



HOUSE BILL 691: Assault on National Guard Member

2015-2016 General Assembly

Committee:	House Homeland Security, Military, and Veterans Affairs, if favorable, Judiciary III	Date:	April 17, 2015
Introduced by:	Reps. Whitmire, Pendleton, Robinson	Prepared by:	Bill Patterson
Analysis of:	First Edition		Committee Counsel

SUMMARY: *House Bill 691 would make it a felony to commit an assault or affray causing physical injury on a member of the North Carolina National Guard who is discharging or attempting to discharge their official duties.*

CURRENT LAW: G.S. 14-34.6 makes it a felony to commit an assault or affray¹ causing physical injury on any of the following persons when they are discharging or attempting to discharge their official duties:

- emergency medical technicians or other emergency health care providers
- medical responders
- the following emergency department personnel: physicians, physician assistants, nurses, and licensed nurse practitioners
- firefighters

The offense is a Class I felony if it does not inflict serious bodily injury or involve the use of a deadly weapon. It is a Class H felony if it results in serious bodily injury or involves the use of a deadly weapon other than a firearm. It is a Class F felony if it involves the use of a firearm, regardless of the severity of the bodily injury, unless the conduct is covered by some other provision of law providing greater punishment.

BILL ANALYSIS: House Bill 691 would add members of the North Carolina National Guard to the categories of persons against whom an assault or affray meeting the statutory criteria would constitute a felony.

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

¹ "An affray is defined at common law as a fight between two or more persons in a public place so as to cause terror to the public." *In re May*, 357 N.C. 423, 426, 584 S.E.2d 271, 274 (2003).

O. Walker Reagan
Director



Research Division
(919) 733-2578

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