

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE BILL 343
Education/Higher Education Committee Substitute Adopted 4/15/15
PROPOSED COMMITTEE SUBSTITUTE S343-PCS45362-TJ-26

Short Title: Student Assault on Teacher/Felony Offense.

(Public)

Sponsors:

Referred to:

March 23, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE IT A CRIMINAL OFFENSE FOR A STUDENT WHO IS SIXTEEN
3 YEARS OF AGE OR OLDER WHO DOES NOT HAVE AN INDIVIDUALIZED
4 EDUCATION PROGRAM OR SECTION 504 PLAN TO ASSAULT A SCHOOL
5 EMPLOYEE ON SCHOOL PROPERTY WHEN THE EMPLOYEE IS DISCHARGING
6 OFFICIAL DUTIES OR THE ASSAULT IS COMMITTED AS A RESULT OF THE
7 DISCHARGE OR ATTEMPT TO DISCHARGE THE INDIVIDUAL'S DUTIES AS A
8 SCHOOL EMPLOYEE.

9 The General Assembly of North Carolina enacts:

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

12 **"§ 14-33.3. Student assault on a school employee.**

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

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

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

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

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

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

27 (1) The student is 16 years of age or older and does not have (i) an
28 Individualized Education Program as defined in G.S. 115C-106.3 or (ii) a
29 Section 504 Plan under 29 U.S.C. § 794 et seq.

30 (2) The student assaults the school employee when the employee is discharging
31 or attempting to discharge his or her duties as an employee or the student
32 assaults the school employee as a result of the discharge or attempt to
33 discharge that individual's duties as a school employee.

34 (3) The assault occurs on school property.



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1 (c) Penalty. – A student convicted of a first offense under this section is guilty of a
2 Class A1 misdemeanor. A student convicted of a second offense under this section is guilty of a
3 Class H felony. A student convicted of a third or subsequent offense under this section is guilty
4 of a Class G felony."

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