

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 743

Short Title: No Firearm/Domestic Violence Order.

(Public)

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Sponsors: Representatives Clary; Baker, Bowie, Cansler, Capps, Carpenter, Culp, Cummings, Davis, Dickson, Eddins, Hiatt, Linney, McAllister, McComas, K. Miller, Owens, Pate, Preston, Pulley, Rayfield, Reynolds, Sharpe, Shubert, Snowden, Weatherly, Wilkins, and G. Wilson.

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Referred to: Judiciary II.

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April 3, 1995

A BILL TO BE ENTITLED

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2 AN ACT TO STRENGTHEN THE DOMESTIC VIOLENCE LAW BY REQUIRING A  
3 DOMESTIC VIOLENCE ORDER TO BE ACCESSIBLE BY COMPUTER AND  
4 TO MAKE IT A CLASS H FELONY FOR ANY PERSON SUBJECT TO A  
5 DOMESTIC VIOLENCE ORDER TO PURCHASE ANY FIREARM OR FOR A  
6 PERSON TO SELL OR GIVE A FIREARM TO A PERSON SUBJECT TO A  
7 DOMESTIC VIOLENCE ORDER.

8 The General Assembly of North Carolina enacts:

9 Section 1. G.S. 50B-3 reads as rewritten:

10 "**§ 50B-3. Relief.**

11 (a) The court may grant any protective order or approve any consent agreement to  
12 bring about a cessation of acts of domestic violence. The orders or agreements may:

13 (1) Direct a party to refrain from such acts;

14 (2) Grant to a spouse possession of the residence or household of the parties  
15 and exclude the other spouse from the residence or household;

16 (3) Require a party to provide a spouse and his or her children suitable  
17 alternate housing;

- 1 (4) Award temporary custody of minor children and establish temporary  
2 visitation rights;
- 3 (5) Order the eviction of a party from the residence or household and  
4 assistance to the victim in returning to it;
- 5 (6) Order either party to make payments for the support of a minor child as  
6 required by law;
- 7 (7) Order either party to make payments for the support of a spouse as  
8 required by law;
- 9 (8) Provide for possession of personal property of the parties;
- 10 (9) Order a party to refrain from harassing or interfering with the other; ~~and~~
- 11 (10) Award costs and attorney's fees to either party; ~~and~~
- 12 (11) Prohibit a party from purchasing a firearm for a time fixed in the order.

13 (b) Protective orders entered or consent orders approved pursuant to this Chapter  
14 shall be for a fixed period of time not to exceed one year.

15 (c) A copy of any order entered and filed under this Article shall be issued to each  
16 party. In addition, a copy of the order shall be issued to and retained by the police  
17 department of the city of the victim's residence. If the victim does not reside in a city or  
18 resides in a city with no police department, copies shall be issued to and retained by the  
19 sheriff, and the county police department, if any, of the county in which the victim  
20 resides.

21 (d) The Administrative Office of the Courts shall provide for immediate entry of  
22 domestic orders in its computerized records and provide for access of such orders to  
23 magistrates and law enforcement personnel on a 24-hour-a-day basis, including any  
24 prohibition against purchase of firearms. Modification of the orders shall also be  
25 entered."

26 Sec. 2. Article 35 of Chapter 14 of the General Statutes is amended by adding  
27 a new section to read:

28 "**§ 14-269.8. Purchase of firearms by person subject to domestic violence order**  
29 **prohibited.**

30 (a) It is unlawful for any person to purchase or attempt to purchase any gun, rifle,  
31 pistol, or other firearm while there remains in force and effect a domestic violence order  
32 issued pursuant to Chapter 50B of the General Statutes, prohibiting the person from  
33 purchasing a firearm.

34 (b) It is unlawful for any person to sell or give a firearm to another who is subject  
35 to a currently enforceable domestic violence order issued pursuant to Chapter 50B of the  
36 General Statutes that prohibits the purchase of a firearm when the seller or giver knows  
37 or reasonably should know that the person is subject to the Chapter 50B order.

38 (c) Any person violating the provisions of this section shall be guilty of a Class H  
39 felony."

40 Sec. 3. This act becomes effective October 1, 1995, and applies to offenses  
41 committed on or after that date.