

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

SESSION LAW 2023-76
HOUSE BILL 34

AN ACT ENACTING THE PROTECT THOSE WHO SERVE AND PROTECT ACT.

The General Assembly of North Carolina enacts:

SECTION 1. This act shall be known as the "Protect Those Who Serve and Protect Act."

SECTION 2. Article 8 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-34.1A. Discharging certain barreled weapons or a firearm at or into certain unoccupied emergency vehicles.

(a) Definition. – For purposes of this section, the term "emergency vehicle" means any of the following:

- (1) A law enforcement vehicle.
- (2) A fire department vehicle.
- (3) A public or private ambulance.
- (4) A rescue squad emergency service vehicle.
- (5) A State or local emergency management vehicle.
- (6) A vehicle owned or operated by the North Carolina National Guard.
- (7) A vehicle owned or operated by any branch of the Armed Forces of the United States.
- (8) A vehicle owned or operated by the Department of Adult Correction.
- (9) A vehicle owned or operated by the Division of Juvenile Justice of the Department of Public Safety.

(b) Offense. – It is unlawful to willfully or wantonly discharge or attempt to discharge any firearm or barreled weapon capable of discharging shot, bullets, pellets, or other missiles at a muzzle velocity of at least 600 feet per second at or into any unoccupied emergency vehicle.

(c) Punishment. – Unless the conduct is covered under some other provision of law providing greater punishment, any person who violates subsection (b) of this section is guilty of a Class H felony."

SECTION 3. G.S. 14-34.8 reads as rewritten:

"§ 14-34.8. Criminal use of laser device.

(a) ~~For purposes of this section, the term "laser" means light amplification by stimulated emission of radiation.~~ The following definitions apply in this section:

- (1) Laser. – Light amplification by stimulated emission of radiation.
- (2) Law enforcement agency animal. – As defined in G.S. 14-163.1.
- (3) Search and rescue animal. – As defined in G.S. 14-163.1.

(b) ~~It is unlawful to intentionally to point a laser device at a law enforcement officer, or at the head or face of another person, while the device is emitting a laser beam.~~ beam at:

- (1) Any of the following while the person is in the performance of his or her duties:
 - a. A law enforcement officer.
 - b. A probation or parole officer.



- c. A person whose employment duties include the custody, transportation, or management of persons who are detained or confined to a detention facility, youth development center, or correctional institution operated under the jurisdiction of the State or a local government.
 - d. A firefighter.
 - e. An emergency medical technician or other emergency health care provider.
 - f. A member of the North Carolina National Guard.
 - g. A member of any branch of the Armed Forces of the United States.
 - h. Court counselors whose employment duties include intake, probation, post-release supervision, and court supervision services of juveniles.
- (2) The head or face of any person not covered under subdivision (1) of this subsection.
 - (3) A law enforcement agency animal or a search and rescue animal while the animal is in the performance of its duty.

(c) ~~A~~ A violation of subdivision (1) of subsection (b) of this section is a Class I felony. A violation of subdivision (3) of subsection (b) of this section is a Class A1 misdemeanor if the law enforcement agency animal or the search and rescue animal is caused "harm" as that term is defined by G.S. 14-163.1. Any other violation of subsection (b) of this section is an infraction.

(d) This section does not apply to a law enforcement officer who uses a laser device in discharging or attempting to discharge the officer's official duties. This section does not apply to a health care professional who uses a laser device in providing services within the scope of practice of that professional nor to any other person who is licensed or authorized by law to use a laser device or uses it in the performance of the person's official duties.

(e) This section does not apply to laser tag, paintball guns, and other similar games and devices using light emitting diode (LED) technology."

SECTION 4. G.S. 14-34.2 reads as rewritten:

"§ 14-34.2. Assault with a firearm or other deadly weapon upon governmental officers or employees, company police officers, or campus police officers.

Unless a person's conduct is covered under some other provision of law providing greater punishment, any person who commits an assault with a ~~firearm or any other~~ deadly weapon upon an officer or employee of the State or of any political subdivision of the State, a company police officer certified pursuant to the provisions of Chapter 74E of the General Statutes, or a campus police officer certified pursuant to the provisions of Chapter 74G, Article 1 of Chapter 17C or Chapter 116 of the General Statutes, in the performance of ~~his duties shall be an official duty~~ is guilty of a ~~Class F~~ Class E felony."

SECTION 5. G.S. 14-34.5 reads as rewritten:

"§ 14-34.5. Assault with a firearm on a law enforcement, probation, or parole officer, or on a member of the North Carolina National Guard, or on a person employed at a State or local detention facility.

(a) Any person who commits an assault with a firearm upon a law enforcement officer, probation officer, or parole officer while the officer is in the performance of his or her duties is guilty of a Class D felony.

(a1) Any person who commits an assault with a firearm upon a member of the North Carolina National Guard while the member is in the performance of his or her duties is guilty of a ~~Class E~~ Class D felony.

(b) Anyone who commits an assault with a firearm upon a person who is employed at a detention facility operated under the jurisdiction of the State or a local government while the employee is in the performance of the employee's duties is guilty of a Class D felony."

SECTION 6. G.S. 14-34.7 reads as rewritten:

"§ 14-34.7. Certain assaults on a law enforcement, probation, or parole officer, or on a member of the North Carolina National Guard, or on a person employed at a State or local detention facility; penalty.

(a) Unless covered under some other provision of law providing greater punishment, a person is guilty of a ~~Class F~~ Class E felony if the person assaults a law enforcement officer, probation officer, or parole officer while the officer is discharging or attempting to discharge his or her official duties and inflicts serious bodily injury on the officer.

(a1) Unless covered under some other provision of law providing greater punishment, a person is guilty of a ~~Class F~~ Class E felony if the person assaults a member of the North Carolina National Guard while he or she is discharging or attempting to discharge his or her official duties and inflicts serious bodily injury on the member.

(b) Unless covered under some other provision of law providing greater punishment, a person is guilty of a ~~Class F~~ Class E felony if the person assaults a person who is employed at a detention facility operated under the jurisdiction of the State or a local government while the employee is in the performance of the employee's duties and inflicts serious bodily injury on the employee.

(c) Unless covered under some other provision of law providing greater punishment, a person is guilty of a ~~Class I~~ Class H felony if the person does any of the following:

- (1) Assaults a law enforcement officer, probation officer, or parole officer while the officer is discharging or attempting to discharge his or her official duties and inflicts physical injury on the officer.
- (2) Assaults a person who is employed at a detention facility operated under the jurisdiction of the State or a local government while the employee is in the performance of the employee's duties and inflicts physical injury on the employee.
- (3) Assaults a member of the North Carolina National Guard while he or she is discharging or attempting to discharge his or her official duties and inflicts physical injury on the member.

For the purposes of this subsection, "physical injury" includes cuts, scrapes, bruises, or other physical injury which does not constitute serious injury."

SECTION 7. G.S. 14-32 reads as rewritten:

"§ 14-32. Felonious assault with deadly weapon with intent to kill or inflicting serious injury; punishments.

(a) Any person who assaults another person with a deadly weapon with intent to kill and inflicts serious injury shall be punished as a Class C felon.

(b) Any person who assaults another person with a deadly weapon and inflicts serious injury shall be punished as a Class E felon.

(c) Any person who assaults another person with a deadly weapon with intent to kill shall be punished as a Class E felon.

(d) Any person who assaults an emergency worker with a deadly weapon and inflicts serious injury shall be punished as a Class D felon.

(e) Any person who assaults an emergency worker with a deadly weapon with intent to kill shall be punished as a Class D felon.

(f) For the purposes of this section, an "emergency worker" is a law enforcement officer, firefighter, emergency medical technician, or medical responder."

SECTION 8. This act becomes effective December 1, 2023, and applies to offenses committed on or after that date.

In the General Assembly read three times and ratified this the 28th day of June, 2023.

s/ Phil Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 12:51 p.m. this 7th day of July, 2023