

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 229
SENATE BILL 64

AN ACT TO AMEND G.S. 14-32, G.S. 14-33, and G.S. 14-34 TO INCREASE PUNISHMENT FOR AGGRAVATED ASSAULTS AND TO AMEND G.S. 14-32(c) TO MAKE ASSAULT WITH ANY DEADLY WEAPON WITH INTENT TO KILL A FELONY.

The General Assembly of North Carolina enacts:

Section 1. G.S., 14-32(a) is amended by striking out the number "10" as it appears immediately after the word "than" and immediately before the word "years" and substituting therefor the number "20".

Sec. 2. G.S. 14-32(b) is amended by striking out the word "five" as it appears immediately after the word "than" and immediately before the word "years" and substituting therefor the number "10".

Sec. 3. G.S. 14-32(c) is hereby amended by striking out the word "firearm" as it appears immediately after the words "another person with a" and immediately before the words "with intent to kill" and substituting therefor the words "deadly weapon", and is further amended by striking out the word "five" as it appears immediately before the word "years" and substituting the number "10".

Sec. 4. G.S. 14-33 is hereby rewritten to read as follows:

"§ 14-33. Misdemeanor assaults, batteries, and affrays; simple and aggravated; punishments. — (a) Any person who commits a simple assault or a simple assault and battery or participates in a simple affray is guilty of a misdemeanor punishable by a fine not to exceed fifty dollars (\$50.00) or imprisonment for not more than 30 days.

(b) Unless his 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 misdemeanor punishable by a fine, imprisonment for not more than two years, or both such fine and imprisonment if, in the course of the assault, assault and battery, or affray, he:

- (1) Inflicts, or attempts to inflict, serious injury upon another person or uses a deadly weapon; or
- (2) Assaults a female, he being a male person over the age of 18 years; or
- (3) Assaults a child under the age of 12 years; or
- (4) Assaults a public officer while the officer is discharging or attempting to discharge a duty of his office."

Sec. 5. This act does not apply to any offense committed prior to the effective date of this act, and any such offense is punishable as provided by the statute in force at the time such offense was committed.

Sec. 6. This act shall become effective January 1, 1974.

In the General Assembly read three times and ratified, this the 18th day of April, 1973.