

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 156
Judiciary Committee Substitute Adopted 3/19/19
House Committee Substitute Favorable 6/24/20
House Committee Substitute #2 Favorable 6/25/20

Short Title: Superseding Orders/Domestic Violence/ALE.

(Public)

Sponsors:

Referred to:

February 28, 2019

A BILL TO BE ENTITLED

AN ACT TO CLARIFY WHEN SUBSEQUENT COURT ORDERS WILL SUPERSEDE SIMILAR PROVISIONS IN DOMESTIC VIOLENCE PROTECTIVE ORDERS; TO ALLOW THE DEPARTMENT OF PUBLIC SAFETY TO RELOCATE ALCOHOL LAW ENFORCEMENT AS SUITABLE STATE-OWNED PROPERTY IS IDENTIFIED; AND TO DIRECT THE COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO EXCLUDE CERTAIN DRUG PRODUCTS FROM SCHEDULING IN THE CONTROLLED SUBSTANCES ACT.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 50B-7(b) reads as rewritten:

"(b) Any subsequent court order ~~entered under Chapter 50 or Chapter 110 of the General Statutes~~ supersedes similar provisions in prior protective orders issued pursuant to this Chapter."

SECTION 1.(b) G.S. 50B-2(a) reads as rewritten:

"(a) Any person residing in this State may seek relief under this Chapter by filing a civil action or by filing a motion in any existing action filed under Chapter 50 of the General Statutes alleging acts of domestic violence against himself or herself or a minor child who resides with or is in the custody of such person. A party seeking relief under this Chapter shall disclose in its pleadings or attached affidavit any existing court order between the parties issued pursuant Chapter 50, Chapter 50B, or Chapter 110 of the General Statutes. Should the court determine that a party under this Chapter has failed to make the disclosure required, no relief granted under an order entered pursuant to this Chapter in reliance upon that party's pleading or attached affidavit lacking such disclosure supersedes any similar provision in the prior Chapter 50, Chapter 50B, or Chapter 110 court order. Any aggrieved party entitled to relief under this Chapter may file a civil action and proceed pro se, without the assistance of legal counsel. The district court division of the General Court of Justice shall have original jurisdiction over actions instituted under this Chapter. Any action for a domestic violence protective order requires that a summons be issued and served. The summons issued pursuant to this Chapter shall require the defendant to answer within 10 days of the date of service. Attachments to the summons shall include the complaint, notice of hearing, any temporary or ex parte order that has been issued, and other papers through the appropriate law enforcement agency where the defendant is to be served. In compliance with the federal Violence Against Women Act, no court costs or attorneys' fees shall be assessed for the filing, issuance, registration, or service of a protective order or petition for a protective order or witness subpoena, except as provided in G.S. 1A-1, Rule 11."



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1 **SECTION 1.(c)** This section is effective when it becomes law and applies to court
2 orders entered on or after that date.

3 **SECTION 2.** The Department of Public Safety may begin to relocate the ALE
4 Headquarters and ALE regional offices as State-owned space is identified or recurring funding
5 is secured. Until recurring funding is secured or State-owned space is identified, the Department
6 of Public Safety shall continue to consolidate ALE and SBI regions and regional offices so that
7 district offices remain co-located.

8 **SECTION 3.(a)** G.S. 90-88 is amended by adding a new subsection to read:

9 "(j) The Commission shall exclude from any schedule a drug product in finished dosage
10 formulation that has been approved by the U.S. Food and Drug Administration that contains
11 cannabidiol (2-[1R-3-methyl-6R-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-
12 benzenediol) derived from cannabis and no more than one-tenth of one percent (1/10 of 1%)
13 residual tetrahydrocannabinols by weight."

14 **SECTION 3.(b)** This section becomes effective August 1, 2020, and applies to
15 offenses committed on or after that date.

16 **SECTION 4.** Except as otherwise provided, this act is effective when it becomes
17 law.