



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

2019-2020 General Assembly

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|-----------------------|---------------------------------------|---------------------|--------------------------------------|
| <b>Committee:</b>     |                                       | <b>Date:</b>        | April 26, 2019                       |
| <b>Introduced by:</b> | Reps. Faircloth, McNeill, Ross, Boles | <b>Prepared by:</b> | Shawn Middlebrooks<br>Staff Attorney |
| <b>Analysis of:</b>   | Third Edition                         |                     |                                      |

### OVERVIEW: 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 injury.
- Exempt a person from prosecution if the person suffers from certain health conditions.
- Exempt a law enforcement officer who files charges in good faith from civil liability.

### CURRENT LAW AND ANALYSIS:

#### SECTION 1.

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).

House Bill 425 would:

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

#### SECTION 2.

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.

House Bill 425 would:

- Make it a **Class E felony** to resist, delay, or obstruct an officer and inflict *serious bodily injury*, a **Class A1 misdemeanor** (150 days incarceration) to resist, delay or obstruct an officer and inflict *physical injury*, and a Class 2 misdemeanor (60 days incarceration) for any other violation.
- Exempt a person from prosecution under this section if the person suffers from a mental or behavioral health disability.
- 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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