



HOUSE BILL 283: Conner's Law.

2019-2020 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	March 18, 2019
Introduced by:	Reps. Jones, Bell, Moore, Hastings	Prepared by:	Wendy Ray
Analysis of:	PCS to Second Edition H283-CSSA-8		Staff Attorney

OVERVIEW: *House Bill 283 would amend the law as follows:*

- *Increase the penalty for assaulting a law enforcement officer, probation officer, or parole officer with a firearm from a Class E felony to a Class D felony.*
- *Increase the penalty for assaulting emergency personnel and causing serious bodily injury or using a deadly weapon from a Class H felony to a Class G felony.*
- *Increase the penalty for assaulting emergency personnel and using a firearm from a Class F felony to a Class E felony.*
- *Provide an additional death benefit for public safety employees who are murdered in the line of duty.*

The Proposed Committee Substitute would also make a technical correction to a related provision in existing law and make it effective retroactively to the original effective date of the provision.

CURRENT LAW: G.S. 14-34.5(a) provides that any person who assaults a law enforcement officer, probation officer, or parole officer with a firearm while the officer is in the performance of his or her duties, is guilty of a Class E felony.

G.S. 14-34.6 provides that any person who assaults a firefighter, emergency medical technician, medical responder, or hospital personnel and causes serious bodily injury or uses a deadly weapon is guilty of a Class H felony. Any person who violates the provision and uses a firearm is guilty of a Class F felony.

Article 12A of Chapter 143 provides death benefits for public safety employees. A "covered person" is defined as a firefighter, law enforcement officer, a noncustodial employee of the Division of Adult Correction and Juvenile Justice, a rescue squad worker, or a Senior Civil Air Patrol member. Current law provides for a \$100,000 death benefit when any covered person is killed in the line of duty.

BILL ANALYSIS:

Section 1(a) would increase the penalty for assault with a firearm on a law enforcement officer, probation officer, or parole officer while the officer is in the performance of his or her duties to a Class D felony. This section would become effective December 1, 2019, and would apply to offenses committed on or after that date.

Section 1(b) would increase the penalty for assaulting emergency and hospital personnel and inflicting serious injury or using a deadly weapon to a Class G felony, and it would increase the penalty for assaulting emergency and hospital personnel and using a firearm to a Class E felony. This section would

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House PCS 283

Page 2

also authorize prosecution under G.S. 14-34.6 for assaults committed against hospital personnel and healthcare providers when services are being administered to patients outside of a hospital. This section would become effective December 1, 2019, and would apply to offenses committed on or after that date.

Section 2 would amend the Public Safety Employees' Death Benefit Act to provide an additional death benefit of \$100,000 when any covered person is murdered in the line of duty. "Murdered in the line of duty" is defined as "killed in the line of duty in a manner reasonably determined by the Industrial Commission to be directly caused by the intentional harmful act of another person." The death benefit would be paid to the surviving spouse, dependent child, dependent parent, or the estate of the deceased covered person. This section would become effective retroactively to July 1, 2017, and apply to qualifying deaths occurring on or after that date.

Section 3 would make a technical correction to an existing provision providing for a death benefit when a covered person is killed in the line of duty. This section would become effective retroactively to April 1, 2017, which is when the provision originally became effective, and would apply to qualifying deaths occurring on or after that date.

EFFECTIVE DATE: Except as otherwise provided, this act would be effective when it becomes law.

Susan Sitze, counsel to the House Judiciary Committee, contributed to this summary.