



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

SENATE BILL 343: Student Assault On Teacher/Felony Offense

2015-2016 General Assembly

Committee:	Senate Re-ref to Education/Higher Education. If fav, re-ref to Judiciary II	Date:	April 15, 2015
Introduced by:	Sen. Tillman	Prepared by:	Drupti Chauhan Committee Counsel
Analysis of:	PCS to First Edition S343-CSRQ-6		

SUMMARY: Senate Bill 343 would create a felony offense if a student is 16 or older and assaults a school employee on school property while the employee is discharging official duties or the assault is committed as a result of the discharge or attempt of the discharge of official duties of the employee.

The Proposed Committee Substitute (PCS) would also require that the student not have an Individualized Education Program or Section 504 Plan.

CURRENT LAW: G.S. 14-33(c)(6) provides that a person is guilty of a Class A1 misdemeanor if the person:

- Commits an assault on a school employee or school volunteer when the employee or volunteer is discharging or attempting to discharge his or her duties as an employee or volunteer; or
- Commits an assault on a school employee or school volunteer as a result of the discharge or attempt to discharge that individual's duties as a school employee or school volunteer.

"Duties" include all activities on school property; all activities during a school authorized event wherever they occur or the accompanying of students to or from that authorized event; and all activities relating to the operation of school transportation.

"Employee" and "volunteer" include:

- Employees of local boards of education, charter schools, and nonpublic schools.
- Independent contractors or employees of an independent contractor of a local board of education, charter school, and nonpublic schools if the independent contractor carries out duties customarily performed by employees of the school.
- Adults who volunteer their services or presence at any school activity and are under the supervision of employees or independent contractors.

BILL ANALYSIS: The PCS for Senate Bill 343 would create a new felony offense when a student who is age 16 or older who does not have an Individualized Education Program or Section 504 Plan assaults a school employee on school property:

- While the employee is discharging or attempting to discharge his duties as school employee; or
- As a result of the discharge or attempt to discharge that individual's duties as a school employee.

A first offense under this crime would be a Class I felony and a second or subsequent offense would be a Class G felony.

Definitions under the new statute would be as follows:

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- "Duties" -- All activities on school property.
- "Employee" – (i) Employees of local boards of education, charter schools, and nonpublic schools and (ii) independent contractors or employees of an independent contractor of a local board of education, charter school, and nonpublic schools if the independent contractor carries out duties customarily performed by employees of the school.
- "School Property" – Any school building, bus, school campus, grounds, recreational area, athletic field, or other property owned, used, or operated by any board of education or school board of trustees or directors for the administration of any primary or secondary school.
- "Student" – A person enrolled in a traditional public school, charter school, or nonpublic school.

EFFECTIVE DATE: The bill would become effective December 1, 2015 and would apply to offenses committed on or after that date.