

**Chapter 50B.**  
**Domestic Violence.**

**§ 50B-1. Domestic violence; definition.**

(a) Domestic violence means the commission of one or more of the following acts upon an aggrieved party or upon a minor child residing with or in the custody of the aggrieved party by a person with whom the aggrieved party has or has had a personal relationship, but does not include acts of self-defense:

- (1) Attempting to cause bodily injury, or intentionally causing bodily injury; or
- (2) Placing the aggrieved party or a member of the aggrieved party's family or household in fear of imminent serious bodily injury or continued harassment, as defined in G.S. 14-277.3A, that rises to such a level as to inflict substantial emotional distress; or
- (3) Committing any act defined in G.S. 14-27.2 through G.S. 14-27.7.

(b) For purposes of this section, the term "personal relationship" means a relationship wherein the parties involved:

- (1) Are current or former spouses;
- (2) Are persons of opposite sex who live together or have lived together;
- (3) Are related as parents and children, including others acting in loco parentis to a minor child, or as grandparents and grandchildren. For purposes of this subdivision, an aggrieved party may not obtain an order of protection against a child or grandchild under the age of 16;
- (4) Have a child in common;
- (5) Are current or former household members;
- (6) Are persons of the opposite sex who are in a dating relationship or have been in a dating relationship. For purposes of this subdivision, a dating relationship is one wherein the parties are romantically involved over time and on a continuous basis during the course of the relationship. A casual acquaintance or ordinary fraternization between persons in a business or social context is not a dating relationship.

(c) As used in this Chapter, the term "protective order" includes any order entered pursuant to this Chapter upon hearing by the court or consent of the parties. (1979, c. 561, s. 1; 1985, c. 113, s. 1; 1987, c. 828; 1987 (Reg. Sess., 1988), c. 893, ss. 1, 3; 1995 (Reg. Sess., 1996), c. 591, s. 1; 1997-471, s. 1; 2001-518, s. 3; 2003-107, s. 1; 2009-58, s. 5.)

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

(a) Any person residing in this State may seek relief under this Chapter by filing a civil action or by filing a motion in any existing action filed under Chapter 50 of the General Statutes alleging acts of domestic violence against himself or herself or a minor child who resides with or is in the custody of such person. Any aggrieved party entitled to relief under this Chapter may file a civil action and proceed pro se, without the assistance of legal counsel. The district court division of the General Court of Justice shall have original jurisdiction over actions instituted under this Chapter. Any action for a domestic violence protective order requires that a summons be issued and served. The summons issued pursuant to this Chapter shall require the defendant to answer within 10 days of the date of service. Attachments to the summons shall include the complaint, notice of hearing, any temporary or ex parte order that has been issued, and other papers through the appropriate law enforcement agency where the defendant is to be served. No court costs shall be assessed for the filing, issuance, registration, or service of a protective order or petition for a protective order or witness subpoena in compliance with the Violence Against Women Act, 42 U.S.C. § 3796gg-5.

1 (b) Emergency Relief. – A party may move the court for emergency relief if he or she  
2 believes there is a danger of serious and immediate injury to himself or herself or a minor child.  
3 A hearing on a motion for emergency relief, where no ex parte order is entered, shall be held  
4 after five days' notice of the hearing to the other party or after five days from the date of service  
5 of process on the other party, whichever occurs first, provided, however, that no hearing shall  
6 be required if the service of process is not completed on the other party. If the party is  
7 proceeding pro se and does not request an ex parte hearing, the clerk shall set a date for hearing  
8 and issue a notice of hearing within the time periods provided in this subsection, and shall  
9 effect service of the summons, complaint, notice, and other papers through the appropriate law  
10 enforcement agency where the defendant is to be served.

11 (c) Ex Parte Orders. – Prior to the hearing, if it clearly appears to the court from  
12 specific facts shown, that there is a danger of acts of domestic violence against the aggrieved  
13 party or a minor child, the court may enter orders as it deems necessary to protect the aggrieved  
14 party or minor children from those acts provided, however, that a temporary order for custody  
15 ex parte and prior to service of process and notice shall not be entered unless the court finds  
16 that the child is exposed to a substantial risk of physical or emotional injury or sexual abuse. If  
17 the court finds that the child is exposed to a substantial risk of physical or emotional injury or  
18 sexual abuse, upon request of the aggrieved party, the court shall consider and may order the  
19 other party to stay away from a minor child, or to return a minor child to, or not remove a  
20 minor child from, the physical care of a parent or person in loco parentis, if the court finds that  
21 the order is in the best interest of the minor child and is necessary for the safety of the minor  
22 child. If the court determines that it is in the best interest of the minor child for the other party  
23 to have contact with the minor child or children, the court shall issue an order designed to  
24 protect the safety and well-being of the minor child and the aggrieved party. The order shall  
25 specify the terms of contact between the other party and the minor child and may include a  
26 specific schedule of time and location of exchange of the minor child, supervision by a third  
27 party or supervised visitation center, and any other conditions that will ensure both the  
28 well-being of the minor child and the aggrieved party. Upon the issuance of an ex parte order  
29 under this subsection, a hearing shall be held within 10 days from the date of issuance of the  
30 order or within seven days from the date of service of process on the other party, whichever  
31 occurs later. If an aggrieved party acting pro se requests ex parte relief, the clerk of superior  
32 court shall schedule an ex parte hearing with the district court division of the General Court of  
33 Justice within 72 hours of the filing for said relief, or by the end of the next day on which the  
34 district court is in session in the county in which the action was filed, whichever shall first  
35 occur. If the district court is not in session in said county, the aggrieved party may contact the  
36 clerk of superior court in any other county within the same judicial district who shall schedule  
37 an ex parte hearing with the district court division of the General Court of Justice by the end of  
38 the next day on which said court division is in session in that county. Upon the issuance of an  
39 ex parte order under this subsection, if the party is proceeding pro se, the Clerk shall set a date  
40 for hearing and issue a notice of hearing within the time periods provided in this subsection,  
41 and shall effect service of the summons, complaint, notice, order and other papers through the  
42 appropriate law enforcement agency where the defendant is to be served.

43 (c1) Ex Parte Orders by Authorized Magistrate. – The chief district court judge may  
44 authorize a magistrate or magistrates to hear any motions for emergency relief ex parte. Prior to  
45 the hearing, if the magistrate determines that at the time the party is seeking emergency relief  
46 ex parte the district court is not in session and a district court judge is not and will not be  
47 available to hear the motion for a period of four or more hours, the motion may be heard by the  
48 magistrate. If it clearly appears to the magistrate from specific facts shown that there is a  
49 danger of acts of domestic violence against the aggrieved party or a minor child, the magistrate  
50 may enter orders as it deems necessary to protect the aggrieved party or minor children from  
51 those acts, except that a temporary order for custody ex parte and prior to service of process

1 and notice shall not be entered unless the magistrate finds that the child is exposed to a  
2 substantial risk of physical or emotional injury or sexual abuse. If the magistrate finds that the  
3 child is exposed to a substantial risk of physical or emotional injury or sexual abuse, upon  
4 request of the aggrieved party, the magistrate shall consider and may order the other party to  
5 stay away from a minor child, or to return a minor child to, or not remove a minor child from,  
6 the physical care of a parent or person in loco parentis, if the magistrate finds that the order is  
7 in the best interest of the minor child and is necessary for the safety of the minor child. If the  
8 magistrate determines that it is in the best interest of the minor child for the other party to have  
9 contact with the minor child or children, the magistrate shall issue an order designed to protect  
10 the safety and well-being of the minor child and the aggrieved party. The order shall specify the  
11 terms of contact between the other party and the minor child and may include a specific  
12 schedule of time and location of exchange of the minor child, supervision by a third party or  
13 supervised visitation center, and any other conditions that will ensure both the well-being of the  
14 minor child and the aggrieved party. An ex parte order entered under this subsection shall  
15 expire and the magistrate shall schedule an ex parte hearing before a district court judge by the  
16 end of the next day on which the district court is in session in the county in which the action  
17 was filed. Ex parte orders entered by the district court judge pursuant to this subsection shall be  
18 entered and scheduled in accordance with subsection (c) of this section.

19 (c2) The authority granted to authorized magistrates to award temporary child custody  
20 pursuant to subsection (c1) of this section and pursuant to G.S. 50B-3(a)(4) is granted subject  
21 to custody rules to be established by the supervising chief district judge of each judicial district.

22 (d) Pro Se Forms. – The clerk of superior court of each county shall provide to pro se  
23 complainants all forms that are necessary or appropriate to enable them to proceed pro se  
24 pursuant to this section. The clerk shall, whenever feasible, provide a private area for  
25 complainants to fill out forms and make inquiries. The clerk shall provide a supply of pro se  
26 forms to authorized magistrates who shall make the forms available to complainants seeking  
27 relief under subsection (c1) of this section. (1979, c. 561, s. 1; 1985, c. 113, ss. 2, 3; 1987  
28 (Reg. Sess., 1988), c. 893, s. 2; 1989, c. 461, s. 1; 1994, Ex. Sess., c. 4, s. 1; 1997-471, s. 2;  
29 2001-518, s. 4; 2002-126, s. 29A.6(a); 2004-186, ss. 17.2, 19.1; 2009-342, s. 2.)  
30

### 31 **§ 50B-3. Relief.**

32 (a) If the court, including magistrates as authorized under G.S. 50B-2(c1), finds that an  
33 act of domestic violence has occurred, the court shall grant a protective order restraining the  
34 defendant from further acts of domestic violence. A protective order may include any of the  
35 following types of relief:

- 36 (1) Direct a party to refrain from such acts.
- 37 (2) Grant to a party possession of the residence or household of the parties and  
38 exclude the other party from the residence or household.
- 39 (3) Require a party to provide a spouse and his or her children suitable alternate  
40 housing.
- 41 (4) Award temporary custody of minor children and establish temporary  
42 visitation rights pursuant to G.S. 50B-2 if the order is granted ex parte, and  
43 pursuant to subsection (a1) of this section if the order is granted after notice  
44 or service of process.
- 45 (5) Order the eviction of a party from the residence or household and assistance  
46 to the victim in returning to it.
- 47 (6) Order either party to make payments for the support of a minor child as  
48 required by law.
- 49 (7) Order either party to make payments for the support of a spouse as required  
50 by law.

- 1 (8) Provide for possession of personal property of the parties, including the care,  
2 custody, and control of any animal owned, possessed, kept, or held as a pet  
3 by either party or minor child residing in the household.
- 4 (9) Order a party to refrain from doing any or all of the following:
  - 5 a. Threatening, abusing, or following the other party.
  - 6 b. Harassing the other party, including by telephone, visiting the home  
7 or workplace, or other means.
  - 8 b1. Cruelly treating or abusing an animal owned, possessed, kept, or held  
9 as a pet by either party or minor child residing in the household.
  - 10 c. Otherwise interfering with the other party.
- 11 (10) Award attorney's fees to either party.
- 12 (11) Prohibit a party from purchasing a firearm for a time fixed in the order.
- 13 (12) Order any party the court finds is responsible for acts of domestic violence  
14 to attend and complete an abuser treatment program if the program is  
15 approved by the Domestic Violence Commission.
- 16 (13) Include any additional prohibitions or requirements the court deems  
17 necessary to protect any party or any minor child.
- 18 (a1) Upon the request of either party at a hearing after notice or service of process, the  
19 court shall consider and may award temporary custody of minor children and establish  
20 temporary visitation rights as follows:
  - 21 (1) In awarding custody or visitation rights, the court shall base its decision on  
22 the best interest of the minor child with particular consideration given to the  
23 safety of the minor child.
  - 24 (2) For purposes of determining custody and visitation issues, the court shall  
25 consider:
    - 26 a. Whether the minor child was exposed to a substantial risk of physical  
27 or emotional injury or sexual abuse.
    - 28 b. Whether the minor child was present during acts of domestic  
29 violence.
    - 30 c. Whether a weapon was used or threatened to be used during any act  
31 of domestic violence.
    - 32 d. Whether a party caused or attempted to cause serious bodily injury to  
33 the aggrieved party or the minor child.
    - 34 e. Whether a party placed the aggrieved party or the minor child in  
35 reasonable fear of imminent serious bodily injury.
    - 36 f. Whether a party caused an aggrieved party to engage involuntarily in  
37 sexual relations by force, threat, or duress.
    - 38 g. Whether there is a pattern of abuse against an aggrieved party or the  
39 minor child.
    - 40 h. Whether a party has abused or endangered the minor child during  
41 visitation.
    - 42 i. Whether a party has used visitation as an opportunity to abuse or  
43 harass the aggrieved party.
    - 44 j. Whether a party has improperly concealed or detained the minor  
45 child.
    - 46 k. Whether a party has otherwise acted in a manner that is not in the  
47 best interest of the minor child.
  - 48 (3) If the court awards custody, the court shall also consider whether visitation  
49 is in the best interest of the minor child. If ordering visitation, the court shall  
50 provide for the safety and well-being of the minor child and the safety of the  
51 aggrieved party. The court may consider any of the following:

- a. Ordering an exchange of the minor child to occur in a protected setting or in the presence of an appropriate third party.
- b. Ordering visitation supervised by an appropriate third party, or at a supervised visitation center or other approved agency.
- c. Ordering the noncustodial parent to attend and complete, to the satisfaction of the court, an abuser treatment program as a condition of visitation.
- d. Ordering either or both parents to abstain from possession or consumption of alcohol or controlled substances during the visitation or for 24 hours preceding an exchange of the minor child.
- e. Ordering the noncustodial parent to pay the costs of supervised visitation.
- f. Prohibiting overnight visitation.
- g. Requiring a bond from the noncustodial parent for the return and safety of the minor child.
- h. Ordering an investigation or appointment of a guardian ad litem or attorney for the minor child.
- i. Imposing any other condition that is deemed necessary to provide for the safety and well-being of the minor child and the safety of the aggrieved party.

If the court grants visitation, the order shall specify dates and times for the visitation to take place or other specific parameters or conditions that are appropriate. A person, supervised visitation center, or other agency may be approved to supervise visitation after appearing in court or filing an affidavit accepting that responsibility and acknowledging accountability to the court.

- (4) A temporary custody order entered pursuant to this Chapter shall be without prejudice and shall be for a fixed period of time not to exceed one year. Nothing in this section shall be construed to affect the right of the parties to a de novo hearing under Chapter 50 of the General Statutes. Any subsequent custody order entered under Chapter 50 of the General Statutes supersedes a temporary order issued pursuant to this Chapter.

(b) 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.

(c) A copy of any order entered and filed under this Article shall be issued to each party. In addition, a copy of the order shall be issued promptly to and retained by the police department of the city of the victim's residence. If the victim does not reside in a city or resides in a city with no police department, copies shall be issued promptly to and retained by the sheriff, and the county police department, if any, of the county in which the victim resides. If the defendant is ordered to stay away from the child's school, a copy of the order shall be delivered promptly by the sheriff to the principal or, in the principal's absence, the assistant principal or the principal's designee of each school named in the order.

1 (c1) When a protective order issued under this Chapter is filed with the Clerk of Superior  
2 Court, the clerk shall provide to the applicant an informational sheet developed by the  
3 Administrative Office of the Courts that includes:

- 4 (1) Domestic violence agencies and services.
- 5 (2) Sexual assault agencies and services.
- 6 (3) Victims' compensation services.
- 7 (4) Legal aid services.
- 8 (5) Address confidentiality services.
- 9 (6) An explanation of the plaintiff's right to apply for a permit under G.S.  
10 14-415.15.

11 (d) The sheriff of the county where a domestic violence order is entered shall provide  
12 for prompt entry of the order into the National Crime Information Center registry and shall  
13 provide for access of such orders to magistrates on a 24-hour-a-day basis. Modifications,  
14 terminations, renewals, and dismissals of the order shall also be promptly entered. (1979, c.  
15 561, s. 1; 1985, c. 463; 1994, Ex. Sess., c. 4, s. 2; 1995, c. 527, s. 1; 1995 (Reg. Sess., 1996), c.  
16 591, s. 2; c. 742, s. 42.1.; 1999-23, s. 1; 2000-125, s. 9; 2002-105, s. 2; 2002-126, s. 29A.6(b);  
17 2003-107, s. 2; 2004-186, ss. 17.3-17.5; 2005-343, s. 2; 2005-423, s. 1; 2007-116, s. 3;  
18 2009-425, s. 1.)

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20 **§ 50B-3.1. Surrender and disposal of firearms; violations; exemptions.**

21 (a) Required Surrender of Firearms. – Upon issuance of an emergency or ex parte order  
22 pursuant to this Chapter, the court shall order the defendant to surrender to the sheriff all  
23 firearms, machine guns, ammunition, permits to purchase firearms, and permits to carry  
24 concealed firearms that are in the care, custody, possession, ownership, or control of the  
25 defendant if the court finds any of the following factors:

- 26 (1) The use or threatened use of a deadly weapon by the defendant or a pattern  
27 of prior conduct involving the use or threatened use of violence with a  
28 firearm against persons.
- 29 (2) Threats to seriously injure or kill the aggrieved party or minor child by the  
30 defendant.
- 31 (3) Threats to commit suicide by the defendant.
- 32 (4) Serious injuries inflicted upon the aggrieved party or minor child by the  
33 defendant.

34 (b) Ex Parte or Emergency Hearing. – The court shall inquire of the plaintiff, at the ex  
35 parte or emergency hearing, the presence of, ownership of, or otherwise access to firearms by  
36 the defendant, as well as ammunition, permits to purchase firearms, and permits to carry  
37 concealed firearms, and include, whenever possible, identifying information regarding the  
38 description, number, and location of firearms, ammunition, and permits in the order.

39 (c) Ten-Day Hearing. – The court, at the 10-day hearing, shall inquire of the defendant  
40 the presence of, ownership of, or otherwise access to firearms by the defendant, as well as  
41 ammunition, permits to purchase firearms, and permits to carry concealed firearms, and  
42 include, whenever possible, identifying information regarding the description, number, and  
43 location of firearms, ammunition, and permits in the order.

44 (d) Surrender. – Upon service of the order, the defendant shall immediately surrender to  
45 the sheriff possession of all firearms, machine guns, ammunition, permits to purchase firearms,  
46 and permits to carry concealed firearms that are in the care, custody, possession, ownership, or  
47 control of the defendant. In the event that weapons cannot be surrendered at the time the order  
48 is served, the defendant shall surrender the firearms, ammunitions, and permits to the sheriff  
49 within 24 hours of service at a time and place specified by the sheriff. The sheriff shall store the  
50 firearms or contract with a licensed firearms dealer to provide storage.

1 (1) If the court orders the defendant to surrender firearms, ammunition, and  
2 permits, the court shall inform the plaintiff and the defendant of the terms of  
3 the protective order and include these terms on the face of the order,  
4 including that the defendant is prohibited from possessing, purchasing, or  
5 receiving or attempting to possess, purchase, or receive a firearm for so long  
6 as the protective order or any successive protective order is in effect. The  
7 terms of the order shall include instructions as to how the defendant may  
8 request retrieval of any firearms, ammunition, and permits surrendered to the  
9 sheriff when the protective order is no longer in effect. The terms shall also  
10 include notice of the penalty for violation of G.S. 14-269.8.

11 (2) The sheriff may charge the defendant a reasonable fee for the storage of any  
12 firearms and ammunition taken pursuant to a protective order. The fees are  
13 payable to the sheriff. The sheriff shall transmit the proceeds of these fees to  
14 the county finance officer. The fees shall be used by the sheriff to pay the  
15 costs of administering this section and for other law enforcement purposes.  
16 The county shall expend the restricted funds for these purposes only. The  
17 sheriff shall not release firearms, ammunition, or permits without a court  
18 order granting the release. The defendant must remit all fees owed prior to  
19 the authorized return of any firearms, ammunition, or permits. The sheriff  
20 shall not incur any civil or criminal liability for alleged damage or  
21 deterioration due to storage or transportation of any firearms or ammunition  
22 held pursuant to this section.

23 (e) Retrieval. – If the court does not enter a protective order when the ex parte or  
24 emergency order expires, the defendant may retrieve any weapons surrendered to the sheriff  
25 unless the court finds that the defendant is precluded from owning or possessing a firearm  
26 pursuant to State or federal law or final disposition of any pending criminal charges committed  
27 against the person that is the subject of the current protective order.

28 (f) Motion for Return. – The defendant may request the return of any firearms,  
29 ammunition, or permits surrendered by filing a motion with the court at the expiration of the  
30 current order or final disposition of any pending criminal charges committed against the person  
31 that is the subject of the current protective order and not later than 90 days after the expiration  
32 of the current order or final disposition of any pending criminal charges committed against the  
33 person that is the subject of the current protective order. Upon receipt of the motion, the court  
34 shall schedule a hearing and provide written notice to the plaintiff who shall have the right to  
35 appear and be heard and to the sheriff who has control of the firearms, ammunition, or permits.  
36 The court shall determine whether the defendant is subject to any State or federal law or court  
37 order that precludes the defendant from owning or possessing a firearm. The inquiry shall  
38 include:

- 39 (1) Whether the protective order has been renewed.  
40 (2) Whether the defendant is subject to any other protective orders.  
41 (3) Whether the defendant is disqualified from owning or possessing a firearm  
42 pursuant to 18 U.S.C. § 922 or any State law.  
43 (4) Whether the defendant has any pending criminal charges, in either State or  
44 federal court, committed against the person that is the subject of the current  
45 protective order.

46 The court shall deny the return of firearms, ammunition, or permits if the court finds that the  
47 defendant is precluded from owning or possessing a firearm pursuant to State or federal law or  
48 if the defendant has any pending criminal charges, in either State or federal court, committed  
49 against the person that is the subject of the current protective order until the final disposition of  
50 those charges.

1 (g) Motion for Return by Third-Party Owner. – A third-party owner of firearms,  
2 ammunition, or permits who is otherwise eligible to possess such items may file a motion  
3 requesting the return to said third party of any such items in the possession of the sheriff seized  
4 as a result of the entry of a domestic violence protective order. The motion must be filed not  
5 later than 30 days after the seizure of the items by the sheriff. Upon receipt of the third party's  
6 motion, the court shall schedule a hearing and provide written notice to all parties and the  
7 sheriff. The court shall order return of the items to the third party unless the court determines  
8 that the third party is disqualified from owning or possessing said items pursuant to State or  
9 federal law. If the court denies the return of said items to the third party, the items shall be  
10 disposed of by the sheriff as provided in subsection (h) of this section.

11 (h) Disposal of Firearms. – If the defendant does not file a motion requesting the return  
12 of any firearms, ammunition, or permits surrendered within the time period prescribed by this  
13 section, if the court determines that the defendant is precluded from regaining possession of  
14 any firearms, ammunition, or permits surrendered, or if the defendant or third-party owner fails  
15 to remit all fees owed for the storage of the firearms or ammunition within 30 days of the entry  
16 of the order granting the return of the firearms, ammunition, or permits, the sheriff who has  
17 control of the firearms, ammunition, or permits shall give notice to the defendant, and the  
18 sheriff shall apply to the court for an order of disposition of the firearms, ammunition, or  
19 permits. The judge, after a hearing, may order the disposition of the firearms, ammunition, or  
20 permits in one or more of the ways authorized by law, including subdivision (4), (4b), (5), or  
21 (6) of G.S. 14-269.1. If a sale by the sheriff does occur, any proceeds from the sale after  
22 deducting any costs associated with the sale, and in accordance with all applicable State and  
23 federal law, shall be provided to the defendant, if requested by the defendant by motion made  
24 before the hearing or at the hearing and if ordered by the judge.

25 (i) It is unlawful for any person subject to a protective order prohibiting the possession  
26 or purchase of firearms to:

- 27 (1) Fail to surrender all firearms, ammunition, permits to purchase firearms, and  
28 permits to carry concealed firearms to the sheriff as ordered by the court;
- 29 (2) Fail to disclose all information pertaining to the possession of firearms,  
30 ammunition, and permits to purchase and permits to carry concealed  
31 firearms as requested by the court; or
- 32 (3) Provide false information to the court pertaining to any of these items.

33 (j) Violations. – In accordance with G.S. 14-269.8, it is unlawful for any person to  
34 possess, purchase, or receive or attempt to possess, purchase, or receive a firearm, as defined in  
35 G.S. 14-409.39(2), machine gun, ammunition, or permits to purchase or carry concealed  
36 firearms if ordered by the court for so long as that protective order or any successive protective  
37 order entered against that person pursuant to this Chapter is in effect. Any defendant violating  
38 the provisions of this section shall be guilty of a Class H felony.

39 (k) Official Use Exemption. – This section shall not prohibit law enforcement officers  
40 and members of any branch of the Armed Forces of the United States, not otherwise prohibited  
41 under federal law, from possessing or using firearms for official use only.

42 (l) Nothing in this section is intended to limit the discretion of the court in granting  
43 additional relief as provided in other sections of this Chapter. (2003-410, s. 1; 2004-203, s.  
44 34(a); 2005-287, s. 4; 2005-423, ss. 2, 3; 2011-183, s. 40; 2011-268, ss. 23, 24.)

#### 45 § 50B-4. Enforcement of orders.

46 (a) A party may file a motion for contempt for violation of any order entered pursuant  
47 to this Chapter. This party may file and proceed with that motion pro se, using forms provided  
48 by the clerk of superior court or a magistrate authorized under G.S. 50B-2(c1). Upon the filing  
49 pro se of a motion for contempt under this subsection, the clerk, or the authorized magistrate, if  
50 the facts show clearly that there is danger of acts of domestic violence against the aggrieved  
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1 party or a minor child and the motion is made at a time when the clerk is not available, shall  
2 schedule and issue notice of a show cause hearing with the district court division of the General  
3 Court of Justice at the earliest possible date pursuant to G.S. 5A-23. The Clerk, or the  
4 magistrate in the case of notice issued by the magistrate pursuant to this subsection, shall effect  
5 service of the motion, notice, and other papers through the appropriate law enforcement agency  
6 where the defendant is to be served.

7 (b) Repealed by Session Laws 1999-23, s. 2, effective February 1, 2000.

8 (c) A valid protective order entered pursuant to this Chapter shall be enforced by all  
9 North Carolina law enforcement agencies without further order of the court.

10 (d) A valid protective order entered by the courts of another state or the courts of an  
11 Indian tribe shall be accorded full faith and credit by the courts of North Carolina whether or  
12 not the order has been registered and shall be enforced by the courts and the law enforcement  
13 agencies of North Carolina as if it were an order issued by a North Carolina court. In  
14 determining the validity of an out-of-state order for purposes of enforcement, a law  
15 enforcement officer may rely upon a copy of the protective order issued by another state or the  
16 courts of an Indian tribe that is provided to the officer and on the statement of a person  
17 protected by the order that the order remains in effect. Even though registration is not required,  
18 a copy of a protective order may be registered in North Carolina by filing with the clerk of  
19 superior court in any county a copy of the order and an affidavit by a person protected by the  
20 order that to the best of that person's knowledge the order is presently in effect as written.  
21 Notice of the registration shall not be given to the defendant. Upon registration of the order, the  
22 clerk shall promptly forward a copy to the sheriff of that county. Unless the issuing state has  
23 already entered the order, the sheriff shall provide for prompt entry of the order into the  
24 National Crime Information Center registry pursuant to G.S. 50B-3(d).

25 (e) Upon application or motion by a party to the court, the court shall determine  
26 whether an out-of-state order remains in full force and effect.

27 (f) The term "valid protective order," as used in subsections (c) and (d) of this section,  
28 shall include an emergency or ex parte order entered under this Chapter. (1979, c. 561, s. 1;  
29 1985, c. 113, s. 4; 1987, c. 739, s. 6; 1989, c. 461, s. 2; 1994, Ex. Sess., c. 4, s. 3; 1995 (Reg.  
30 Sess., 1996), c. 591, s. 3; 1999-23, s. 2; 2002-126, s. 29A.6(c); 2003-107, s. 3; 2009-342, s. 4.)  
31

#### 32 **§ 50B-4.1. Violation of valid protective order.**

33 (a) Except as otherwise provided by law, a person who knowingly violates a valid  
34 protective order entered pursuant to this Chapter or who knowingly violates a valid protective  
35 order entered by the courts of another state or the courts of an Indian tribe shall be guilty of a  
36 Class A1 misdemeanor.

37 (b) A law enforcement officer shall arrest and take a person into custody, with or  
38 without a warrant or other process, if the officer has probable cause to believe that the person  
39 knowingly has violated a valid protective order excluding the person from the residence or  
40 household occupied by a victim of domestic violence or directing the person to refrain from  
41 doing any or all of the acts specified in G.S. 50B-3(a)(9).

42 (c) When a law enforcement officer makes an arrest under this section without a  
43 warrant, and the party arrested contests that the out-of-state order or the order issued by an  
44 Indian court remains in full force and effect, the party arrested shall be promptly provided with  
45 a copy of the information applicable to the party which appears on the National Crime  
46 Information Center registry by the sheriff of the county in which the arrest occurs.

47 (d) Unless covered under some other provision of law providing greater punishment, a  
48 person who commits a felony at a time when the person knows the behavior is prohibited by a  
49 valid protective order as provided in subsection (a) of this section shall be guilty of a felony  
50 one class higher than the principal felony described in the charging document. This subsection

1 shall not apply to a person who is charged with or convicted of a Class A or B1 felony or to a  
2 person charged under subsection (f) or subsection (g) of this section.

3 (e) An indictment or information that charges a person with committing felonious  
4 conduct as described in subsection (d) of this section shall also allege that the person  
5 knowingly violated a valid protective order as described in subsection (a) of this section in the  
6 course of the conduct constituting the underlying felony. In order for a person to be punished as  
7 described in subsection (d) of this section, a finding shall be made that the person knowingly  
8 violated the protective order in the course of conduct constituting the underlying felony.

9 (f) Unless covered under some other provision of law providing greater punishment,  
10 any person who knowingly violates a valid protective order as provided in subsection (a) of this  
11 section, after having been previously convicted of two offenses under this Chapter, shall be  
12 guilty of a Class H felony.

13 (g) Unless covered under some other provision of law providing greater punishment,  
14 any person who, while in possession of a deadly weapon on or about his or her person or within  
15 close proximity to his or her person, knowingly violates a valid protective order as provided in  
16 subsection (a) of this section by failing to stay away from a place, or a person, as so directed  
17 under the terms of the order, shall be guilty of a Class H felony.

18 (g1) Unless covered under some other provision of law providing greater punishment,  
19 any person who is subject to a valid protective order, as provided in subsection (a) of this  
20 section, who enters property operated as a safe house or haven for victims of domestic  
21 violence, where a person protected under the order is residing, shall be guilty of a Class H  
22 felony. A person violates this subsection regardless of whether the person protected under the  
23 order is present on the property.

24 (h) For the purposes of this section, the term "valid protective order" shall include an  
25 emergency or ex parte order entered under this Chapter. (1997-471, s. 3; 1997-456, s. 27;  
26 1999-23, s. 4; 2001-518, s. 5; 2007-190, s. 1; 2008-93, s. 1; 2009-342, s. 5; 2009-389, s. 2;  
27 2010-5, s. 1.)

28  
29 **§ 50B-4.2. False statement regarding protective order a misdemeanor.**

30 A person who knowingly makes a false statement to a law enforcement agency or officer  
31 that a protective order entered pursuant to this Chapter or by the courts of another state or  
32 Indian tribe remains in effect shall be guilty of a Class 2 misdemeanor. (1999-23, s. 5.)

33  
34 **§ 50B-5. Emergency assistance.**

35 (a) A person who alleges that he or she or a minor child has been the victim of domestic  
36 violence may request the assistance of a local law enforcement agency. The local law  
37 enforcement agency shall respond to the request for assistance as soon as practicable. The local  
38 law enforcement officer responding to the request for assistance may take whatever steps are  
39 reasonably necessary to protect the complainant from harm and may advise the complainant of  
40 sources of shelter, medical care, counseling and other services. Upon request by the  
41 complainant and where feasible, the law enforcement officer may transport the complainant to  
42 appropriate facilities such as hospitals, magistrates' offices, or public or private facilities for  
43 shelter and accompany the complainant to his or her residence, within the jurisdiction in which  
44 the request for assistance was made, so that the complainant may remove food, clothing,  
45 medication and such other personal property as is reasonably necessary to enable the  
46 complainant and any minor children who are presently in the care of the complainant to remain  
47 elsewhere pending further proceedings.

48 (b) In providing the assistance authorized by subsection (a), no officer may be held  
49 criminally or civilly liable on account of reasonable measures taken under authority of  
50 subsection (a). (1979, c. 561, s. 1; 1985, c. 113, s. 5; 1999-23, s. 6.)

1 **§ 50B-5.5. Employment discrimination unlawful.**

2 (a) No employer shall discharge, demote, deny a promotion, or discipline an employee  
3 because the employee took reasonable time off from work to obtain or attempt to obtain relief  
4 under this Chapter. An employee who is absent from the workplace shall follow the employer's  
5 usual time-off policy or procedure, including advance notice to the employer, when required by  
6 the employer's usual procedures, unless an emergency prevents the employee from doing so.  
7 An employer may require documentation of any emergency that prevented the employee from  
8 complying in advance with the employer's usual time-off policy or procedure, or any other  
9 information available to the employee which supports the employee's reason for being absent  
10 from the workplace.

11 (b) The Commissioner of Labor shall enforce the provisions of this section according to  
12 Article 21 of Chapter 95 of the General Statutes, including the rules and regulations issued  
13 pursuant to the Article. (2004-186, s. 18.1.)  
14

15 **§ 50B-6. Construction of Chapter.**

16 This Chapter shall not be construed as granting a status to any person for any purpose other  
17 than those expressly stated herein. This Chapter shall not be construed as relieving any person  
18 or institution of the duty to report to the department of social services, as required by G.S.  
19 7B-301, if the person or institution has cause to suspect that a juvenile is abused or neglected.  
20 (1979, c. 561, s. 1; 1985, c. 113, s. 6; 1998-202, s. 13(r).)  
21

22 **§ 50B-7. Remedies not exclusive.**

23 The remedies provided by this Chapter are not exclusive but are additional to remedies  
24 provided under Chapter 50 and elsewhere in the General Statutes. (1979, c. 561, s. 1.)  
25

26 **§ 50B-8. Effect upon prosecution for violation of § 14-184 or other offense against public  
27 morals.**

28 The granting of a protective order, prosecution for violation of this Chapter, or the granting  
29 of any other relief or the institution of any other enforcement proceedings under this Chapter  
30 shall not be construed to afford a defense to any person or persons charged with fornication and  
31 adultery under G.S. 14-184 or charged with any other offense against the public morals; and  
32 prosecution, conviction, or prosecution and conviction for violation of any provision of this  
33 Chapter shall not be a bar to prosecution for violation of G.S. 14-184 or of any other statute  
34 defining an offense or offenses against the public morals. (1979, c. 561, s. 1; 2003-107, s. 4.)  
35

36 **§ 50B-9. Domestic Violence Center Fund.**

37 The Domestic Violence Center Fund is established within the State Treasury. The fund  
38 shall be administered by the Department of Administration, North Carolina Council for  
39 Women, and shall be used to make grants to centers for victims of domestic violence and to  
40 The North Carolina Coalition Against Domestic Violence, Inc. This fund shall be administered  
41 in accordance with the provisions of the Executive Budget Act. The Department of  
42 Administration shall make quarterly grants to each eligible domestic violence center and to The  
43 North Carolina Coalition Against Domestic Violence, Inc. Each grant recipient shall receive the  
44 same amount. To be eligible to receive funds under this section, a domestic violence center  
45 must meet the following requirements:

- 46 (1) It shall have been in operation on the preceding July 1 and shall continue to  
47 be in operation.  
48 (2) It shall offer all of the following services: a hotline, transportation services,  
49 community education programs, daytime services, and call forwarding  
50 during the night and it shall fulfill other criteria established by the  
51 Department of Administration.

1  
2

- (3) It shall be a nonprofit corporation or a local governmental entity. (1991, c. 693, s. 3; 1991 (Reg. Sess., 1992), c. 988, s. 1.)