

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

**SESSION LAW 2019-228
HOUSE BILL 283**

AN ACT TO INCREASE THE PUNISHMENT FOR ASSAULT WITH A FIREARM ON A LAW ENFORCEMENT OFFICER, PROBATION OFFICER, OR PAROLE OFFICER; TO INCREASE THE PENALTY FOR ASSAULT WITH A DEADLY WEAPON AGAINST CERTAIN EMERGENCY PERSONNEL; AND TO PROVIDE AN ADDITIONAL DEATH BENEFIT FOR PUBLIC SAFETY EMPLOYEES WHO ARE MURDERED IN THE LINE OF DUTY.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 14-34.5(a) reads as rewritten:

"(a) Any person who commits an assault with a firearm upon a law enforcement officer, probation officer, or parole officer while the officer is in the performance of his or her duties is guilty of a Class ~~E-D~~ felony."

SECTION 1.(b) G.S. 14-34.6 reads as rewritten:

"§ 14-34.6. **Assault or affray on a firefighter, an emergency medical technician, medical responder, and hospital personnel.**

(a) A person is guilty of a Class I felony if the person commits an assault or affray causing physical injury on any of the following persons who are discharging or attempting to discharge their official duties:

- (1) An emergency medical technician or other emergency health care provider.
- (2) A medical responder.
- (3) Hospital personnel and licensed healthcare providers who are providing or attempting to provide health care services to a ~~patient in a hospital.~~patient.
- (4) Repealed by Session Laws 2011-356, s. 2, effective December 1, 2011, and applicable to offenses committed on or after that date.
- (5) A firefighter.
- (6) Hospital security personnel.

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

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

SECTION 1.(c) This section becomes effective December 1, 2019, and applies to offenses committed on or after that date. Prosecutions for offenses committed before the effective date of this section are not abated or affected by this act, and the statutes that would be applicable but for this section remain applicable to those prosecutions.

SECTION 2.(a) G.S. 143-166.2 is amended by adding a new subdivision to read:

"(7a) Murdered in the line of duty. – The death of a covered person who was killed in the line of duty in a manner reasonably determined by the Industrial



Commission to be directly caused by the intentional harmful act of another person."

SECTION 2.(b) G.S. 143-166.3 is amended by adding a new subsection to read:

"(e) On and after July 1, 2016, when any covered person is murdered in the line of duty, in addition to the award under subsection (a) of this section, the Industrial Commission shall award a death benefit in the amount of one hundred thousand dollars (\$100,000) to be paid to one of the following:

- (1) The spouse of the covered person if there is a surviving spouse.
- (2) If there is no surviving spouse, then payments shall be made to any surviving dependent child of the covered person. If there is more than one surviving dependent child, then the payment shall be made to and equally divided among all surviving dependent children.
- (3) If there is no surviving spouse and no surviving dependent child or children, then payments shall be made to any surviving dependent parent of the covered person. If there is more than one surviving dependent parent, then the payments shall be made to and equally divided between the surviving dependent parents of the covered person.
- (4) If there is no surviving spouse, surviving dependent child, or surviving dependent parent, then the payment shall be made to the estate of the deceased covered person."

SECTION 2.(c) This section becomes effective upon appropriation by the General Assembly of funds for the implementation of this section and shall apply to qualifying deaths occurring on or after July 1, 2016.

SECTION 3.(a) G.S. 143-166.3(a) reads as rewritten:

"(a) When any covered person is killed in the line of duty, the Industrial Commission shall award a death benefit in the amount of one hundred thousand dollars (\$100,000) to be paid to one of the following:

- (1) The spouse of the covered person if there is a surviving spouse.
- (2) If there is no surviving spouse, then payments shall be made to any surviving dependent child of the covered person. If there is more than one surviving dependent child, then the payment shall be made to and equally divided among all surviving dependent children.
- (3) If there is no surviving spouse and no surviving dependent child or children, then payments shall be made to any surviving dependent parent of the covered person. If there is more than one surviving dependent parent, then the payments shall be made to and equally divided between the surviving dependent parents of the covered person.
- (4) If there is no surviving spouse, surviving dependent child, or surviving dependent parent, then the payment shall be made to the estate of the deceased covered person."

SECTION 3.(b) This section becomes effective retroactively to April 1, 2017, and shall apply to qualifying deaths occurring on or after that date.

SECTION 4. Except as otherwise provided, this act is effective when it becomes law.
In the General Assembly read three times and ratified this the 3rd day of October, 2019.

s/ Carl Ford
Presiding Officer of the Senate

s/ Harry Warren
Presiding Officer of the House of Representatives

s/ Roy Cooper
Governor

Approved 3:52 p.m. this 9th day of October, 2019