



HOUSE BILL 492: Increase Penalties for Certain Assaults.

2017-2018 General Assembly

Committee:	House Judiciary II	Date:	April 25, 2017
Introduced by:	Reps. Clampitt, Saine, Dollar	Prepared by:	Susan Sitze
Analysis of:	PCS to Third Edition H492-CSSA-20		Committee Counsel

OVERVIEW: *The Proposed Committee Substitute (PCS) for House Bill 492 would increase the penalties for assault on specified emergency persons, and public employees and officials.*

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 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 would increase the penalty for assault on an 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 would be increased to a Class E felony.

Section 2 would increase 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 contains language clarifying that threats sent by electronic means are included in this statute.

Section 3 would add "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.

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Section 4 would increase 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 would increase the penalty to Class F. If the person charged with this assault or affray uses a firearm, this section would increase the penalty to a Class E felony.

Section 5 would create a new Class I felony for simple assault on a law enforcement officer, firefighter, emergency medical technician, or medical responder while they are discharging or attempting to discharge their duties.

Section 6 would increase 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 would increase the penalty to a Class H felony. If the assault is with a dangerous weapon, this section would increase the penalty to a Class E felony.

EFFECTIVE DATE: This act would become effective December 1, 2017, and apply to offenses committed on or after that date.

Giles Perry, Staff Attorney, substantially contributed to this summary.