

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 402

Short Title: No Firearm/Domestic Violence Order.

(Public)

Sponsors: Senators Odom and Carpenter.

Referred to: Judiciary I/Constitution

March 20, 1995

A BILL TO BE ENTITLED

1 AN ACT TO STRENGTHEN THE DOMESTIC VIOLENCE LAW BY REQUIRING
2 DOMESTIC VIOLENCE ORDER TO BE ACCESSIBLE BY COMPUTER, TO
3 ALLOW THE JUDGE ISSUING THE ORDER TO REQUIRE SEIZURE OF
4 FIREARMS AND PROHIBIT POSSESSION OF FIREARMS, AND MAKE IT A
5 CLASS H FELONY FOR ANY PERSON SUBJECT TO A DOMESTIC VIOLENCE
6 ORDER TO PURCHASE OR POSSESS ANY FIREARM.
7

8 The General Assembly of North Carolina enacts:

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

10 **"§ 50B-3. Relief.**

11 (a) The court may grant any protective order or approve any consent agreement to
12 bring about a cessation of acts of domestic violence. The orders or agreements may:

- 13 (1) Direct a party to refrain from such acts;
14 (2) Grant to a spouse possession of the residence or household of the parties
15 and exclude the other spouse from the residence or household;
16 (3) Require a party to provide a spouse and his or her children suitable
17 alternate housing;
18 (4) Award temporary custody of minor children and establish temporary
19 visitation rights;

- 1 (5) Order the eviction of a party from the residence or household and
2 assistance to the victim in returning to it;
- 3 (6) Order either party to make payments for the support of a minor child as
4 required by law;
- 5 (7) Order either party to make payments for the support of a spouse as
6 required by law;
- 7 (8) Provide for possession of personal property of the parties;
- 8 (9) Order a party to refrain from harassing or interfering with the other; ~~and~~
- 9 (10) Award costs and attorney's fees to either party; and
- 10 (11) Order a party to surrender all firearms possessed and not purchase or
11 possess a firearm for a time fixed in the order.

12 (b) Protective orders entered or consent orders approved pursuant to this Chapter
13 shall be for a fixed period of time not to exceed one year.

14 (c) A copy of any order entered and filed under this Article shall be issued to each
15 party. In addition, a copy of the order shall be issued to and retained by the police
16 department of the city of the victim's residence. If the victim does not reside in a city or
17 resides in a city with no police department, copies shall be issued to and retained by the
18 sheriff, and the county police department, if any, of the county in which the victim
19 resides.

20 (d) The Administrative Office of the Courts shall provide for immediate entry of
21 domestic orders in its computerized records and provide for access of such orders to
22 magistrates and law enforcement personnel on a 24-hour-a-day basis, including any
23 prohibition against possession of firearms. Modification of such orders shall also be
24 entered.

25 (e) If an order requires surrender of firearms, the court may also issue a search
26 warrant for premises where the firearms may be found, authorizing officers to enter the
27 premises and seize the firearms."

28 Sec. 2. Article 35 of Chapter 14 of the General Statutes is amended by adding
29 a new section to read:

30 **"§ 14-269.8. Purchase and possession of firearms by person subject to domestic**
31 **violence order prohibited.**

32 (a) It shall be unlawful for any person to purchase, attempt to purchase, possess, or
33 carry, whether openly or concealed, any gun, rifle, pistol, or other firearm while there
34 remains in force and effect a domestic violence order issued pursuant to Chapter 50B of
35 the General Statutes, prohibiting such person to possess or purchase a firearm.

36 (b) It shall be unlawful for any person to sell or give to another who is subject to a
37 currently enforceable domestic violence order issued pursuant to Chapter 50B of the
38 General Statutes which prohibits purchase or possession of a firearm, any gun, rifle,
39 pistol, or other firearm, when the seller or giver knows or reasonably should know that
40 the person is subject to such Chapter 50B order.

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

43 Sec. 3. This act becomes effective October 1, 1995.