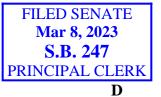
GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2023



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SENATE BILL DRS45114-ML-98

Short Title:	Amend Use of Defensive Force.	(Public)
Sponsors:	Senators Mayfield and Woodard (Primary Sponsors).	
Referred to:		

A BILL TO BE ENTITLED

2	AN ACT	TO F	PROVIDE THAT THE PRESUMPTION OF A PERSON HAVING A				
3	REASONABLE FEAR OF IMMINENT DEATH OR SERIOUS BODILY HARM TO						
4	HIMSELF OR HERSELF OR ANOTHER WHEN USING DEFENSIVE FORCE OF A						
5	HOME, MOTOR VEHICLE, OR WORKPLACE DOES NOT APPLY IF THE PERSON						
6	ENTE	RING (OR ATTEMPTING TO ENTER THE PROPERTY IS AN EMERGENCY				
7	MEDICAL SERVICES PERSONNEL OR FIREFIGHTER.						
8	The General Assembly of North Carolina enacts:						
9	SECTION 1. G.S. 14-51.2 reads as rewritten:						
10	"§ 14-51.2. Home, workplace, and motor vehicle protection; presumption of fear of death						
11	or serious bodily harm.						
12	(a)	The fo	llowing definitions apply in this section:				
13		(1)	Emergency medical services personnel. – As defined in G.S. 131E-155.				
14		<u>(1a)</u>	Home A building or conveyance of any kind, to include its curtilage,				
15			whether the building or conveyance is temporary or permanent, mobile or				
16			immobile, which has a roof over it, including a tent, and is designed as a				
17			temporary or permanent residence.				
18		(2)	Law enforcement officer Any person employed or appointed as a full-time,				
19			part-time, or auxiliary law enforcement officer, correctional officer, probation				
20			officer, post-release supervision officer, or parole officer.				
21		(3)	Motor vehicle. – As defined in G.S. 20-4.01(23).				
22		(4)	Workplace A building or conveyance of any kind, whether the building or				
23			conveyance is temporary or permanent, mobile or immobile, which has a roof				
24			over it, including a tent, which is being used for commercial purposes.				
25	•••						
26	(c)	The presumption set forth in subsection (b) of this section shall be rebuttable and does					
27	not apply in any of the following circumstances:						
28							
29		(4)	The person against whom the defensive force is used is a law enforcement				
30			officer or bail bondsman who enters or attempts to enter a home, motor				
31			vehicle, or workplace in the lawful performance of his or her official duties,				
32			and the officer or bail bondsman identified himself or herself in accordance				
33			with any applicable law or the person using force knew or reasonably should				
34			have known that the person entering or attempting to enter was a law				
35			enforcement officer or bail bondsman in the lawful performance of his or her				
36			official duties.				



	General Assembly Of North Carolina Session 2023				
1	<u>(4a)</u>	The person against whom the defensive force is used i	s a firefighter or		
2		emergency medical services personnel who enters or attemp	ts to enter a home,		
3		motor vehicle, or workplace in the lawful performance of	his or her official		
4		duties, and the person entering or attempting to enter gives	appropriate notice		
5		of the person's identity, and purpose for entering or attempti	ng to enter, to any		
6		occupant thereof or the person using force knew or reason	ably should have		
7		known that the person entering or attempting to enter wa	us a firefighter or		
8		emergency medical services personnel in the lawful perform	nance of his or her		
9		official duties.			
10	"				
11	SECT	FION 2. This act becomes effective December 1, 2023, and a	pplies to offenses		
12	committed on or	after that date.			