

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 1351

Short Title: Threaten Persons in Certain Gov'tal Activity. (Public)

Sponsors: Representatives Almond, Goodwin (Primary Sponsors); and Coleman.

Referred to: Judiciary I.

April 21, 2005

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE VARIOUS CRIMINAL OFFENSES THAT EXTEND THE
3 SAME PROTECTION THAT A CURRENT LAW PROVIDES FOR EXECUTIVE,
4 LEGISLATIVE, AND COURT OFFICERS TO A PERSON ENGAGED IN
5 SCHOOL ACTIVITIES OR ON SCHOOL PROPERTY.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Article 5A of Chapter 14 of the General Statutes reads as
8 rewritten:

9 "Article 5A.

10 "~~Endangering Executive and Executive, Legislative, and Court Officers.~~ Officers and
11 Persons Engaged in School Activities or on School Property.

12 "**§ 14-16.6. Assault on executive, legislative, or court officer.**

13 (a) Any person who assaults any legislative officer, executive officer, or court
14 officer, or any person who makes a violent attack upon the residence, office, temporary
15 accommodation or means of transport of any one of those officers in a manner likely to
16 endanger the officer, shall be guilty of a felony and shall be punished as a Class I felon.

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

19 (c) Any person who commits an offense under subsection (a) and inflicts serious
20 bodily injury to any legislative officer, executive officer, or court officer, shall be
21 punished as a Class F felon.

22 "**§ 14-16.7. Threats against executive, legislative, or court ~~officers.~~ officers, or**
23 **persons engaged in school activities or on school property.**

24 (a) Any person who knowingly and willfully makes any threat to inflict serious
25 bodily injury upon or to kill any legislative officer, executive officer, or court officer,
26 shall be guilty of a felony and shall be punished as a Class I felon.

27 (a1) Any person who knowingly and willfully threatens to inflict serious bodily
28 injury upon, or to kill, any person when the threat is intended to be carried out on school
29 property or during any school activity is guilty of a Class I felony.

1 (a2) Any person who knowingly and willfully threatens to inflict physical injury
2 upon any school employee or school volunteer is guilty of a Class I felony.

3 (b) Any person who knowingly and willfully deposits for conveyance in the mail
4 any letter, writing, or other document containing a threat to inflict serious bodily injury
5 upon or to kill any legislative officer, executive ~~officer~~, ~~or officer~~, court ~~officer~~, ~~officer~~,
6 or school employee or volunteer shall be guilty of a felony and shall be punished as a
7 Class I felon.

8 **"§ 14-16.8. No requirement of receipt of the threat.**

9 In prosecutions under G.S. 14-16.7 of this Article it shall not be necessary to prove
10 that any legislative officer, executive ~~officer~~, ~~or officer~~, court ~~officer~~ ~~officer~~, or school
11 employee, volunteer, or other person actually received the threatening communication
12 or actually believed the threat.

13 **"§ 14-16.9. Officers-elect to be covered.**

14 Any person who has been elected to any office covered by this Article but has not
15 yet taken the oath of office shall be considered to hold the office for the purpose of this
16 Article and G.S. 114-15.

17 **"§ 14-16.9A. Threats against school property.**

18 (a) Any person who knowingly and willfully makes any threat to damage or
19 harm the property of any school facility with the use of a firearm, explosives, or fire
20 shall be guilty of a Class I felony.

21 (b) Any person who knowingly and willfully makes any threat to damage or
22 harm the property of any school facility by means other than firearm, explosives, or fire
23 shall be guilty of a Class 1 misdemeanor."

24 **"§ 14-16.10. Definitions.**

25 The following definitions apply in this Article:

26 (1) Court officer. – Magistrate, clerk of superior court, acting clerk,
27 assistant or deputy clerk, judge, or justice of the General Court of
28 Justice; district attorney, assistant district attorney, or any other
29 attorney designated by the district attorney to act for the State or on
30 behalf of the district attorney; public defender or assistant defender;
31 court reporter; juvenile court counselor as defined in
32 G.S. 7B-1501(18a); any attorney or other individual employed by or
33 acting on behalf of the department of social services in proceedings
34 pursuant to Subchapter I of Chapter 7B of the General Statutes; any
35 attorney or other individual appointed pursuant to G.S. 7B-601 or
36 G.S. 7B-1108 or employed by the Guardian ad Litem Services
37 Division of the Administrative Office of the Courts.

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

39 (3) Legislative officer. – A person named in G.S. 147-2(1), (2), or (3).

40 (4) School employee. –The term includes the following:

41 a. A full- or part-time employee of a local board of education, or a
42 charter school authorized under G.S. 115C-238.29D, or a
43 nonpublic school that has filed intent to operate under Part 1 or
44 Part 2 of Article 39 of Chapter 115C of the General Statutes,

1 who is discharging or attempting to discharge his or her duties
2 as an employee or volunteer for that board of education or
3 school; and

4 b. An independent contractor or employee of an independent
5 contractor of a local board of education, or a charter school
6 authorized under G.S. 115C-238.29D, or a nonpublic school
7 which has filed intent to operate under Part 1 or Part 2 of
8 Article 39 of Chapter 115C of the General Statutes, if the
9 independent contractor is discharging or attempting to discharge
10 duties customarily performed by employees of the school.

11 (5) School volunteer. – Any adult who volunteers his or her services or
12 presence at any school or school activity and is under the supervision
13 of a school employee as defined in this Article."

14 **SECTION 2.** This act becomes effective December 1, 2005, and applies to
15 offenses committed on or after that date.