

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 478

Short Title: Threaten Court Officers.

(Public)

Sponsors: Representatives Jarrell; and Barefoot.

Referred to: Judiciary II.

March 17, 1999

A BILL TO BE ENTITLED

AN ACT TO CREATE THE CRIMINAL OFFENSE OF THREATENING JUDGES,
DISTRICT ATTORNEYS, AND OTHER COURT OFFICERS.

The General Assembly of North Carolina enacts:

Section 1. Article 5A of Chapter 14 of the General Statutes reads as rewritten:

"ARTICLE 5A.

**"ENDANGERING EXECUTIVE AND LEGISLATIVE EXECUTIVE,
LEGISLATIVE,
AND COURT OFFICERS.**

"§ 14-16.6. Assault on ~~executive or legislative~~ executive, legislative, or court officer.

(a) Any person who assaults any legislative officer named in G.S. 147-2(1), (2), or (3) ~~or any officer, executive officer named in G.S. 147-3(e), officer, or court officer,~~ or any person who makes a violent attack upon the residence, office, temporary accommodation or means of transport of any ~~legislative officer named in G.S. 147-2(1), (2), or (3) or any executive officer named in G.S. 147-3(e)~~ one of those officers in a manner likely to endanger ~~such legislative officer or executive~~ the officer, shall be guilty of a felony and shall be punished as a Class I felon.

(b) Any person who commits an offense under subsection (a) and uses a deadly weapon in the commission of that offense shall be punished as a Class F felon.

1 (c) Any person who commits an offense under subsection (a) and inflicts serious
2 bodily injury to any legislative ~~officer named in G.S. 147-2(1), (2), or (3) or any officer,~~
3 ~~executive officer as named in G.S. 147-3(e) officer, or court officer,~~ shall be punished as a
4 Class F felon.

5 **"§ 14-16.7. Threats against ~~executive or legislative~~ executive, legislative, or court**
6 **officers.**

7 (a) Any person who knowingly and willfully makes any threat to inflict serious
8 bodily injury upon or to kill any legislative ~~officer named in G.S. 147-2(1), (2), or (3) or any~~
9 ~~officer, executive official officer, as named in G.S. 147-3(e), or court officer,~~ shall be guilty
10 of a felony and shall be punished as a Class I felon.

11 (b) Any person who knowingly and willfully deposits for conveyance in the mail
12 any letter, writing, or other document containing a threat to inflict serious bodily injury
13 upon or to kill any legislative ~~officer named in G.S. 147-2(1), (2), or (3) or any officer,~~
14 ~~executive official officer, named in G.S. 147-3(e), or court officer,~~ shall be guilty of a
15 felony and shall be punished as a Class I felon.

16 **"§ 14-16.8. No requirement of receipt of the threat.**

17 In prosecutions under G.S. 14-16.7 of this Article it shall not be necessary to prove
18 that any legislative ~~officer named in G.S. 147-2(1), (2), or (3) or any officer,~~ executive
19 ~~official as named in G.S. 147-3(e) officer, or court officer~~ actually received the threatening
20 communication or actually believed the threat.

21 **"§ 14-16.9. Officers-elect to be covered.**

22 Any person who has been elected to any office covered by this Article but has not yet
23 taken the oath of office shall be considered to hold the office for the purpose of this
24 Article and G.S. 114-1.

25 **"§ 14-16.10. Definitions.**

26 The following definitions apply in this Article:

27 (1) Court officer. – Magistrate, clerk of superior court, acting clerk,
28 assistant or deputy clerk, judge, or justice of the General Court of
29 Justice; district attorney, assistant district attorney, or any other attorney
30 designated by the district attorney to act for the State or on behalf of the
31 district attorney.

32 (2) Executive officer. – A person named in G.S. 147-3(c).

33 (3) Executive officer. – A person named in G.S. 147-2(1), (2), or (3)."

34 Section 2. G.S. 114-15(a) reads as rewritten:

35 "(a) The Bureau shall, through its Director and upon request of the Governor,
36 investigate and prepare evidence in the event of any lynching or mob violence in the
37 State; shall investigate all cases arising from frauds in connection with elections when
38 requested to do so by the Board of Elections, and when so directed by the Governor. Such
39 investigation, however, shall in nowise interfere with the power of the Attorney General
40 to make such investigation as he is authorized to make under the laws of the State. The
41 Bureau is authorized further, at the request of the Governor, to investigate cases of frauds
42 arising under the Social Security Laws of the State, of violations of the gaming laws, and
43 lottery laws, and matters of similar kind when called upon by the Governor so to do. In

1 all such cases it shall be the duty of the Department to keep such records as may be
2 necessary and to prepare evidence in the cases investigated, for the use of enforcement
3 officers and for the trial of causes. The services of the Director of the Bureau, and of his
4 assistants, may be required by the Governor in connection with the investigation of any
5 crime committed anywhere in the State when called upon by the enforcement officers of
6 the State, and when, in the judgment of the Governor, such services may be rendered with
7 advantage to the enforcement of the criminal law. The State Bureau of Investigation is
8 hereby authorized to investigate without request the attempted arson of, or arson of,
9 damage of, theft from, or theft of, or misuse of, any State-owned personal property,
10 buildings, or other real property or any assault upon or threats against any legislative
11 officer named in G.S. 147-2(1), (2), or ~~(3) or (3)~~, any executive officer named in G.S. 147-
12 ~~3(e)~~-147-3(c), or any court officer as defined in G.S. 14-16.10(1). The Bureau also is
13 authorized at the request of the Governor to conduct a background investigation on a
14 person that the Governor plans to nominate for a position that must be confirmed by the
15 General Assembly, the Senate, or the House of Representatives. The background
16 investigation of the proposed nominee shall be limited to an investigation of the person's
17 criminal record, educational background, employment record, records concerning the
18 listing and payment of taxes, and credit record, and to a requirement that the person
19 provide the information contained in the statements of economic interest required to be
20 filed by persons subject to Executive Order Number 1, filed on January 31, 1985, as
21 contained on pages 1405 through 1419 of the 1985 Session Laws (First Session, 1985).
22 The Governor must give the person being investigated written notice that he intends to
23 request a background investigation at least 10 days prior to the date that he requests the
24 State Bureau of Investigation to conduct the background investigation. The written notice
25 shall be sent by regular mail, and there is created a rebuttable presumption that the person
26 received the notice if the Governor has a copy of the notice."

27 Section 3. This act becomes effective December 1, 1999, and applies to
28 offenses committed on or after that date.