

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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SENATE DRS55294-LH-168 (3/12)

Short Title: Assault on Law Enforcement & EM Worker/Felony.

(Public)

Sponsors: Senator Brock.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE THE CRIMINAL OFFENSE OF SIMPLE ASSAULT A FELONY  
3 RATHER THAN A MISDEMEANOR WHEN THE SIMPLE ASSAULT IS  
4 COMMITTED AGAINST A LAW ENFORCEMENT OFFICER, A FIREFIGHTER, OR  
5 EMERGENCY PERSONNEL AND TO INCREASE THE PENALTY FOR ASSAULT  
6 AGAINST CERTAIN EMERGENCY PERSONNEL IF THE ASSAULT IS WITH A  
7 DEADLY WEAPON OR INFLECTS SERIOUS BODILY INJURY.

8 The General Assembly of North Carolina enacts:

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

11 **"§ 14-33.3. Simple assault on law enforcement officer.**

12 Unless the conduct is covered under some other provision of law providing greater  
13 punishment, any person who commits any assault, assault and battery, or affray is guilty of a  
14 Class I felony if, in the course of the assault, assault and battery, or affray, he or she assaults a  
15 law enforcement officer while the officer is discharging or attempting to discharge the officer's  
16 official duties."

17 **SECTION 2.** G.S. 14-34.6 reads as rewritten:

18 **"§ 14-34.6. Assault or affray on a firefighter, an emergency medical technician, medical**  
19 **responder, emergency department nurse, or emergency department physician.**

20 (a) A person is guilty of a Class ~~A1 misdemeanor~~ I felony if the person commits an  
21 assault or an affray on any of the following persons who are discharging or attempting to  
22 discharge their official duties:

- 23 (1) An emergency medical technician.
- 24 (2) A medical responder.
- 25 (3) An emergency department nurse.
- 26 (4) An emergency department physician.
- 27 (5) A firefighter.

28 (b) Unless a person's conduct is covered under some other provision of law providing  
29 greater punishment, a person is guilty of a ~~Class I felony~~ Class H felony if the person violates  
30 subsection (a) of this section and (i) inflicts serious bodily injury or (ii) uses a deadly weapon  
31 other than a firearm.

32 (c) Unless a person's conduct is covered under some other provision of law providing  
33 greater punishment, a person is guilty of a Class F felony if the person violates subsection (a) of  
34 this section and uses a firearm."

35 **SECTION 3.** G.S. 14-288.9(c) reads as rewritten:



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1       "(c) Any person who commits an assault upon emergency personnel is guilty of a Class  
2 ~~1 misdemeanor~~Class I felony. Any person who commits an assault upon emergency personnel  
3 with or through the use of any dangerous weapon or substance shall be punished as a Class F  
4 felon."

5           **SECTION 4.** This act becomes effective December 1, 2009, and applies to  
6 offenses committed on or after that date. Prosecutions for offenses committed before the  
7 effective date of this act are not abated or affected by this act, and the statutes that would be  
8 applicable but for this act remain applicable to those prosecutions.