



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

HOUSE BILL 691: Assault on National Guard Member

2015-2016 General Assembly

Committee:	Senate Judiciary II	Date:	May 20, 2015
Introduced by:	Reps. Whitmire, Pendleton, Robinson	Prepared by:	Janice Paul
Analysis of:	PCS to First Edition H691-CSTJ-33		Committee Counsel

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

The Proposed Committee Substitute (PCS) would place the provisions relating to assault on National Guard members in G.S. 14-34.7 (was, G.S. 14-34.6), and would make other technical changes.

CURRENT LAW: Article 8 of Chapter 14 of the General Statutes sets out the conduct and punishment for different types of assaults.

- G.S. 14-34.6 pertains to an assault or affray on a firefighter, an emergency medical technical (EMT), medical responder, or emergency department (ED) personnel.
- 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."

BILL ANALYSIS: The original bill placed the crime of assaulting a member of the N.C. National Guard in the section of the criminal law relating to assaults on firefighters, EMTs, medical responders, and ED personnel. The PCS for HB 691 would amend G.S. 14-34.7 relating to assaults on law enforcement, probation, or parole officers, or on employees of detention facilities. Thus, the PCS would create felony offenses for committing particular types of assaults on a member of the N.C. National Guard who is discharging or attempting 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 defined in current G.S. 14-34.7(c) to include "cuts, scrapes, bruises, or other physical injury which does not constitute serious injury."

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

O. Walker Reagan
Director



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