

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 1204

Short Title: Assault Law Officer/Firefighter.

(Public)

Sponsors: Representatives Decker, Brawley, Kiser, Lee, Neely, Sexton, Sutton; Thompson, Rayfield, Justus, and Cocklereece.

Referred to: Judiciary II.

May 16, 1996

A BILL TO BE ENTITLED

1 AN ACT TO MAKE IT A CLASS F FELONY OFFENSE TO ASSAULT A LAW
2 ENFORCEMENT OFFICER AND INFLICT SERIOUS BODILY INJURY AND TO
3 CREATE A NEW CRIMINAL OFFENSE OF ASSAULTING A FIREFIGHTER AS
4 RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION'S
5 STUDY COMMITTEE ON CRIMINAL LAWS, PROCEDURES, AND
6 SENTENCING.
7

8 The General Assembly of North Carolina enacts:

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

11 "**§ 14-34.7. Assault on a law enforcement officer.**

12 Unless covered under some other provision of law providing greater punishment, a
13 person is guilty of a Class F felony if the person assaults a law enforcement officer while
14 the law enforcement officer is discharging or attempting to discharge his or her official
15 duties and inflicts serious bodily injury on the law enforcement officer."

16 Sec. 2. G.S. 143-34.6 reads as rewritten:

17 "**§ 14-34.6. Assault or affray on a firefighter; an emergency medical technician,**
18 **ambulance attendant, emergency department nurse, or emergency**
19 **department physician.**

1 (a) A person is guilty of a Class A1 misdemeanor if the person commits an assault
2 or an affray on any of the following persons who are discharging or attempting to
3 discharge their official duties:

4 (1) ~~an~~ An emergency medical technician, technician.

5 (2) An ambulance attendant, attendant.

6 (3) An emergency department nurse, or nurse.

7 (4) An emergency department physician while the technician, attendant,
8 nurse, or physician is discharging or attempting to discharge official
9 duties. physician.

10 (5) A firefighter.

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

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

18 Sec. 3. This act becomes effective December 1, 1996, and applies to offenses
19 committed on or after that date.