

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

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SENATE BILL DRS45114-ML-98

Short Title: Amend Use of Defensive Force.

(Public)

Sponsors: Senators Mayfield and Woodard (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE THAT THE PRESUMPTION OF A PERSON HAVING A  
3 REASONABLE FEAR OF IMMINENT DEATH OR SERIOUS BODILY HARM TO  
4 HIMSELF OR HERSELF OR ANOTHER WHEN USING DEFENSIVE FORCE OF A  
5 HOME, MOTOR VEHICLE, OR WORKPLACE DOES NOT APPLY IF THE PERSON  
6 ENTERING OR ATTEMPTING TO ENTER THE PROPERTY IS AN EMERGENCY  
7 MEDICAL SERVICES PERSONNEL OR FIREFIGHTER.

8 The General Assembly of North Carolina enacts:

9 SECTION 1. G.S. 14-51.2 reads as rewritten:

10 "§ 14-51.2. Home, workplace, and motor vehicle protection; presumption of fear of death  
11 or serious bodily harm.

12 (a) The following definitions apply in this section:

13 (1) Emergency medical services personnel. – As defined in G.S. 131E-155.

14 (1a) Home. – A building or conveyance of any kind, to include its curtilage,  
15 whether the building or conveyance is temporary or permanent, mobile or  
16 immobile, which has a roof over it, including a tent, and is designed as a  
17 temporary or permanent residence.

18 (2) Law enforcement officer. – Any person employed or appointed as a full-time,  
19 part-time, or auxiliary law enforcement officer, correctional officer, probation  
20 officer, post-release supervision officer, or parole officer.

21 (3) Motor vehicle. – As defined in G.S. 20-4.01(23).

22 (4) Workplace. – A building or conveyance of any kind, whether the building or  
23 conveyance is temporary or permanent, mobile or immobile, which has a roof  
24 over it, including a tent, which is being used for commercial purposes.

25 ...

26 (c) The presumption set forth in subsection (b) of this section shall be rebuttable and does  
27 not apply in any of the following circumstances:

28 ...

29 (4) The person against whom the defensive force is used is a law enforcement  
30 officer or bail bondsman who enters or attempts to enter a home, motor  
31 vehicle, or workplace in the lawful performance of his or her official duties,  
32 and the officer or bail bondsman identified himself or herself in accordance  
33 with any applicable law or the person using force knew or reasonably should  
34 have known that the person entering or attempting to enter was a law  
35 enforcement officer or bail bondsman in the lawful performance of his or her  
36 official duties.



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(4a) The person against whom the defensive force is used is a firefighter or emergency medical services personnel who enters or attempts to enter a home, motor vehicle, or workplace in the lawful performance of his or her official duties, and the person entering or attempting to enter gives appropriate notice of the person's identity, and purpose for entering or attempting to enter, to any occupant thereof or the person using force knew or reasonably should have known that the person entering or attempting to enter was a firefighter or emergency medical services personnel in the lawful performance of his or her official duties.

...."

**SECTION 2.** This act becomes effective December 1, 2023, and applies to offenses committed on or after that date.