

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 359

Judiciary I/Constitution Committee Substitute Adopted 5/10/95

House Committee Substitute Favorable 6/3/96

Short Title: Blue Light Bandit/Felony.

(Public)

Sponsors:

Referred to:

March 13, 1995

A BILL TO BE ENTITLED

AN ACT TO MAKE IT A FELONY OFFENSE TO IMPERSONATE A LAW ENFORCEMENT OFFICER BY UNLAWFULLY OPERATING A MOTOR VEHICLE WITH AN OPERATING BLUE LIGHT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-277 reads as rewritten:

"§ 14-277. Impersonation of a law-enforcement or other public officer.

(a) No person shall falsely represent to another that he is a sworn law-enforcement officer. As used in this section, a person represents that he is a sworn law-enforcement officer if he:

- (1) Verbally informs another that he is a sworn law-enforcement officer, whether or not the representation refers to a particular agency;
- (2) Displays any badge or identification signifying to a reasonable individual that the person is a sworn law-enforcement officer, whether or not the badge or other identification refers to a particular law-enforcement agency; or
- (3) Unlawfully operates a vehicle on a public street, highway or public vehicular area with an operating red or blue-light as defined in ~~G.S. 20-130.1~~ G.S. 20-130.1(a).

1 (4) Unlawfully operates a vehicle on a public street, highway, or public
2 vehicular area with an operating blue light as defined in G.S. 20-
3 130.1(c).

4 (b) No person shall, while falsely representing to another that he is a sworn law-
5 enforcement officer, carry out any act in accordance with the authority granted to a law-
6 enforcement officer. For purposes of this section, an act in accordance with the authority
7 granted to a law-enforcement officer includes:

8 (1) Ordering any person to remain at or leave from a particular place or
9 area;

10 (2) Detaining or arresting any person;

11 (3) Searching any vehicle, building, or premises, whether public or private,
12 with or without a search warrant or administrative inspection warrant;

13 (4) Unlawfully operating a vehicle on a public street or highway or public
14 vehicular area equipped with an operating red ~~or blue~~ light or siren in
15 such a manner as to cause a reasonable person to yield the right-of-way
16 or to stop his vehicle in obedience to such red ~~or blue~~ light or siren. ~~siren.~~

17 (5) Unlawfully operating a vehicle on a public street or highway or public
18 vehicular area equipped with an operating blue light in such a manner as
19 to cause a reasonable person to yield the right-of-way or to stop his
20 vehicle in obedience to such blue light.

21 (c) Nothing in this section shall prohibit any person from detaining another as
22 provided by G.S. 15A-404 or assisting a law-enforcement officer as provided by G.S.
23 15A-405.

24 ~~(d) Violation of subsection (a) of this section is a Class 1 misdemeanor. Violation~~
25 ~~of subsection (b) of this section is a Class 1 misdemeanor. Upon conviction under~~
26 ~~subsection (b), the term of imprisonment may be suspended on condition that the~~
27 ~~defendant:~~

28 ~~(1) Be imprisoned for a term of at least 72 hours as a condition of special~~
29 ~~probation; or~~

30 ~~(2) Perform community service for a term of 72 hours;~~

31 ~~(3) Pay a fine in the discretion of the court; or~~

32 ~~(4) Any combination of these conditions.~~

33 ~~The judge may, in his discretion, impose any other lawful condition of probation.~~

34 (d1) Violations under this section are punishable as follows:

35 (1) A violation of subdivision (a)(1), (2), or (3) is a Class 1 misdemeanor.

36 (2) A violation of subdivision (b)(1), (2), (3), or (4) is a Class 1
37 misdemeanor. Notwithstanding the disposition in G.S. 15A-1340.23,
38 the court may impose an intermediate punishment on a person sentenced
39 under this subdivision.

40 (3) A violation of subdivision (a)(4) is a Class I felony.

41 (4) A violation of subdivision (b)(5) is a Class H felony.

42 (e) It shall be unlawful for any person other than duly authorized employees of a
43 county, a municipality or the State of North Carolina, including but not limited to, the

1 Department of Social Services, Health, Area Mental Health, Developmental Disabilities,
2 and Substance Abuse Authority or Building Inspector to represent to any person that they
3 are duly authorized employees of a county, a municipality or the State of North Carolina
4 or one of the above-enumerated departments and acting upon such representation to
5 perform any act, make any investigation, seek access to otherwise confidential
6 information, perform any duty of said office, gain access to any place not otherwise open
7 to the public, or seek to be afforded any privilege which would otherwise not be afforded
8 to such person except for such false representation or make any attempt to do any of said
9 enumerated acts. Any person, corporation, or business association violating the
10 provisions of this section shall be guilty of a Class 1 misdemeanor."

11 Sec. 2. This act becomes effective December 1, 1996, and applies to offenses
12 committed on or after that date. Prosecutions for offenses committed before the effective
13 date of this act are not abated or affected by this act, and the statutes that would be
14 applicable but for this act remain applicable to those prosecutions.