

GENERAL ASSEMBLY OF NORTH CAROLINA
1991 SESSION

CHAPTER 525
HOUSE BILL 283

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

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

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

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

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

Sec. 3. This act becomes effective October 1, 1991, 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 3rd day of July, 1991.

James C. Gardner
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives