

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 1255  
Second Edition Engrossed 5/14/09

Short Title: Sex Offenders/Permanent No Contact Order. (Public)

Sponsors: Representatives Holloway, Wiley, Underhill, Parmon (Primary Sponsors);  
Blackwood, Blust, Cleveland, Coates, Faison, Guice, Gulley, Hilton, Howard,  
Hurley, Insko, Johnson, Justice, Justus, Langdon, Moore, Neumann, Setzer,  
Spear, Starnes, and Wray.

Referred to: Ways and Means/Broadband Connectivity, if favorable, Judiciary III.

April 9, 2009

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT WHEN SENTENCING A DEFENDANT CONVICTED OF A  
SEX OFFENSE AND UPON REQUEST OF THE DISTRICT ATTORNEY, THE COURT  
MAY ENTER A PERMANENT NO CONTACT ORDER PROHIBITING ANY FUTURE  
CONTACT OF A CONVICTED SEX OFFENDER WITH THE CRIME VICTIM IF THE  
COURT DETERMINES THAT APPROPRIATE GROUNDS EXIST FOR THE ORDER.

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 15A of the General Statutes is amended by adding a new  
Article to read:

"Article 81D.

"Permanent No Contact Order Against Convicted Sex Offender.

**"§ 15A-1340.50. Permanent no contact order prohibiting future contact by convicted sex  
offender with crime victim.**

(a) The following definitions apply in this Article:

(1) Permanent no contact order. – A permanent injunction that prohibits any  
contact by a defendant with the victim of the sex offense for which the  
defendant is convicted. The duration of the injunction is the lifetime of the  
defendant.

(2) Sex offense. – Any criminal offense that requires registration under Article  
27A of Chapter 14 of the General Statutes.

(3) Victim. – The person against whom the sex offense was committed.

(b) When sentencing a defendant convicted of a sex offense, the judge, at the request of  
the district attorney, shall determine whether to issue a permanent no contact order. The judge  
shall order the defendant to show cause why a permanent no contact order shall not be issued  
and shall hold a show cause hearing as part of the sentencing procedures for the defendant.

(c) The defendant or victim may move to dismiss the order.

(d) The judge sentencing the defendant is the trier of fact regarding the show cause  
hearing.

(e) At the conclusion of the show cause hearing the judge shall enter a finding for or  
against the defendant. If the judge determines that reasonable grounds exist for the victim to  
fear any future contact with the defendant, the judge shall issue the permanent no contact order.  
The judge shall enter written findings of fact and the grounds on which the permanent no



1 contact order is issued. The no contact order shall be incorporated into the judgment imposing  
2 the sentence on the defendant for the conviction of the sex offense.

3 (f) The court may grant one or more of the following forms of relief in a permanent no  
4 contact order under this Article:

5 (1) Order the defendant not to threaten, visit, assault, molest, or otherwise  
6 interfere with the victim.

7 (2) Order the defendant not to follow the victim, including at the victim's  
8 workplace.

9 (3) Order the defendant not to harass the victim.

10 (4) Order the defendant not to abuse or injure the victim.

11 (5) Order the defendant not to contact the victim by telephone, written  
12 communication, or electronic means.

13 (6) Order the defendant to refrain from entering or remaining present at the  
14 victim's residence, school, place of employment, or other specified places at  
15 times when the victim is present.

16 (7) Order other relief deemed necessary and appropriate by the court.

17 (g) A permanent no contact order entered pursuant to this Article shall be enforced by  
18 all North Carolina law enforcement agencies without further order of the court. A law  
19 enforcement officer shall arrest and take a person into custody without a warrant or other  
20 process if the officer has probable cause to believe that the person knowingly has violated a  
21 permanent no contact order. A person who knowingly violates a permanent no contact order is  
22 guilty of a Class A1 misdemeanor.

23 (h) The remedy provided by this Article is not exclusive but is in addition to other  
24 remedies provided under law."

25 **SECTION 2.** This act becomes effective December 1, 2009, and applies to  
26 offenses committed on or after that date.