10 (2) The court has determined that the respondent or third-party owner is precluded
11 from regaining possession of any firearms, ammunition, or permits
12 surrendered.
- 13 (3) The respondent or third-party owner fails to remit all fees owed for the storage
14 of the firearms or ammunition within 30 days of either (i) the entry of the order
15 granting the return of the firearms, ammunition, or permits, or (ii) a request to
16 retrieve the firearms, ammunition, or permits pursuant to subsection (d) of this
17 section.

18 The judge, after a hearing, may order the disposition of the firearms,
19 ammunition, or permits in one or more of the ways authorized by law,
20 including subdivision (4), (4b), (5), or (6) of G.S. 14-269.1. If a sale by the
21 sheriff does occur, any proceeds from the sale after deducting any costs
22 associated with the sale, and in accordance with all applicable State and
23 federal law, shall be provided to the respondent or any known third-party
24 owner if requested by the respondent or any known third-party owner by
25 motion made before the hearing or at the hearing and if ordered by the judge.

26 (i) Prohibitions. – It is unlawful for any person subject to a protective order prohibiting
27 the possession or purchase of firearms to do any of the following:

- 28 (1) Fail to surrender all firearms, ammunition, permits to purchase firearms, and
29 permits to carry concealed firearms to the sheriff as ordered by the court.
30 (2) Fail to disclose all information pertaining to the possession of firearms,
31 ammunition, and permits to purchase and permits to carry concealed firearms
32 as requested by the court.
- 33 (3) Provide false information to the court pertaining to any of these items.

34 (j) Violations. – In accordance with G.S. 14-269.8, it is unlawful for any person to
35 possess, purchase, or receive or attempt to possess, purchase, or receive a firearm, as defined in
36 G.S. 14-409.39(2), machine gun, ammunition, or permits to purchase or carry concealed firearms
37 if ordered by the court for so long as that protective order or any successive protective order
38 entered against that person pursuant to this Chapter is in effect. Any respondent violating the
39 provisions of this section shall be guilty of a Class H felony.

40 (k) Official Use Exemption. – This section shall not prohibit law enforcement officers
41 and members of any branch of the Armed Forces of the United States, not otherwise prohibited
42 under federal law, from possessing or using firearms for official use only.

43 (l) Construction. – Nothing in this section is intended to limit the discretion of the court
44 in granting additional relief as provided in other sections of this Chapter.

45 **"§ 50E-10. Duration; renewal of IRPOs.**

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

50 (b) Duration of Final IRPO. – A final IRPO shall be effective for a fixed period of time
51 not to exceed one year.

1 (c) Renewal. – Any IRPO may be renewed one or more times, as required, provided that
2 the requirements of G.S. 50E-7 or G.S. 50E-8, as appropriate, are satisfied. The court may renew
3 an IRPO, including an IRPO that previously has been renewed, upon a motion by the petitioner
4 filed before the expiration of the current IRPO. Upon a motion for a renewal, the court shall hold
5 a hearing no later than 10 days after the date the motion is served on the respondent. The court
6 may renew an ex parte or final IRPO if the court finds by clear and convincing evidence that the
7 respondent still poses a danger of causing physical harm to self or others by having in his or her
8 custody or control, owning, purchasing, possessing, or receiving a firearm. The commission of
9 an act of unlawful conduct by the respondent after entry of the current IRPO is not required for
10 an IRPO to be renewed. If the motion for renewal is uncontested and the petitioner seeks no
11 modification of the IRPO, the IRPO may be renewed if the petitioner's motion or affidavit states
12 that the respondent still poses a danger of causing physical harm to self or others by having in
13 his or her custody or control, owning, purchasing, possessing, or receiving a firearm.

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

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

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

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

31 **"§ 50E-12. Notice.**

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

43 (b) Notice to Respondent. – If the respondent was not present in court when the IRPO
44 was issued, the respondent may be served in the manner provided for service of process in civil
45 proceedings in accordance with Rule 4(j) of the Rules of Civil Procedure. If the summons has
46 not yet been served upon the respondent, it shall be served with the IRPO. Law enforcement
47 agencies shall accept receipt of copies of the IRPO issued by the clerk of court by electronic
48 transmission for service on respondents.

49 (c) Notice to Third Parties. – If the petitioner for an IRPO is a law enforcement officer
50 or agency, the officer or agency shall provide, or attempt to provide, notice of the petition to any
51 known third party who may be at risk of unlawful conduct from the respondent.

"§ 50E-13. Prohibition; violation.

(a) Prohibition. – It is unlawful for any person to possess, purchase, or receive, or attempt to possess, purchase, or receive, a firearm, ammunition, or permits to purchase or carry concealed firearms, for so long as an IRPO entered against that person in accordance with this Chapter is in effect.

(b) Violation. – A person who violates subsection (a) of this section or any other term of an IRPO is guilty of a Class A1 misdemeanor.

"§ 50E-14. False statement regarding IRPO a misdemeanor.

A person who knowingly makes a false statement when petitioning for an IRPO under this Chapter, or who knowingly makes a false statement to a law enforcement agency or officer that an IRPO entered pursuant to this Chapter remains in effect, is guilty of a Class 1 misdemeanor.

"§ 50E-15. Remedies not exclusive.

The remedies provided by this Chapter are not exclusive but are additional to other remedies provided under law.

"§ 50E-16. Liability.

Except as provided in G.S. 50E-13 or G.S. 50E-14, this Chapter shall not be interpreted to impose any criminal or civil liability on any person or entity for acts or omissions related to obtaining an IRPO, including reporting, declining to report, investigating, declining to investigate, filing, or declining to file a petition under this Chapter."

SECTION 2.(b) Chapter 15C of the General Statutes reads as rewritten:

"Chapter 15C.**"Address Confidentiality Program.****"§ 15C-1. Purpose.**

The purpose of this Chapter is to enable the State and the agencies of North Carolina to respond to requests for public records without disclosing the location of a petitioner for an Individual Risk Protection Order or a victim of domestic violence, sexual offense, stalking, or human trafficking; to enable interagency cooperation in providing address confidentiality for ~~victims~~ a petitioner for an Individual Risk Protection Order or a victim of domestic violence, sexual offense, stalking, or human trafficking; and to enable the State and its agencies to accept a program participant's use of an address designated by the Office of the Attorney General as a substitute address.

"§ 15C-2. Definitions.

The following definitions apply in this Chapter:

...

(2) Address Confidentiality Program or Program. – A program in the Office of the Attorney General to protect the confidentiality of the address of an IRPO 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) IRPO petitioner. – The person who petitions for an Individual 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 IRPO 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.

1 The Attorney General shall not be required to forward any mail other than first-class mail or
 2 certified or registered mail to the program participant. The Attorney General shall not be required
 3 to track or otherwise maintain records of any mail received on behalf of a program participant
 4 unless the mail is certified or registered mail.

5 **"§ 15C-4. Filing and certification of applications; authorization card.**

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

- 10 (1) An adult individual.
- 11 (2) A parent or guardian acting on behalf of a minor when the minor resides with
 12 the individual.
- 13 (3) A guardian acting on behalf of an incapacitated individual.

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

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

- 17 (1) A statement by the applicant that the applicant is an IRPO petitioner or a
 18 victim of domestic violence, sexual offense, stalking, or human trafficking
 19 and that the applicant fears for the applicant's safety or the safety of the
 20 applicant's child.
- 21 (2) ~~Evidence~~ Except for an applicant that is an IRPO petitioner, evidence that the
 22 applicant is a victim of domestic violence, sexual offense, stalking, or human
 23 trafficking. For an applicant that is an IRPO petitioner, evidence that the
 24 applicant is at risk from violence or other unlawful conduct from the
 25 respondent in a petition filed under Chapter 50E of the General Statutes. This
 26 evidence may include any of the following:
 - 27 a. Law enforcement, court, or other federal or state agency records or
 28 files.
 - 29 b. Documentation from a domestic violence program if the applicant is
 30 alleged to be a victim of domestic violence.
 - 31 c. Documentation from a religious, medical, or other professional from
 32 whom the applicant has sought assistance in dealing with the alleged
 33 domestic violence, sexual offense, or stalking.
 - 34 d. Documentation submitted to support a victim of human trafficking's
 35 application for federal assistance or benefits under federal human
 36 trafficking laws.

37 ...
 38 (4) ~~A~~ Except for an applicant that is an IRPO petitioner, a statement by the
 39 applicant that the applicant has or will confidentially relocate in North
 40 Carolina.

41 ...
 42 (7) The address that the applicant requests not to be disclosed by the Attorney
 43 General that directly relates to the increased risk of domestic violence, sexual
 44 offense, ~~or stalking~~ stalking, or other unlawful conduct.

45"

46 **SECTION 2.(c)** The Administrative Office of the Courts shall develop the
 47 appropriate forms to implement the processes provided under Chapter 50E of the General
 48 Statutes, as enacted by this section. Additionally, the Administrative Office of the Courts shall
 49 develop and implement a Statewide electronic system, or utilize existing technology, to allow
 50 courts across the State to share information to determine whether prior orders under Chapter 50E
 51 of the General Statutes have been issued for a respondent. There is appropriated from the General

1 Fund to the Administrative Office of the Courts the sum of ten thousand dollars (\$10,000) in
2 nonrecurring funds for the 2026-2027 fiscal year to be used for costs incurred from complying
3 with the requirements set forth in this subsection.

4 **SECTION 2.(d)** Subsections (c) and (d) of this section become effective July 1,
5 2026. The remainder of this section becomes effective December 1, 2026.

6

7 **EFFECTIVE DATE**

8 **SECTION 3.** Except as otherwise provided, this act is effective when it becomes
9 law.