



# HOUSE BILL 492: Increase Penalties for Certain Assaults.

2017-2018 General Assembly

<b>Committee:</b>	House State and Local Government I. If favorable, re-refer to Judiciary II	<b>Date:</b>	April 4, 2017
<b>Introduced by:</b>	Reps. Clampitt, Saine, Dollar	<b>Prepared by:</b>	Giles Perry
<b>Analysis of:</b>	PCS to Second Edition H492-CSRW-11		Staff Attorney

**OVERVIEW:** *House Bill 492 (proposed committee substitute) increases the penalties for assault on specified emergency persons, and public employees and officials.*

*The proposed committee substitute makes a technical change.*

**CURRENT LAW:** Under current law, the following penalties apply for the following offenses:

- G.S. 14-16.6. Assault on an executive, legislative or court officer: Class I felony; Class F if with a deadly weapon, or inflicts serious bodily injury.
- G.S. 14-16.7. Threats to injure or kill against executive, legislative, or court officers: Class I felony.
- G.S. 14-33. Misdemeanor assaults, batteries, and affrays. This statute includes provisions making an assault on an officer or employee of the State or any political subdivision of the State, when the officer or employee is discharging or attempting to discharge his official duties, a Class A1 misdemeanor.
- G.S. 14-34.2. Assault with a firearm or other deadly weapon upon government officers or employees, company police officers, or campus police: Class F felony.
- G.S. 14-34.6. Assault or affray<sup>1</sup> on a firefighter, an emergency medical technician, medical responder, and hospital personnel: Class I felony if the person causing physical injury. Class H felony if the person inflicts serious bodily injury or uses a deadly weapon other than a firearm. Class F felony if the person uses a firearm.
- G.S. 14-288.9. Assault on emergency personnel – Class I felony if injury, Class F felony if with a dangerous weapon or substance.

## BILL ANALYSIS:

**Section 1** increases the penalty for assault on a executive, legislative, or court officer to a Class H felony. If the assault is with a deadly weapon, or inflicts serious bodily injury the penalty is increased to a Class E felony.

<sup>1</sup> The crime of "Affray" is defined by common law. Its elements are: (1) engaging in a fight with at least one other person (2) in a public place (3) to the terror of the public.

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**Section 2** increases the penalty for threats to inflict serious bodily injury or to kill any legislative officer, executive officer, or court officer to a Class H felony. This section also language clarifying that threats sent by electronic means are included in this statute.

**Section 3** adds "firefighters" to the Statute making assault with a deadly weapon upon governmental officers or employees, company police officers, or campus police officers a Class F felony.

**Section 4** increases the penalty for assault or affray on a firefighter, an emergency medical technician, medical responder, and hospital personnel to a Class H felony. If the assault or affray inflicts serious bodily injury or occurs with a deadly weapon other than a firearm, this section increases the penalty to Class F. If the person charged with this assault or affray uses a firearm, this section increases the penalty to a Class E felony.

**Section 5** adds a new provision to Chapter 14 making simple assault on an officer or employee of the State or local government while they are discharging their duties a Class I felony.

**Section 6** increases the penalty for assault on emergency personnel that is committed in an area in which a declared state of emergency exists, or within the immediate vicinity of which a riot is occurring or is imminent, to a Class H felony. If the assault causes physical injury, this section increases the penalty to a Class H felony. If the assault is with a dangerous weapon, this section increases the penalty to a Class E felony.

**EFFECTIVE DATE:** This act becomes effective December 1, 2017, and applies to offenses committed on or after that date.