



SENATE BILL 20: Emergency Worker Protection Act.

2019-2020 General Assembly

Committee:	Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate	Date:	March 6, 2019
Introduced by:	Sens. Britt, Ballard, McInnis	Prepared by:	Shawn Middlebrooks Staff Attorney
Analysis of:	PCS to First Edition S20-CSBQ-4		

OVERVIEW: *The PCS to Senate Bill 20 would increase criminal punishments for assaults committed against law enforcement officers and other emergency response personnel.*

CURRENT LAW AND ANALYSIS: Chapter 14 of the General Statutes contains the following provisions concerning assaults on law enforcement officers and other emergency personnel:

- **G.S. 14-34.2.** – Any person who assaults with a firearm or deadly weapon any officer or employee of the State or of a political subdivision, or any campus or company police officer, is guilty of a Class F felony.
 - **SECTION 1** of the PCS would increase the existing penalty by one Class (D), and create a new subsection that makes a violation of this section with the use of a firearm a Class D felony.
- **G.S. 14-34.5.** – Any person who assaults with a firearm any law enforcement officer, probation or parole officer, member of the National Guard, or employee of a local detention facility, while the officer, member, or employee is in the performance of their duties, is guilty of a Class E felony.
 - **SECTION 2** of the PCS would increase the existing penalty by one Class (D).
- **G.S. 14-34.6.** – Any person who assaults a firefighter, emergency medical technician (EMT), 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 this section and uses a firearm is guilty of a Class F felony.
 - **SECTION 3** the PCS would increase the existing penalties under this section by one Class (G, E), and authorize prosecution for assaults committed against hospital personnel and healthcare providers when services are being administered to patients *outside* of a hospital.
- **G.S. 14-34.7.** – Any person who assaults a law enforcement officer, probation or parole officer, member of the National Guard, or employee of a local detention facility, while the officer, member, or employee is in the performance of their duties, and inflicts serious bodily injury, is guilty of a Class F felony. Any person who violates this section and causes physical injury is guilty of a Class I felony.
 - **SECTION 4** of the PCS would increase the existing penalties under this section by one Class (E, H).

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- **G.S. 14-288.9**. – Any person who commits an assault upon a person defined as "emergency personnel" during a state of emergency, or within the immediate vicinity of a riot, and causes physical injury is guilty of a Class I felony. A person who violates this section and uses a deadly weapon or substance is guilty of a Class F felony.
 - **SECTION 5** of the PCS would increase the existing penalties under this section by one Class (H, E).
- **G.S. 14-31**. – Any person who commits an assault on another by waylaying or otherwise with the intent to kill is guilty of a Class G felony.
 - **SECTION 6** of the PCS would make it a Class D felony to commit an assault under this section against an "emergency worker" (law enforcement officer, firefighter, EMT, or medical responder) discharging or attempting to discharge an official duty.

EFFECTIVE DATE: This bill would be effective December 1, 2019, and apply to offenses committed on or after that date.