

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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SENATE BILL 1081
House Committee Substitute Favorable 7/19/01

Short Title: Malicious Conduct by Prisoner.

(Public)

Sponsors:

Referred to:

April 5, 2001

A BILL TO BE ENTITLED

1
2 AN ACT TO MAKE IT A CRIMINAL OFFENSE FOR A PRISONER TO THROW
3 BODILY FLUIDS OR EXCREMENT AT A STATE OR LOCAL GOVERNMENT
4 EMPLOYEE WHILE IN THE PERFORMANCE OF THE EMPLOYEE'S DUTIES.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Article 33 of Chapter 14 of the General Statutes is amended by
7 adding a new section to read:

8 "**§ 14-258.4. Malicious conduct by prisoner.**

9 (a) Any person in the custody of the Department of Correction, the Department
10 of Juvenile Justice and Delinquency Prevention, any law enforcement officer, or any
11 local confinement facility (as defined in G.S. 153A-217, or G.S. 153A-230.1), including
12 persons pending trial, appellate review, or presentence diagnostic evaluation, who
13 knowingly and willfully throws, emits, or causes to be used as a projectile, bodily fluids
14 or excrement at a person who is an employee of the State or a local government while
15 the employee is in the performance of the employee's duties is guilty of a Class F
16 felony. The provisions of this section apply to violations committed inside or outside of
17 the prison, jail, detention center, or other confinement facility."

18 **SECTION 2.** This act becomes effective December 1, 2001, and applies to
19 offenses committed on or after that date.