



HOUSE BILL 34: Protect Those Who Serve and Protect Act.

2023-2024 General Assembly

Committee:		Date:	December 13, 2023
Introduced by:		Prepared by:	Robert Ryan
Analysis of:	S.L. 2023-76		Staff Attorney

OVERVIEW: *S.L. 2023-76 does the following:*

- *Creates an offense for discharging or attempting to discharge a firearm at or into an unoccupied emergency vehicle.*
- *Increases the punishment for pointing a laser device at a law enforcement officer.*
- *Creates an offense for pointing a laser device at law enforcement agency animals and other emergency personnel.*
- *Modifies certain laws to increase the criminal punishments for assaults committed against law enforcement officers and other government personnel.*

This act became effective December 1, 2023, and applies to offenses committed on or after that date.

CURRENT LAW AND BILL ANALYSIS:

Section 2

G.S. 14-34.1 makes it unlawful to willfully or wantonly discharge or attempt to discharge certain barreled weapons or firearms into occupied property. Punishment classifications for violations of the offense are as follows:

- Class E felony if the building or vehicle is occupied.
- Class D felony if the building is a dwelling or the vehicle is in operation.
- Class C felony if the violation results in serious bodily injury.

Section 2 enacts G.S. 14-34.1A, which creates a Class H felony for willfully or wantonly discharging or attempting to discharge a firearm into the following unoccupied emergency vehicles:

- A law enforcement vehicle.
- A fire department vehicle.
- A public or private ambulance.
- A rescue squad emergency service vehicle.
- A State or local emergency management vehicle.
- A vehicle owned or operated by the North Carolina 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 Department of Adult Correction.
- A vehicle owned or operated by the Division of Juvenile Justice of the Department of Public Safety.

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Section 3

G.S. 14-34.8 makes it unlawful to intentionally point a laser device that is emitting a laser beam at a law enforcement officer or at the head or face of another person. A violation of this offense is an infraction.

Section 3 amends G.S. 14-34.8 to do the following:

- Increases the punishment classification for pointing a laser device at a law enforcement officer while the officer is performing their duties to a Class I felony.
- Creates a Class I felony for pointing a laser device at the following individuals while they are performing their duties:
 - A probation or parole officer.
 - A person employed at a State detention facility, youth development center, or correction institution operated by the State or local government.
 - A firefighter.
 - An emergency medical technician or health care provider.
 - A member of the NC National Guard or a member of any branch of the Armed Forces.
 - Certain court counselors.
- Creates a Class A1 misdemeanor for pointing a laser device at law enforcement agency animals or search and rescue animals while they are performing their duties and causing harm to the animal.
- Any other violation of G.S. 14-34.8 is an infraction.

Section 4

G.S. 14-34.2 provides that 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 4 of the act increases the existing penalty to a Class E felony.

Section 5

G.S. 14-34.5 provides that any person who assaults with a firearm any law enforcement officer, probation or parole officer, or employee of a detention facility, while the individual is in the performance of their duties, is guilty of a Class D felony. G.S. 14-34.5 also provides that any person who assaults with a firearm a member of the North Carolina National Guard while the individual is in the performance of their duties, is guilty of a Class E felony.

Section 5 of the act increases the existing penalty to a Class D felony for an assault with a firearm on a member of the North Carolina National Guard.

Section 6

G.S. 14-34.7 provides that any person who assaults a law enforcement officer, probation or parole officer, member of the National Guard, or employee of a detention facility, while the individual 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 6 of the act increases the existing penalties under this section so that causing serious bodily injury is punished as a Class E felony, and causing physical injury is punished as a Class H felony.

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Section 7

G.S. 14-32 provides that if a person assaults another person with a deadly weapon the person must be punished as follows:

- Assault with intent to kill and inflicts serious injury → Class C felony.
- The assault inflicts serious injury → Class E felony.
- Assault with intent to kill → Class E felony.

Section 7 of the act increases the existing penalties under this section so that if a person assaults an "emergency worker" with a deadly weapon the person must be punished as follows:

- The assault inflicts serious injury → Class D felony.
- Assault with intent to kill → Class D felony.

EFFECTIVE DATE: This act became effective December 1, 2023, and applies to offenses committed on or after that date.

**Susan Sitze, Staff Attorney with the Legislative Analysis Division, substantially contributed to this summary.*