

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 425

Short Title: Increase and Expand Assault on/Resist of LEO. (Public)

Sponsors: Representatives Faircloth, McNeill, Ross, and Boles (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary, if favorable, Rules, Calendar, and Operations of the House

March 25, 2019

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE PUNISHMENT FOR A CHARGE OF ASSAULTING A LAW ENFORCEMENT OFFICER, PROBATION OFFICER, OR PAROLE OFFICER THAT IS DISCHARGING OR ATTEMPTING TO DISCHARGE THE OFFICER'S DUTIES AND WHERE SERIOUS BODILY INJURY IS INFLICTED AND TO CREATE A RELATED CRIMINAL CHARGE FOR INSTANCES WHEN AN OFFICER'S SERIOUS BODILY INJURY IS CAUSED BY AN INDIVIDUAL RESISTING, DELAYING, OR OBSTRUCTING THE OFFICER.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-34.7(a) reads as rewritten:

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

SECTION 2. G.S. 14-223 reads as rewritten:

"§ 14-223. Resisting officers.

~~If any person shall willfully and unlawfully resist, delay or obstruct a public officer in discharging or attempting to discharge a duty of his office, he shall be guilty of a Class 2 misdemeanor.~~Unless the conduct is covered under some other provision of law providing greater punishment, a person who willfully and unlawfully resists, delays, or obstructs a public officer in discharging or attempting to discharge a duty of his or her office is guilty of the following:

- (1) A Class E felony if the person inflicts serious bodily injury on the officer.
- (2) A Class H felony if the person inflicts physical injury on the officer.
- (3) A Class 2 misdemeanor for any other violation of this section."

SECTION 3. This act becomes effective December 1, 2019.

