

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 9

Short Title: DV Order/No Firearm Purchase. (Public)

Sponsors: Senators Boseman; Atwater, Cowell, Dannelly, Goodall, and Jenkins.

Referred to: Judiciary 1 (Civil).

February 12, 2007

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT A PERSON SUBJECT TO A DOMESTIC
3 VIOLENCE PROTECTIVE ORDER IS PROHIBITED FROM PURCHASING A
4 FIREARM.

5 The General Assembly of North Carolina enacts:

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

7 "**§ 50B-3. Relief.**

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

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

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