

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE DRH50171-LH-108 (02/28)

Short Title: Assault Disabled Person/Institutional Setting-AB (Public)

Sponsors: Representative Insko.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE CRIMINAL PENALTY FOR ASSAULT ON A PATIENT IN A HEALTH CARE FACILITY OR RESIDENT OF A RESIDENTIAL CARE FACILITY WHEN THE CONDUCT EVINCES A PATTERN OF BEHAVIOR, IS WILLFUL OR CULPABLY NEGLIGENT, AND CAUSES BODILY INJURY TO THE PATIENT OR RESIDENT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-32.2(b) reads as rewritten:

"(b) Unless the conduct is prohibited by some other provision of law providing for greater punishment,

- (1) A violation of subsection (a) above is a Class C felony where intentional conduct proximately causes the death of the patient or resident;
- (2) A violation of subsection (a) above is a Class E felony where culpably negligent conduct proximately causes the death of the patient or resident;
- (3) A violation of subsection (a) above is a Class F felony where such conduct is willful or culpably negligent and proximately causes serious bodily injury to the patient or ~~resident~~ resident;
- (4) A violation of subsection (a) is a ~~Class A1 misdemeanor~~ Class F felony where such conduct evinces a pattern of conduct and the conduct is willful or culpably negligent and proximately causes bodily injury to a patient or resident."

SECTION 2. This act becomes effective December 1, 2007, and applies to offenses committed on or after that date.