

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

HOUSE BILL 478
RATIFIED BILL

AN ACT TO CREATE THE CRIMINAL OFFENSE OF THREATENING JUDGES,
DISTRICT ATTORNEYS, AND OTHER COURT OFFICERS.

The General Assembly of North Carolina enacts:

Section 1. Article 5A of Chapter 14 of the General Statutes reads as rewritten:

**"ARTICLE 5A.
"ENDANGERING ~~EXECUTIVE AND LEGISLATIVE~~ EXECUTIVE,
LEGISLATIVE,
AND COURT OFFICERS.**

"§ 14-16.6. Assault on ~~executive or legislative~~ executive, legislative, or court officer.

(a) Any person who assaults any legislative ~~officer named in G.S. 147-2(1), (2), or (3) or any officer,~~ executive ~~officer named in G.S. 147-3(e),~~ officer, or court officer, or any person who makes a violent attack upon the residence, office, temporary accommodation or means of transport of any ~~legislative officer named in G.S. 147-2(1), (2), or (3) or any executive officer named in G.S. 147-3(e)~~ one of those officers in a manner likely to endanger ~~such legislative officer or executive~~ the officer, shall be guilty of a felony and shall be punished as a Class I felon.

(b) Any person who commits an offense under subsection (a) and uses a deadly weapon in the commission of that offense shall be punished as a Class F felon.

(c) Any person who commits an offense under subsection (a) and inflicts serious bodily injury to any ~~legislative officer named in G.S. 147-2(1), (2), or (3) or any officer,~~ executive ~~officer as named in G.S. 147-3(e)~~ officer, or court officer, shall be punished as a Class F felon.

"§ 14-16.7. Threats against ~~executive or legislative~~ executive, legislative, or court officers.

(a) Any person who knowingly and willfully makes any threat to inflict serious bodily injury upon or to kill any ~~legislative officer named in G.S. 147-2(1), (2), or (3) or any officer,~~ executive ~~official officer, as named in G.S. 147-3(e),~~ or court officer, shall be guilty of a felony and shall be punished as a Class I felon.

(b) Any person who knowingly and willfully deposits for conveyance in the mail any letter, writing, or other document containing a threat to inflict serious bodily injury upon or to kill any ~~legislative officer named in G.S. 147-2(1), (2), or (3) or any officer,~~ executive ~~official officer, named in G.S. 147-3(e),~~ or court officer, shall be guilty of a felony and shall be punished as a Class I felon.

"§ 14-16.8. No requirement of receipt of the threat.

In prosecutions under G.S. 14-16.7 of this Article it shall not be necessary to prove that any ~~legislative officer named in G.S. 147-2(1), (2), or (3) or any officer,~~ executive ~~official as named in G.S. 147-3(e)~~ officer, or court officer actually received the threatening communication or actually believed the threat.

"§ 14-16.9. Officers-elect to be covered.

Any person who has been elected to any office covered by this Article but has not yet taken the oath of office shall be considered to hold the office for the purpose of this Article and G.S. 114-1.

"§ 14-16.10. Definitions.

The following definitions apply in this Article:

- (1) Court officer. – Magistrate, clerk of superior court, acting clerk, assistant or deputy clerk, judge, or justice of the General Court of Justice; district attorney, assistant district attorney, or any other attorney designated by the district attorney to act for the State or on behalf of the district attorney; public defender or assistant defender; court reporter; court counselor as defined in G.S. 7B-1501(5).
- (2) Executive officer. – A person named in G.S. 147-3(c).
- (3) Legislative officer. – A person named in G.S. 147-2(1), (2), or (3)."

Section 2. G.S. 114-15(a) reads as rewritten:

"(a) The Bureau shall, through its Director and upon request of the Governor, investigate and prepare evidence in the event of any lynching or mob violence in the State; shall investigate all cases arising from frauds in connection with elections when requested to do so by the Board of Elections, and when so directed by the Governor. Such investigation, however, shall in nowise interfere with the power of the Attorney General to make such investigation as he is authorized to make under the laws of the State. The Bureau is authorized further, at the request of the Governor, to investigate cases of frauds arising under the Social Security Laws of the State, of violations of the gaming laws, and lottery laws, and matters of similar kind when called upon by the Governor so to do. In all such cases it shall be the duty of the Department to keep such records as may be necessary and to prepare evidence in the cases investigated, for the use of enforcement officers and for the trial of causes. The services of the Director of the Bureau, and of his assistants, may be required by the Governor in connection with the investigation of any crime committed anywhere in the State when called upon by the enforcement officers of the State, and when, in the judgment of the Governor, such services may be rendered with advantage to the enforcement of the criminal law. The State Bureau of Investigation is hereby authorized to investigate without request the attempted arson of, or arson of, damage of, theft from, or theft of, or misuse of, any State-owned personal property, buildings, or other real property or any assault upon or threats against any legislative officer named in G.S. 147-2(1), (2), or ~~(3)~~ (3), any executive officer named in G.S. ~~147-3(e)~~ 147-3(c), or any court officer as defined in G.S. 14-16.10(1). The Bureau also is authorized at the request of the Governor to conduct a background investigation on a person that the Governor plans to nominate for a position that must be confirmed by the General Assembly, the Senate, or the House of Representatives. The background investigation of the proposed nominee shall be limited to an investigation of the person's criminal record, educational background, employment record, records concerning the listing and payment of taxes, and credit record, and to a requirement that the person provide the information contained in the statements of economic interest required to be filed by persons subject to Executive Order Number 1, filed on January 31, 1985, as contained on pages 1405 through 1419 of the 1985 Session Laws (First Session, 1985). The Governor must give the person being investigated written notice that he intends to request a background investigation at least 10 days prior to the date that he requests the State Bureau of Investigation to conduct the background investigation. The written notice shall be sent by regular mail, and there is created a rebuttable presumption that the person received the notice if the Governor has a copy of the notice."

Section 3. This act becomes effective December 1, 1999, and applies to offenses committed on or after that date.

In the General Assembly read three times and ratified this the 20th day of July, 1999.

Dennis A. Wicker
President of the Senate

James B. Black
Speaker of the House of Representatives

James B. Hunt, Jr.
Governor

Approved _____ .m. this _____ day of _____ , 19