



HOUSE BILL 691: Assault on National Guard Member

2015-2016 General Assembly

Committee:

Introduced by:

Analysis of: S.L. 2015-74

Date:

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Staff Attorney

SUMMARY: *S.L. 2015-74 makes it a felony to commit the following types of assaults on a member of the North Carolina National Guard who is discharging or attempting to discharge official duties: (i) assault inflicting serious bodily injury; (ii) assault inflicting physical injury; (iii) assault with a firearm.*

This act became effective December 1, 2015, and applies to offenses committed on or after that date.

BILL ANALYSIS: Session Law 2015-74 makes specified assaults on a member of the North Carolina National Guard a felony offense.

Section 1. Currently, G.S. 14-34.7 is entitled, "Assault inflicting serious injury on a law enforcement, probation, or parole officer or on a person employed at a State or local detention facility; penalty." S.L. 2015-74 amends G.S. 14-34.7 by creating felony offenses for committing particular types of assaults on a member of the N.C. National Guard who is discharging or attempting to discharge his or her official duties, as follows:

- Assault inflicting serious bodily injury – Class F felony.
 - "Serious bodily injury" is defined in the North Carolina Criminal Law as "bodily injury that creates a substantial risk of death, or that causes serious permanent disfigurement, coma, a permanent or protracted condition that causes extreme pain, or permanent or protracted loss or impairment of the function of any bodily member or organ, or that results in prolonged hospitalization." [G.S. 14-32.4.]
- Assault inflicting physical injury – Class I felony.
 - "Physical injury" is specifically defined in current G.S. 14-34.7(c) to include "cuts, scrapes, bruises, or other physical injury which does not constitute serious injury."

Section 2 of the act amends G.S. 14-34.5, "Assault with a firearm on a law enforcement, probation, or parole officer or on a person employed at a State or local detention facility," to make it a Class E felony to commit an assault with a firearm upon a member of the North Carolina National Guard.

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

O. Walker Reagan
Director



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