

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007**

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**HOUSE BILL 1621**

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

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Sponsors: Representatives Spear, R. Warren, Samuelson, Sutton (Primary Sponsors); Barnhart, Cole, Crawford, Dollar, Faison, Folwell, Gibson, Glazier, Goforth, Gulley, Harrison, Hill, Howard, Johnson, Justus, Kiser, Love, McLawhorn, Owens, Rapp, Saunders, Tarleton, Thomas, Tolson, Walend, Walker, E. Warren, and Wray.

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Referred to: Judiciary III.

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April 19, 2007

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

The General Assembly of North Carolina enacts:

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

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

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

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

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