

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 525

Short Title: Allow ERPOs to Prevent Suicides & Save Lives. (Public)

Sponsors: Representatives Morey, Autry, Gill, and Martin (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

April 13, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE ISSUANCE OF AN EXTREME RISK PROTECTION
3 ORDER TO RESTRICT TEMPORARILY A PERSON'S ACCESS TO FIREARMS IF
4 THERE IS EVIDENCE THAT THE PERSON POSES A DANGER OF PHYSICAL HARM
5 TO SELF OR OTHERS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** The General Statutes are amended by adding a new Chapter to read:

8 **"Chapter 50E.**

9 **"Extreme Risk Protection Orders.**

10 **"§ 50E-1. Title of Chapter.**

11 This Chapter may be cited as the "Extreme Risk Protection Orders Act."

12 **"§ 50E-2. Legislative findings and purpose.**

13 (a) Legislative Findings. – The General Assembly finds all of the following:

14 (1) Gun violence is a public health epidemic that ravages communities and
15 families in North Carolina and the country.

16 (2) Every year almost 40,000 people are killed by gun violence, an average of 108
17 people per day. In 2018, 1,416 North Carolinians were killed by gun violence,
18 almost four lives lost every day.

19 (3) Firearm suicides are the most common type of firearm death in the United
20 States. In 2018, one-half of the 48,344 suicides in the United States involved
21 a firearm. In 2018, 813 North Carolinians died from firearm suicide.

22 (b) Purpose. – The purpose of this Chapter is to reduce gun deaths and injuries, while
23 respecting constitutional rights, by providing a court procedure for concerned citizens and law
24 enforcement to obtain an order temporarily restricting a person's access to firearms. The court
25 orders authorized under this Chapter are intended to be limited to situations in which the person
26 poses a significant danger of harming themselves or others by possessing a firearm and include
27 standards and safeguards to protect the rights of respondents and due process of law.

28 **"§ 50E-3. Definitions.**

29 The following definitions apply in this Chapter:

30 (1) Extreme Risk Protection Order or ERPO. – An order granted under this
31 Chapter, which includes a remedy authorized under G.S. 50E-6.

32 (2) Family or household member. – Any of the following:

33 a. A person related by blood, marriage, or adoption to the respondent.

34 b. A current or former dating partner of the respondent.



1 c. A person who has a child in common with the respondent, regardless
2 of whether the person has been married to the respondent or has lived
3 together with the respondent at any time.

4 d. A domestic partner of the respondent.

5 e. A person who has a biological or legal parent-child relationship with
6 the respondent, including stepparents, stepchildren, grandparents, and
7 grandchildren.

8 f. A person who is acting or has acted as the respondent's legal guardian.

9 (3) Firearm. – Any weapon, including a starter gun, which will or is designed to
10 or may readily be converted to expel a projectile by the action of an explosive,
11 or its frame or receiver.

12 (4) Petitioner. – The person who petitions for an ERPO under this Chapter.

13 (5) Respondent. – The person who is identified as the respondent in a petition
14 filed under this Chapter.

15 **"§ 50E-4. Commencement of action.**

16 (a) Petition. – Any of the following may file a verified petition in district court for an
17 ERPO:

18 (1) A family or household member.

19 (2) A current or former spouse or dating partner.

20 (3) A law enforcement officer or agency.

21 (4) A health care provider.

22 (b) Filing Location. – A petition for an ERPO under this Chapter may be filed in any
23 county permitted under G.S. 1-82.

24 (c) Required Information in Petition. – A petition for an ERPO under this Chapter shall
25 include all of the following:

26 (1) An allegation that the respondent poses a danger of physical harm to self or
27 others by having in his or her care, custody, possession, ownership, or control
28 a firearm. If the petitioner is seeking an ex parte ERPO, the petition shall
29 include an allegation that the respondent poses an imminent danger of physical
30 harm to self or others by having in his or her care, custody, possession,
31 ownership, or control a firearm. The allegation required under this subdivision
32 shall include facts to support the allegation.

33 (2) An identification, to the best of the petitioner's knowledge, of the number,
34 types, and locations of firearms under the respondent's custody or control.

35 (3) An identification of any existing protection order under State law governing
36 the respondent.

37 (4) An identification of any pending lawsuits, complaints, petitions, or other
38 actions between the petitioner and the respondent.

39 (d) Verification of Terms of Existing Orders. – The clerk of court shall verify the terms
40 of any existing protection orders governing the petitioner and respondent. The court shall not
41 delay granting relief because of the existence of a pending action between the petitioner and
42 respondent or the necessity of verifying the terms of an existing protection order. A petition for
43 an ERPO under this Chapter may be granted whether or not there is a pending action between
44 the petitioner and the respondent.

45 (e) Nondisclosure of Address. – A petitioner with a current and valid Address
46 Confidentiality Program authorization card issued pursuant to the provisions of Chapter 15C of
47 the General Statutes may use the substitute address designated by the Address Confidentiality
48 Program when filing with the court any document required under this Chapter. If a petitioner
49 does not have a current and valid Address Confidentiality Program authorization card, but
50 submits to the court a copy of a protective order without attachments, if any, issued to the
51 petitioner under G.S. 50B-3 or a lawful order of any court of competent jurisdiction restricting

1 the access or contact of one or more persons with the petitioner, accompanied by a signed
2 statement that the petitioner has good reason to believe that the physical safety of the petitioner
3 or a member of the petitioner's family residing with the petitioner would be jeopardized if the
4 petitioner's address were open to public inspection, that petitioner's address shall be kept
5 confidential.

6 (f) Court Costs and Attorneys' Fees. – No court costs or attorneys' fees shall be assessed
7 for the filing or service of the petition, or the service of any ERPOs, except as provided in
8 G.S. 1A-1, Rule 11.

9 (g) Electronic Filing. – All documents filed, issued, registered, or served in an action
10 under this Chapter relating to an ERPO may be filed electronically.

11 (h) Report. – Beginning December 1, 2022, and occurring annually thereafter, the
12 Administrative Office of the Courts shall submit a report to the Joint Legislative Oversight
13 Committee on Justice and Public Safety and the Fiscal Research Division that includes all of the
14 following information:

15 (1) The number of petitions filed under this Chapter during the prior calendar
16 year.

17 (2) The number of ex parte ERPOs issued during the prior calendar year.

18 (3) The number of ex parte ERPOs the courts declined to issue during the prior
19 calendar year, and justification for why each was declined.

20 (4) The number of full ERPOs issued during the prior calendar year.

21 (5) The number of full ERPOs the courts declined to issue during the prior
22 calendar year, and justification for why each was declined.

23 **"§ 50E-5. Process.**

24 (a) Summons Required. – Except as otherwise provided in G.S. 50E-8, a petition for an
25 ERPO requires that a summons be issued and served not later than five days prior to the date set
26 for the full ERPO hearing. Attachments to the summons shall include the petition for any ERPO,
27 any ex parte ERPO that has been issued and the notice of hearing on the ex parte ERPO, and a
28 description of what an ERPO is.

29 (b) Service of the Summons and Attachments. – The clerk of court shall effect service of
30 the summons and any attachments through the appropriate law enforcement agency where the
31 respondent is to be served.

32 **"§ 50E-6. ERPO requirements; remedy; mental health or chemical dependency evaluation.**

33 (a) Required Information in ERPO. – An ERPO issued under this Chapter shall include
34 all of the following:

35 (1) A statement of the grounds supporting issuance of the ERPO.

36 (2) The date and time the ERPO was issued.

37 (3) The date and time the ERPO expires.

38 (4) Whether a mental health evaluation or chemical dependency evaluation of the
39 respondent is required.

40 (5) The address of the court in which any responsive pleading may be filed.

41 (6) A description of the requirements for relinquishment and retrieval of any
42 firearms, ammunition, permits to purchase firearms, and permits to carry
43 concealed firearms that are in the care, custody, ownership, or control of the
44 respondent.

45 (7) A description of the process for seeking termination of the ERPO.

46 (8) A statement that a violation of the ERPO is punishable as a Class A1
47 misdemeanor.

48 (b) Remedy Granted. – Upon issuance of an ERPO, including an ex parte ERPO, the
49 court shall order the respondent to surrender to the sheriff all firearms, ammunition, permits to
50 purchase firearms, and permits to carry concealed firearms that are in the care, custody,
51 possession, ownership, or control of the respondent.

1 (c) Mental Health or Chemical Dependency Evaluation. – During a hearing for issuance
2 of an ERPO, the court shall consider whether a mental health evaluation or chemical dependency
3 evaluation of the respondent is appropriate and may order the respondent to undergo evaluation
4 if appropriate.

5 **"§ 50E-7. Hearing and issuance of a full Extreme Risk Protection Order.**

6 (a) Hearing. – A court shall hold a hearing on a petition for a full ERPO no later than 10
7 days from either of the following dates:

8 (1) If an ex parte ERPO has been issued, the date the ex parte ERPO was issued.

9 (2) If subdivision (1) of this subsection does not apply, the date the petition for a
10 full ERPO was filed with the court.

11 A continuance shall be limited to one extension of no more than 10 days unless all parties
12 consent or good cause is shown.

13 (b) Order. – A court may issue a full ERPO if all of the following requirements are met:

14 (1) The court finds by a preponderance of the evidence that the respondent poses
15 a danger of causing physical harm to self or others by having in his or her
16 custody a firearm. In determining whether the requirement set forth in this
17 subdivision is met, the court may consider any relevant evidence, including,
18 but not limited to, any of the following:

19 a. A recent act or threat of violence by the respondent against himself,
20 herself, or others, whether or not the violence or threat of violence
21 involves a firearm.

22 b. An act or threat of violence by the respondent within the past 12
23 months, including, but not limited to, acts or threats of violence by the
24 respondent against himself, herself, or others.

25 c. Evidence of the respondent being seriously mentally ill or having
26 recurring mental health issues.

27 d. A violation by the respondent of an order issued under Chapter 50B,
28 50C, or 50D of the General Statutes.

29 e. A previous or existing ERPO issued against the respondent.

30 f. A violation of a previous or existing ERPO issued against the
31 respondent.

32 g. Whether the respondent, in this State or any other state, has been
33 convicted of, had adjudication withheld on, or pled nolo contendere to
34 a crime that constitutes domestic violence as defined in G.S. 50B-1.

35 h. Whether the respondent has used, or has threatened to use, against
36 himself, herself, or others, any weapons.

37 i. The unlawful or reckless use, display, or brandishing of a firearm by
38 the respondent.

39 j. The recurring use of, or threat to use, physical force by the respondent
40 against another person or the respondent stalking another person.

41 k. Whether the respondent, in this State or any other state, has been
42 arrested for, convicted of, had adjudication withheld on, or pled nolo
43 contendere to a crime involving violence or a threat of violence.

44 l. Corroborated evidence of the abuse of controlled substances or alcohol
45 by the respondent.

46 m. Evidence of recent acquisition of firearms or ammunition by the
47 respondent.

48 n. Any relevant information from family and household members
49 concerning the respondent.

50 o. Witness testimony, taken while the witness is under oath, relating to
51 the matter before the court.

1 (2) Process was served on the respondent in accordance with the requirements of
2 this Article.

3 (3) Notice of hearing was given to the respondent in accordance with the
4 requirements of this Article.

5 **"§ 50E-8. Hearing and issuance of an ex parte Extreme Risk Protection Order.**

6 (a) Hearing. – Upon receipt of a petition for an ex parte ERPO, the court shall hold a
7 hearing in person on the day the petition is filed or the judicial day immediately following the
8 day the petition is filed.

9 (b) Order. – If it clearly appears to the court from specific facts shown that the respondent
10 poses an imminent danger of causing physical harm to self or others by having in his or her
11 custody a firearm, a judge or magistrate of district court may issue an ex parte ERPO before a
12 hearing for a full ERPO and without evidence of service of process or notice.

13 (c) Requirements. – An ex parte ERPO granted without notice shall meet all of the
14 following requirements:

15 (1) The ERPO shall be endorsed with the date and hour of issuance.

16 (2) The ERPO shall be filed immediately in the clerk's office and entered of
17 record.

18 (3) The ERPO shall include a statement detailing why the ERPO was granted
19 without notice.

20 (4) The ERPO shall include the applicable information required under
21 G.S. 50E-6(a).

22 (5) The ERPO shall expire by its terms within a specified amount of time after
23 entry, not to exceed the limits set forth in G.S. 50E-10(a).

24 (6) The ERPO shall give notice of the date of hearing on the ex parte ERPO.

25 (d) Appearance by Respondent. – If the respondent appears in court for a hearing on an
26 ex parte ERPO, the respondent may elect to file a general appearance and testify. Any resulting
27 ERPO may be an ex parte ERPO governed by this section. Notwithstanding the requirements of
28 this section, if all requirements of G.S. 50E-7 have been met, the court may issue a full ERPO.

29 (e) Court Out of Session. – When the court is not in session, the petitioner may file for
30 an ex parte ERPO before any judge or magistrate designated to grant relief under this Article. If
31 the judge or magistrate finds that the requirements of subsection (a) of this section have been
32 met, the judge or magistrate may issue an ex parte ERPO. The chief district court judge may
33 designate for each county at least one judge or magistrate to be reasonably available to issue ex
34 parte ERPOs when the court is not in session.

35 (f) Video Conference. – Hearings held to consider ex parte relief pursuant to subsection
36 (a) of this section may be held via video conference.

37 **"§ 50E-9. Surrender, retrieval, and disposal of firearms.**

38 (a) Surrender of Firearms. – Upon service of an ERPO, the respondent shall immediately
39 surrender to the sheriff possession of all firearms, ammunition, permits to purchase firearms, and
40 permits to carry concealed firearms that are in the care, custody, possession, ownership, or control
41 of the respondent. In the event that weapons cannot be surrendered at the time the ERPO is
42 served, the respondent shall surrender the firearms, ammunitions, and permits to the sheriff
43 within 24 hours of service at a time and place specified by the sheriff. The sheriff shall store the
44 firearms or contract with a licensed firearms dealer to provide storage.

45 (b) Failure to Surrender. – Upon the sworn statement of the petitioner or the sheriff
46 alleging that the respondent has failed to comply with the surrender of firearms required under
47 subsection (a) of this section, the court shall determine whether probable cause exists to believe
48 that the respondent has failed to surrender all firearms in his or her care, custody, possession,
49 ownership, or control. If probable cause exists, the court shall issue a warrant describing the
50 firearms and authorizing (i) a search of the locations where the firearms are reasonably believed
51 to be and (ii) seizure of any firearms discovered pursuant to the search.

1 (c) Receipt. – At the time of surrender or seizure, the sheriff taking possession of a
2 firearm shall issue a receipt identifying all firearms that have been surrendered or seized and shall
3 provide a copy of the receipt to the respondent. Within 48 hours after issuing the receipt, the
4 officer shall file the original receipt with the court and shall also retain a copy for the sheriff's
5 records.

6 (d) Fee. – The sheriff may charge the respondent a reasonable fee for the storage of any
7 firearms and ammunition taken pursuant to an ERPO. The fees are payable to the sheriff. The
8 sheriff shall transmit the proceeds of these fees to the county finance officer. The fees shall be
9 used by the sheriff to pay the costs of administering this section and for other law enforcement
10 purposes. The county shall expend the restricted funds for these purposes only. The sheriff shall
11 not release firearms, ammunition, or permits without a court order granting the release. The
12 respondent shall remit all fees owed prior to the authorized return of any firearms, ammunition,
13 or permits. The sheriff shall not incur any civil or criminal liability for alleged damage or
14 deterioration due to storage or transportation of any firearms or ammunition held pursuant to this
15 section.

16 (e) Retrieval. – If the court does not enter a full ERPO when the ex parte ERPO expires,
17 the respondent may retrieve any firearms, ammunition, or permits surrendered to the sheriff
18 unless the court finds that the respondent is otherwise precluded from owning or possessing a
19 firearm pursuant to State or federal law.

20 (f) Motion for Return. – The respondent may request the return of any firearms,
21 ammunition, or permits surrendered by filing a motion with the court no later than 90 days after
22 the expiration of the ERPO. Unless the court finds that the respondent is otherwise precluded
23 from owning or possessing a firearm pursuant to State or federal law, all firearms, ammunition,
24 and permits surrendered by the respondent shall be returned within 30 days of the date the motion
25 was received by the court.

26 (g) Motion for Return by Third Party. – A third-party owner of firearms or ammunition
27 who is otherwise eligible to possess the items may file a motion requesting the return to the third
28 party of any of the items in the possession of the sheriff surrendered or seized as a result of the
29 entry of an ERPO. The motion must be filed not later than 30 days after the surrender or seizure
30 of the items by the sheriff. The third-party owner shall also (i) provide proof of ownership of the
31 firearms or ammunition and (ii) certify that the third-party owner shall not allow the respondent
32 to have access to the firearms or ammunition. Upon receipt of the third party's motion, the court
33 shall schedule a hearing and provide written notice to all parties and the sheriff. The court shall
34 order return of the items to the third party unless the third-party owner fails to provide proof of
35 ownership or certification as required under this subsection, or the court determines that the third
36 party is disqualified from owning or possessing the items pursuant to State or federal law. If the
37 court orders the return of the items to the third party, the third party is not required to pay any
38 fees imposed under subsection (d) of this section. If the court denies the return of the items to the
39 third party, the items shall be disposed of by the sheriff as provided in subsection (h) of this
40 section.

41 (h) Disposal of Firearms. – If the respondent or a third-party owner does not file a motion
42 within the applicable time period prescribed by this section requesting the return of any
43 surrendered firearms, ammunition, or permits; if the court determines that the respondent or
44 third-party owner is precluded from regaining possession of any surrendered firearms,
45 ammunition, or permits; or if the respondent fails to remit all fees owed for the storage of the
46 firearms or ammunition within 30 days of the entry of the order granting the return of the
47 firearms, ammunition, or permits, the sheriff who has control of the firearms, ammunition, or
48 permits shall give notice to the respondent and the sheriff shall apply to the court for an order of
49 disposition of the firearms, ammunition, or permits. The judge, after a hearing, may order the
50 sheriff in possession, or the sheriff's duly authorized agent, to destroy the firearms, ammunition,
51 and permits, or to dispose of the firearms, ammunition, and permits in one or more of the ways

1 authorized by law, including subdivision (4b), (5), or (6) of G.S. 14-269.1. The sheriff shall
2 maintain a record of any firearms, ammunition, and permits destroyed in accordance with this
3 subsection. If a sale by the sheriff does occur, any proceeds from the sale after deducting any
4 costs associated with the storage and sale, and, in accordance with all applicable State and federal
5 law, shall be provided to the respondent if requested by the respondent by motion made before
6 the hearing or at the hearing and if ordered by the judge.

7 **"§ 50E-10. Duration; renewal of ERPOs.**

8 (a) Duration of Ex Parte ERPO. – Except as otherwise provided in this subsection, an ex
9 parte ERPO shall be effective until the date a hearing is held under G.S. 50E-7. If a hearing is
10 not held or a continuance was not granted, an ex parte ERPO shall be effective for not more than
11 10 days from the date the ex parte ERPO was issued.

12 (b) Duration of Full ERPO. – A full ERPO shall be effective for a fixed period of time
13 not to exceed one year.

14 (c) Renewal. – Any ERPO may be renewed one or more times, as required, provided that
15 the requirements of G.S. 50E-7 or G.S. 50E-8, as appropriate, are satisfied. The court may renew
16 an ERPO, including an ERPO that previously has been renewed, upon a motion by the petitioner
17 filed before the expiration of the current ERPO. Upon a motion for a renewal, the court shall hold
18 a hearing no later than 10 days after the date the motion is filed in court. The court may renew
19 an ex parte ERPO if the court finds by clear, cogent, and convincing evidence that there has been
20 no material change in relevant circumstances since entry of the ex parte ERPO. The court may
21 renew a full ERPO if the court finds by a preponderance of the evidence that there has been no
22 material change in relevant circumstances since entry of the full ERPO. The commission of an
23 act of unlawful conduct by the respondent after entry of the current ERPO is not required for an
24 ERPO to be renewed. If the motion for renewal is uncontested and the petitioner seeks no
25 modification of the ERPO, the ERPO may be renewed if the petitioner's motion or affidavit states
26 that there has been no material change in relevant circumstances since entry of the ERPO and
27 states the reason for the requested renewal. Renewals may be granted only in open court.

28 (d) Expiration Date. – An ERPO expiring on a day the court is not open for business shall
29 expire in accordance with the provisions of Rule 6(a) of the Rules of Civil Procedure, G.S. 1A-1.

30 **"§ 50E-11. Termination of an Extreme Risk Protection Order.**

31 (a) Motion. – The respondent may request the termination of a full ERPO by filing a
32 motion with the court. The respondent may submit no more than one motion for termination for
33 every 12-month period the full ERPO is in effect, starting from the date of the full ERPO and
34 continuing through any renewals.

35 (b) Hearing. – Upon receipt of a request for a hearing to terminate a full ERPO, the court
36 shall set a date for a hearing. Notice of the request for a hearing shall be served on the petitioner
37 in accordance with Rule 4 of the Rules of Civil Procedure. The court shall set the date for the
38 hearing no sooner than 14 days and no later than 30 days from the date of service of the request
39 upon the petitioner.

40 (c) Burden of Proof; Termination. – The respondent shall have the burden of proving, by
41 a preponderance of the evidence, that the respondent does not pose a danger of causing physical
42 harm to self or others by having in his or her care, custody, possession, ownership, or control a
43 firearm. If the court finds after the hearing that the respondent has met his or her burden, the
44 court shall terminate the full ERPO.

45 **"§ 50E-12. Notice.**

46 (a) Notice Law Enforcement; Entry into National Database. – The clerk of court shall
47 deliver on the same day that an ERPO is issued a certified copy of that ERPO to the sheriff of
48 the county in which the ERPO is issued. Any order extending, modifying, or revoking an ERPO
49 shall be promptly delivered to the sheriff by the clerk and served in a manner provided for service
50 of process in accordance with the provisions of this section. The sheriff shall provide for prompt
51 entry of the ERPO into the National Crime Information Center registry and shall provide for

1 access of such orders to the courts on a 24-hour-a-day basis. Modifications, terminations,
2 renewals, and dismissals of the ERPO shall also be promptly entered. A copy of the ERPO shall
3 be issued promptly to and retained by the police department of the municipality of the petitioner's
4 residence. If the petitioner's residence is not located in a municipality or is in a municipality with
5 no police department, copies shall be issued promptly to and retained by the sheriff of the county
6 in which the petitioner's residence is located.

7 (b) Notice to Respondent. – If the respondent was not present in court when the ERPO
8 was issued, the respondent may be served in the manner provided for service of process in civil
9 proceedings in accordance with Rule 4(j) of the Rules of Civil Procedure. If the summons has
10 not yet been served upon the respondent, it shall be served with the ERPO. Law enforcement
11 agencies shall accept receipt of copies of the ERPO issued by the clerk of court by electronic
12 transmission for service on respondents.

13 (c) Notice to Third Parties. – If the petitioner for an ERPO is a law enforcement officer
14 or agency, the officer or agency shall make a good-faith effort to provide notice of the petition
15 to any known third party who may be at risk of unlawful conduct from the respondent.

16 **"§ 50E-13. Prohibition; violation.**

17 (a) Prohibition. – It is unlawful for any person to possess, purchase, or receive, or attempt
18 to possess, purchase, or receive a firearm, ammunition, or permits to purchase or carry concealed
19 firearms, for so long as an ERPO entered against that person in accordance with this Chapter is
20 in effect.

21 (b) Violation. – A person who violates subsection (a) of this section or any other term of
22 an ERPO entered pursuant to this Chapter is guilty of a Class A1 misdemeanor.

23 **"§ 50E-14. False statement regarding ERPO a misdemeanor.**

24 A person who knowingly makes a false statement when petitioning for an ERPO under this
25 Chapter, or who knowingly makes a false statement to a law enforcement agency or officer that
26 an ERPO entered pursuant to this Chapter remains in effect, is guilty of a Class 2 misdemeanor.

27 **"§ 50E-15. Remedies not exclusive.**

28 The remedies provided by this Chapter are not exclusive but are additional to other remedies
29 provided under law.

30 **"§ 50E-16. Other authority retained.**

31 This Chapter does not affect the ability of a law enforcement officer to remove a firearm,
32 permit to purchase firearms, or permit to carry concealed firearms from any person, or conduct
33 any search and seizure for firearms, pursuant to other lawful authority.

34 **"§ 50E-17. Liability.**

35 Except as provided in G.S. 50E-13 or G.S. 50E-14, this Chapter shall not be interpreted to
36 impose any criminal or civil liability on any person or entity for acts or omissions related to
37 obtaining an ERPO, including reporting, declining to report, investigating, declining to
38 investigate, filing, or declining to file a petition under this Chapter."

39 **SECTION 2.** Chapter 15C of the General Statutes reads as rewritten:

40 **"Chapter 15C.**

41 **"Address Confidentiality Program.**

42 **"§ 15C-1. Purpose.**

43 The purpose of this Chapter is to enable the State and the agencies of North Carolina to
44 respond to requests for public records without disclosing the location of a petitioner for an
45 Extreme Risk Protection Order or a victim of domestic violence, sexual offense, stalking, or
46 human trafficking; to enable interagency cooperation in providing address confidentiality for
47 victims a petitioner for an Extreme Risk Protection Order or a victim of domestic violence, sexual
48 offense, stalking, or human trafficking; and to enable the State and its agencies to accept a
49 program participant's use of an address designated by the Office of the Attorney General as a
50 substitute address.

51 **"§ 15C-2. Definitions.**

1 The following definitions apply in this Chapter:

2 ...

3 (2) Address Confidentiality Program or Program. – A program in the Office of
4 the Attorney General to protect the confidentiality of the address of an ERPO
5 petitioner or a relocated victim of domestic violence, sexual offense, or
6 stalking to prevent the petitioner's or victim's assailants or potential assailants
7 from finding the petitioner or victim through public records.

8 ...

9 (5a) ERPO petitioner. – The person who petitions for an Extreme Risk Protection
10 Order under Chapter 50E of the General Statutes.

11 ...

12 **"§ 15C-3. Address Confidentiality Program.**

13 The General Assembly establishes the Address Confidentiality Program in the Office of the
14 Attorney General to protect the confidentiality of the address of an ERPO petitioner or a relocated
15 victim of domestic violence, sexual offense, stalking, or human trafficking to prevent the
16 petitioner's or victim's assailants or potential assailants from finding the petitioner or victim
17 through public records. Under this Program, the Attorney General shall designate a substitute
18 address for a program participant and act as the agent of the program participant for purposes of
19 service of process and receiving and forwarding first-class mail or certified or registered mail.
20 The Attorney General shall not be required to forward any mail other than first-class mail or
21 certified or registered mail to the program participant. The Attorney General shall not be required
22 to track or otherwise maintain records of any mail received on behalf of a program participant
23 unless the mail is certified or registered mail.

24 **"§ 15C-4. Filing and certification of applications; authorization card.**

25 (a) An individual who wants to participate in the Address Confidentiality Program shall
26 file an application with the Attorney General with the assistance of an application assistant. Any
27 of the following individuals may apply to the Attorney General to have an address designated by
28 the Attorney General to serve as the substitute address of the individual:

29 (1) An adult individual.

30 (2) A parent or guardian acting on behalf of a minor when the minor resides with
31 the individual.

32 (3) A guardian acting on behalf of an incapacitated individual.

33 (b) The application shall be dated, signed, and verified by the applicant and shall be
34 signed by the application assistant who assisted in the preparation of the application.

35 (c) The application shall contain all of the following:

36 (1) A statement by the applicant that the applicant is an ERPO petitioner or a
37 victim of domestic violence, sexual offense, stalking, or human trafficking
38 and that the applicant fears for the applicant's safety or the safety of the
39 applicant's child.

40 (2) ~~Evidence~~ Except for an applicant that is an ERPO petitioner, evidence that the
41 applicant is a victim of domestic violence, sexual offense, stalking, or human
42 trafficking. For an applicant that is an ERPO petitioner, evidence that the
43 applicant is at risk from violence or other unlawful conduct from the
44 respondent in a petition filed under Chapter 50E of the General Statutes. This
45 evidence may include any of the following:

46 a. Law enforcement, court, or other federal or state agency records or
47 files.

48 b. Documentation from a domestic violence program if the applicant is
49 alleged to be a victim of domestic violence.

- 1 c. Documentation from a religious, medical, or other professional from
- 2 whom the applicant has sought assistance in dealing with the alleged
- 3 domestic violence, sexual offense, or stalking.
- 4 d. Documentation submitted to support a victim of human trafficking's
- 5 application for federal assistance or benefits under federal human
- 6 trafficking laws.

7 ...

8 (4) ~~A~~ Except for an applicant that is an ERPO petitioner, a statement by the

9 applicant that the applicant has or will confidentially relocate in North

10 Carolina.

11 ...

12 (7) The address that the applicant requests not to be disclosed by the Attorney

13 General that directly relates to the increased risk of domestic violence, sexual

14 offense, ~~or stalking~~ stalking, or other unlawful conduct.

15"

16 **SECTION 3.** Development of Forms. – The Administrative Office of the Courts

17 shall develop the appropriate forms to implement the processes provided under Chapter 50E of

18 the General Statutes, as enacted by Section 1 of this act.

19 **SECTION 4.** Effective Date. – This act becomes effective December 1, 2021.