

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 863

Short Title: Impersonating an Officer/Felony.

(Public)

Sponsors: Representatives P. Wilson; Alexander, Alphin, Arnold, Baddour, Balmer, Barbee, Berry, Bowen, Bowie, Bowman, Brawley, J. Brown, Brubaker, Colton, Creech, Culp, Cummings, Daughtry, Decker, Dickson, Dockham, Easterling, Edwards, Ellis, Esposito, Fussell, Gamble, Gardner, Gottovi, Grady, Gray, Hayes, Hill, Holmes, Howard, Jack Hunt, H. Hunter, Ives, James, Jarrell, Jeffus, Jenkins, Joye, Justus, Kennedy, Kuczmariski, Lemmond, Lutz, Mavretic, McCombs, McCrary, McLaughlin, McLawhorn, Mercer, Michaux, Miner, Mitchell, Moore, Nichols, Nye, Oldham, C. Preston, J. Preston, Ramsey, Robinson, Rogers, Russell, Smith, Stamey, Sutton, R. Thompson, Warner, Weatherly, Wilmoth, C. Wilson, and Wood.

Referred to: Judiciary III.

April 12, 1993

A BILL TO BE ENTITLED

AN ACT TO INCLUDE WEARING A UNIFORM TO FALSELY REPRESENT ONESELF AS A LAW-ENFORCEMENT OFFICER IN THE LIST OF OFFENSES THAT CONSTITUTE THE IMPERSONATION OF A LAW-ENFORCEMENT OFFICER AND TO RAISE SOME OF THOSE OFFENSES FROM MISDEMEANORS TO FELONIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-277 reads as rewritten:

"§ 14-277. Impersonation of a law-enforcement or other public officer.

(a) No person shall falsely represent to another that he is a sworn law-enforcement officer. As used in this section, a person represents that he is a sworn law-enforcement officer if he:

- (1) Verbally informs another that he is a sworn law-enforcement officer, whether or not the representation refers to a particular agency;
(2) Displays any badge or identification signifying to a reasonable individual that the person is a sworn law-enforcement officer, whether

1 or not the badge or other identification refers to a particular law-
2 enforcement agency; or

3 (2a) Wears a uniform signifying to a reasonable individual that the person
4 is a sworn law-enforcement officer, whether or not the uniform can be
5 identified with a particular law-enforcement agency; or

6 (3) Unlawfully operates a vehicle on a public street, highway or public
7 vehicular area with an operating red or blue light as defined in G.S. 20-
8 130.1.

9 (b) No person shall, while falsely representing to another that he is a sworn law-
10 enforcement officer, carry out any act in accordance with the authority granted to a law-
11 enforcement officer. For purposes of this section, an act in accordance with the
12 authority granted to a law-enforcement officer includes:

13 (1) Ordering any person to remain at or leave from a particular place or
14 area;

15 (2) Detaining or arresting any person;

16 (3) Searching any vehicle, building, or premises, whether public or
17 private, with or without a search warrant or administrative inspection
18 warrant;

19 (4) Unlawfully operating a vehicle on a public street or highway or public
20 vehicular area equipped with an operating red or blue light or siren in
21 such a manner as to cause a reasonable person to yield the right-of-
22 way or to stop his vehicle in obedience to such red or blue light or
23 siren.

24 (c) Nothing in this section shall prohibit any person from detaining another as
25 provided by G.S. 15A-404 or assisting a law-enforcement officer as provided by G.S.
26 15A-405.

27 ~~(d) Violation of subsection (a) Any violation of subsection (a) or (b) of this~~
28 ~~section is a misdemeanor punishable under G.S. 14-3(a). Class I felony. Violation of~~
29 ~~subsection (b) of this section is a misdemeanor. Upon conviction under subsection (b),~~
30 ~~the trial judge must sentence the defendant to a term of imprisonment of not less than 72~~
31 ~~hours and not more than two years. The term of imprisonment may be suspended on~~
32 ~~condition that the defendant:~~

33 ~~(1) Be imprisoned for a term of at least 72 hours as a condition of special~~
34 ~~probation; or~~

35 ~~(2) Perform community service for a term of 72 hours;~~

36 ~~(3) Pay a fine in the discretion of the court; or~~

37 ~~(4) Any combination of these conditions.~~

38 ~~The judge may, in his discretion, impose any other lawful condition of probation.~~

39 (e) It shall be unlawful for any person other than duly authorized employees of a
40 county, a municipality or the State of North Carolina, including but not limited to, the
41 Department of Social Services, Health, Area Mental Health, Developmental
42 Disabilities, and Substance Abuse Authority or Building Inspector to represent to any
43 person that they are duly authorized employees of a county, a municipality or the State
44 of North Carolina or one of the above-enumerated departments and acting upon such

1 representation to perform any act, make any investigation, seek access to otherwise
2 confidential information, perform any duty of said office, gain access to any place not
3 otherwise open to the public, or seek to be afforded any privilege which would
4 otherwise not be afforded to such person except for such false representation or make
5 any attempt to do any of said enumerated acts. Any person, corporation, or business
6 association violating the provisions of this section shall be guilty of a misdemeanor and
7 upon conviction may be fined or imprisoned at the discretion of the court.

8 Sec. 2. This act becomes effective December 1, 1993, and applies to offenses
9 committed on or after that date.