

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 425
Committee Substitute Favorable 4/3/19

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

(Public)

Sponsors:

Referred to:

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 reads as rewritten:

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

(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.

...

(d) A person shall not be prosecuted for a violation of this section if the conduct giving rise to the charge was the result of a verifiable diagnosis made by a qualified behavioral health professional of a medical condition or a mental health or behavioral health disability. In addition to any other applicable immunity or limitation on civil liability, a law enforcement officer who, acting in good faith, charges a person who is thereafter determined to be subject to the provisions of this subsection shall not be subject to civil liability for the filing of charges."

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

"§ 14-223. **Resisting ~~officers.~~officers; behavioral health exception.**

~~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.~~

(a) 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.



1 (b) A person shall not be prosecuted for a violation of this section if the conduct giving
2 rise to a charge was the result of a verifiable diagnosis made by a qualified behavioral health
3 professional of a medical condition or a mental health or behavioral health disability. In addition
4 to any other applicable immunity or limitation on civil liability, a law enforcement officer who,
5 acting in good faith, charges a person who is thereafter determined to be subject to the provisions
6 of this subsection shall not be subject to civil liability for the filing of charges."

7 **SECTION 3.** This act becomes effective December 1, 2019, and applies to offense
8 committed on or after that date.