

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 281

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

Sponsors: Representatives Morey, John, Autry, and Harrison (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

March 7, 2023

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE ISSUANCE OF AN EXTREME RISK PROTECTION ORDER TO RESTRICT TEMPORARILY A PERSON'S ACCESS TO FIREARMS IF THERE IS EVIDENCE THAT THE PERSON POSES A DANGER OF PHYSICAL HARM TO SELF OR OTHERS AND TO REQUIRE A COURT TO ORDER THE SEIZURE OF ANY FIREARM, AMMUNITION, OR PERMITS A DEFENDANT FAILS TO SURRENDER AFTER THE ISSUANCE OF AN EMERGENCY OR EX PARTE DOMESTIC VIOLENCE PROTECTIVE ORDER.

The General Assembly of North Carolina enacts:

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

"Chapter 50E.

"Extreme Risk Protection Orders.

"§ 50E-1. Title of Chapter.

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

"§ 50E-2. Purpose.

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

"§ 50E-3. Definitions.

The following definitions apply in this Chapter:

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

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

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

b. A person who is in a dating relationship, or has been in a dating relationship, with the respondent. For purposes of this sub-subdivision, a dating relationship is one wherein the parties are romantically involved over time and on a continuous basis during the course of the relationship, but is not any of the following:

1. A casual acquaintance.

2. Ordinary fraternization between persons in a business or social context.



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1 3. A dating relationship that ended more than one year before the
2 date the petitioner filed a petition for an ERPO under this
3 Chapter.

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

7 d. A domestic partner of the respondent.

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

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

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

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) Venue. – A petition for an ERPO is governed by G.S. 1-82.

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

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

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

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

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

38 (d) Verification of Terms of Existing Orders. – The clerk of court shall verify the terms
39 of any existing protection orders governing the petitioner and respondent. The court shall not
40 delay or deny granting relief because of the existence of a pending action between the petitioner
41 and respondent or the necessity of verifying the terms of an existing protection order.

42 (e) Nondisclosure of Address. – A petitioner with a current and valid Address
43 Confidentiality Program authorization card issued pursuant to the provisions of Chapter 15C of
44 the General Statutes may use the substitute address designated by the Address Confidentiality
45 Program when filing with the court any document required under this Chapter. If a petitioner
46 does not have a current and valid Address Confidentiality Program authorization card, but
47 submits to the court a copy of a protective order without attachments, if any, issued to the
48 petitioner under G.S. 50B-3 or a lawful order of any court of competent jurisdiction restricting
49 the access or contact of one or more persons with the petitioner, accompanied by a signed
50 statement that the petitioner has good reason to believe that the physical safety of the petitioner
51 or a member of the petitioner's family residing with the petitioner would be jeopardized if the

1 petitioner's address were open to public inspection, that petitioner's address shall be kept
2 confidential.

3 (f) Court Costs. – No court costs shall be assessed for the filing or service of the petition,
4 or the service of any ERPOs.

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

7 (h) Report. – Beginning December 1, 2023, and occurring annually thereafter, the
8 Administrative Office of the Courts shall submit a report to the Joint Legislative Oversight
9 Committee on Justice and Public Safety and the Fiscal Research Division that includes all of the
10 following information:

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

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

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

16 (4) The number of final ERPOs issued during the prior calendar year.

17 (5) The number of final ERPOs the courts declined to issue during the prior
18 calendar year and justification for why each was declined.

19 **"§ 50E-5. Process.**

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

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

28 **"§ 50E-6. ERPO requirements; remedy; mental health or chemical dependency evaluation.**

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

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

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

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

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

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

37 (6) A description of the requirements for relinquishment and retrieval of any
38 firearms, ammunition, permits to purchase firearms, and permits to carry
39 concealed firearms that are in the care, custody, ownership, or control of the
40 respondent.

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

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

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

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

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

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

- (1) If an ex parte ERPO has been issued, the date the ex parte ERPO was issued.
- (2) If subdivision (1) of this subsection does not apply, the date the petition for a final ERPO was served on the respondent.

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

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

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

- a. A recent act or threat of violence, or a pattern of acts or threats of violence within the 12 months preceding the petition, by the respondent against himself, herself, or others, whether or not the violence or threat of violence involves a firearm or other weapon.
- b. Evidence of the respondent being seriously mentally ill or having recurring mental health issues.
- c. A violation by the respondent of an order issued under Chapter 50B, 50C, or 50D of the General Statutes.
- d. A previous or existing ERPO issued against the respondent, including whether the respondent committed a violation of the previous or existing ERPO.
- e. Whether the respondent, in this State or any other state, has been convicted of or had adjudication withheld on a crime that constitutes domestic violence as defined in G.S. 50B-1 or a crime involving violence or a threat of violence.
- f. The unlawful or reckless use, display, or brandishing of a firearm by the respondent.
- g. The recurring use of, or threat to use, physical force by the respondent against another person or the respondent stalking another person.
- h. Evidence of the abuse of controlled substances or alcohol by the respondent.
- i. Evidence of recent acquisition of firearms or ammunition by the respondent.
- j. Witness testimony, taken while the witness is under oath, relating to the matter before the court.

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

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

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

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

(b) Order. – If the court finds that there is clear and convincing evidence that the respondent poses an imminent danger of causing physical harm to self or others by having in his or her custody a firearm, a judge or magistrate of district court may issue an ex parte ERPO before a hearing for a final ERPO and without evidence of service of process or notice.

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

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

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

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

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

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

12 (d) Court Out of Session. – When the court is not in session, the petitioner may file for
13 an ex parte ERPO before any judge or magistrate designated by the chief district court judge to
14 grant relief under this Chapter. If the judge or magistrate finds that the requirements of this
15 section have been met, the judge or magistrate may issue an ex parte ERPO. The chief district
16 court judge may designate for each county at least one judge or magistrate to be reasonably
17 available to issue ex parte ERPOs when the court is not in session.

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

20 **"§ 50E-9. Surrender, retrieval, and disposal of firearms.**

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

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

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

40 (d) Fee. – The sheriff may charge the respondent a reasonable fee for the storage of any
41 firearms and ammunition taken pursuant to an ERPO. The fees are payable to the sheriff. The
42 sheriff shall transmit the proceeds of these fees to the county finance officer. The fees shall be
43 used by the sheriff to pay the costs of administering this section. The county shall expend the
44 restricted funds for these purposes only. The sheriff shall not release firearms, ammunition, or
45 permits without a court order granting the release. The respondent shall remit all fees owed prior
46 to the authorized return of any firearms, ammunition, or permits. The sheriff shall not incur any
47 civil or criminal liability for alleged damage or deterioration due to storage or transportation of
48 any firearms or ammunition held pursuant to this section.

49 (e) Retrieval. – If the court does not enter a final ERPO when the ex parte ERPO expires,
50 the respondent may retrieve any firearms, ammunition, or permits surrendered to the sheriff

1 unless the court finds that the respondent is otherwise precluded from owning or possessing a
2 firearm pursuant to State or federal law.

3 (f) Motion for Return. – The respondent may request the return of any firearms,
4 ammunition, or permits surrendered by filing a motion with the court after the expiration or
5 termination of the ERPO. Unless the court finds that the respondent is otherwise precluded from
6 owning or possessing a firearm pursuant to State or federal law, all firearms, ammunition, and
7 permits surrendered by the respondent shall be returned within 30 days of the date the motion
8 was received by the court. If the court does not enter a final ERPO when the ex parte ERPO
9 expires, and the court orders the return of the items to the respondent, the respondent is not
10 required to pay any fees imposed under subsection (d) of this section and the sheriff shall
11 promptly refund to the respondent any fees already paid pursuant to subsection (d) of this section
12 for the storage of any items taken pursuant to the ex parte ERPO.

13 (g) Motion for Return by Third Party. – A third-party owner of firearms or ammunition
14 who is otherwise eligible to possess the items may file a motion requesting the return to the third
15 party of any of the items in the possession of the sheriff surrendered or seized as a result of the
16 entry of an ERPO. The third-party owner shall also provide proof of ownership of the firearms
17 or ammunition. Upon receipt of the third party's motion, the court shall schedule a hearing and
18 provide written notice to all parties and the sheriff. The court shall order return of the items to
19 the third party unless the third-party owner fails to provide proof of ownership or certification as
20 required under this subsection, or the court determines that the third party is disqualified from
21 owning or possessing the items pursuant to State or federal law. If the court orders the return of
22 the items to the third party, the third party is not required to pay any fees imposed under
23 subsection (d) of this section. If the court denies the return of the items to the third party, the
24 items shall be disposed of by the sheriff as provided in subsection (h) of this section.

25 (h) Disposal of Firearms. – If the respondent or a third-party owner does not file a motion
26 within the applicable time period prescribed by this section requesting the return of any
27 surrendered firearms, ammunition, or permits; if the court determines that the respondent or
28 third-party owner is precluded from regaining possession of any surrendered firearms,
29 ammunition, or permits; or if the respondent fails to remit all fees owed for the storage of the
30 firearms or ammunition within 30 days of the entry of the order granting the return of the
31 firearms, ammunition, or permits, the sheriff who has control of the firearms, ammunition, or
32 permits shall give notice to the respondent and the sheriff shall apply to the court for an order of
33 disposition of the firearms, ammunition, or permits. The judge, after a hearing, may order the
34 sheriff in possession, or the sheriff's duly authorized agent, to destroy the firearms, ammunition,
35 and permits, or to dispose of the firearms, ammunition, and permits in one or more of the ways
36 authorized by law, including subdivision (4b), (5), or (6) of G.S. 14-269.1. The sheriff shall
37 maintain a record of any firearms, ammunition, and permits destroyed in accordance with this
38 subsection. If a sale by the sheriff does occur, any proceeds from the sale after deducting any
39 costs associated with the storage and sale, in accordance with all applicable State and federal law,
40 shall be provided to the respondent if ordered by the judge.

41 **"§ 50E-10. Duration; renewal of ERPOs.**

42 (a) Duration of Ex Parte ERPO. – Except as otherwise provided in this subsection, an ex
43 parte ERPO shall be effective until the date a hearing is held under G.S. 50E-7. If a hearing is
44 not held or a continuance was not granted, an ex parte ERPO shall be effective for not more than
45 10 days from the date the ex parte ERPO was issued.

46 (b) Duration of Final ERPO. – A final ERPO shall be effective for a fixed period of time
47 not to exceed one year.

48 (c) Renewal. – Any ERPO may be renewed one or more times, as required, provided that
49 the requirements of G.S. 50E-7 or G.S. 50E-8, as appropriate, are satisfied. The court may renew
50 an ERPO, including an ERPO that previously has been renewed, upon a motion by the petitioner
51 filed before the expiration of the current ERPO. Upon a motion for a renewal, the court shall hold

1 a hearing no later than 10 days after the date the motion is served on the respondent. The court
2 may renew an ex parte or final ERPO if the court finds by clear and convincing evidence that
3 there has been no material change in relevant circumstances since entry of the respective ERPO.
4 The commission of an act of unlawful conduct by the respondent after entry of the current ERPO
5 is not required for an ERPO to be renewed. If the motion for renewal is uncontested and the
6 petitioner seeks no modification of the ERPO, the ERPO may be renewed if the petitioner's
7 motion or affidavit states that there has been no material change in relevant circumstances since
8 entry of the ERPO and states the reason for the requested renewal.

9 (d) Expiration Date. – An ERPO expiring on a day the court is not open for business shall
10 expire in accordance with the provisions of Rule 6(a) of the Rules of Civil Procedure, G.S. 1A-1.
11 **"§ 50E-11. Termination of an Extreme Risk Protection Order.**

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

16 (b) Hearing. – Upon receipt of a request for a hearing to terminate a final ERPO, the court
17 shall set a date for a hearing. Notice of the request for a hearing shall be served on the petitioner
18 in accordance with Rule 5 of the Rules of Civil Procedure. The court shall set the date for the
19 hearing no sooner than 10 days and no later than 30 days from the date of service of the request
20 upon the petitioner.

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

26 **"§ 50E-12. Notice.**

27 (a) Notice Law Enforcement; Entry into National Database. – The clerk of court shall
28 deliver on the same day that an ERPO is issued a certified copy of that ERPO to the sheriff of
29 the county in which the ERPO is issued. Any order extending, modifying, or revoking an ERPO
30 shall be promptly delivered to the sheriff by the clerk and served in a manner provided for service
31 of process. The sheriff shall promptly enter the ERPO into the National Crime Information Center
32 registry and shall provide for access of such orders to the courts on a continuous basis.
33 Modifications, terminations, renewals, and dismissals of the ERPO shall also be promptly
34 entered. A copy of the ERPO shall be issued promptly to and retained by the police department
35 of the municipality of the petitioner's residence. If the petitioner's residence is not located in a
36 municipality or is in a municipality with no police department, copies shall be issued promptly
37 to and retained by the sheriff of the county in which the petitioner's residence is located.

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

44 (c) Notice to Third Parties. – If the petitioner for an ERPO is a law enforcement officer
45 or agency, the officer or agency shall provide, or attempt to provide, notice of the petition to any
46 known third party who may be at risk of unlawful conduct from the respondent.

47 **"§ 50E-13. Prohibition; violation.**

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

1 (b) Violation. – A person who violates subsection (a) of this section or any other term of
2 an ERPO is guilty of a Class A1 misdemeanor.

3 **"§ 50E-14. False statement regarding ERPO a misdemeanor.**

4 A person who knowingly makes a false statement when petitioning for an ERPO under this
5 Chapter, or who knowingly makes a false statement to a law enforcement agency or officer that
6 an ERPO entered pursuant to this Chapter remains in effect, is guilty of a Class 1 misdemeanor.

7 **"§ 50E-15. Remedies not exclusive.**

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

10 **"§ 50E-16. Liability.**

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

15 SECTION 1.(b) Chapter 15C of the General Statutes reads as rewritten:

16 "Chapter 15C.

17 "Address Confidentiality Program.

18 **"§ 15C-1. Purpose.**

19 The purpose of this Chapter is to enable the State and the agencies of North Carolina to
20 respond to requests for public records without disclosing the location of a petitioner for an
21 Extreme Risk Protection Order or a victim of domestic violence, sexual offense, stalking, or
22 human trafficking; to enable interagency cooperation in providing address confidentiality for
23 victims a petitioner for an Extreme Risk Protection Order or a victim of domestic violence, sexual
24 offense, stalking, or human trafficking; and to enable the State and its agencies to accept a
25 program participant's use of an address designated by the Office of the Attorney General as a
26 substitute address.

27 **"§ 15C-2. Definitions.**

28 The following definitions apply in this Chapter:

29 ...

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

35 ...

36 (5a) ERPO petitioner. – The person who petitions for an Extreme Risk Protection
37 Order under Chapter 50E of the General Statutes.

38 ...

39 **"§ 15C-3. Address Confidentiality Program.**

40 The General Assembly establishes the Address Confidentiality Program in the Office of the
41 Attorney General to protect the confidentiality of the address of an ERPO petitioner or a relocated
42 victim of domestic violence, sexual offense, stalking, or human trafficking to prevent the
43 petitioner's or victim's assailants or potential assailants from finding the petitioner or victim
44 through public records. Under this Program, the Attorney General shall designate a substitute
45 address for a program participant and act as the agent of the program participant for purposes of
46 service of process and receiving and forwarding first-class mail or certified or registered mail.
47 The Attorney General shall not be required to forward any mail other than first-class mail or
48 certified or registered mail to the program participant. The Attorney General shall not be required
49 to track or otherwise maintain records of any mail received on behalf of a program participant
50 unless the mail is certified or registered mail.

51 **"§ 15C-4. Filing and certification of applications; authorization card.**

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

5 (1) An adult individual.

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

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

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

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

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

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

22 a. Law enforcement, court, or other federal or state agency records or
 23 files.

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

26 c. Documentation from a religious, medical, or other professional from
 27 whom the applicant has sought assistance in dealing with the alleged
 28 domestic violence, sexual offense, or stalking.

29 d. Documentation submitted to support a victim of human trafficking's
 30 application for federal assistance or benefits under federal human
 31 trafficking laws.

32 ...

33 (4) ~~A~~ Except for an applicant that is an ERPO petitioner, a statement by the
 34 applicant that the applicant has or will confidentially relocate in North
 35 Carolina.

36 ...

37 (7) The address that the applicant requests not to be disclosed by the Attorney
 38 General that directly relates to the increased risk of domestic violence, sexual
 39 offense, ~~or stalking~~ stalking, or other unlawful conduct.

40"

41 **SECTION 1.(c)** Development of Forms. – The Administrative Office of the Courts
 42 shall develop the appropriate forms to implement the processes provided under Chapter 50E of
 43 the General Statutes, as enacted by this section.

44 **SECTION 1.(d)** Section 1 Effective Date. – This section becomes effective October
 45 1, 2023.

46 **SECTION 2.(a)** G.S. 50B-3.1(d) reads as rewritten:

47 "(d) Surrender. – Upon service of the order, the defendant shall immediately surrender to
 48 the sheriff possession of all firearms, machine guns, ammunition, permits to purchase firearms,
 49 and permits to carry concealed firearms that are in the care, custody, possession, ownership, or
 50 control of the defendant. In the event that weapons cannot be surrendered at the time the order is
 51 served, the defendant shall surrender the firearms, ammunitions, and permits to the sheriff within

1 24 hours of service at a time and place specified by the sheriff. If the defendant fails to surrender
2 the firearms, ammunitions, and permits to the sheriff within 24 hours of service, the court shall
3 order the sheriff to seize the firearms, ammunitions, and permits. The sheriff shall store the
4 firearms or contract with a licensed firearms dealer to provide storage.

5 (1) If the court orders the defendant to surrender firearms, ammunition, and
6 permits, the court shall inform the plaintiff and the defendant of the terms of
7 the protective order and include these terms on the face of the order, including
8 that the defendant is prohibited from possessing, purchasing, or receiving or
9 attempting to possess, purchase, or receive a firearm for so long as the
10 protective order or any successive protective order is in effect. The terms of
11 the order shall include instructions as to how the defendant may request
12 retrieval of any firearms, ammunition, and permits surrendered to the sheriff
13 when the protective order is no longer in effect. The terms shall also include
14 notice of the penalty for violation of G.S. 14-269.8.

15 (2) The sheriff may charge the defendant a reasonable fee for the storage of any
16 firearms and ammunition taken pursuant to a protective order. The fees are
17 payable to the sheriff. The sheriff shall transmit the proceeds of these fees to
18 the county finance officer. The fees shall be used by the sheriff to pay the costs
19 of administering this section and for other law enforcement purposes. The
20 county shall expend the restricted funds for these purposes only. The sheriff
21 shall not release firearms, ammunition, or permits without a court order
22 granting the release. The defendant must remit all fees owed prior to the
23 authorized return of any firearms, ammunition, or permits. The sheriff shall
24 not incur any civil or criminal liability for alleged damage or deterioration due
25 to storage or transportation of any firearms or ammunition held pursuant to
26 this section."

27 **SECTION 2.(b)** Section 2 Effective Date. – This section is effective when it becomes
28 law and applies to orders issued on or after that date.

29 **SECTION 3.** Act Effective Date. – Except as otherwise provided, this act is effective
30 when it becomes law.