

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

D

HOUSE BILL 492
Corrected Copy 3/31/17
PROPOSED COMMITTEE SUBSTITUTE H492-PCS40335-RW-11

Short Title: Increase Penalties for Certain Assaults.

(Public)

Sponsors:

Referred to:

March 28, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO INCREASE THE CRIMINAL PENALTIES FOR ASSAULT ON ANY OF THE
3 FOLLOWING PERSONS WHILE THE PERSON IS DISCHARGING OR ATTEMPTING
4 TO DISCHARGE OFFICIAL DUTIES: FIREFIGHTERS, LAW ENFORCEMENT
5 OFFICERS, EMERGENCY MEDICAL TECHNICIANS, MEDICAL RESPONDERS,
6 HOSPITAL PERSONNEL, LICENSED HEALTH CARE PROVIDERS, STATE AND
7 LOCAL GOVERNMENT OFFICERS AND EMPLOYEES, EXECUTIVE OFFICERS,
8 LEGISLATIVE OFFICERS, JUDICIAL OFFICERS, AND ELECTED EXECUTIVE,
9 LEGISLATIVE, AND JUDICIAL OFFICERS.

10 The General Assembly of North Carolina enacts:

11 **SECTION 1.** G.S. 14-16.6 reads as rewritten:

12 "**§ 14-16.6. Assault on executive, legislative, or court officer.**

13 (a) Any person who assaults any legislative officer, executive officer, or court officer,
14 or assaults another person as retaliation against any legislative officer, executive officer, or
15 court officer because of the exercise of that officer's duties, or any person who makes a violent
16 attack upon the residence, office, temporary accommodation or means of transport of any one
17 of those officers or persons in a manner likely to endanger the officer or person, shall be guilty
18 of a felony and shall be punished as a ~~Class I~~ Class H felon.

19 (b) Any person who commits an offense under subsection (a) and uses a deadly weapon
20 in the commission of that offense shall be punished as a ~~Class F~~ Class E felon.

21 (c) Any person who commits an offense under subsection (a) and inflicts serious bodily
22 injury to any legislative officer, executive officer, or court officer, shall be punished as a ~~Class~~
23 F Class E felon."

24 **SECTION 2.** G.S. 14-16.7 reads as rewritten:

25 "**§ 14-16.7. Threats against executive, legislative, or court officers.**

26 (a) Any person who knowingly and willfully makes any threat to inflict serious bodily
27 injury upon or to kill any legislative officer, executive officer, or court officer, or who
28 knowingly and willfully makes any threat to inflict serious bodily injury upon or kill any other
29 person as retaliation against any legislative officer, executive officer, or court officer because of
30 the exercise of that officer's duties, shall be guilty of a felony and shall be punished as a ~~Class I~~
31 Class H felon.

32 (b) Any person who knowingly and willfully deposits for conveyance in the mail any
33 letter, writing, or other document or sends an electronic communication containing a threat to
34 commit an offense described in subsection (a) of this section shall be guilty of a felony and
35 shall be punished as a ~~Class I~~ Class H felon. For purposes of this subsection, "electronic



* H 4 9 2 - P C S 4 0 3 3 5 - R W - 1 1 *

1 communication" includes transmissions through an electronic device, including, but not limited
2 to, a telephone, cellular phone, computer, or pager, which communication includes, but is not
3 limited to, e-mail, instant message, text message, or voice mail."

4 **SECTION 3.** G.S. 14-34.2 reads as rewritten:

5 **"§ 14-34.2. Assault with a firearm or other deadly weapon upon governmental officers or**
6 **employees, firefighters, company police officers, or campus police officers.**

7 Unless a person's conduct is covered under some other provision of law providing greater
8 punishment, any person who commits an assault with a firearm or any other deadly weapon
9 upon an officer or employee of the State or of any political subdivision of the State, a
10 firefighter, a company police officer certified pursuant to the provisions of Chapter 74E of the
11 General Statutes, or a campus police officer certified pursuant to the provisions of Chapter
12 74G, Chapter 17C or Chapter 116 of the General Statutes, in the performance of his duties shall
13 be guilty of a Class F felony."

14 **SECTION 4.** G.S. 14-34.6 reads as rewritten:

15 **"§ 14-34.6. Assault or affray on a firefighter, an emergency medical technician, medical**
16 **responder, and hospital personnel.**

17 (a) A person is guilty of a ~~Class I~~ Class H felony if the person commits an assault or
18 affray causing physical injury on any of the following persons who are discharging or
19 attempting to discharge their official duties:

- 20 (1) An emergency medical technician or other emergency health care provider.
- 21 (2) A medical responder.
- 22 (3) Hospital personnel and licensed healthcare providers who are providing or
23 attempting to provide health care services to a patient in a hospital.
- 24 (4) Repealed by Session Laws 2011-356, s. 2, effective December 1, 2011, and
25 applicable to offenses committed on or after that date.
- 26 (5) A firefighter.

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

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

34 **SECTION 5.** Article 8 of Chapter 14 of the General Statutes is amended by adding
35 a new section to read:

36 **"§ 14-34.11. Simple assault on an officer or employee of the State or local government.**

37 Unless the conduct is covered under some other provision of law providing greater
38 punishment, a person is guilty of a Class I felony if the person assaults an officer or employee
39 of the State or any political subdivision of the State when the officer or employee is discharging
40 or attempting to discharge his or her official duties."

41 **SECTION 6.** G.S. 14-288.9 reads as rewritten:

42 **"§ 14-288.9. Assault on emergency personnel; punishments.**

43 (a) An assault upon emergency personnel is an assault upon any person coming within
44 the definition of "emergency personnel" which is committed in an area:

- 45 (1) In which a declared state of emergency exists; or
- 46 (2) Within the immediate vicinity of which a riot is occurring or is imminent.

47 (b) The term "emergency personnel" includes law-enforcement officers, ~~firemen,~~
48 ~~ambulance attendants,~~ firefighters, emergency medical responders, utility workers, doctors,
49 nurses, and other persons lawfully engaged in providing essential services during the
50 emergency.

1 (c) Any person who commits an assault causing physical injury upon emergency
2 personnel is guilty of a ~~Class I~~Class H felony. Any person who commits an assault upon
3 emergency personnel with or through the use of any dangerous weapon or substance shall be
4 punished as a ~~Class F~~Class E felon."

5 **SECTION 7.** This act becomes effective December 1, 2017, and applies to
6 offenses committed on or after that date.