

# GENERAL ASSEMBLY OF NORTH CAROLINA

## SESSION 2025

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### SENATE BILL 539

Short Title: NC Utility Worker Protection Act.

(Public)

Sponsors: Senators Everitt and Salvador (Primary Sponsors).

Referred to: Rules and Operations of the Senate

March 26, 2025

#### 1 A BILL TO BE ENTITLED

2 AN ACT TO INCREASE THE PUNISHMENT FOR COMMITTING AN ASSAULT  
3 AGAINST A UTILITY WORKER.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** This act shall be known as "The North Carolina Utility Worker  
6 Protection Act."

7 **SECTION 2.** G.S. 14-33 reads as rewritten:

8 **"§ 14-33. Misdemeanor assaults, batteries, and affrays, simple and aggravated;  
9 punishments.**

10 ...  
11 (c) Unless the conduct is covered under some other provision of law providing greater  
12 punishment, any person who commits any assault, assault and battery, or affray is guilty of a  
13 Class A1 misdemeanor if, in the course of the assault, assault and battery, or affray, he or she:

14 ...  
15 (9) Assaults a transportation network company (TNC) driver providing a  
16 transportation network company (TNC) service. For the purposes of this  
17 subdivision, the definitions for "TNC driver" and "TNC service" as defined in  
18 G.S. 20-280.1 shall apply.

19 (10) Assaults a utility worker not otherwise covered under this subsection, when  
20 the utility worker is discharging or attempting to discharge his or her duties.  
21 For purposes of this subdivision, the term "utility worker" means any  
22 employee of, including any person employed by or under contract with, an  
23 organization, entity, or company, whether State-created or privately,  
24 municipally, county, or cooperatively owned, that provides gas, heat,  
25 electricity, water, telecommunications services, sewer services, cable or video  
26 services, internet services, or railroad services.

27 ...  
28 (d) Any person who, in the course of an assault, assault and battery, or affray, inflicts  
29 serious injury upon another person, or uses a deadly weapon, in violation of subdivision (c)(1)  
30 of this section, on a person with whom the person has a personal relationship, and in the presence  
31 of a minor, is guilty of a Class A1 misdemeanor. A person convicted under this subsection, who  
32 is sentenced to a community punishment, shall be placed on supervised probation in addition to  
33 any other punishment imposed by the court.

34 A person committing a second or subsequent violation of this subsection shall be sentenced  
35 to an active punishment of no less than 30 days in addition to any other punishment imposed by  
36 the court.



1 The following definitions apply to this subsection:

2 (1) ~~"Personal relationship"~~ is as defined in G.S. 50B-1(b).

3 (2)(1) ~~"In the presence of a minor"~~ means In the presence of a minor. – Means that  
4 the minor was in a position to see or hear the assault.

5 (3)(2) ~~"Minor"~~ is any Minor. – Any person under the age of 18 years who is residing  
6 with or is under the care and supervision of, and who has a personal  
7 relationship with, the person assaulted or the person committing the assault.

8 (3) Personal relationship. – As defined in G.S. 50B-1."

9 **SECTION 3.** G.S. 14-34.2 reads as rewritten:

10 **"§ 14-34.2. Assault with a firearm or other deadly weapon upon governmental officers or  
11 employees, utility workers, company police officers, or campus police officers."**

12 Unless a person's conduct is covered under some other provision of law providing greater  
13 punishment, any person who commits an assault with a deadly weapon upon an officer or  
14 employee of the State or of any political subdivision of the State, a utility worker as defined in  
15 G.S. 14-33, a company police officer certified pursuant to the provisions of Chapter 74E of the  
16 General Statutes, or a campus police officer certified pursuant to the provisions of Chapter 74G,  
17 Article 1 of Chapter 17C or Chapter 116 of the General Statutes, in the performance of an official  
18 duty when the person is discharging or attempting to discharge his or her duties, is guilty of a  
19 Class E felony."

20 **SECTION 4.** Prosecutions for offenses committed before the effective date of this  
21 act are not abated or affected by this act, and the statutes that would be applicable but for this act  
22 remain applicable to those prosecutions.

23 **SECTION 5.** This act becomes effective December 1, 2025, and applies to offenses  
24 committed on or after that date.