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SESSION 2017

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SENATE BILL DRS45308-LH-19B (01/03)

Short Title: Emergency Worker Protection Act. (Public)

Sponsors: Senators Curtis, Dunn, and Britt (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ENACT THE EMERGENCY WORKER PROTECTION ACT.

3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** G.S. 14-34.5 reads as rewritten:

5 "**§ 14-34.5. Assault with a firearm on a law enforcement, probation, or parole officer, or**
6 **on a member of the North Carolina National Guard, or on a person employed**
7 **at a State or local detention facility.**

8 (a) Any person who commits an assault with a firearm upon a law enforcement officer,
9 probation officer, or parole officer while the officer is in the performance of his or her duties is
10 guilty of a ~~Class E~~ Class D felony.

11 (a1) Any person who commits an assault with a firearm upon a member of the North
12 Carolina National Guard while the member is in the performance of his or her duties is guilty
13 of a ~~Class E~~ Class D felony.

14 (b) Anyone who commits an assault with a firearm upon a person who is employed at a
15 detention facility operated under the jurisdiction of the State or a local government while the
16 employee is in the performance of the employee's duties is guilty of a ~~Class E~~ Class D felony."

17 **SECTION 2.** G.S. 14-34.6 reads as rewritten:

18 "**§ 14-34.6. Assault or affray on a firefighter, an emergency medical technician, medical**
19 **responder, and hospital personnel.**

20 (a) A person is guilty of a Class I felony if the person commits an assault or affray
21 causing physical injury on any of the following persons who are discharging or attempting to
22 discharge their official duties:

23 (1) An emergency medical technician or other emergency health care provider.

24 (2) A medical responder.

25 (3) Hospital personnel and licensed healthcare providers who are providing or
26 attempting to provide health care services to a patient in a hospital.

27 (4) Repealed by Session Laws 2011-356, s. 2, effective December 1, 2011, and
28 applicable to offenses committed on or after that date.

29 (5) A firefighter.

30 (b) Unless a person's conduct is covered under some other provision of law providing
31 greater punishment, a person is guilty of a ~~Class H~~ Class G felony if the person violates
32 subsection (a) of this section and (i) inflicts serious bodily injury or (ii) uses a deadly weapon
33 other than a firearm.

34 (c) Unless a person's conduct is covered under some other provision of law providing
35 greater punishment, a person is guilty of a ~~Class F~~ Class E felony if the person violates
36 subsection (a) of this section and uses a firearm."



1 **SECTION 3.** G.S. 14-34.7 reads as rewritten:

2 "**§ 14-34.7. Certain assaults on a law enforcement, probation, or parole officer, or on a**
3 **member of the North Carolina National Guard, or on a person employed at a**
4 **State or local detention facility; penalty.**

5 (a) Unless covered under some other provision of law providing greater punishment, a
6 person is guilty of a ~~Class F~~ Class E felony if the person assaults a law enforcement officer,
7 probation officer, or parole officer while the officer is discharging or attempting to discharge
8 his or her official duties and inflicts serious bodily injury on the officer.

9 (a1) Unless covered under some other provision of law providing greater punishment, a
10 person is guilty of a ~~Class F~~ Class E felony if the person assaults a member of the North
11 Carolina National Guard while he or she is discharging or attempting to discharge his or her
12 official duties and inflicts serious bodily injury on the member.

13 (b) Unless covered under some other provision of law providing greater punishment, a
14 person is guilty of a ~~Class F~~ Class E felony if the person assaults a person who is employed at a
15 detention facility operated under the jurisdiction of the State or a local government while the
16 employee is in the performance of the employee's duties and inflicts serious bodily injury on
17 the employee.

18 (c) Unless covered under some other provision of law providing greater punishment, a
19 person is guilty of a ~~Class I~~ Class H felony if the person does any of the following:

20 (1) Assaults a law enforcement officer, probation officer, or parole officer while
21 the officer is discharging or attempting to discharge his or her official duties
22 and inflicts physical injury on the officer.

23 (2) Assaults a person who is employed at a detention facility operated under the
24 jurisdiction of the State or a local government while the employee is in the
25 performance of the employee's duties and inflicts physical injury on the
26 employee.

27 (3) Assaults a member of the North Carolina National Guard while he or she is
28 discharging or attempting to discharge his or her official duties and inflicts
29 physical injury on the member.

30 For the purposes of this subsection, "physical injury" includes cuts, scrapes, bruises, or
31 other physical injury which does not constitute serious injury."

32 **SECTION 4.** G.S. 14-288.9 reads as rewritten:

33 "**§ 14-288.9. Assault on emergency personnel; punishments.**

34 (a) An assault upon emergency personnel is an assault upon any person coming within
35 the definition of "emergency personnel" which is committed in an area:

36 (1) In which a declared state of emergency exists; or

37 (2) Within the immediate vicinity of which a riot is occurring or is imminent.

38 (b) The term "emergency personnel" includes law-enforcement officers, firemen,
39 ambulance attendants, utility workers, doctors, nurses, and other persons lawfully engaged in
40 providing essential services during the emergency.

41 (c) Any person who commits an assault causing physical injury upon emergency
42 personnel is guilty of a ~~Class I~~ Class H felony. Any person who commits an assault upon
43 emergency personnel with or through the use of any dangerous weapon or substance shall be
44 punished as a ~~Class F~~ Class E felon."

45 **SECTION 5.** G.S. 14-31 reads as rewritten:

46 "**§ 14-31. Maliciously assaulting in a secret manner.**

47 (a) If any person shall in a secret manner maliciously commit an assault and battery
48 with any deadly weapon upon another by waylaying or otherwise, with intent to kill such other
49 person, notwithstanding the person so assaulted may have been conscious of the presence of his
50 adversary, he shall be punished as a Class E felon.

1 (b) A violation of subsection (a) of this section committed against an emergency worker
2 while the emergency worker is discharging or is attempting to discharge the worker's official
3 duties is a Class D felony. For purposes of this subsection, an "emergency worker" is a law
4 enforcement officer, firefighter, emergency medical technician, or medical responder."

5 **SECTION 6.** This act becomes effective December 1, 2017, and applies to
6 offenses committed on or after that date.