

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

3

HOUSE BILL 478
Committee Substitute Favorable 4/7/99
Third Edition Engrossed 4/20/99

Short Title: Threaten Court Officers.

(Public)

Sponsors:

Referred to:

March 17, 1999

A BILL TO BE ENTITLED
AN ACT TO CREATE THE CRIMINAL OFFENSE OF THREATENING JUDGES,
DISTRICT ATTORNEYS, AND OTHER COURT OFFICERS.

The General Assembly of North Carolina enacts:

Section 1. Article 5A of Chapter 14 of the General Statutes reads as rewritten:

"ARTICLE 5A.

**"ENDANGERING EXECUTIVE AND LEGISLATIVE EXECUTIVE,
LEGISLATIVE,
AND COURT OFFICERS.**

"§ 14-16.6. Assault on ~~executive or legislative~~ executive, legislative, or court officer.

(a) Any person who assaults any legislative ~~officer named in G.S. 147-2(1), (2), or (3)~~
~~or any officer, executive officer named in G.S. 147-3(e), officer, or court officer,~~ or any
person who makes a violent attack upon the residence, office, temporary accommodation
or means of transport of any ~~legislative officer named in G.S. 147-2(1), (2), or (3) or any~~
~~executive officer named in G.S. 147-3(e) one of those officers~~ in a manner likely to
endanger ~~such legislative officer or executive~~ the officer, shall be guilty of a felony and
shall be punished as a Class I felon.

1 (b) Any person who commits an offense under subsection (a) and uses a deadly
2 weapon in the commission of that offense shall be punished as a Class F felon.

3 (c) Any person who commits an offense under subsection (a) and inflicts serious
4 bodily injury to any legislative ~~officer named in G.S. 147-2(1), (2), or (3) or any officer,~~
5 executive ~~officer as named in G.S. 147-3(e) officer,~~ or court officer, shall be punished as a
6 Class F felon.

7 **"§ 14-16.7. Threats against ~~executive or legislative~~ executive, legislative, or court**
8 **officers.**

9 (a) Any person who knowingly and willfully makes any threat to inflict serious
10 bodily injury upon or to kill any legislative ~~officer named in G.S. 147-2(1), (2), or (3) or any~~
11 ~~officer,~~ executive ~~official~~ officer, as named in G.S. 147-3(e), or court officer, shall be guilty
12 of a felony and shall be punished as a Class I felon.

13 (b) Any person who knowingly and willfully deposits for conveyance in the mail
14 any letter, writing, or other document containing a threat to inflict serious bodily injury
15 upon or to kill any legislative ~~officer named in G.S. 147-2(1), (2), or (3) or any officer,~~
16 executive ~~official~~ officer, named in G.S. 147-3(e), or court officer, shall be guilty of a
17 felony and shall be punished as a Class I felon.

18 **"§ 14-16.8. No requirement of receipt of the threat.**

19 In prosecutions under G.S. 14-16.7 of this Article it shall not be necessary to prove
20 that any legislative ~~officer named in G.S. 147-2(1), (2), or (3) or any officer,~~ executive
21 ~~official as named in G.S. 147-3(e) officer,~~ or court officer actually received the threatening
22 communication or actually believed the threat.

23 **"§ 14-16.9. Officers-elect to be covered.**

24 Any person who has been elected to any office covered by this Article but has not yet
25 taken the oath of office shall be considered to hold the office for the purpose of this
26 Article and G.S. 114-1.

27 **"§ 14-16.10. Definitions.**

28 The following definitions apply in this Article:

29 (1) Court officer. – Magistrate, clerk of superior court, acting clerk,
30 assistant or deputy clerk, judge, or justice of the General Court of
31 Justice; district attorney, assistant district attorney, or any other attorney
32 designated by the district attorney to act for the State or on behalf of the
33 district attorney; public defender or assistant defender; court counselor
34 as defined in G.S. 7B-1501(5); or any attorney licensed to practice in
35 the General Court of Justice when in a building where judicial functions
36 are exercised or while in the exercise of that attorney's judicial duties.

37 (2) Executive officer. – A person named in G.S. 147-3(c).

38 (3) Legislative officer. – A person named in G.S. 147-2(1), (2), or (3)."

39 Section 2. G.S. 114-15(a) reads as rewritten:

40 "(a) The Bureau shall, through its Director and upon request of the Governor,
41 investigate and prepare evidence in the event of any lynching or mob violence in the
42 State; shall investigate all cases arising from frauds in connection with elections when
43 requested to do so by the Board of Elections, and when so directed by the Governor. Such

1 investigation, however, shall in nowise interfere with the power of the Attorney General
2 to make such investigation as he is authorized to make under the laws of the State. The
3 Bureau is authorized further, at the request of the Governor, to investigate cases of frauds
4 arising under the Social Security Laws of the State, of violations of the gaming laws, and
5 lottery laws, and matters of similar kind when called upon by the Governor so to do. In
6 all such cases it shall be the duty of the Department to keep such records as may be
7 necessary and to prepare evidence in the cases investigated, for the use of enforcement
8 officers and for the trial of causes. The services of the Director of the Bureau, and of his
9 assistants, may be required by the Governor in connection with the investigation of any
10 crime committed anywhere in the State when called upon by the enforcement officers of
11 the State, and when, in the judgment of the Governor, such services may be rendered with
12 advantage to the enforcement of the criminal law. The State Bureau of Investigation is
13 hereby authorized to investigate without request the attempted arson of, or arson of,
14 damage of, theft from, or theft of, or misuse of, any State-owned personal property,
15 buildings, or other real property or any assault upon or threats against any legislative
16 officer named in G.S. 147-2(1), (2), or ~~(3)~~(3), any executive officer named in G.S. ~~147-~~
17 ~~3(e)-147-3(c)~~, or any court officer as defined in G.S. 14-16.10(1). The Bureau also is
18 authorized at the request of the Governor to conduct a background investigation on a
19 person that the Governor plans to nominate for a position that must be confirmed by the
20 General Assembly, the Senate, or the House of Representatives. The background
21 investigation of the proposed nominee shall be limited to an investigation of the person's
22 criminal record, educational background, employment record, records concerning the
23 listing and payment of taxes, and credit record, and to a requirement that the person
24 provide the information contained in the statements of economic interest required to be
25 filed by persons subject to Executive Order Number 1, filed on January 31, 1985, as
26 contained on pages 1405 through 1419 of the 1985 Session Laws (First Session, 1985).
27 The Governor must give the person being investigated written notice that he intends to
28 request a background investigation at least 10 days prior to the date that he requests the
29 State Bureau of Investigation to conduct the background investigation. The written notice
30 shall be sent by regular mail, and there is created a rebuttable presumption that the person
31 received the notice if the Governor has a copy of the notice."

32 Section 3. This act becomes effective December 1, 1999, and applies to
33 offenses committed on or after that date.