



HOUSE BILL 36: Protect Those Who Serve and Protect Act.

2021-2022 General Assembly

Committee:	House Judiciary 2. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	March 9, 2021
Introduced by:	Reps. Hastings, Saine, C. Smith, K. Baker	Prepared by:	Hillary Woodard
Analysis of:	PCS to First Edition H36-CSCH-3		Staff Attorney

OVERVIEW: *The Proposed Committee Substitute (PCS) for House Bill 36, the Protect Those Who Serve and Protect Act, would do the following:*

- *Increase the punishment for discharging or attempting to discharge a firearm at or into an unoccupied emergency vehicle; and*
- *Increase the punishment for pointing a laser device at a law enforcement officer or other emergency personnel when the person or animal is in performance of his or her duties.*

CURRENT LAW:

Pursuant to G.S. 14-34.1, it is a Class E felony to discharge a firearm into an occupied building or conveyance. The penalty is increased to a Class D felony if the occupied building is a dwelling or if the conveyance is in operation. The penalty is increased to a Class C felony if the violation results in a serious bodily injury

Pursuant to G.S. 14-34.8, it is an infraction to intentionally point a laser device emitting a laser beam at a law enforcement officer, or the head of face of another person. "Laser" means light amplification by stimulated emission of radiation.

BILL ANALYSIS:

Section 2 of the PCS for House Bill 36 would create a new statute, G.S. 14-34.1A, that would establish a new offense for willfully or wantonly discharging or attempting to discharge a firearm into an unoccupied emergency vehicle. Emergency vehicle would be defined as the following:

- A law enforcement vehicle.
- A fire department vehicle.
- A public or private ambulance.
- A rescue squad emergency service vehicle.
- A vehicle owned or operated by the NC National Guard.
- A vehicle owned or operated by any branch of the Armed Forces of the United States.
- A vehicle owned or operated by the Section of Community Corrections of the Division of Adult Corrections and Juvenile Justice of the Department of Public Safety.

The punishment for this offense would be a Class H felony. A class H felony is punishable by an absolute minimum of 4 months community punishment and an absolute maximum of 39 months active punishment, depending on the prior record level.

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Section 3 of the PCS for House Bill 36 would amend G.S. 14-34.8 to increase the punishment for some offenses for pointing a laser and provide the following penalties:

- Class I felony - pointing a laser at any of the following individuals while in the performance of their duties:
 - A law enforcement officer.
 - A probation or parole officer.
 - A person employed at a State detention facility.
 - A firefighter.
 - An emergency medical technician or health care provider.
 - A member of NC National Guard, or a member of any branch of the Armed Forces.

A Class I felony is punishable by an absolute minimum of 3 months community punishment and an absolute maximum of 25 months active punishment, depending on the prior record level.

- Class A1 misdemeanor - pointing a laser at any of the following while in performance of their duties:
 - A law enforcement agency animal
 - A search and rescue animal

A Class A1 misdemeanor is punishable by an absolute minimum of 1 day of community punishment and an absolute maximum of 150 days active punishment.

- Infraction - pointing a laser at the head or face of any person not covered under the Class I felony provision.

The following definitions would apply to this section:

- Laser - light amplification by stimulated emission of radiation
- Law enforcement agency animal - an animal that is trained and may be used to assist a law enforcement officer in the performance of the officer's official duties. (G.S. 14-163.1(2))
- Search and rescue animal - an animal that is trained and may be used to assist in a search and rescue operation. (G.S. 14-163.1(3a))

EFFECTIVE DATE: House Bill 36 would become effective December 1, 2021 and apply to offenses committed on or after that date.