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SESSION 2013

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SENATE DRS85119-LU-94 (03/12)

Short Title: Amend Civil No-Contact Laws/Stalking. (Public)

Sponsors: Senator Tarte (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REPEAL ELEMENTS OF THE CIVIL NO-CONTACT LAWS PERTAINING
3 TO STALKING.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 50C-1 reads as rewritten:

6 "§ 50C-1. Definitions.

7 The following definitions apply in this Chapter:

- 8 (1) Abuse. – To physically or mentally harm, harass, intimidate, or interfere
9 with the personal liberty of another.
- 10 (2) Civil no-contact order. – An order granted under this Chapter, which
11 includes a remedy authorized by G.S. 50C-5.
- 12 (3) Nonconsensual. – A lack of freely given consent.
- 13 (4) Sexual conduct. – Any intentional or knowing touching, fondling, or sexual
14 penetration by a person, either directly or through clothing, of the sexual
15 organs, anus, or breast of another, whether an adult or a minor, for the
16 purpose of sexual gratification or arousal. For purposes of this subdivision,
17 the term shall include the transfer or transmission of semen.
- 18 (5) Repealed by Session Laws 2004-199, s. 50, effective August 17, 2004.
- 19 (6) ~~Stalking. — On more than one occasion, following or otherwise harassing, as~~
20 ~~defined in G.S. 14-277.3A(b)(2), another person without legal purpose with~~
21 ~~the intent to do any of the following:~~
- 22 a. ~~Place the person in reasonable fear either for the person's safety or~~
23 ~~the safety of the person's immediate family or close personal~~
24 ~~associates.~~
- 25 b. ~~Cause that person to suffer substantial emotional distress by placing~~
26 ~~that person in fear of death, bodily injury, or continued harassment~~
27 ~~and that in fact causes that person substantial emotional distress.~~
- 28 (7) Unlawful conduct. – The commission of ~~one or more of the following acts~~
29 an act of nonconsensual sexual misconduct by a person 16 years of age or older
30 upon a person, ~~but does not include acts of self-defense or defense of~~
31 ~~others:person.~~
- 32 a. ~~Nonconsensual sexual conduct, including single incidences of~~
33 ~~nonconsensual sexual conduct.~~
- 34 b. ~~Stalking.~~



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1 (8) Victim. – A person against whom an act of unlawful conduct has been
2 committed by another person not involved in a personal relationship with the
3 person as defined in G.S. 50B-1(b)."

4 **SECTION 2.** G.S. 50C-2(b) reads as rewritten:

5 "(b) No court costs shall be assessed for the filing or service of the complaint, or the
6 service of any ~~orders~~ orders unless the court determines any of the following:

7 (1) The plaintiff willfully failed to appear to prosecute the action.

8 (2) The plaintiff initiated the action for an improper purpose to harass the
9 defendant.

10 (3) The plaintiff filed the action knowing that he or she was not the victim of
11 unlawful conduct."

12 **SECTION 3.** G.S. 50C-5(b) reads as rewritten:

13 "(b) The court may grant one or more of the following forms of relief in its orders under
14 this Chapter:

15 (1) Order the respondent not to visit, assault, molest, or otherwise interfere with
16 the victim.

17 (2) Order the respondent ~~to cease stalking~~ not to stalk the victim, including at the
18 victim's workplace.

19 (3) Order the respondent ~~to cease harassment of~~ not to harass the victim.

20 (4) Order the respondent not to abuse or injure the victim.

21 (5) Order the respondent not to contact the victim by telephone, written
22 communication, or electronic means.

23 (6) Order the respondent to refrain from entering or remaining present at the
24 victim's residence, school, place of employment, or other specified places at
25 times when the victim is present.

26 (7) Order other relief deemed necessary and appropriate by the court."

27 **SECTION 4.** G.S. 50C-7 reads as rewritten:

28 "**§ 50C-7. Permanent civil no-contact order.**

29 Upon a finding that the victim has suffered an act of unlawful conduct committed by the
30 respondent, a permanent civil no-contact order may issue if the court additionally finds that
31 process was properly served on the respondent, the respondent has answered the complaint and
32 notice of hearing was given, or the respondent is in default. No permanent civil no-contact
33 order shall be issued without notice to the respondent."

34 **SECTION 5.** G.S. 50C-8(a) reads as rewritten:

35 "(a) A temporary civil no-contact order shall be effective for not more than 10 days as
36 the court fixes, unless within the time so fixed the temporary civil no-contact order, for good
37 cause shown, is extended for a like period or a longer period if the respondent consents. The
38 reasons for the extension shall be stated in the temporary order. In case a temporary civil
39 no-contact order is granted without notice and a motion for a permanent civil no-contact order
40 is made, it shall be set down for hearing ~~at the earliest possible time and takes precedence over
41 all matters except older matters of the same character within 10 days from the date of the
42 motion. If the request for a temporary, ex parte civil no-contact order is denied, the trial on the
43 plaintiff's claim for a civil no-contact order shall be set down for hearing within 30 days from
44 the date the temporary, ex parte civil no-contact order is denied.~~ When the motion for a
45 permanent civil no-contact order comes on for hearing, the complainant may proceed with a
46 motion for a permanent civil no-contact order, and, if the complainant fails to do so, the judge
47 shall dissolve the temporary civil no-contact order. On two days' notice to the complainant or
48 on such shorter notice to that party as the judge may prescribe, the respondent may appear and
49 move its dissolution or modification. In that event the judge shall proceed to hear and
50 determine such motion as expeditiously as the ends of justice require."

1 **SECTION 6.** This act becomes effective October 1, 2013, and applies to actions
2 commenced on or after that date.