

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H

D

HOUSE BILL 691
PROPOSED SENATE COMMITTEE SUBSTITUTE H691-PCS40463-TJ-33

Short Title: Assault on National Guard Member.

(Public)

Sponsors:

Referred to:

April 14, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE IT A FELONY TO ASSAULT A MEMBER OF THE NORTH
3 CAROLINA NATIONAL GUARD WHO IS DISCHARGING OR ATTEMPTING TO
4 DISCHARGE OFFICIAL DUTIES.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 14-34.7 reads as rewritten:

7 "~~§ 14-34.7. Assault inflicting serious injury~~ Certain assaults on a law enforcement,
8 probation, or parole officer-officer, or on a member of the North Carolina
9 National Guard, or on a person employed at a State or local detention facility;
10 penalty.

11 (a) Unless covered under some other provision of law providing greater punishment, a
12 person is guilty of a Class F felony if the person assaults a law enforcement officer, probation
13 officer, or parole officer while the officer is discharging or attempting to discharge his or her
14 official duties and inflicts serious bodily injury on the officer.

15 (a1) Unless covered under some other provision of law providing greater punishment, a
16 person is guilty of a Class F felony if the person assaults a member of the North Carolina
17 National Guard while he or she is discharging or attempting to discharge his or her official
18 duties and inflicts serious bodily injury on the member.

19 (b) Unless covered under some other provision of law providing greater punishment, a
20 person is guilty of a Class F felony if the person ~~Anyone who~~ assaults a person who is
21 employed at a detention facility operated under the jurisdiction of the State or a local
22 government while the employee is in the performance of the employee's duties and inflicts
23 serious bodily injury on the ~~employee is guilty of a Class F felony, unless the person's conduct~~
24 ~~is covered under some other provision of law providing greater punishment.~~ employee.

25 (c) Unless covered under some other provision of law providing greater punishment, a
26 person is guilty of a Class I felony if the person does ~~either~~ any of the following:

27 (1) Assaults a law enforcement officer, probation officer, or parole officer while
28 the officer is discharging or attempting to discharge his or her official duties
29 and inflicts physical injury on the officer.

30 (2) Assaults a person who is employed at a detention facility operated under the
31 jurisdiction of the State or a local government while the employee is in the
32 performance of the employee's duties and inflicts physical injury on the
33 employee.

34 (3) Assaults a member of the North Carolina National Guard while he or she is
35 discharging or attempting to discharge his or her official duties and inflicts
36 physical injury on the member.



* H 6 9 1 - P C S 4 0 4 6 3 - T J - 3 3 *

1 For the purposes of this subsection, "physical injury" includes cuts, scrapes, bruises, or
2 other physical injury which does not constitute serious injury."

3 **SECTION 2.** G.S. 14-34.5 reads as rewritten:

4 "**§ 14-34.5. Assault with a firearm on a law enforcement, probation, or parole officer**
5 **officer, or on a member of the North Carolina National Guard, or on a person**
6 **employed at a State or local detention facility.**

7 (a) Any person who commits an assault with a firearm upon a law enforcement officer,
8 probation officer, or parole officer while the officer is in the performance of his or her duties is
9 guilty of a Class E felony.

10 (a1) Any person who commits an assault with a firearm upon a member of the North
11 Carolina National Guard while the member is in the performance of his or her duties is guilty
12 of a Class E felony.

13 (b) Anyone who commits an assault with a firearm upon a person who is employed at a
14 detention facility operated under the jurisdiction of the State or a local government while the
15 employee is in the performance of the employee's duties is guilty of a Class E felony."

16 **SECTION 3.** This act becomes effective December 1, 2015, and applies to
17 offenses committed on or after that date.