

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE DRS35043-LH-12B (11/16)

Short Title: Amend Domestic Crim. Trespass.

(Public)

Sponsors: Senator Snow.

Referred to:

A BILL TO BE ENTITLED

1
2 AN ACT TO AMEND THE OFFENSE OF DOMESTIC CRIMINAL TRESPASS BY
3 MAKING IT A FELONY FOR A PERSON WHO IS THE SUBJECT OF A VALID
4 PROTECTIVE ORDER TO TRESPASS ON PROPERTY THAT IS OPERATED
5 AS A SAFE HOUSE OR HAVEN FOR DOMESTIC VIOLENCE VICTIMS
6 WITHOUT REGARD AS TO WHETHER THE PERSONS COVERED BY THE
7 PROTECTIVE ORDER ARE PRESENT ON THE PREMISES AND TO
8 PROVIDE THAT IT IS AN AGGRAVATING CIRCUMSTANCE FOR FIRST
9 DEGREE MURDER IF A DEFENDANT WHO IS THE SUBJECT OF A VALID
10 PROTECTIVE ORDER COMMITS A MURDER ON THE PREMISES OF A
11 SHELTER FOR VICTIMS OF DOMESTIC VIOLENCE.

12 The General Assembly of North Carolina enacts:

13 **SECTION 1.** G.S. 14-134.3 reads as rewritten:

14 **"§ 14-134.3. Domestic criminal trespass.**

15 (a) Any person who enters after being forbidden to do so or remains after being
16 ordered to leave by the lawful occupant, upon the premises occupied by a present or
17 former spouse or by a person with whom the person charged has lived as if married,
18 shall be guilty of a misdemeanor if the complainant and the person charged are living
19 apart; provided, however, that no person shall be guilty if said person enters upon the
20 premises pursuant to a judicial order or written separation agreement which gives the
21 person the right to enter upon said premises for the purpose of visiting with minor
22 children. Evidence that the parties are living apart shall include but is not necessarily
23 limited to:

- 24 (1) A judicial order of separation;
25 (2) A court order directing the person charged to stay away from the
26 premises occupied by the complainant;

- 1 (3) An agreement, whether verbal or written, between the complainant and
2 the person charged that they shall live separate and apart, and such
3 parties are in fact living separate and apart; or
4 (4) Separate places of residence for the complainant and the person
5 charged.

6 Except as provided in subsection (b) or (c) of this section, upon conviction, said person
7 is guilty of a Class 1 misdemeanor.

8 (b) A person convicted of a violation of this section is guilty of a Class G felony
9 if the person is trespassing upon property operated as a safe house or haven for victims
10 of domestic violence and the person is armed with a deadly weapon at the time of the
11 offense.

12 (c) It is unlawful for a person who is subject to a valid protective order that is
13 enforceable under Chapter 50B of the General Statutes to enter property being operated
14 as a safe house or haven for victims of domestic violence after being forbidden to do so
15 or to remain on the premises after being ordered to leave by the lawful occupant, unless
16 the person enters upon the premises pursuant to a judicial order or written separation
17 agreement that gives the person the right to enter upon the premises for the purpose of
18 visiting with minor children. A person who violates this subsection is guilty of this
19 offense regardless of whether any of the parties protected by the protective order are
20 present on the property. A person who violates this subsection is guilty of a Class H
21 felony."

22 **SECTION 2.** G.S. 15A-2001 is amended by adding a new subdivision to
23 read:

24 "(12) The defendant was the subject of a valid protective order enforceable
25 under Chapter 50B of the General Statutes at the time of the
26 commission of the capital felony and committed the capital felony on
27 the premises of a safe house or haven for victims of domestic
28 violence."

29 **SECTION 3.** This act becomes effective December 1, 2007, and applies to
30 offenses committed on or after that date.