

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 170

Short Title: Restructure Civil Contempt.

(Public)

Sponsors: Senators Carpenter; and Ballance.

Referred to: Judiciary I.

February 25, 1999

A BILL TO BE ENTITLED

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2 AN ACT TO ESTABLISH A LIMIT ON THE TIME A PERSON CAN BE
3 IMPRISONED FOR CIVIL CONTEMPT AND TO RAISE THE STANDARD OF
4 PROOF IN PROCEEDINGS FOR CIVIL CONTEMPT.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 5A-21(b) reads as rewritten:

7 "(b) A person who is found in civil contempt may be imprisoned as long as ~~his~~the
8 civil contempt ~~continues~~, continues but not to exceed 12 months, unless the contempt is
9 failure by a person not arrested for the crime to comply with a nontestimonial
10 identification order issued pursuant to Article 14, Nontestimonial Identification Order, of
11 Chapter 15A of the General Statutes. In that case, ~~he~~the person may not be imprisoned
12 more than 90 days unless ~~he~~the person is arrested on probable cause."

13 Section 2. G.S. 5A-23(e) reads as rewritten:

14 "(e) At the conclusion of the hearing, the judicial official must enter a finding for or
15 against the alleged contemnor. If civil contempt is found, the judicial official must enter
16 an order finding the facts constituting contempt and specifying the action which the
17 contemnor must take to purge himself or herself of the contempt. The facts must be
18 established by clear and convincing evidence."

19 Section 3. This act is effective when it becomes law and applies to all
20 proceedings for civil contempt held on or after that date. Section 1 of this act applies to

- 1 all persons imprisoned for civil contempt on or after that date and to all persons currently
- 2 imprisoned for civil contempt.