



# SENATE BILL 192: Citations/Sheriffs Accept Faxes

This Bill Analysis reflects the contents of the bill as it was presented in committee.

2015-2016 General Assembly

<b>Committee:</b>	House Judiciary IV	<b>Date:</b>	July 15, 2015
<b>Introduced by:</b>	Sen. Cook	<b>Prepared by:</b>	Kara McCraw
<b>Analysis of:</b>	PCS to Second Edition S192-CSTC-48		Committee Counsel

**SUMMARY:** SB 192 would: 1) Require that the term "costs" rather than "court costs" be used on citation forms prescribed by the Administrative Officer of the Courts; and 2) Require protective and civil no-contact orders be delivered directly by the clerk of court to law enforcement agencies, including by electronic or facsimile transmission if the law enforcement agency consents.

The PCS for SB 192 would: 1) Require the Administrative Officer of the Courts to solicit input from clerks of courts regarding use of the term "costs" rather than "court costs" on citations and make appropriate changes based on the input, and 2) Require law enforcement agencies to accept receipt of copies of protective and civil no-contact orders issued by clerks of court by electronic or facsimile transmission.

**CURRENT LAW:** Chapter 50B provides the process for seeking protective orders restraining defendants from further acts of domestic violence (50B orders). G.S. 50B-3 requires that 50B orders be issued to each party, copies of the order by issued to and retained by the appropriate law enforcement agencies where the victim resides, and a copy be delivered by the sheriff to the principal of a school if a defendant is ordered to stay away from a child's school.

Chapter 50C provides the process for seeking civil no-contact orders that order respondents to refrain from certain behaviors towards a victim (50C order). G.S. 50C-9 requires the clerk of court to deliver a certified copy of a 50C order to the sheriff on the same day it is issued. If the respondent is not present in court when the order is issued, the respondent may be served using the same manner as for service of process under the Rules of Civil Procedure. A copy of the order must also be issued promptly to and retained by the appropriate law enforcement agency.

A citation is a directive, issued by a law enforcement officer or other authorized person, that a person appear in court and answer a misdemeanor or infraction charge or charges. The form and content for citations are prescribed by the Administrative Officer of the Courts.

**BILL ANALYSIS:** The PCS for SB 192 would make the following changes:

**Sections 1 and 2:** Require law enforcement agencies to accept receipt of copies of a 50B or 50C order issued by the clerk of court by electronic or facsimile transmission for service on defendants.

**Section 3:** Require the Administrative Officer of the Courts, within 60 days of SB 192 becoming law, to solicit input from clerks of courts regarding use of the term "costs" rather than "court costs" on the citation form used for violation of motor vehicle laws, and to make changes as appropriate based on the received input.

**EFFECTIVE DATE:** SB 192 would become effective when it becomes law. Section 3 would not require the replacement of citation forms until the printing of new forms is otherwise necessary.

O. Walker Reagan  
Director



Research Division  
(919) 733-2578

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