



# SENATE BILL 156: No-Contact Orders.

2019-2020 General Assembly

---

|   |  |
|---|--|
| <b>Committee:</b> Senate Rules and Operations of the Senate | <b>Date:</b> March 20, 2019            |
| <b>Introduced by:</b> Sens. J. Jackson, Bishop, Daniel      | <b>Prepared by:</b> Shawn Middlebrooks |
| <b>Analysis of:</b> Second Edition                          | Staff Attorney                         |

---

**OVERVIEW:** *Senate Bill 156 would authorize a judicial official to order a defendant not to have contact with the alleged victim.*

## BACKGROUND AND CURRENT LAW:

The North Carolina Court of Appeals noted in *State v. Mitchell*, that judicial officials have no specific statutory authority to order a defendant not to contact a victim if the defendant remains in custody.

**G. S. 15A-534** and **G. S. 15A-534.1** provide the guidelines for a judicial official to set pretrial *release* conditions but do not expressly authorize a judicial official to set a condition on a defendant who remains detained.

**BILL ANALYSIS:** **Senate Bill 156** would do the following:

- Make a no-contact order separate and distinct from pretrial release conditions.
- Creates a new statute that would:
  - Authorize a judicial official to order a defendant to have no contact with the alleged victim.
  - Clarify that a no-contact order is in effect until modified or the final disposition of the criminal charge.
  - Clarify that unless the order is modified, a no-contact order is in effect if the defendant appeals the conviction.
  - Put the defendant on notice that contacting the victim could result in more criminal charges.
  - Make any detention facility aware of that there is a no-contact order.

**EFFECTIVE DATE:** This act would become effective December 1, 2019, and apply to offenses committed on or after that date.

\* Staff Attorney Jennifer Bedford contributed substantially to this summary.

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578