



HOUSE BILL 418: Threaten LEO or Correctional Officer.

2021-2022 General Assembly

| | | | |
|-----------------------|--|---------------------|-------------------------------------|
| Committee: | House Rules, Calendar, and Operations of the House | Date: | May 5, 2021 |
| Introduced by: | Reps. Faircloth, McNeill, Greene, Miller | Prepared by: | Jason Moran-Bates Staff Attorney |
| Analysis of: | First Edition | | |

OVERVIEW: House Bill 418 would create new offenses for the following:

- *Knowingly and willfully threatening to inflict serious bodily injury or kill an officer because of the exercise of the officer's duties.*
- *Knowingly and willfully threatening to inflict serious bodily injury or kill another person in retaliation against an officer because of the exercise of the officer's duties.*

CURRENT LAW:

Pursuant to G.S. 14-277.1, it is a Class 1 misdemeanor to threaten to physically injure an individual or the individual's sibling, spouse, dependent, or property.

Pursuant to G.S. 14-16.7(a), it is a Class I felony to threaten to inflict serious bodily injury or kill any legislative officer, executive officer, or court officer.

Pursuant to G.S. 14-32.4(a), it is a Class F felony to assault another person and inflict serious bodily injury. Serious bodily injury is defined as bodily injury that creates a substantial risk of death, or that causes serious permanent disfigurement, coma, a permanent or protracted condition that causes extreme pain, or permanent or protracted loss or impairment of the function of any bodily member or organ, or that results in prolonged hospitalization.

BILL ANALYSIS:

House Bill 418 would create a new statute, G.S. 14-277.7A, that would create the following new offenses:

- A Class A1 misdemeanor for knowingly and willfully threatening to inflict serious bodily injury or kill an officer because of the exercise of the officer's duties, if the threat was received and believed by the officer.
- A Class I felony for knowingly and willfully threatening to inflict serious bodily injury or kill another person as retaliation against an officer because of the exercise of the officer's duties, if the threat was received and believed by either the officer or the person being threatened.

Officer would be defined as any law enforcement officer, probation officer, parole officer, or person who is employed at a detention facility operated under the jurisdiction of the State or a local government.

A Class A1 misdemeanor is punishable by a minimum of one day of community punishment and an absolute maximum of 150 days active punishment, depending on the prior record level.

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

Jeffrey Hudson
Director



Legislative Analysis
Division
919-733-2578

House Bill 418

Page 2

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

****Hillary Woodard and Susan Sitze of Legislative Analysis substantially contributed to this summary.*