

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL DRS35177-ML-85A

Short Title: Establish Duty to Report & Render Assistance.

(Public)

Sponsors: Senator McInnis (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH A DUTY TO REPORT AND RENDER ASSISTANCE.
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** Article 52 of Chapter 14 of the General Statutes is amended by adding
5 a new section to read:

6 "**§ 14-401.26. Duty to report and render assistance.**

7 (a) Definition. – For purposes of this section, the term "serious physical injury" means
8 physical injury that causes great pain and suffering.

9 (b) Duty to Report. – A person who witnesses the commission or attempted commission
10 of a crime that is reasonably believed to result in the victim suffering serious physical injury or
11 death shall report the attempt or crime to a law enforcement officer or agency as soon as
12 reasonably practicable by telephone or any other means.

13 (c) Duty to Render Assistance. – A person at the scene of a crime or an emergency who
14 knows that another person is exposed to or has suffered serious physical injury shall give
15 reasonable assistance to the person. For purposes of this subsection, the term "reasonable
16 assistance" includes obtaining or attempting to obtain aid from law enforcement or medical
17 personnel by telephone or any other means.

18 (d) Exceptions. – The duties set forth in subsections (b) and (c) of this section do not
19 apply to a person who reasonably believes reporting or rendering aid would place that person or
20 another person in danger of immediate bodily harm.

21 (e) Construction. – This section shall not be construed to affect privileged relationships
22 as provided by law. Nothing in this section shall be construed to relieve a person from any other
23 duty to report or render assistance required by law.

24 (f) Confidentiality of Identity. – The identity of a person who reports the commission or
25 attempted commission of a crime in accordance with subsection (b) of this section shall be held
26 in the strictest confidence by the law enforcement agency that receives the report and shall only
27 be disclosed by the law enforcement agency pursuant to a court order or without a court order
28 only to a federal, State, or local government entity that demonstrates a need for the identity of
29 the person to carry out the entity's mandated responsibilities.

30 (g) Civil Liability. – A person who gives reasonable assistance in accordance with
31 subsection (c) of this section shall not be liable in civil damages for any acts or omissions related
32 to the assistance provided, unless the acts or omissions amount to wanton conduct or intentional
33 wrongdoing.

34 (h) Penalty. – Unless the conduct is covered under some other provision of law providing
35 greater punishment, a person who violates subsection (b) or (c) of this section is guilty of a Class



1 2 misdemeanor, which shall include a fine of not less than one hundred dollars (\$100.00) and not
2 more than five hundred dollars (\$500.00)."

3 **SECTION 2.** This act becomes effective December 1, 2019, and applies to offenses
4 committed on or after that date.