

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

FILED SENATE  
Feb 6, 2019  
S.B. 20  
PRINCIPAL CLERK

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SENATE BILL DRS35018-ML-32

Short Title: Emergency Worker Protection Act. (Public)

Sponsors: Senators Britt, Ballard, and McInnis (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 at**  
7 **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 of  
13 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 ...

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

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

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

29 "**§ 14-34.7. Certain assaults on a law enforcement, probation, or parole officer, or on a**  
30 **member of the North Carolina National Guard, or on a person employed at a**  
31 **State or local detention facility; penalty.**

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



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

5 (b) 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 person who is employed at a  
7 detention facility operated under the jurisdiction of the State or a local government while the  
8 employee is in the performance of the employee's duties and inflicts serious bodily injury on the  
9 employee.

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

- 12 (1) Assaults a law enforcement officer, probation officer, or parole officer while  
13 the officer is discharging or attempting to discharge his or her official duties  
14 and inflicts physical injury on the officer.
- 15 (2) Assaults a person who is employed at a detention facility operated under the  
16 jurisdiction of the State or a local government while the employee is in the  
17 performance of the employee's duties and inflicts physical injury on the  
18 employee.
- 19 (3) Assaults a member of the North Carolina National Guard while he or she is  
20 discharging or attempting to discharge his or her official duties and inflicts  
21 physical injury on the member.

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

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

25 **"§ 14-288.9. Assault on emergency personnel; punishments.**

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

- 28 (1) In which a declared state of emergency exists; or
- 29 (2) Within the immediate vicinity of which a riot is occurring or is imminent.

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

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

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

38 **"§ 14-31. Maliciously assaulting in a secret manner.**

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

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

47 **SECTION 6.** Article 35 of Chapter 14 of the General Statutes is amended by adding  
48 a new section to read:

49 **"§ 14-277.7A. Communicating a threat of violence against a public safety worker.**

50 (a) Definition. – For purposes of this section, the term "public safety worker" means any  
51 of the following:

- 1           (1)    A law enforcement officer.
- 2           (2)    An emergency medical technician.
- 3           (3)    A medical responder.
- 4           (4)    A firefighter.
- 5           (5)    A person employed at a detention facility operated under the jurisdiction of
- 6           the State or a local government.
- 7           (6)    A school safety officer or school resource officer who (i) is not a law
- 8           enforcement officer and (ii) is regularly present in a school for the purpose of
- 9           promoting and maintaining safety and orderliness in the school.
- 10        (b)    Violation; Penalty. – A person who, by any means of communication to any person
- 11        or groups of persons, threatens to commit an act of violence against a public safety worker is
- 12        guilty of a Class A1 misdemeanor."

13           **SECTION 7.** This act becomes effective December 1, 2019, and applies to offenses  
14        committed on or after that date.