

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

H.B. 230
Feb 26, 2025
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH40065-ND-9A

Short Title: Create Crime for Habitual Domestic Violence.

(Public)

Sponsors: Representative Torbett.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE A FELONY CRIME OF HABITUAL DOMESTIC VIOLENCE AND
3 TO ALLOW A WARRANTLESS ARREST WHEN AN OFFICER HAS PROBABLE
4 CAUSE TO BELIEVE A MISDEMEANOR CRIME OF DOMESTIC VIOLENCE HAS
5 OCCURRED.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Article 8 of Chapter 14 of the General Statutes is amended by adding
8 a new section to read:

9 "**§ 14-32.6. Habitual domestic violence.**

10 (a) A person commits the offense of habitual domestic violence if that person commits
11 an offense under G.S. 14-32.5, or commits an assault where the person is related to the victim by
12 one or more of the relationship descriptions set forth in G.S. 14-32.5, and has two or more prior
13 convictions that include either of the following combination of offenses, with the earlier of the
14 two prior convictions occurring no more than 15 years prior to the date of the current violation:

15 (1) Two or more convictions of an offense under G.S. 14-32.5 or an offense
16 committed in another jurisdiction substantially similar to an offense under
17 G.S. 14-32.5.

18 (2) One prior conviction of an offense described in subdivision (1) of this
19 subsection and at least one prior conviction of an offense in this State or
20 another jurisdiction involving an assault where the person is related to the
21 victim by one or more of the relationship descriptions set forth in
22 G.S. 14-32.5.

23 (b) A conviction under this section shall not be used as a prior conviction for any other
24 habitual offense statute. A person convicted of violating this section is guilty of a Class H felony
25 for the first offense. Subsequent convictions for violating this section shall each be punished at a
26 level which is one offense class higher than the offense class of the most recent prior conviction
27 under this section, not to exceed a Class C felony."

28 **SECTION 2.** G.S. 15A-401(b) reads as rewritten:

29 "(b) Arrest by Officer Without a Warrant. –

30 ...

31 (2) Offense Out of Presence of Officer. – An officer may arrest without a warrant
32 any person who the officer has probable cause to ~~believe~~believe has
33 committed or violated any of the following:

34 a. ~~Has committed a felony; or~~A felony.

35 b. ~~Has committed a misdemeanor, and;~~A misdemeanor, when the person
36 meets at least one of the following criteria:



- 1 1. Will not be apprehended unless immediately ~~arrested,~~
- 2 ~~or arrested.~~
- 3 2. May cause physical injury to himself or others, or damage to
- 4 property unless immediately ~~arrested; or arrested.~~
- 5 c. ~~Has committed a~~ A misdemeanor under G.S. 14-72.1, 14-134.3,
- 6 20-138.1, or ~~20-138.2; or 20-138.2.~~
- 7 d. ~~Has committed a~~ A misdemeanor under any of the following statutes:
- 8 1. G.S. 14-32.5.
- 9 2. G.S. 14-33(a), 14-33(c)(1), 14-33(c)(2), or 14-34 when the
- 10 offense was committed by a person with whom the alleged
- 11 victim has a personal relationship as defined in ~~G.S. 50B-1;~~
- 12 ~~or G.S. 50B-1.~~
- 13 e. ~~Has committed a~~ A misdemeanor under ~~G.S. 50B-4.1(a);~~
- 14 ~~or G.S. 50B-4.1(a).~~
- 15 f. ~~Has violated a~~ A pretrial release order entered under G.S. 15A-534 or
- 16 G.S. 15A-534.1(a)(2).

...."

18 **SECTION 3.** Section 1 of this act becomes effective December 1, 2025, and applies
19 to offenses committed on or after that date. Section 2 of this act is effective when it becomes law
20 and applies to arrests made on or after that date. The remainder of this act is effective when it
21 becomes law.