

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 1036

Short Title: Assault on Law Enforcement & EM Worker/Felony. (Public)

Sponsors: Senators Brock; Apodaca, Berger of Rockingham, Brown, Hunt, Jacumin,
Preston, and Tillman.

Referred to: Judiciary I.

March 31, 2009

A BILL TO BE ENTITLED

AN ACT TO MAKE THE CRIMINAL OFFENSE OF SIMPLE ASSAULT A FELONY
RATHER THAN A MISDEMEANOR WHEN THE SIMPLE ASSAULT IS
COMMITTED AGAINST A LAW ENFORCEMENT OFFICER, A FIREFIGHTER, OR
EMERGENCY PERSONNEL AND TO INCREASE THE PENALTY FOR ASSAULT
AGAINST CERTAIN EMERGENCY PERSONNEL IF THE ASSAULT IS WITH A
DEADLY WEAPON OR INFLICTS SERIOUS BODILY INJURY.

The General Assembly of North Carolina enacts:

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

"§ 14-33.3. Simple assault on law enforcement officer.

Unless the conduct is covered under some other provision of law providing greater
punishment, any person who commits any assault, assault and battery, or affray is guilty of a
Class I felony if, in the course of the assault, assault and battery, or affray, he or she assaults a
law enforcement officer while the officer is discharging or attempting to discharge the officer's
official duties."

SECTION 2. G.S. 14-34.6 reads as rewritten:

**"§ 14-34.6. Assault or affray on a firefighter, an emergency medical technician, medical
responder, emergency department nurse, or emergency department physician.**

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

- (1) An emergency medical technician.
- (2) A medical responder.
- (3) An emergency department nurse.
- (4) An emergency department physician.
- (5) A firefighter.

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

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

SECTION 3. G.S. 14-288.9(c) reads as rewritten:



1 "(c) Any person who commits an assault upon emergency personnel is guilty of a Class
2 ~~1 misdemeanor.~~Class I felony. Any person who commits an assault upon emergency personnel
3 with or through the use of any dangerous weapon or substance shall be punished as a Class F
4 felon."

5 **SECTION 4.** This act becomes effective December 1, 2009, and applies to
6 offenses committed on or after that date. Prosecutions for offenses committed before the
7 effective date of this act are not abated or affected by this act, and the statutes that would be
8 applicable but for this act remain applicable to those prosecutions.