

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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SENATE BILL 1080

Short Title: Criminal Changes.

(Public)

Sponsors: Senator Berger of Rockingham.

Referred to: Judiciary I.

March 24, 2005

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE PENALTY FOR DISCHARGING A FIREARM INTO  
A MOVING VEHICLE, TO CREATE THE OFFENSE OF AGGRAVATED  
ASSAULT ON A FEMALE, TO AMEND THE FALSE REPORT OF A BOMB  
STATUTE, TO INCREASE THE PENALTY FOR SALE OR DELIVERY OF  
TWO POUNDS OR MORE OF MARIJUANA, AND TO INCREASE  
REGULATORY PROVISIONS RELATING TO REGISTERED SEX  
OFFENDERS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 14-34.1 reads as rewritten:

**"§ 14-34.1. Discharging certain barreled weapons or a firearm into occupied property.**

(a) Any Except as provided in subsection (b) or (c) of this section, any person who willfully or wantonly discharges or attempts to discharge:

(1) Any barreled weapon capable of discharging shot, bullets, pellets, or other missiles at a muzzle velocity of at least 600 feet per second; or

(2) A firearm into any building, structure, vehicle, aircraft, watercraft, or other conveyance, device, equipment, erection, or enclosure while it is occupied is guilty of a Class E felony.

(b) Any person who violates subsection (a) of this section by discharging a described weapon into a vehicle, aircraft, watercraft, or other conveyance that is traveling upon the public streets or highways of this State, in a public vehicular area, is traveling upon any waterway, or is traveling in any airspace within this State, shall be guilty of a Class D felony.

(c) Any person who violates subsection (b) of this section and causes serious injury to any person shall be guilty of a Class B2 felony."

**SECTION 2.** Chapter 14 of the General Statutes is amended by adding a new section to read:

**"§ 14-34.7A. Aggravated assault on a female.**

1 Unless covered under some other provision of law providing greater punishment,  
2 any male person, who is at least 18 years of age, that assaults a female person and  
3 inflicts serious injury shall be guilty of a Class F felony."

4 **SECTION 3.** G.S. 14-69.1 reads as rewritten:

5 **"§ 14-69.1. Making a false report concerning destructive device.**

6 (a) Except as provided in subsection (c) of this section, any person who, by any  
7 means of communication to any person or group of persons, makes a report, knowing or  
8 having reason to know the report is false, that there is located ~~in~~in, or in sufficient  
9 proximity to cause damage to, any building, house or other structure whatsoever or any  
10 vehicle, aircraft, vessel or boat any device designed to destroy or damage the building,  
11 house or structure or vehicle, aircraft, vessel or boat by explosion, blasting or burning, is  
12 guilty of a Class H felony.

13 (b) Repealed by S.L. 1997-443, s. 19.25(cc).

14 (c) Any person who, by any means of communication to any person or groups of  
15 persons, makes a report, knowing or having reason to know the report is false, that there  
16 is located ~~in~~in, or in sufficient proximity to cause damage to, any public building any  
17 device designed to destroy or damage the public building by explosion, blasting, or  
18 burning, is guilty of a Class H felony. Any person who receives a second conviction for  
19 a violation of this subsection within five years of the first conviction for violation of this  
20 subsection is guilty of a Class G felony. For purposes of this subsection, "public  
21 building" means educational property as defined in G.S. 14-269.2(a)(1), a hospital as  
22 defined in G.S. 131E-76(3), a building housing only State, federal, or local government  
23 offices, or the offices of State, federal, or local government located in a building that is  
24 not exclusively occupied by the State, federal, or local government.

25 (d) The court may order a person convicted under this section to pay restitution,  
26 including costs and consequential damages resulting from the disruption of the normal  
27 activity that would have otherwise occurred on the premises but for the false report,  
28 pursuant to Article 81C of Chapter 15A of the General Statutes.

29 (e) For purposes of this section, the term "report" shall include making accessible  
30 to another person by computer."

31 **SECTION 4.** G.S. 90-95(b) reads as rewritten:

32 "(b) Except as provided in subsections (h) and (i) of this section, any person who  
33 violates G.S. 90-95(a)(1) with respect to:

34 (1) A controlled substance classified in Schedule I or II shall be punished  
35 as a Class H felon, except as follows: (i) the sale of a controlled  
36 substance classified in Schedule I or II shall be punished as a Class G  
37 felony, and (ii) the manufacture of methamphetamine shall be  
38 punished as provided by subdivision (1a) of this subsection.

39 (1a) The manufacture of methamphetamine shall be punished as a Class C  
40 felony unless the offense was one of the following: packaging or  
41 repackaging methamphetamine, or labeling or relabeling the  
42 methamphetamine container. The offense of packaging or repackaging  
43 methamphetamine, or labeling or relabeling the methamphetamine  
44 container shall be punished as a Class H felony.

1           (2) A controlled substance classified in Schedule III, IV, V, or VI shall be  
2           punished as a Class I felon, except that the sale of a controlled  
3           substance classified in Schedule III, IV, V, or VI shall be punished as a  
4           Class H felon. The transfer of less than 5 grams of marijuana for no  
5           remuneration shall not constitute a delivery in violation of  
6           G.S. 90-95(a)(1).

7           (3) Notwithstanding subdivision (2) of this subsection, the sale or  
8           delivery, or possession with intent to sell or deliver, of more than two  
9           pounds, but less than 50 pounds, of marijuana shall be punished as  
10          provided in subsection (h) of this section."

11          **SECTION 5.** Regulatory provisions relating to registered sex offenders.

12          **SECTION 6.** This act becomes effective December 1, 2005, and applies to  
13          offenses committed on or after that date.