



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

HOUSE BILL 425: Increase and Expand Assault on/Resist of LEO.

2019-2020 General Assembly

Committee:	House Judiciary. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	April 3, 2019
Introduced by:	Reps. Faircloth, McNeill, Ross, Boles	Prepared by:	Shawn Middlebrooks Staff Attorney
Analysis of:	PCS to First Edition H425-CSBQ-10		

OVERVIEW: The Proposed Committee Substitute (PCS) to House Bill 425 would:

- *Increase the criminal penalty for assaulting a law enforcement, probation, or parole officer and inflicting serious bodily injury.*
- *Make it a criminal offense to resist, delay, or obstruct an officer, and cause physical or serious bodily injury to the officer.*
- *Exempt a person from prosecution for offenses covered in this bill if the person suffers from a medical condition or mental or behavioral health disability.*
- *Exempt a law enforcement officer from civil liability for filing charges in good-faith.*

CURRENT LAW: A person who assaults a law enforcement, probation or parole officer and inflicts serious bodily injury is guilty of a Class F felony (10 to 41 months incarceration). G.S. 14-34.7.

A person who resist, delays or obstructs a public officer is guilty of a Class 2 misdemeanor (up to 60 days incarceration). G.S 14-223.

BILL ANALYSIS:

Section 1 of the PCS to House Bill 425 would:

- Make it a Class E felony (15 to 88 months incarceration) to violate G.S. 14-34.7.
- Exempt a person from prosecution under this section if the person suffers from a medical condition or mental or behavioral health disability, and exempt a law enforcement officer from civil liability for filing charges under this section if the officer acted in good faith.

Section 2 of the House Bill 425 would:

- Make it a Class E felony to resist, delay, or obstruct an officer and inflict *serious bodily injury* on the officer and make it a Class H felony ((4 to 39 months incarceration) to resist, delay or obstruct an officer and inflict *physical injury* on the officer.
- Exempt a person from prosecution under this section if the person suffers from a medical condition or a mental or behavioral disability, and exempt a law enforcement officer from civil liability for filing charges under this section if the officer acted in good faith.

EFFECTIVE DATE: This act is effective December 1, 2019, and applies to offenses committed on or after that date.

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Director



Legislative Analysis
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