



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

This Bill Analysis reflects the contents of the bill as it was presented in committee.

2023-2024 General Assembly

Committee:	House Judiciary 2. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	February 15, 2023
Introduced by:	Reps. Hastings, Saine, Carson Smith, Pyrtle	Prepared by:	Susan Sitze
Analysis of:	PCS to First Edition H34-CSCK-2		Anna Parsons Committee Co-Counsel

OVERVIEW: The Proposed Committee Substitute (PCS) for House Bill 34 would do the following:

- Create an offense for discharging or attempting to discharge a firearm at or into an unoccupied emergency vehicle.
- Increase the punishment for pointing a laser device at a law enforcement officer.
- Create an offense for pointing a laser device at a law enforcement agency animal and other emergency personnel.

CURRENT LAW:

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.

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.

BILL ANALYSIS:

Section 2 of the PCS would enact G.S. 14-34.1A, which would create 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.

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Legislative Analysis
Division

House 34 PCS

Page 2

- A vehicle owned or operated by the Division of Juvenile Justice of the Department of Public Safety.

Punishment for a Class H felony ranges from unsupervised probation to an active sentence of 39 months maximum, depending on a person's prior record level and any aggravating or mitigating circumstances.

Section 3 of the PCS would amend G.S. 14-34.8 to do the following:

- Increase 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.
- Create 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.

Punishment for a Class I felony ranges from unsupervised probation to an active sentence of 24 months maximum, depending on a person's prior record level and any aggravating or mitigating circumstances.

- Create 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. Punishment for a Class A1 misdemeanor ranges from a fine to an active sentence of 150 days maximum, depending on a person's prior record level.

EFFECTIVE DATE: Effective December 1, 2023, and would apply to offenses committed on or after that date.