

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 202

Short Title: DV Order/Plaintiff Protection. (Public)

Sponsors: Representatives Hilton, Gulley (Primary Sponsors); Blackwood, Brown, Cleveland, Current, Folwell, Frye, McGee, Moore, Neumann, Setzer, and Starnes.

Referred to: Judiciary I.

February 15, 2007

A BILL TO BE ENTITLED

AN ACT TO ENSURE THAT A PERSON WHO IS GRANTED A DOMESTIC VIOLENCE PROTECTIVE ORDER IS NOT PROHIBITED FROM PURCHASING A FIREARM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 50B-3(a) reads as rewritten:

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

- (1) Direct a party to refrain from such acts.
- (2) Grant to a party possession of the residence or household of the parties and exclude the other party from the residence or household.
- (3) Require a party to provide a spouse and his or her children suitable alternate housing.
- (4) Award temporary custody of minor children and establish temporary visitation rights pursuant to G.S. 50B-2 if the order is granted ex parte, and pursuant to subsection (a1) of this section if the order is granted after notice or service of process.
- (5) Order the eviction of a party from the residence or household and assistance to the victim in returning to it.
- (6) Order either party to make payments for the support of a minor child as required by law.
- (7) Order either party to make payments for the support of a spouse as required by law.
- (8) Provide for possession of personal property of the parties.
- (9) Order a party to refrain from doing any or all of the following:

- 1 a. Threatening, abusing, or following the other party.
2 b. Harassing the other party, including by telephone, visiting the
3 home or workplace, or other means.
4 c. Otherwise interfering with the other party.
5 (10) Award attorney's fees to either party.
6 (11) Prohibit ~~a party~~ the defendant from purchasing a firearm for a time
7 fixed in the order.
8 (12) Order any party the court finds is responsible for acts of domestic
9 violence to attend and complete an abuser treatment program if the
10 program is approved by the Domestic Violence Commission.
11 (13) Include any additional prohibitions or requirements the court deems
12 necessary to protect any party or any minor child."
13 **SECTION 2.** This act becomes effective July 1, 2007.