

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 762
HOUSE BILL 21

AN ACT TO REMOVE THE DEFENSES OF UNLAWFUL ARREST IN CASES OF
RESISTING ARREST BY USE OF A DEADLY WEAPON OR DEADLY
FORCE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-401 is amended by adding a new subsection (f) to read:

"(f) Use of Deadly Weapon or Deadly Force to Resist Arrest.

- (1) A person is not justified in using a deadly weapon or deadly force to resist an arrest by a law enforcement officer using reasonable force, when the person knows or has reason to know that the officer is a law enforcement officer and that the officer is effecting or attempting to effect an arrest.
- (2) The fact that the arrest was not authorized under this section is no defense to an otherwise valid criminal charge arising out of the use of such deadly weapon or deadly force.
- (3) Nothing contained in this subsection (f) shall be construed to excuse or justify the unreasonable or excessive force by an officer in effecting an arrest. Nothing contained in this subsection (f) shall be construed to bar or limit any civil action arising out of an arrest not authorized by this Article."

Sec. 2. This act shall become effective October 1, 1983, and applies only to offenses committed on or after that date.

In the General Assembly read three times and ratified, this the 15th day of July, 1983.