



# HOUSE BILL 691: Assault on National Guard Member

2015-2016 General Assembly

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<b>Committee:</b>	Senate Judiciary II	<b>Date:</b>	May 21, 2015
<b>Introduced by:</b>	Reps. Whitmire, Pendleton, Robinson	<b>Prepared by:</b>	Janice Paul
<b>Analysis of:</b>	Second Edition		Committee Counsel

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

**BILL ANALYSIS:** House Bill 691 would make 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." House Bill 691 would amend 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 bill would amend 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.

**BACKGROUND:** The First Edition of House Bill 691 placed the felonious offense of assaulting a member of the N.C. National Guard in the section of the criminal law relating to assaults on firefighters, emergency medical technicians, medical responders, and emergency department personnel.

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

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Director



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