

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 1041

Short Title: DV Order Violations.

(Public)

Sponsors: Senator Rand.

Referred to: Judiciary I.

April 15, 1999

A BILL TO BE ENTITLED

AN ACT TO MAKE CHANGES TO THE LAW PROVIDING PENALTIES FOR VIOLATION OF A DOMESTIC VIOLENCE PROTECTIVE ORDER.

The General Assembly of North Carolina enacts:

Section 1. If Senate Bill 197, 1999 Regular Session, becomes law, then G.S. 50B-4.1 as amended by that act reads as rewritten:

"§ 50B-4.1. Violation of valid protective order a misdemeanor.

(a) ~~A~~Unless otherwise provided by this section, a person who knowingly violates a valid protective order entered pursuant to this Chapter or by the courts of another state or the courts of an Indian tribe shall be guilty of a Class A1 misdemeanor.

(a1) A person who knowingly violates a valid protective order as provided in subsection (a) of this section by committing any of the following offenses shall be punished as provided by this subsection:

- (1) If the offense is an assault, then the person is guilty of a Class G felony.
- (2) If the offense is a Class D through I felony other than an assault, the person is guilty of a felony of the same class as the underlying offense.
- (3) If the offense is a Class A, B, B1, B2, or C felony, the person is guilty of a Class C felony.

1 (a2) Any person who knowingly violates a valid protective order as provided in
2 subsection (a) of this section after having been previously convicted of three offenses
3 under this Chapter shall be guilty of a Class E felony.

4 (a3) Any sentences imposed pursuant to convictions under subdivision (2) or (3) of
5 subsection (a1) of this section or under subsection (a2) of this section shall run
6 consecutively with and shall commence at the expiration of any sentence imposed for the
7 principal offenses being served by the person sentenced under this section.

8 (b) A law enforcement officer shall arrest and take a person into custody without a
9 warrant or other process if the officer has probable cause to believe that the person
10 knowingly has violated a valid protective order excluding the person from the residence
11 or household occupied by a victim of domestic violence or directing the person to refrain
12 from doing any or all of the acts specified in G.S. 50B-3(a)(9).

13 (c) When a law enforcement officer makes an arrest under this section without a
14 warrant, and the party arrested contests that the out-of-state order or the order issued by
15 an Indian court remains in full force and effect, the party arrested shall be promptly
16 provided with a copy of the information applicable to the party which appears on the
17 National Crime Information Center registry by the sheriff of the county in which the
18 arrest occurs."

19 Section 2. This act becomes effective December 1, 1999, and applies to
20 offenses committed on or after that date.