

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 822
HOUSE BILL 775

AN ACT TO PROHIBIT ASSAULTS AND THREATS AGAINST GENERAL CIVIL
EXECUTIVE OFFICERS OR AGAINST MEMBERS OF THE GENERAL ASSEMBLY.

The General Assembly of North Carolina enacts:

Section 1. Chapter 14 of the North Carolina General Statutes is amended to add a new Article 5A to read as follows:

"ARTICLE 5A.

"Endangering Executive Officers, the Speaker of the House, and the President Pro Tempore of the Senate.

"§ 14-16.1. Assault on executive officer, the Speaker of the House, or the President Pro Tempore of the Senate. — (a) Any person who assaults any legislative officer named in G.S. 147-2(1), (2), or (3) or any executive officer named in G.S. 147-3(c), or any person who makes a violent attack upon the residence, office, temporary accommodation or means of transport of any legislative officer named in G.S. 147-2(1), (2), or (3) or any executive officer named in G.S. 147-3(c) in a manner likely to endanger such legislative officer or executive officer, shall be guilty of a felony and shall be punished as a Class H felon.

(b) Any person who commits an offense under subsection (a) and uses a deadly weapon in the commission of that offense shall be punished as a Class G felon.

(c) Any person who commits an offense under subsection (a) and inflicts serious bodily injury to any legislative officer named in G.S. 147-2(1), (2), or (3) or any executive officer as named in G.S. 147-3(c) shall be punished as a Class F felon.

"§ 14-16.2. Threats against public officials. — (a) Any person who knowingly and willfully makes any threat to inflict serious bodily injury upon or to kill any legislative officer named in G.S. 147-2(1), (2), or (3) or any executive official as named in G.S. 147-3(c), shall be guilty of a felony and shall be punished as a Class J felon.

(b) Any person who knowingly and willfully deposits for conveyance in the mail any letter, writing, or other document containing a threat to inflict serious bodily injury upon or to kill any legislative officer named in G.S. 147-2(1), (2), or (3) or any executive official named in G.S. 147-3(c), shall be guilty of a felony and shall be punished as a Class J felon.

"§ 14-16.3. No requirement of receipt of the threat. — In prosecutions under Section 14-16.2 of this Article it shall not be necessary to prove that any legislative officer named in G.S. 147-2(1), (2), or (3) or any executive official as named in G.S. 147-3(c) actually received the threatening communication or actually believed the threat.

"§ 14-16.4. Officers-elect to be covered. — Any person who has been elected to any office covered by this Article but has not yet taken the oath of office shall be considered to hold the office for the purpose of this Article and G.S. 114-15."

Sec. 2. The last sentence of the first paragraph of G.S. 114-15 of the General Statutes is amended to read:

"The State Bureau of Investigation is hereby authorized to investigate without request the attempted arson of, or arson of, damage of, theft from, or theft of, or misuse of, any State-owned personal property, buildings, or other real property or any assault upon or threats

against any legislative officer named in G.S. 147-2(1), (2), or (3) or any executive officer named in G.S. 147-3(c)."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1981.