

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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SENATE BILL 1190*

Short Title: Assault on Law Officer/Emergency Personnel.

(Public)

Sponsors: Senators Soles; Brock, Foxx, and Sloan.

Referred to: Judiciary I.

May 20, 2004

A BILL TO BE ENTITLED

AN ACT TO MAKE THE OFFENSE OF SIMPLE ASSAULT OR AFFRAY ON A LAW ENFORCEMENT OFFICER, FIREFIGHTER, EMERGENCY MEDICAL TECHNICIAN, MEDICAL RESPONDER, EMERGENCY DEPARTMENT NURSE, OR EMERGENCY DEPARTMENT PHYSICIAN A FELONY OFFENSE RATHER THAN A MISDEMEANOR OFFENSE AND TO INCREASE THE PENALTY FOR AN ASSAULT THAT INFLECTS SERIOUS BODILY INJURY OR ASSAULT WITH A DEADLY WEAPON ON EMERGENCY PERSONNEL.

The General Assembly of North Carolina enacts:

SECTION 1. Article 8 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-34.9. Simple assault or affray on a law enforcement officer.

Unless a person's conduct is covered under some other provision of law providing greater punishment, any person who commits an assault, assault and battery, or affray on a law enforcement officer while the officer is discharging or attempting to discharge his or her official duties is guilty of a Class I felony."

SECTION 2. G.S. 14-33(c)(4) reads as rewritten:

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

...

(4) Assaults an officer or employee of the State or any political subdivision of the State, other than a law enforcement officer, when the officer or employee is discharging or attempting to discharge his official duties;"

SECTION 3. G.S. 14-34.6 reads as rewritten:

1 "§ 14-34.6. Assault or affray on a firefighter, an emergency medical technician,
2 medical responder, emergency department nurse, or emergency
3 department physician.

4 (a) A person is guilty of a ~~Class A1 misdemeanor~~ I felony if the person commits
5 an assault or an affray on any of the following persons who are discharging or
6 attempting to discharge their official duties:

7 (1) An emergency medical technician.

8 (2) A medical responder.

9 (3) An emergency department nurse.

10 (4) An emergency department physician.

11 (5) A firefighter.

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

16 (c) Unless a person's conduct is covered under some other provision of law
17 providing greater punishment, a person is guilty of a Class F felony if the person
18 violates subsection (a) of this section and uses a firearm."

19 **SECTION 4.** This act becomes effective December 1, 2004, and applies to
20 offenses committed on or after that date. Prosecutions for offenses committed before
21 the effective date of this act are not abated or affected by this act, and the statutes that
22 would be applicable but for this act remain applicable to those prosecutions.