

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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SENATE BILL 343  
Education/Higher Education Committee Substitute Adopted 4/15/15  
Judiciary II Committee Substitute Adopted 4/28/15  
Fourth Edition Engrossed 4/29/15

Short Title: Student Assault on Teacher/Felony Offense.

(Public)

Sponsors:

Referred to:

March 23, 2015

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE IT A CRIMINAL OFFENSE FOR A STUDENT WHO IS SIXTEEN  
3 YEARS OF AGE OR OLDER WHO DOES NOT HAVE AN INDIVIDUALIZED  
4 EDUCATION PROGRAM OR SECTION 504 PLAN TO ASSAULT A SCHOOL  
5 EMPLOYEE ON SCHOOL PROPERTY WHEN THE EMPLOYEE IS DISCHARGING  
6 OFFICIAL DUTIES OR THE ASSAULT IS COMMITTED AS A RESULT OF THE  
7 DISCHARGE OR ATTEMPT TO DISCHARGE THE INDIVIDUAL'S DUTIES AS A  
8 SCHOOL EMPLOYEE.

9 The General Assembly of North Carolina enacts:

10 SECTION 1. Article 8 of Chapter 14 of the General Statutes is amended by adding  
11 a new section to read:

12 "**§ 14-33.3. Student assault on a school employee.**

13 (a) Definitions. – The following definitions apply in this section:

14 (1) Duties. – All activities on school property.

15 (2) Employee. – Has the same meaning as in G.S. 14-33(c)(6)b. For purposes of  
16 this section, this term includes a volunteer as defined in G.S. 14-33(c)(6)b.3.

17 (3) School property. – Any school building, bus, school campus, grounds,  
18 recreational area, athletic field, or other property owned, used, or operated  
19 by any board of education or school board of trustees or directors for the  
20 administration of any primary or secondary school.

21 (4) Student. – A person enrolled in a public school, a charter school authorized  
22 under G.S. 115C-218.5, or a nonpublic school which has filed intent to  
23 operate under Part 1 or Part 2 of Article 39 of Chapter 115C of the General  
24 Statutes.

25 (b) Offense. – Unless the conduct is covered under some other provision of law  
26 providing greater punishment, a student who assaults a school employee is guilty of an offense  
27 under this section if all of the following criteria are satisfied:

28 (1) The student is 16 years of age or older and does not have (i) an  
29 Individualized Education Program as defined in G.S. 115C-106.3 or (ii) a  
30 Section 504 Plan under 29 U.S.C. § 794 et seq.

31 (2) The student assaults the school employee when the employee is discharging  
32 or attempting to discharge his or her duties as an employee or the student  
33 assaults the school employee as a result of the discharge or attempt to  
34 discharge that individual's duties as a school employee.



1           (3)    The assault occurs on school property.  
2       (c)    Penalty. – A student convicted of a first offense under this section is guilty of a  
3 Class A1 misdemeanor. A student convicted of a second offense under this section is guilty of a  
4 Class H felony. A student convicted of a third or subsequent offense under this section is guilty  
5 of a Class G felony."

6           **SECTION 2.** This act becomes effective December 1, 2015, and applies to  
7 offenses committed on or after that date.