

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2023

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HOUSE BILL 707

PROPOSED COMMITTEE SUBSTITUTE H707-CSSA-24 [v.1]

05/02/2023 02:13:12 PM

Short Title: Assaults on First Responders & Social Workers.

(Public)

Sponsors:

Referred to:

April 19, 2023

1 A BILL TO BE ENTITLED

2 AN ACT TO INCREASE THE PUNISHMENT FOR COMMITTING AN ASSAULT WITH A
3 FIREARM AGAINST CERTAIN EMERGENCY, MEDICAL, AND LAW
4 ENFORCEMENT PERSONNEL; TO INCREASE THE PUNISHMENT FOR
5 COMMITTING AN ASSAULT AGAINST AN EXECUTIVE OFFICER, A
6 LEGISLATIVE OFFICER, OR A COURT OFFICER AND INFILCTING SERIOUS
7 BODILY INJURY; AND TO INCREASE THE PUNISHMENT FOR COMMITTING AN
8 ASSAULT OR MAKING A THREAT AGAINST AN INDIVIDUAL EMPLOYED BY OR
9 ACTING ON BEHALF OF A COUNTY DEPARTMENT OF SOCIAL SERVICES.

10 The General Assembly of North Carolina enacts:

11 **SECTION 1.** G.S. 14-34.5 reads as rewritten:

12 **"§ 14-34.5. Assault with a firearm on a law enforcement, probation, or parole officer, or
13 on a member of the North Carolina National Guard, or on a person employed at
14 a State or local detention facility.**

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

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

21 (b) ~~Anyone who commits an assault with a firearm upon a person who is employed at a
22 detention facility operated under the jurisdiction of the State or a local government while the
23 employee is in the performance of the employee's duties is guilty of a Class D felony.~~any of the
24 following persons who are in the performance of their duties is guilty of a Class B1 felony:

25 (1) A law enforcement officer.

26 (2) A probation officer.

27 (3) A parole officer.

28 (4) A member of the North Carolina National Guard.

29 (5) An employee of a detention facility operated under the jurisdiction of the State
30 or a local government.

31 (6) An emergency medical technician or other emergency health care provider.

32 (7) A medical responder.

33 (8) A firefighter.

34 (9) A telecommunicator employed by a law enforcement agency."

35 **SECTION 2.** G.S. 14-34.6 reads as rewritten:



1 "§ 14-34.6. **Assault or affray on a firefighter, an emergency medical technician, medical**
2 **responder, and hospital personnel.**

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

- 6 (1) An emergency medical technician or other emergency health care provider.
- 7 (2) A medical responder.
- 8 (3) Hospital personnel and licensed healthcare providers who are providing or
9 attempting to provide health care services to a patient.
- 10 (4) Repealed by Session Laws 2011-356, s. 2, effective December 1, 2011, and
11 applicable to offenses committed on or after that date.
- 12 (5) A firefighter.
- 13 (6) Hospital security personnel.

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

17 (c) Unless a person's conduct is covered under some other provision of law providing
18 greater punishment, a person is guilty of a Class E felony if the person violates subsection (a) of
19 this section against a person not otherwise covered under G.S. 14-34.5 and uses a firearm."

20 **SECTION 3.** G.S. 14-16.6(c) reads as rewritten:

21 "(c) Any person who commits an offense under subsection (a) and inflicts serious bodily
22 injury to any legislative officer, executive officer, or court officer, shall be punished as a Class F
23 E felon."

24 **SECTION 4.** G.S. 14-16.10(1) reads as rewritten:

25 "(1) Court officer. – Magistrate, clerk of superior court, acting clerk, assistant or
26 deputy clerk, judge, or justice of the General Court of Justice; district attorney,
27 assistant district attorney, or any other attorney designated by the district
28 attorney to act for the State or on behalf of the district attorney; public
29 defender or assistant defender; court reporter; juvenile court counselor as
30 defined in G.S. 7B-1501(18a); any attorney or other individual employed by
31 by, contracted by, or acting on behalf of the a county department of social
32 services in proceedings pursuant to Subchapter I of Chapter 7B of the General
33 Statutes; services, as defined in G.S. 108A-24; any attorney or other
34 individual appointed pursuant to G.S. 7B-601 or G.S. 7B-1108 or employed
35 by the Guardian ad Litem Services Division of the Administrative Office of
36 the Courts."

37 **SECTION 5.** This act becomes effective December 1, 2023, and applies to offenses
38 committed on or after that date.