

GENERAL ASSEMBLY OF NORTH CAROLINA
EXTRA SESSION 1994

H

1

HOUSE BILL 99

Short Title: Felony to Assault Law Officer.

(Public)

Sponsors: Representatives Lemmond; Alphin, Bowman, Creech, Hall, McCrary, McLawhorn, Mosley, J. Preston, Sexton, Spears, Sutton, Thompson, Wilson, Wood, and Yongue.

Referred to: Judiciary I.

February 14, 1994

**A BILL TO BE ENTITLED
AN ACT TO MAKE IT A FELONY TO COMMIT ANY ASSAULT UPON A LAW
ENFORCEMENT OFFICER.**

The General Assembly of North Carolina enacts:

Section 1. Article 8 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-34.5. Assault on law enforcement officer.

8 Unless a person's conduct is covered under some other provision of law providing
9 greater punishment, a person is guilty of a Class I felony if the person commits any
10 assault, assault and battery, assault by pointing a loaded or unloaded gun, or affray upon
11 a law enforcement officer when the officer is discharging or attempting to discharge the
12 officer's official duties."

Sec. 2. G.S. 14-33(b) reads as rewritten:

14 "(b) Unless ~~his~~a person's conduct is covered under some other provision of law
15 providing greater punishment, any person who commits any assault, assault and battery,
16 or affray is guilty of a Class 1 misdemeanor if, in the course of the assault, assault and
17 battery, or affray, ~~he~~the person:

- (1) Inflicts, or attempts to inflict, serious injury upon another person or uses a deadly weapon; or
- (2) Assails a female, he being a male person at least 18 years of age; or
- (3) Assails a child under the age of 12 years; or
- (4) through (7). Repealed by Session Laws 1991, c. 525, s. 1.

(8) Assaults an officer or employee of the State or of any political subdivision of the State, when the officer or employee is discharging or attempting to discharge his official duties. However, if a person commits any assault, assault and battery, or affray upon a law enforcement officer when the officer is discharging or attempting to discharge the officer's official duties, the person is guilty of a Class I felony as provided by G.S. 14 34.5.

(9) Commits an assault and battery against a sports official when the sports official is discharging or attempting to discharge official duties at a sports event, or immediately after the sports event at which the sports official discharged official duties. A 'sports official' is a person at a sports event who enforces the rules of the event, such as an umpire or referee, or a person who supervises the participants, such as a coach. A 'sports event' includes any interscholastic or intramural athletic activity in a primary, middle, junior high, or high school, college, or university, any organized athletic activity sponsored by a community, business, or nonprofit organization, any athletic activity that is a professional or semiprofessional event, and any other organized athletic activity in the State."

20 Sec. 3. This act becomes effective January 1, 1995, and applies to offenses
21 committed on or after that date. Prosecutions for offenses committed before the
22 effective date of this act are not abated or affected by this act, and the statute that would
23 be applicable but for this act remains applicable to those prosecutions.