



HOUSE BILL 284: CivPro/Civil Contempt/No Fines

2015-2016 General Assembly

Committee: Senate Judiciary I
Introduced by: Reps. Glazier, Stam, L. Hall
Analysis of: First Edition

Date: July 21, 2015
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Committee Counsel

SUMMARY: *House Bill 284 would clarify that imposition of a fine is not an allowable sanction for civil contempt.*

CURRENT LAW: G.S. 5A-21 governs civil contempt. An act of civil contempt is continuing as long as all of the following are true:

- (1) The order remains in force.
- (2) The purpose of the order may still be served by compliance with the order.
- (2a) The noncompliance by the person to whom the order is directed is willful.
- (3) The person to whom the order is directed is able to comply with the order or is able to take reasonable measures that would enable the person to comply with the order.

Subject to certain limitations, a person found in civil contempt may be imprisoned for no more than 90 days for the same act of disobedience or refusal to comply with a court order. A person who has not purged himself or herself of the contempt within the period of imprisonment may be recommitted for one or more successive periods of imprisonment, each not to exceed 90 days. The total period of imprisonment for the same act of disobedience or refusal to comply with a court order shall not exceed 12 months.

BILL ANALYSIS: House Bill 284 would clarify that a fine is not an allowable sanction for civil contempt.

EFFECTIVE DATE: This act becomes effective October 1, 2015, and applies to civil contempt orders entered on or after that date.

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Director



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