



This Bill Analysis reflects the contents of the bill as it was presented in committee.

# HOUSE BILL 565: Threaten LEO or Correctional Officer

2015-2016 General Assembly

<b>Committee:</b>	House Judiciary II	<b>Date:</b>	April 28, 2015
<b>Introduced by:</b>	Reps. Faircloth, McNeill, Hurley, G. Graham	<b>Prepared by:</b>	Susan Sitze
<b>Analysis of:</b>	PCS to First Edition H565-CSSA-51		Committee Counsel

**SUMMARY:** *The Proposed Committee Substitute (PCS) for House Bill 565 would make it a crime to threaten to inflict serious bodily harm upon or to kill a law enforcement officer, probation or parole officer, detention facility employee, or another person as retaliation against the officer for performing the officer's official duties.*

### CURRENT LAW:

G.S. 14-34.5 provides a Class E felony for assault with a firearm upon a law enforcement officer, probation officer, parole officer, or person employed at a State or local detention center while they are discharging their duties.

G.S. 14-34.7 provides a Class F felony for assault inflicting serious bodily injury and a Class I felony for assault inflicting physical injury upon a law enforcement officer, probation officer, parole officer, or person employed at a State or local detention center while they are discharging their duties.

G.S. 14-277.1 provides a Class 1 misdemeanor for communicating a threat.

### BILL ANALYSIS:

The PCS would define "officer" as any law enforcement officer, probation officer, parole officer, or a person who is employed at a detention facility operated under the jurisdiction of the State or a local government.

The PCS would create a Class A1 misdemeanor for knowingly and willfully threatening to inflict serious bodily injury upon or to kill any officer because of the exercise of that officer's duties, when that threat is received and believed by the officer. If the threat is not received or not believed by the officer, a violation would be a Class 1 misdemeanor.

The PCS would create a Class I felony for knowingly and willfully threatening to inflict serious bodily injury upon or to kill any other person as retaliation against any officer because of the exercise of that officer's duties, when the threat is received and believed by either the officer or the person being threatened. If the threat is not received or not believed by either the officer or the person being threatened, a violation would be a Class 1 misdemeanor.

**EFFECTIVE DATE:** This act becomes effective December 1, 2015, and applies to offenses committed on or after that date.

O. Walker Reagan  
Director



Research Division  
(919) 733-2578

\* H 5 6 5 - S M S A - 5 7 C S S A - 5 1 - V 2 \*