

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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HOUSE DRH60263-LH-233 (4/10)

Short Title: 3rd Assault on Law Officer/Felony Offense. (Public)

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Sponsors: Representative Spear.

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Referred to:

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1 A BILL TO BE ENTITLED  
2 AN ACT TO ENHANCE THE PENALTY FOR ASSAULTING A LAW  
3 ENFORCEMENT OFFICER IN CERTAIN CIRCUMSTANCES.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 14-33.2 reads as rewritten:

6 "**§ 14-33.2. Habitual misdemeanor ~~assault~~; repeated assaults on law**  
7 **enforcement officers.**

8 (a) A person commits the offense of habitual misdemeanor assault if that person  
9 violates any of the provisions of G.S. 14-33 and causes physical injury, or G.S. 14-34,  
10 and has two or more prior convictions for either misdemeanor or felony assault, with the  
11 earlier of the two prior convictions occurring no more than 15 years prior to the date of  
12 the current violation. A conviction under this section shall not be used as a prior  
13 conviction for any other habitual offense statute. A person convicted of violating this  
14 section is guilty of a Class H felony.

15 (b) Unless the conduct is covered under some other provision of law providing  
16 greater punishment, if a person is convicted of a third or subsequent offense of  
17 G.S. 14-33(c)(4) and each offense was committed against a law enforcement officer,  
18 then the person is guilty of a Class H felony."

19 SECTION 2. This act becomes effective December 1, 2007, and applies to  
20 offenses committed on or after that date.