



HOUSE BILL 685: Clarify DVPO Expiration and Firearm Surrender.

2019-2020 General Assembly

Committee:	House Judiciary. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	April 28, 2019
Introduced by:	Reps. Stevens, McNeill, Hurley	Prepared by:	Tawanda N. Foster
Analysis of:	First Edition		Committee Co-Counsel

OVERVIEW: *House Bill 865 does the following:*

- *Adds procedural deficiencies when a defendant is ordered to attend an abuser treatment program.*
- *Clarifies that a domestic violence protective order (DVPO) expires at 11:59 pm on the last day the order is valid.*
- *Clarifies a defendant may be ordered to surrender firearms upon issuance of an emergency order, ex parte order, or an order issued following notice and due process to the defendant.*

CURRENT LAW:

Chapter 50B of the General Statutes governs domestic violence and provides the remedies available to victims of domestic violence. Protective orders entered under Chapter 50B of the General Statutes are for a fixed period of time not to exceed one year. The aggrieved party may file a motion before the expiration of the current order to renew the order for a fixed period of time not to exceed two years. The court may renew a protective order for good cause.

G.S. 50B-3 provides the methods of relief available when a domestic violence act has been committed and the court grants a protective order restraining the defendant from further acts of domestic violence.

G.S. 50B-3.1 requires a judge to order the defendant to surrender to the sheriff all firearms, machine guns, ammunition, permits to purchase firearms, and permits to carry concealed firearms that are in the care, custody, possession, ownership, or control of the defendant if the court finds certain factors related to the domestic violence incident in an emergency or ex parte hearing order.

BILL ANALYSIS:

Section 1 requires if a court orders a defendant to attend an abuser treatment program, the defendant must to begin regular attendance in an abuser treatment program within 60 days of the entry of the court's order.

- At the time of its order the court will also set a date and time for a review hearing to assess whether the defendant has complied with this part of the order.
- The clerk shall issue a notice of hearing for the compliance review to be given to the defendant in court or to be served on the defendant together with the order.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578

House Bill 685

Page 2

- If at any time prior to the compliance review hearing the defendant may present a written statement from the abuser treatment program showing compliance. Upon receipt of the written statement the clerk must remove the review hearing from the court docket and the defendant will not be required to appear.

This section also clarifies that a domestic violence protection order expires at 11:59 pm on the last day the order is valid, unless otherwise specifically stated in the order.

Section 2 clarifies a defendant may be ordered surrender to the sheriff all firearms, machine guns, ammunition, permits to purchase firearms, and permits to carry concealed firearms that are in the care, custody, possession, ownership, or control of the defendant if the court finds certain factors related to the domestic violence incident in an emergency order, ex parte order, or an order issued following notice and due process to the defendant.

EFFECTIVE DATE: This act becomes effective October 1, 2019, and applies to court orders issued on or after that date.