

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 36
Committee Substitute Favorable 3/10/21
PROPOSED COMMITTEE SUBSTITUTE H36-CSCH-6 [v.6]
3/19/2021 9:50:54 AM

Short Title: Protect Those Who Serve and Protect Act.

(Public)

Sponsors:

Referred to:

February 2, 2021

A BILL TO BE ENTITLED
AN ACT TO INCREASE THE PUNISHMENT FOR DISCHARGING OR ATTEMPTING TO
DISCHARGE A FIREARM AT OR INTO AN UNOCCUPIED EMERGENCY VEHICLE
AND TO INCREASE THE PUNISHMENT FOR POINTING A LASER DEVICE AT A
LAW ENFORCEMENT OFFICER OR OTHER EMERGENCY PERSONNEL WHEN
THE PERSON OR ANIMAL IS IN THE PERFORMANCE OF HIS OR HER DUTIES.

The General Assembly of North Carolina enacts:

SECTION 1. This act shall be known as the "Protect Those Who Serve and Protect Act."

SECTION 2. Article 8 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-34.1A. Discharging certain barreled weapons or a firearm at or into certain unoccupied emergency vehicles.

(a) Definition. – For purposes of this section, the term "emergency vehicle" means any of the following:

(1) A law enforcement vehicle.

(2) A fire department vehicle.

(3) A public or private ambulance.

(4) A rescue squad emergency service vehicle.

(5) A vehicle owned or operated by the North Carolina National Guard.

(6) A vehicle owned or operated by any branch of the Armed Forces of the United States.

(7) A vehicle owned or operated by the Division of Adult Corrections and Juvenile Justice of the Department of Public Safety.

(b) Offense. – It is unlawful to willfully or wantonly discharge or attempt to discharge any firearm or barreled weapon capable of discharging shot, bullets, pellets, or other missiles at a muzzle velocity of at least 600 feet per second at or into any unoccupied emergency vehicle.

(c) Punishment. – Unless the conduct is covered under some other provision of law providing greater punishment, any person who violates subsection (b) of this section is guilty of a Class H felony."

SECTION 3. G.S. 14-34.8 reads as rewritten:

"§ 14-34.8. Criminal use of laser device.

(a) For purposes of this section, the term "laser" means light amplification by stimulated emission of radiation. The following definitions apply in this section:

(1) Laser. – Light amplification by stimulated emission of radiation.



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1 (2) Law enforcement agency animal. – As defined in G.S. 14-163.1.
2 (3) Search and rescue animal. – As defined in G.S. 14-163.1.
3 (b) It is unlawful ~~to intentionally to point a laser device at a law enforcement officer, or~~
4 ~~at the head or face of another person,~~ while the device is emitting a laser beam ~~beam~~ at any of
5 the following:

- 6 (1) Any of the following while the person is in the performance of his or her
7 duties:
8 a. A law enforcement officer.
9 b. A probation or parole officer.
10 c. A person whose employment duties include the custody,
11 transportation, or management of persons who are detained or
12 confined to a detention facility, youth development center, or
13 correctional institution operated under the jurisdiction of the State or
14 a local government.
15 d. A firefighter.
16 e. An emergency medical technician or other emergency health care
17 provider.
18 f. A member of the North Carolina National Guard.
19 g. A member of any branch of the Armed Forces of the United States.
20 h. Court counselors whose employment duties include intake, probation,
21 post-release supervision and court supervision services of juveniles.
22 (2) The head or face of any person not covered under subdivision (1) of this
23 subsection.
24 (3) A law enforcement agency animal or a search and rescue animal while the
25 animal is in the performance of its duty.

26 (c) ~~A~~ A violation of subdivision (1) of subsection (b) of this section is a Class I felony.
27 A violation of subdivision (3) of subsection (b) of this section is a Class A1 misdemeanor. Any
28 other violation of subsection (b) of this section is an infraction.

29 (d) This section does not apply to a law enforcement officer who uses a laser device in
30 discharging or attempting to discharge the officer's official duties. This section does not apply to
31 a health care professional who uses a laser device in providing services within the scope of
32 practice of that professional nor to any other person who is licensed or authorized by law to use
33 a laser device or uses it in the performance of the person's official duties.

34 (e) This section does not apply to laser tag, paintball guns, and other similar games and
35 devices using light emitting diode (LED) technology."

36 **SECTION 4.** This act becomes effective December 1, 2021, and applies to offenses
37 committed on or after that date.