



PENDING - DO NOT REMOVE  
CHANGES TITLE

NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 94

AMENDMENT NO. 1  
(to be filled in by  
Principal Clerk)

S94-ALB-46 [v.1]

Page 1 of 2

Comm. Sub. [NO]  
Amends Title [NO]  
First Edition

Date 13 May, 2009

Senator Brock

1 moves to amend the bill on page 1, line 3, by adding the following immediately before the  
2 period: ", TO MAKE THE CRIMINAL OFFENSE OF SIMPLE ASSAULT A FELONY  
3 RATHER THAN A MISDEMEANOR WHEN THE SIMPLE ASSAULT IS COMMITTED  
4 AGAINST A LAW ENFORCEMENT OFFICER, A FIREFIGHTER, OR EMERGENCY  
5 PERSONNEL, AND TO INCREASE THE PENALTY FOR ASSAULT AGAINST CERTAIN  
6 EMERGENCY PERSONNEL IF THE ASSAULT IS WITH A DEADLY WEAPON OR  
7 INFLECTS SERIOUS BODILY INJURY"

8

9 further moves to amend the bill on page 1, line 22 and 23 by rewriting those lines to read:

10 "SECTION 2. Article 8 of Chapter 14 of the General Statutes is amended by  
11 adding a new section to read:

12 "§ 14-33.3. Simple assault on law enforcement officer.

13 Unless the conduct is covered under some other provision of law providing greater  
14 punishment, any person who commits any assault, assault and battery, or affray is guilty of a  
15 Class I felony if, in the course of the assault, assault and battery, or affray, he or she assaults a  
16 law enforcement officer while the officer is discharging or attempting to discharge the officer's  
17 official duties."

18 SECTION 3. G.S. 14-34.6 reads as rewritten:

19 "§ 14-34.6. Assault or affray on a firefighter, an emergency medical technician, medical  
20 responder, emergency department nurse, or emergency department physician.

21 (a) A person is guilty of a Class A1 ~~misdemeanor~~ felony if the person commits an  
22 assault or an affray on any of the following persons who are discharging or attempting to  
23 discharge their official duties:

- 24 (1) An emergency medical technician.
- 25 (2) A medical responder.
- 26 (3) An emergency department nurse.
- 27 (4) An emergency department physician.
- 28 (5) A firefighter.

29 (b) Unless a person's conduct is covered under some other provision of law providing  
30 greater punishment, a person is guilty of a ~~Class I felony~~ Class H felony if the person violates  
31 subsection (a) of this section and (i) inflicts serious bodily injury or (ii) uses a deadly weapon  
32 other than a firearm.

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Page 2 of 2

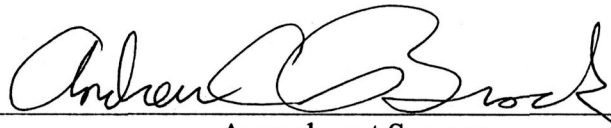
1 (c) Unless a person's conduct is covered under some other provision of law providing  
2 greater punishment, a person is guilty of a Class F felony if the person violates subsection (a) of  
3 this section and uses a firearm."

4 **SECTION 4.** G.S. 14-288.9(c) reads as rewritten:

5 "(c) Any person who commits an assault upon emergency personnel is guilty of a Class  
6 ~~I misdemeanor~~ Class I felony. Any person who commits an assault upon emergency personnel  
7 with or through the use of any dangerous weapon or substance shall be punished as a Class F  
8 felon."

9 **SECTION 5.** This act becomes effective December 1, 2009, and applies to  
10 offenses committed on or after that date. Prosecutions for offenses committed before the  
11 effective date of this act are not abated or affected by this act, and the statutes that would be  
12 applicable but for this act remain applicable to those prosecutions.  
13

SIGNED



Amendment Sponsor

SIGNED \_\_\_\_\_

Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_

FAILED \_\_\_\_\_

TABLED \_\_\_\_\_

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