

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: SB 402

SHORT TITLE: NO FIREARM/DOMESTIC VIOLENCE ORDER

SPONSOR(S): SENATOR ODOM

FISCAL IMPACT: **Expenditures:** **Increase ()** **Decrease ()**
)
 Revenues: **Increase ()** **Decrease ()**
)
 No Impact ()
 No Estimate Available ()

FUNDS AFFECTED: **General Fund ()** **Highway Fund ()**
 Local Fund () **Other Fund ()**

BILL SUMMARY: "TO STRENGTHEN THE DOMESTIC VIOLENCE LAW BY REQUIRING DOMESTIC VIOLENCE ORDER TO BE ACCESSIBLE BY COMPUTER, TO ALLOW THE JUDGE ISSUING THE ORDER TO BE ACCESSIBLE BY COMPUTER, TO ALLOW THE JUDGE ISSUING THE ORDER TO REQUIRE SEIZURE OF FIREARMS AND PROHIBIT POSSESSION OF FIREARMS, AND MAKE IT A CLASS H FELONY FOR ANY PERSON SUBJECT TO A DOMESTIC VIOLENCE ORDER TO PURCHASE OR POSSESS ANY FIREARM." Amends G.S. 50B-3 to provide that a judge issuing a domestic violence order may order a party to surrender all firearms possessed and not to purchase or possess a firearm for a time fixed in the order. In connection with such an order, the court may also issue a search warrant for premises where the firearms may be found. Directs Administrative Office of the Courts to provide for immediate entry of domestic violence orders in computerized records, and to provide 24-hour access to such orders by magistrates and law enforcement officers. Adds G.S. 14-269.8 making it a Class H felony (1) to purchase, possess or carry any firearm in contravention of a domestic violence order, and (2) to sell or give a firearm to a person currently subject to a domestic violence order prohibiting that person from possessing firearms.

AMENDMENTS/COMMITTEE SUBSTITUTES - MAY 9, 1995 - DAILY BULLETIN #60

Senate committee substitute replaces 1st edition. Provides that a party may not be ordered to surrender all firearms unless the court finds that a threat was made to use the weapon, or that a firearm was used during a domestic dispute to threaten or harm a spouse. Specifies that the sheriff (was, the AOC) provide for the entry of any order prohibiting or limiting the possession of firearms onto the Division of Criminal Information Network, and that both the police department (if applicable) and the Sheriff's department of the victim's residence retain a copy of all domestic violence protective orders. Allows a trial court entering a

domestic violence protective order to order a party to attend and complete an abuser treatment program approved by the Administrative Office of the Courts. Deletes provision of original bill making it a Class H felony for any person subject to a domestic violence order to purchase or possess a firearm. Deletes one-year maximum period for duration of protective orders.

AMENDMENTS/COMMITTEE SUBSTITUTES -May 10, 1995 - Daily Bulletin #61

Intro. 3/20/95. Senate action amends 2nd edition. Clarifies that upon the failure of a party to surrender firearms after directed by the court, the court may issue a search warrant only of the premises of the person subject to the order.

AMENDMENTS/COMMITTEE SUBSTITUTES - June 14, 1995 -Daily Bulletin #81

Intro. 3/16/95. House committee substitute replaces 2nd edition. Changes title to : TO STRENGTHEN THE DOMESTIC VIOLENCE LAW BY REQUIRING A DOMESTIC VIOLENCE ORDER TO BE ACCESSIBLE BY COMPUTER AND TO MAKE IT A CLASS H FELONY FOR ANY PERSON SUBJECT TO A DOMESTIC VIOLENCE ORDER TO PURCHASE ANY FIREARM. Deletes provision requiring new G.S. 14-269.8 making it a Class H felony for a person subject to a domestic violence protective order to purchase a firearm.

EFFECTIVE DATE: October 1, 1995; applies to domestic violence orders entered on or after that date.

PRINCIPAL DEPARTMENT(S)/PROGRAM(S) AFFECTED:

Judicial Branch; Division of Criminal Information

FISCAL IMPACT: Judicial Branch, Division of Criminal Information

<u>FY</u> 95-96	<u>FY</u> 96-97	<u>FY</u> 97-98	<u>FY</u> 98-99
<u>FY</u> 99-00			

EXPENDITURES

RECURRING NO ESTIMATE AVAILABLE

NON-RECURRING

ASSUMPTIONS AND METHODOLOGY: Judicial Branch

The Administrative Office of the Courts has no accurate data as to the number of new filings which would result from the implementation of the proposed legislation. Thus, no estimate is available at this time regarding the fiscal impact that SB 402 would have on the Judicial Branch.

ASSUMPTIONS AND METHODOLOGY: Division of Criminal Information

Based on past experience, the Division of Criminal Information estimated that it would take approximately 6 months to develop and

test new computer files, and write/implement appropriate training material required by the proposed legislation. However, the Division of Criminal Information is unable to itemize the specific resources (i.e. additional computer memory, personnel) that would be required as a result of the proposed legislation. Thus, no estimate is available at this time regarding the fiscal impact that SB 402 would have on the Division of Criminal Information.

SOURCES OF DATA: Administrative Office of the Courts; Division of Criminal Information

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION (733-4910)

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DATE: June 20, 1995

[FRD#003]



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