



HOUSE BILL 36: Protect Those Who Serve and Protect Act.

2021-2022 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	March 24, 2021
Introduced by:	Reps. Hastings, Saine, C. Smith, K. Baker	Prepared by:	Susan Sitze and Hillary Woodard,
Analysis of:	PCS to Second Edition H36-CSCH-6		Staff Attorneys

OVERVIEW: : *The Proposed Committee Substitute (PCS) for House Bill 36, the Protect Those Who Serve and Protect Act, would do the following:*

- *Increase the punishment for discharging or attempting to discharge a firearm at or into an unoccupied emergency vehicle; and*
- *Increase the punishment for pointing a laser device at a law enforcement officer or other emergency personnel when the person or animal is in performance of his or her duties.*

CURRENT LAW:

Pursuant to G.S. 14-34.1, it is a Class E felony to discharge a firearm into an occupied building or conveyance. The penalty is increased to a Class D felony if the occupied building is a dwelling or if the conveyance is in operation. The penalty is increased to a Class C felony if the violation results in a serious bodily injury

Pursuant to G.S. 14-34.8, it is an infraction to intentionally point a laser device emitting a laser beam at a law enforcement officer, or the head of face of another person. "Laser" means light amplification by stimulated emission of radiation.

BILL ANALYSIS:

Section 2 of the PCS for House Bill 36 would create a new statute, G.S. 14-34.1A, that would establish a new offense for willfully or wantonly discharging or attempting to discharge a firearm into an unoccupied emergency vehicle. Emergency vehicle would be defined as the following:

- A law enforcement vehicle.
- A fire department vehicle.
- A public or private ambulance.
- A rescue squad emergency service vehicle.
- A vehicle owned or operated by the NC National Guard.
- A vehicle owned or operated by any branch of the Armed Forces of the United States.
- A vehicle owned or operated by the Division of Adult Corrections and Juvenile Justice of the Department of Public Safety.

The punishment for this offense would be a Class H felony. A class H felony is punishable by an absolute minimum of 4 months community punishment and an absolute maximum of 39 months active punishment, depending on the prior record level.

Jeffrey Hudson
Director



Legislative Analysis
Division
919-733-2578

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Section 3 of the PCS for House Bill 36 would amend G.S. 14-34.8 to increase the punishment for some offenses for pointing a laser and provide the following penalties:

- Class I felony - pointing a laser at any of the following individuals while in the performance of their duties:
 - A law enforcement officer.
 - A probation or parole officer.
 - A person employed at a State detention facility, youth development center, or correctional institution operated by the State or local government.
 - A firefighter.
 - An emergency medical technician or health care provider.
 - A member of NC National Guard, or a member of any branch of the Armed Forces.
 - Court counselors.

A Class I felony is punishable by an absolute minimum of 3 months community punishment and an absolute maximum of 25 months active punishment, depending on the prior record level.

- Class A1 misdemeanor - pointing a laser at any of the following while in performance of their duties:
 - A law enforcement agency animal
 - A search and rescue animal

A Class A1 misdemeanor is punishable by an absolute minimum of 1 day of community punishment and an absolute maximum of 150 days active punishment.

- Infraction - pointing a laser at the head or face of any person not covered under the Class I felony provision.

The following definitions would apply to this section:

- Laser - light amplification by stimulated emission of radiation
- Law enforcement agency animal - an animal that is trained and may be used to assist a law enforcement officer in the performance of the officer's official duties. (G.S. 14-163.1(2))
- Search and rescue animal - an animal that is trained and may be used to assist in a search and rescue operation. (G.S. 14-163.1(3a))

EFFECTIVE DATE: House Bill 36 would become effective December 1, 2021 and apply to offenses committed on or after that date.