

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL 431

Short Title: Permanent DV Protective Orders. (Public)

Sponsors: Senator Edwards (Primary Sponsor).

Referred to: Rules and Operations of the Senate

April 1, 2021

A BILL TO BE ENTITLED

AN ACT TO ALLOW PERMANENT DOMESTIC VIOLENCE PROTECTIVE ORDERS
THAT SHALL REMAIN IN EFFECT FOR THE LIFETIME OF THE PERSON SUBJECT
TO THE ORDER.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 50B of the General Statutes reads as rewritten:

"Chapter 50B.

"Domestic Violence.

...

**"§ 50B-2. Institution of civil action; motion for emergency relief; temporary orders;
temporary custody.**

...

(e) All documents filed, issued, registered, or served in an action under this Chapter relating to an ex parte, emergency, fixed-time, or permanent domestic violence protective order may be filed electronically. Hearings held to consider ex parte relief pursuant to subsection (c) of this section may be held via video conference. Hearings held to consider ~~emergency~~ emergency, fixed-time, or permanent relief pursuant to subsections (a) or (b) of this section shall not be held via video conference."

"§ 50B-3. Relief.

...

(b) ~~Protective~~ Except as provided in G.S. 50B-3.2, protective orders entered pursuant to this Chapter shall be for a fixed period of time not to exceed one year. The court may renew a protective order for a fixed period of time not to exceed two years, including an order that previously has been renewed, upon a motion by the aggrieved party filed before the expiration of the current order; provided, however, that a temporary award of custody entered as part of a protective order may not be renewed to extend a temporary award of custody beyond the maximum one-year period. The court may renew a protective order for good cause. The commission of an act as defined in G.S. 50B-1(a) by the defendant after entry of the current order is not required for an order to be renewed. Protective orders entered, including consent orders, shall not be mutual in nature except where both parties file a claim and the court makes detailed findings of fact indicating that both parties acted as aggressors, that neither party acted primarily in self-defense, and that the right of each party to due process is preserved. Protective orders entered pursuant to this Chapter expire at 11:59 P.M. on the indicated expiration date, unless specifically stated otherwise in the order.

...

"§ 50B-3.1. Surrender and disposal of firearms; violations; exemptions.



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1 ...
2 **"§ 50B-3.2. Permanent domestic violence protective orders; remedy; duration.**
3 **(a) Duration. – Notwithstanding any other provision of law in this Chapter, a permanent**
4 **protective order may be issued pursuant to this section, and it shall remain in effect for the**
5 **lifetime of the respondent.**
6 **(b) Concurrence. – A permanent protective order issued pursuant to this section may be**
7 **issued concurrently with a fixed-time protective order issued pursuant to this Chapter.**
8 **(c) Remedy. – If the court finds all of the following, the court may issue a permanent**
9 **protective order:**
10 **(1) An act of domestic violence has occurred.**
11 **(2) Reasonable grounds exist for the victim to fear future contact with the**
12 **respondent.**
13 **(3) Process was properly served on the respondent.**
14 **(4) The respondent answered the complaint and notice of hearing was given or**
15 **the respondent failed to answer the complaint and is in default.**
16 **(d) Relief. – The court may grant one or more of the following forms of relief in a**
17 **permanent protective order under this section:**
18 **(1) Order the respondent not to threaten, visit, assault, molest, or otherwise**
19 **interfere with the victim.**
20 **(2) Order the respondent not to follow the victim, including at the victim's**
21 **workplace.**
22 **(3) Order the respondent not to harass the victim.**
23 **(4) Order the respondent not to abuse or injure the victim.**
24 **(5) Order the respondent not to contact the victim by telephone, written**
25 **communication, or electronic means.**
26 **(6) Order the respondent to refrain from entering or remaining present at the**
27 **victim's residence, school, place of employment, or other specified places at**
28 **times when the victim is present.**
29 **(e) Rescission. – At any time after the issuance of a permanent protective order, the**
30 **victim may make a motion to rescind the order. If the court determines that reasonable grounds**
31 **for the victim to fear any future contact with the respondent no longer exist, the court may rescind**
32 **the permanent protective order.**
33 **...."**
34 **SECTION 2.** This act becomes effective October 1, 2021, and applies to actions or
35 motions filed on or after that date.