

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE DRH30139-LL-174 (3/29)

Short Title: Inmate Biting Felony. (Public)

Sponsors: Representative Gillespie.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO MAKE IT A CLASS F FELONY FOR AN INMATE TO BITE A STATE
OR LOCAL GOVERNMENT EMPLOYEE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-258.4 reads as rewritten:

"§ 14-258.4. **Malicious conduct by prisoner.**

(a) Any person in the custody of the Department of Correction, the Department of Juvenile Justice and Delinquency Prevention, any law enforcement officer, or any local confinement facility (as defined in G.S. 153A-217, or G.S. 153A-230.1), including persons pending trial, appellate review, or presentence diagnostic evaluation, who knowingly and willfully bites or throws, emits, or causes to be used as a projectile, bodily fluids or excrement at a person who is an employee of the State or a local government while the employee is in the performance of the employee's duties is guilty of a Class F felony. The provisions of this section apply to violations committed inside or outside of the prison, jail, detention center, or other confinement facility.

(b) Reserved."

SECTION 2. This act becomes effective December 1, 2005, and applies to offenses occurring on or after that date.