

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40276-ML-92

Short Title: Protecting School Employees. (Public)

Sponsors: Representative N. Jackson.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO INCREASE THE PUNISHMENT FOR A PERSON WHO COMMITS A
3 SECOND OR SUBSEQUENT OFFENSE OF ASSAULTING A SCHOOL EMPLOYEE
4 OR SCHOOL VOLUNTEER.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 14-33 reads as rewritten:

7 "§ 14-33. Misdemeanor assaults, batteries, and affrays, simple and aggravated;
8 punishments.

9 ...

10 (c) Unless the conduct is covered under some other provision of law providing greater
11 punishment, any person who commits any assault, assault and battery, or affray is guilty of a
12 Class A1 misdemeanor if, in the course of the assault, assault and battery, or affray, he or ~~she~~she
13 does any of the following:

14 (1) Inflicts serious injury upon another person or uses a deadly ~~weapon~~weapon.

15 (2) Assaults a female, he being a male person at least 18 years of ~~age~~age.

16 (3) Assaults a child under the age of 12 ~~years~~years.

17 (4) Assaults an officer or employee of the State or any political subdivision of the
18 State, when the officer or employee is discharging or attempting to discharge
19 his official ~~duties~~duties.

20 ...

21 (6) Assaults a school employee or school volunteer when the employee or
22 volunteer is discharging or attempting to discharge his or her duties as an
23 employee or volunteer, or assaults a school employee or school volunteer as a
24 result of the discharge or attempt to discharge that individual's duties as a
25 school employee or school volunteer. For purposes of this subdivision, the
26 following definitions shall apply:

27 a. "Duties" means:

28 1. All activities on school property;

29 2. All activities, wherever occurring, during a school authorized
30 event or the accompanying of students to or from that event;
31 and

32 3. All activities relating to the operation of school transportation.

33 b. "Employee" or "volunteer" means:

34 1. An employee of a local board of education; or a charter school
35 authorized under G.S. 115C-218.5, or a nonpublic school



- 1 which has filed intent to operate under Part 1 or Part 2 of
- 2 Article 39 of Chapter 115C of the General Statutes;
- 3 2. An independent contractor or an employee of an independent
- 4 contractor of a local board of education, charter school
- 5 authorized under G.S. 115C-218.5, or a nonpublic school
- 6 which has filed intent to operate under Part 1 or Part 2 of
- 7 Article 39 of Chapter 115C of the General Statutes, if the
- 8 independent contractor carries out duties customarily
- 9 performed by employees of the school; and
- 10 3. An adult who volunteers his or her services or presence at any
- 11 school activity and is under the supervision of an individual
- 12 listed in sub-sub-subdivision 1. or 2. of this sub-subdivision.
- 13 (7) Assaults a public transit operator, including a public employee or a private
- 14 contractor employed as a public transit operator, when the operator is
- 15 discharging or attempting to discharge his or her duties.
- 16 (8) Assaults a company police officer certified pursuant to the provisions of
- 17 Chapter 74E of the General Statutes or a campus police officer certified
- 18 pursuant to the provisions of Chapter 74G, Article 1 of Chapter 17C, or
- 19 Chapter 116 of the General Statutes in the performance of that person's duties.
- 20 (9) Assaults a transportation network company (TNC) driver providing a
- 21 transportation network company (TNC) service. For the purposes of this
- 22 subdivision, the definitions for "TNC driver" and "TNC service" as defined in
- 23 G.S. 20-280.1 shall apply.

24 ...

25 (e) Unless the conduct is covered under some other provision of law providing greater
26 punishment, a person who commits a second or subsequent violation of subdivision (6) of
27 subsection (c) of this section is guilty of a Class G felony."

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