

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL DRS45284-ND-92

Short Title: Modify Laws Relating to Human Trafficking. (Public)

Sponsors: Senators Alexander, Hanig, and Barnes (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY LAWS RELATING TO HUMAN TRAFFICKING, AS
3 RECOMMENDED BY THE NORTH CAROLINA HUMAN TRAFFICKING
4 COMMISSION.

5 The General Assembly of North Carolina enacts:

6
7 **EXPAND RIGHTS TO PERMANENT PROTECTIVE AND NO-CONTACT ORDERS**
8 **FOR VICTIMS OF HUMAN TRAFFICKING AND SEX OFFENSES**

9 SECTION 1.(a) Chapter 50D of the General Statutes reads as rewritten:

10 "Chapter 50D.

11 "Permanent Protective or Civil No-Contact Order Against Human Traffickers and Sex
12 Offender on Behalf of Crime Victim.Offenders.

13 "§ 50D-1. Definitions.

14 The following definitions apply in this Chapter:

- 15 (1) Human trafficking offense. – Any criminal offense under Article 10A of
16 Chapter 14 of the General Statutes that is not a sex offense.
17 ~~(1)~~(1a) Permanent civil no-contact order. – A permanent injunction that prohibits any
18 contact by a respondent with the victim of a human trafficking offense or sex
19 offense for which the respondent is convicted.
20 (1b) Permanent domestic violence protective order. – A permanent injunction that
21 prohibits any contact by a respondent with the victim of a human trafficking
22 offense or sex offense for which the respondent is convicted when the
23 respondent and victim have a personal relationship under G.S. 50B-1(b).
24 (2) Respondent. – The person who committed the human trafficking offense or
25 sex offense.
26 (3) Sex offense. – Any criminal offense that requires registration under Article
27 27A of Chapter 14 of the General Statutes.
28 (4) Victim. – The person against whom the human trafficking offense or sex
29 offense was committed.

30 "§ 50D-2. Commencement of action; filing fees not permitted; assistance.

31 (a) An action is commenced under this Chapter by filing a verified complaint for a
32 permanent domestic violence protective order or permanent civil no-contact order in district court
33 or by filing a motion in any existing civil action, by any of the following:

- 34 (1) A person who is the victim of a human trafficking offense or sex offense that
35 occurs in this State.



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(2) A competent adult who resides in this State on behalf of a minor child who is the victim of a human trafficking offense or sex offense that occurs in this State.

(3) A competent adult who resides in this State on behalf of an incompetent adult who is the victim of a human trafficking offense or sex offense that occurs in this State.

...
(c) An action commenced under this Chapter may be filed in any county permitted under G.S. 1-82 or where the respondent was convicted of the human trafficking offense or sex offense.

...
"§ 50D-3. Process for action for permanent ~~civil no-contact~~ order.

(a) Any action for a permanent domestic violence protective order or permanent civil no-contact order requires that a summons be issued and served. The summons issued pursuant to this Chapter shall require the respondent to answer within 10 days of the date of service. Attachments to the summons shall include the complaint for the permanent domestic violence protective order or permanent civil no-contact order.

...
(c) The court may enter a permanent domestic violence protective order or permanent civil no-contact order by default for the remedy sought in the complaint if the respondent has been served in accordance with this section and fails to answer as directed, or fails to appear on any subsequent appearance or hearing date agreed to by the parties or set by the court.

...
"§ 50D-5. Remedy.

(a) If the court finds all of the following, the court may issue a permanent domestic violence protective order or permanent civil no-contact order:

(1) The respondent was convicted of committing a human trafficking offense or sex offense against the victim.

...
(b) The court may grant one or more of the following forms of relief in a permanent domestic violence protective order or permanent civil no-contact order under this Chapter:

...
(c) No permanent domestic violence protective order or permanent civil no-contact order shall be issued under this Chapter without notice to the respondent.

"§ 50D-6. Duration.
A permanent domestic violence protective order or permanent civil no-contact order issued pursuant to this Chapter remains effective for the lifetime of the respondent.

"§ 50D-7. Notice of orders.
(a) The clerk of court shall deliver, on the same day that a permanent domestic violence protective order or permanent civil no-contact order is issued, a certified copy of that order to the sheriff.

...
(d) Any order modifying or revoking any permanent domestic violence protective order or permanent civil no-contact order entered pursuant to this Chapter shall be promptly delivered to the sheriff by the clerk of court and served in a manner provided for service of process in accordance with the provisions of this section.

...
"§ 50D-9. Rescission.
At any time after the issuance of the order, the victim may make a motion to rescind the permanent domestic violence protective order or permanent civil no-contact order. If the court determines that reasonable grounds for the victim to fear any future contact with the respondent

no longer exist, the court may rescind the permanent domestic violence protective order or permanent civil no-contact order.

"§ 50D-10. Violation.

...

(b) A permanent domestic violence protective order or permanent civil no-contact order entered pursuant to this Chapter shall be enforced by all North Carolina law enforcement agencies without further order of the court. A law enforcement officer shall arrest and take a person into custody, with or without a warrant or other process, if the officer has probable cause to believe that the person knowingly has violated a permanent domestic violence protective order or permanent civil no-contact order entered pursuant to this Chapter.

...."

SECTION 1.(b) This section becomes effective August 1, 2023, and applies to actions filed on or after that date.

PROHIBIT THE DENIAL OR REDUCTION OF AN AWARD FROM THE CRIME VICTIMS' COMPENSATION FUND SOLELY DUE TO CONDUCT OCCURRING WHILE THE CLAIMANT WAS A VICTIM OF HUMAN TRAFFICKING

SECTION 2.(a) G.S. 15B-11(b) reads as rewritten:

"(b) A claim may be denied or an award of compensation may be reduced ~~if~~ if either:

- (1) The victim was participating in a nontraffic misdemeanor at or about the time that the victim's injury ~~occurred; or occurred~~, unless the victim is a victim as defined by G.S. 14-43.10(a) and was coerced or deceived into participating in the nontraffic misdemeanor as a direct result of the person's status as a victim.
- (2) The claimant or a victim through whom the claimant claims engaged in contributory ~~misconduct~~ misconduct, unless the claimant or victim through whom the claimant claims is a victim as defined by G.S. 14-43.10(a) and was coerced or deceived into participating in the contributory misconduct as a direct result of the person's status as a victim."

SECTION 2.(b) This section is effective when it becomes law and applies to denials or award reductions issued on or after that date.

EXPAND CONDUCT CONSTITUTING A CRIME OF HUMAN TRAFFICKING AND A CRIME OF SEXUAL SERVITUDE

SECTION 3.(a) G.S. 14-43.11(a) reads as rewritten:

"(a) A person commits the offense of human trafficking when that person (i) knowingly or in reckless disregard of the consequences of the action recruits, entices, harbors, transports, provides, patronizes, solicits, or obtains by any means another person with the intent that the other person be held in involuntary servitude or sexual servitude or (ii) willfully or in reckless disregard of the consequences of the action causes a minor to be held in involuntary servitude or sexual servitude."

SECTION 3.(b) G.S. 14-43.13(a) reads as rewritten:

"(a) A person commits the offense of sexual servitude when that person knowingly or in reckless disregard of the consequences of the action subjects, maintains, patronizes, solicits, or obtains another for the purposes of sexual servitude."

SECTION 3.(c) This section becomes effective December 1, 2023, and applies to offenses committed on or after that date.

EFFECTIVE DATE

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