

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 20
PROPOSED COMMITTEE SUBSTITUTE S20-PCS15104-BQ-4

Short Title: Emergency Worker Protection Act.

(Public)

Sponsors:

Referred to:

February 7, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO ENACT THE EMERGENCY WORKER PROTECTION ACT.
3 The General Assembly of North Carolina enacts:

4 SECTION 1. 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, company police officers, or campus police officers.

7 (a) Unless a person's conduct is covered under some other provision of law providing
8 greater punishment, any person who commits an assault with a ~~firearm or any other~~ deadly
9 weapon upon an officer or employee of the State or of any political subdivision of the State, a
10 company police officer certified pursuant to the provisions of Chapter 74E of the General
11 Statutes, or a campus police officer certified pursuant to the provisions of Chapter 74G, Article
12 1 of Chapter 17C or Chapter 116 of the General Statutes, in the performance of ~~his duties shall~~
13 ~~be an official duty~~ is guilty of a ~~Class F~~ Class E felony.

14 (b) A person is guilty of a Class D felony if the person commits a violation of subsection
15 (a) of this section and uses a firearm."

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

17 "§ 14-34.5. Assault with a firearm on a law enforcement, probation, or parole officer, or
18 on a member of the North Carolina National Guard, or on a person employed at
19 a State or local detention facility.

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

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

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

29 SECTION 3. G.S. 14-34.6 reads as rewritten:

30 "§ 14-34.6. Assault or affray on a firefighter, an emergency medical technician, medical
31 responder, and hospital personnel.

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

- 35 (1) An emergency medical technician or other emergency health care provider.
36 (2) A medical responder.



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1 (3) Hospital personnel and licensed healthcare providers who are providing or
2 attempting to provide health care services to a ~~patient in a hospital~~ patient.
3 (4) Repealed by Session Laws 2011-356, s. 2, effective December 1, 2011, and
4 applicable to offenses committed on or after that date.

5 (5) A firefighter.

6 (6) Hospital security personnel.

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

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

14 **SECTION 4.** G.S. 14-34.7 reads as rewritten:

15 **"§ 14-34.7. Certain assaults on a law enforcement, probation, or parole officer, or on a**
16 **member of the North Carolina National Guard, or on a person employed at a**
17 **State or local detention facility; penalty.**

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

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

26 (b) Unless covered under some other provision of law providing greater punishment, a
27 person is guilty of a ~~Class F~~ Class E felony if the person assaults a person who is employed at a
28 detention facility operated under the jurisdiction of the State or a local government while the
29 employee is in the performance of the employee's duties and inflicts serious bodily injury on the
30 employee.

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

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

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

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

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

45 **SECTION 5.** G.S. 14-288.9 reads as rewritten:

46 **"§ 14-288.9. Assault on emergency personnel; punishments.**

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

49 (1) In which a declared state of emergency exists; or

50 (2) Within the immediate vicinity of which a riot is occurring or is imminent.

1 (b) The term "emergency personnel" includes law-enforcement officers, firemen,
2 ambulance attendants, utility workers, doctors, nurses, and other persons lawfully engaged in
3 providing essential services during the emergency.

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

8 **SECTION 6.** G.S. 14-31 reads as rewritten:

9 **"§ 14-31. Maliciously assaulting in a secret manner.**

10 (a) If any person shall in a secret manner maliciously commit an assault and battery with
11 any deadly weapon upon another by waylaying or otherwise, with intent to kill such other person,
12 notwithstanding the person so assaulted may have been conscious of the presence of his
13 adversary, he shall be punished as a Class E felon.

14 (b) A violation of subsection (a) of this section committed against a person who is an
15 emergency worker while the emergency worker is discharging or attempting to discharge an
16 official duty is a Class D felony. For purposes of this subsection, an "emergency worker" is a law
17 enforcement officer, firefighter, emergency medical technician, or medical responder."

18 **SECTION 7.** This act becomes effective December 1, 2019, and applies to offenses
19 committed on or after that date.