

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE DRS25117-LH-128 (03/12)

Short Title: Student Assault On Teacher/Felony Offense. (Public)

Sponsors: Senator Tillman (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE IT A FELONY OFFENSE FOR A STUDENT WHO IS SIXTEEN
3 YEARS OF AGE OR OLDER TO ASSAULT A SCHOOL EMPLOYEE ON SCHOOL
4 PROPERTY WHEN THE EMPLOYEE IS DISCHARGING OFFICIAL DUTIES OR THE
5 ASSAULT IS COMMITTED AS A RESULT OF THE DISCHARGE OR ATTEMPT TO
6 DISCHARGE THE INDIVIDUAL'S DUTIES AS A SCHOOL EMPLOYEE.

7 The General Assembly of North Carolina enacts:

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

10 "§ 14-33.3. Student assault on a school employee.

11 (a) Definitions. – The following definitions apply in this section:

12 (1) Duties. – All activities on school property.

13 (2) Employee. – Has the same meaning as G.S. 14-33(c)(6)b.1. and 2.

14 (3) School property. – Any school building, bus, school campus, grounds,
15 recreational area, athletic field, or other property owned, used, or operated
16 by any board of education or school board of trustees, or directors for the
17 administration of any primary or secondary school.

18 (4) Student. – A person enrolled in a public school, a charter school authorized
19 under G.S. 115C-218.5, or a nonpublic school which has filed intent to
20 operate under Part 1 or Part 2 of Article 39 of Chapter 115C of the General
21 Statutes.

22 (b) Offense. – Unless the conduct is covered under some other provision of law
23 providing greater punishment, a student who assaults a school employee is guilty of a felony
24 offense under this section if all of the following criteria are satisfied:

25 (1) The student is 16 years of age or older.

26 (2) The student assaults the school employee when the employee is discharging
27 or attempting to discharge his or her duties as an employee, or the student
28 assaults the school employee as a result of the discharge or attempt to
29 discharge that individual's duties as a school employee.

30 (3) The assault occurs on school property.

31 (c) Penalty. – A student convicted of a first offense under this section is guilty of a
32 Class I felony. A student convicted of a second or subsequent offense under this section is
33 guilty of a Class G felony."

34 SECTION 2. This act becomes effective December 1, 2015, and applies to
35 offenses committed on or after that date.



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