

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

S

D

SENATE BILL 762  
PROPOSED COMMITTEE SUBSTITUTE S762-PCS85214-RK-91

Short Title: Assault on Law Enforcement & EM Worker/Felony.

(Public)

Sponsors:

Referred to:

April 20, 2011

A BILL TO BE ENTITLED

AN ACT TO MAKE THE CRIMINAL OFFENSE OF SIMPLE ASSAULT A FELONY RATHER THAN A MISDEMEANOR WHEN THE SIMPLE ASSAULT IS COMMITTED AGAINST A LAW ENFORCEMENT OFFICER, A FIREFIGHTER, OR EMERGENCY PERSONNEL AND TO INCREASE THE PENALTY FOR ASSAULT AGAINST CERTAIN EMERGENCY PERSONNEL IF THE ASSAULT IS WITH A DEADLY WEAPON OR INFLICTS SERIOUS BODILY INJURY.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 8 of Chapter 14 of the General Statutes is amended by adding a new section to read:

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

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

**SECTION 2.** G.S. 14-34.6 reads as rewritten:

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

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

(1) An emergency medical technician.

(1a) A physician assistant.

(2) A medical responder.

(3) An emergency department nurse.

(4) An emergency department physician.

(5) A firefighter.

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



\* S 7 6 2 - P C S 8 5 2 1 4 - R K - 9 1 \*

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 3.** 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 ~~1 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 4.** This act becomes effective December 1, 2011, 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.