



HOUSE BILL 284: CivPro/Civil Contempt/No Fines

2015-2016 General Assembly

| | | | |
|-----------------------|------------------------------|---------------------|-------------------|
| Committee: | House Judiciary II | Date: | March 31, 2015 |
| Introduced by: | Reps. Glazier, Stam, L. Hall | Prepared by: | Tawanda Foster |
| Analysis of: | First Edition | | Committee Counsel |

SUMMARY: *House Bill 284 would clarify that imposition of a fine is not an allowable sanction for civil contempt.*

CURRENT LAW: North Carolina General Statute 5A-21 governs civil contempt. An act of civil contempt is continuing as long as:

- (1) The order remains in force;
- (2) The purpose of the order may still be served by compliance with the order;
- (2a) The noncompliance by the person to whom the order is directed is willful; and
- (3) The person to whom the order is directed is able to comply with the order or is able to take reasonable measures that would enable the person to comply with the order.

Subject to certain limitations, a person found in civil contempt may be imprisoned for no more than 90 days for the same act of disobedience or refusal to comply with a court order. A person who has not purged himself or herself of the contempt within the period of imprisonment may be recommitted for one or more successive periods of imprisonment, each not to exceed 90 days. The total period of imprisonment for the same act of disobedience or refusal to comply with a court order shall not exceed 12 months.

BILL ANALYSIS: House Bill 284 would add a provision that a fine is not an allowable sanction for civil contempt.

EFFECTIVE DATE: This act becomes effective October 1, 2015, and applies to civil contempt orders entered on or after that date.

