

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 637

Short Title: Exp Assault of Schl Prsnl & Vols.

(Public)

Sponsors: Senators Rand; Cooper and Gulley.

Referred to: Judiciary I.

March 30, 1999

A BILL TO BE ENTITLED

AN ACT TO EXPAND THE LAW OF ASSAULT TO PROTECT SCHOOL PERSONNEL AND SCHOOL VOLUNTEERS.

The General Assembly of North Carolina enacts:

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

"§ 14-33. Misdemeanor assaults, batteries, and affrays, simple and aggravated; punishments.

(a) Any person who commits a simple assault or a simple assault and battery or participates in a simple affray is guilty of a Class 2 misdemeanor.

(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 Class 1 misdemeanor if, in the course of the assault, assault and battery, or affray, he:

(1) through (3) Repealed by Session Laws 1995, c. 507, s. 19.5(b);

(4) through (7) Repealed by Session Laws 1991, c. 525, s. 1;

(8) Repealed by Session Laws 1995, c. 507, s. 19.5(b);

(9) Commits an assault and battery against a sports official when the sports official is discharging or attempting to discharge official duties at a sports event, or immediately after the sports event at which the sports official discharged official duties. A "sports official" is a person at a

1 sports event who enforces the rules of the event, such as an umpire or
2 referee, or a person who supervises the participants, such as a coach. A
3 "sports event" includes any interscholastic or intramural athletic activity
4 in a primary, middle, junior high, or high school, college, or university,
5 any organized athletic activity sponsored by a community, business, or
6 nonprofit organization, any athletic activity that is a professional or
7 semiprofessional event, and any other organized athletic activity in the
8 State.

9 (c) Unless the conduct is covered under some other provision of law providing
10 greater punishment, any person who commits any assault, assault and battery, or affray is
11 guilty of a Class A1 misdemeanor if, in the course of the assault, assault and battery, or
12 affray, he or she:

- 13 (1) Inflicts serious injury upon another person or uses a deadly weapon;
- 14 (2) Assaults a female, he being a male person at least 18 years of age;
- 15 (3) Assaults a child under the age of 12 years;
- 16 (4) Assaults an officer or employee of the State or any political subdivision
17 of the State, when the officer or employee is discharging or attempting
18 to discharge his official duties; or

19 ~~(5) Assaults a school bus driver, school bus monitor, or school employee
20 who is boarding the school bus or who is on the school bus.~~

21 (6) Assaults a school employee or school volunteer when the employee or
22 volunteer is discharging or attempting to discharge his or her duties as
23 an employee or volunteer, or assaults a school employee or school
24 volunteer as a result of the discharge or attempt to discharge that
25 individual's duties as a school employee or school volunteer. For
26 purposes of this subdivision, the following definitions shall apply:

27 a. "Duties" means:

- 28 1. All activities on school property;
- 29 2. All activities, wherever occurring, during a school
30 authorized event or the accompanying of students to or
31 from that event; and
- 32 3. All activities relating to the operation of school
33 transportation.

34 b. "Employee" or "volunteer" means:

- 35 1. An employee of a local board of education; or a charter
36 school authorized under G.S. 115C-238.29D, or a
37 nonpublic school which has filed intent to operate under
38 Part 1 or Part 2 of Article 39 of Chapter 115C of the
39 General Statutes;
- 40 2. An independent contractor or an employee of an
41 independent contractor of a local board of education,
42 charter school authorized under G.S. 115C-238.29D, or a
43 nonpublic school which has filed intent to operate under

1 Part 1 or Part 2 of Article 39 of Chapter 115C of the
2 General Statutes, if the independent contractor carries out
3 duties customarily performed by employees of the school;
4 and

5 3. An adult who volunteers his or her services or presence at
6 any school activity and is under the supervision of an
7 individual listed in sub-sub-subdivision 1. or 2. of this
8 sub-subdivision."

9 Section 2. This act becomes effective December 1, 1999, and applies to
10 offenses on or after that date. Prosecutions for offenses committed before the effective
11 date of this act are not abated or affected by this act, and the statutes that would be
12 applicable but for this act remain applicable to those prosecutions.