

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

SENATE BILL 762
RATIFIED BILL

AN ACT TO CREATE THE OFFENSE OF ASSAULT CAUSING PHYSICAL INJURY AGAINST A LAW ENFORCEMENT OFFICER OR DETENTION PERSONNEL AND TO INCREASE THE PENALTY FOR ASSAULT CAUSING PHYSICAL INJURY AND FOR ASSAULT WITH A DEADLY WEAPON OR INFLECTING SERIOUS BODILY INJURY ON EMERGENCY PERSONNEL.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-34.7 is amended to add a new subsection to read:

"(c) Unless covered under some other provision of law providing greater punishment, a person is guilty of a Class I felony if the person does either 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.

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

SECTION 2. G.S. 14-34.6 reads as rewritten:

"§ 14-34.6. **Assault or affray on a firefighter, an emergency medical technician, medical responder, and emergency department personnel. ~~nurse, or emergency department physician.~~**

(a) A person is guilty of a Class ~~A1 misdemeanor~~ I felony if the person commits an assault or affray causing physical injury on any of the following persons who are discharging or attempting to discharge their official duties:

- (1) An emergency medical ~~technician~~ technician or other emergency health care provider.
- (2) A medical responder.
- (3) The following ~~An~~ emergency department ~~nurse~~ personnel: physicians, physicians assistants, nurses, and licensed nurse practitioners.
- (4) ~~An emergency department physician.~~
- (5) A firefighter.

(b) Unless a person's conduct is covered under some other provision of law providing greater punishment, a person is guilty of a ~~Class I felony~~ Class H felony if the person violates subsection (a) of this section and (i) inflicts serious bodily injury or (ii) uses a deadly weapon other than a firearm.

(c) Unless a person's conduct is covered under some other provision of law providing greater punishment, a person is guilty of a Class F felony if the person violates subsection (a) of this section and uses a firearm."

SECTION 3. G.S. 14-288.9(c) reads as rewritten:

"(c) Any person who commits an assault causing physical injury upon emergency personnel is guilty of a ~~Class I misdemeanor~~ Class I felony. Any person who commits an assault upon emergency personnel with or through the use of any dangerous weapon or substance shall be punished as a Class F felon."



SECTION 4. This act becomes effective December 1, 2011, and applies to offenses committed on or after that date. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.

In the General Assembly read three times and ratified this the 18th day of June, 2011.

Philip E. Berger
President Pro Tempore of the Senate

Thom Tillis
Speaker of the House of Representatives

Beverly E. Perdue
Governor

Approved _____ .m. this _____ day of _____, 2011