

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 283
Committee Substitute Favorable 5/13/91
Senate Judiciary II Committee Substitute Adopted 6/26/91

Short Title: Assault/Health Official.

(Public)

Sponsors:

Referred to:

March 21, 1991

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW CONCERNING ASSAULTS ON
GOVERNMENTAL OFFICERS AND EMPLOYEES AND TO MAKE IT A
FELONY TO ASSAULT A GOVERNMENTAL OFFICER OR EMPLOYEE
WITH A DEADLY WEAPON.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-33(b) reads as rewritten:

"(b) Unless his conduct is covered under some other provision of law providing greater punishment, any person who commits any assault, assault and battery, or affray is guilty of a misdemeanor punishable by a fine, imprisonment for not more than two years, or both such fine and imprisonment if, in the course of the assault, assault and battery, or affray, he:

- (1) Inflicts, or attempts to inflict, serious injury upon another person or uses a deadly weapon; or
- (2) Assaults a female, he being a male person at least 18 years of age; or
- (3) Assaults a child under the age of 12 years; or
- (4) ~~Assaults a law enforcement officer, a custodial officer of the State Department of Correction, personnel of a detention facility or personnel of a training school, while the officer or personnel is discharging or attempting to discharge a duty of his office; or~~

- 1 (5) ~~Assaults an officer of the North Carolina General Court of Justice~~
2 ~~while engaged in official judicial duties or on account of the~~
3 ~~performance of official judicial duties; or~~
4 (6) ~~Assaults a school administrator, school teacher, substitute school~~
5 ~~teacher, or school teacher aide when any of these persons is~~
6 ~~discharging or attempting to discharge his official duties; or~~
7 (7) ~~Assaults one of the following officers or employees of a county~~
8 ~~department of social services when that officer or employee is~~
9 ~~discharging or attempting to discharge a duty of his office or~~
10 ~~employment: the director, an administrator or other person in a~~
11 ~~supervisory position, a social worker, an eligibility specialist, or a~~
12 ~~receptionist.~~
13 (8) Assaults an officer or employee of the State or of any political
14 subdivision of the State, when the officer or employee is discharging
15 or attempting to discharge his official duties."

16 Sec. 2. G.S. 14-34.2 reads as rewritten:

17 **"§ 14-34.2. Assault with a firearm or other deadly weapon upon law-enforcement**
18 **~~officer, fireman, or emergency medical services personnel~~governmental**
19 **officers or employees.**

20 Any person who commits an assault with a firearm or any other deadly weapon upon
21 ~~any:~~

- 22 (1) ~~Law enforcement officer;~~
23 (2) ~~Fireman; or~~
24 (3) ~~Emergency medical services personnel certified to transport patients,~~
25 ~~including ambulance attendants, emergency medical technicians,~~
26 ~~emergency medical technician intermediates, and emergency medical~~
27 ~~technician paramedics, when responding to a call; an officer or~~
28 ~~employee of the State or of any political subdivision of the State in the~~
29 ~~performance of his duties shall be guilty of a Class I felony."~~

30 Sec. 3. This act becomes effective October 1, 1991, and applies to offenses
31 committed on or after that date. Prosecutions for offenses committed before the
32 effective date of this act are not abated or affected by this act, and the statutes that
33 would be applicable but for this act remain applicable to those prosecutions.