

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 762
Judiciary II Committee Substitute Adopted 6/7/11

Short Title: Assault on Law Enforcement & EM Worker/Felony. (Public)

Sponsors:

Referred to:

April 20, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE THE CRIMINAL OFFENSE OF SIMPLE ASSAULT A FELONY
3 RATHER THAN A MISDEMEANOR WHEN THE SIMPLE ASSAULT IS
4 COMMITTED AGAINST A LAW ENFORCEMENT OFFICER, A FIREFIGHTER, OR
5 EMERGENCY PERSONNEL AND TO INCREASE THE PENALTY FOR ASSAULT
6 AGAINST CERTAIN EMERGENCY PERSONNEL IF THE ASSAULT IS WITH A
7 DEADLY WEAPON OR INFLICTS SERIOUS BODILY INJURY.

8 The General Assembly of North Carolina enacts:

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

11 "**§ 14-33.3. Simple assault on law enforcement officer.**

12 Unless the conduct is covered under some other provision of law providing greater
13 punishment, any person who commits any assault, assault and battery, or affray is guilty of a
14 Class I felony if, in the course of the assault, assault and battery, or affray, he or she assaults a
15 law enforcement officer while the officer is discharging or attempting to discharge the officer's
16 official duties."

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

18 "**§ 14-34.6. Assault or affray on a firefighter, a physician assistant, an emergency medical**
19 **technician, medical responder, emergency department nurse, or emergency**
20 **department physician.**

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

24 (1) An emergency medical technician.

25 (1a) A physician assistant.

26 (2) A medical responder.

27 (3) An emergency department nurse.

28 (4) An emergency department physician.

29 (5) A firefighter.

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

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



1 **SECTION 3.** G.S. 14-288.9(c) reads as rewritten:

2 "(c) Any person who commits an assault upon emergency personnel is guilty of a ~~Class~~
3 ~~1 misdemeanor~~ Class I felony. Any person who commits an assault upon emergency personnel
4 with or through the use of any dangerous weapon or substance shall be punished as a Class F
5 felon."

6 **SECTION 4.** This act becomes effective December 1, 2011, and applies to
7 offenses committed on or after that date. Prosecutions for offenses committed before the
8 effective date of this act are not abated or affected by this act, and the statutes that would be
9 applicable but for this act remain applicable to those prosecutions.