

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H.B. 425
Mar 21, 2019
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40191-ND-61

Short Title: Increase and Expand Assault on/Resist of LEO.

(Public)

Sponsors: Representative Faircloth.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO INCREASE THE PUNISHMENT FOR A CHARGE OF ASSAULTING A LAW
3 ENFORCEMENT OFFICER, PROBATION OFFICER, OR PAROLE OFFICER THAT IS
4 DISCHARGING OR ATTEMPTING TO DISCHARGE THE OFFICER'S DUTIES AND
5 WHERE SERIOUS BODILY INJURY IS INFLICTED AND TO CREATE A RELATED
6 CRIMINAL CHARGE FOR INSTANCES WHEN AN OFFICER'S SERIOUS BODILY
7 INJURY IS CAUSED BY AN INDIVIDUAL RESISTING, DELAYING, OR
8 OBSTRUCTING THE OFFICER.

9 The General Assembly of North Carolina enacts:

10 **SECTION 1.** G.S. 14-34.7(a) reads as rewritten:

11 "(a) Unless covered under some other provision of law providing greater punishment, a
12 person is guilty of a Class ~~F~~E 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 **SECTION 2.** G.S. 14-223 reads as rewritten:

16 "**§ 14-223. Resisting officers.**

17 ~~If any person shall willfully and unlawfully resist, delay or obstruct a public officer in~~
18 ~~discharging or attempting to discharge a duty of his office, he shall be guilty of a Class 2~~
19 ~~misdemeanor.~~Unless the conduct is covered under some other provision of law providing greater
20 punishment, a person who willfully and unlawfully resists, delays, or obstructs a public officer
21 in discharging or attempting to discharge a duty of his or her office is guilty of the following:

22 (1) A Class E felony if the person inflicts serious bodily injury on the officer.

23 (2) A Class H felony if the person inflicts physical injury on the officer.

24 (3) A Class 2 misdemeanor for any other violation of this section."

25 **SECTION 3.** This act becomes effective December 1, 2019.

