

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H

D

HOUSE BILL 34
Committee Substitute Favorable 2/15/23
PROPOSED SENATE COMMITTEE SUBSTITUTE H34-PCS40505-CE-23

Short Title: Protect Those Who Serve and Protect Act. (Public)

Sponsors:

Referred to:

January 31, 2023

1 A BILL TO BE ENTITLED
2 AN ACT ENACTING THE PROTECT THOSE WHO SERVE AND PROTECT ACT.
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** This act shall be known as the "Protect Those Who Serve and Protect
5 Act."

6 **SECTION 2.** Article 8 of Chapter 14 of the General Statutes is amended by adding
7 a new section to read:

8 **"§ 14-34.1A. Discharging certain barreled weapons or a firearm at or into certain**
9 **unoccupied emergency vehicles.**

10 (a) Definition. – For purposes of this section, the term "emergency vehicle" means any
11 of the following:

12 (1) A law enforcement vehicle.

13 (2) A fire department vehicle.

14 (3) A public or private ambulance.

15 (4) A rescue squad emergency service vehicle.

16 (5) A State or local emergency management vehicle.

17 (6) A vehicle owned or operated by the North Carolina National Guard.

18 (7) A vehicle owned or operated by any branch of the Armed Forces of the United
19 States.

20 (8) A vehicle owned or operated by the Department of Adult Correction.

21 (9) A vehicle owned or operated by the Division of Juvenile Justice of the
22 Department of Public Safety.

23 (b) Offense. – It is unlawful to willfully or wantonly discharge or attempt to discharge
24 any firearm or barreled weapon capable of discharging shot, bullets, pellets, or other missiles at
25 a muzzle velocity of at least 600 feet per second at or into any unoccupied emergency vehicle.

26 (c) Punishment. – Unless the conduct is covered under some other provision of law
27 providing greater punishment, any person who violates subsection (b) of this section is guilty of
28 a Class H felony."

29 **SECTION 3.** G.S. 14-34.8 reads as rewritten:

30 **"§ 14-34.8. Criminal use of laser device.**

31 (a) ~~For purposes of this section, the term "laser" means light amplification by stimulated~~
32 ~~emission of radiation.~~ The following definitions apply in this section:

33 (1) Laser. – Light amplification by stimulated emission of radiation.

34 (2) Law enforcement agency animal. – As defined in G.S. 14-163.1.

35 (3) Search and rescue animal. – As defined in G.S. 14-163.1.



* H 3 4 - P C S 4 0 5 0 5 - C E - 2 3 *

- 1 (b) It is unlawful ~~to intentionally to~~ point a laser device ~~at a law enforcement officer, or~~
 2 ~~at the head or face of another person, while the device is emitting a laser beam.~~ beam at:
- 3 (1) Any of the following while the person is in the performance of his or her
 4 duties:
- 5 a. A law enforcement officer.
 6 b. A probation or parole officer.
 7 c. A person whose employment duties include the custody,
 8 transportation, or management of persons who are detained or
 9 confined to a detention facility, youth development center, or
 10 correctional institution operated under the jurisdiction of the State or
 11 a local government.
 12 d. A firefighter.
 13 e. An emergency medical technician or other emergency health care
 14 provider.
 15 f. A member of the North Carolina National Guard.
 16 g. A member of any branch of the Armed Forces of the United States.
 17 h. Court counselors whose employment duties include intake, probation,
 18 post-release supervision, and court supervision services of juveniles.
- 19 (2) The head or face of any person not covered under subdivision (1) of this
 20 subsection.
- 21 (3) A law enforcement agency animal or a search and rescue animal while the
 22 animal is in the performance of its duty.
- 23 (c) ~~A~~ A violation of subdivision (1) of subsection (b) of this section is a Class I felony.
 24 A violation of subdivision (3) of subsection (b) of this section is a Class A1 misdemeanor. Any
 25 other violation of subsection (b) of this section is an infraction.
- 26 (d) This section does not apply to a law enforcement officer who uses a laser device in
 27 discharging or attempting to discharge the officer's official duties. This section does not apply to
 28 a health care professional who uses a laser device in providing services within the scope of
 29 practice of that professional nor to any other person who is licensed or authorized by law to use
 30 a laser device or uses it in the performance of the person's official duties.
- 31 (e) This section does not apply to laser tag, paintball guns, and other similar games and
 32 devices using light emitting diode (LED) technology."
- 33 **SECTION 4.** G.S. 14-34.2 reads as rewritten:
 34 **"§ 14-34.2. Assault with a firearm or other deadly weapon upon governmental officers or**
 35 **employees, company police officers, or campus police officers.**
- 36 Unless a person's conduct is covered under some other provision of law providing greater
 37 punishment, any person who commits an assault with a ~~firearm or any other~~ deadly weapon upon
 38 an officer or employee of the State or of any political subdivision of the State, a company police
 39 officer certified pursuant to the provisions of Chapter 74E of the General Statutes, or a campus
 40 police officer certified pursuant to the provisions of Chapter 74G, Article 1 of Chapter 17C or
 41 Chapter 116 of the General Statutes, in the performance of ~~his duties shall be~~ an official duty is
 42 guilty of a Class F Class E felony."
- 43 **SECTION 5.** G.S. 14-34.5 reads as rewritten:
 44 **"§ 14-34.5. Assault with a firearm on a law enforcement, probation, or parole officer, or**
 45 **on a member of the North Carolina National Guard, or on a person employed at**
 46 **a State or local detention facility.**
- 47 (a) Any person who commits an assault with a firearm upon a law enforcement officer,
 48 probation officer, or parole officer while the officer is in the performance of his or her duties is
 49 guilty of a Class D felony.

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

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

7 **SECTION 6.** G.S. 14-34.7 reads as rewritten:

8 "**§ 14-34.7. Certain assaults on a law enforcement, probation, or parole officer, or on a**
9 **member of the North Carolina National Guard, or on a person employed at a**
10 **State or local detention facility; penalty.**

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

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

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

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

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

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

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

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

38 **SECTION 7.** G.S. 14-32 reads as rewritten:

39 "**§ 14-32. Felonious assault with deadly weapon with intent to kill or inflicting serious**
40 **injury; punishments.**

41 (a) Any person who assaults another person with a deadly weapon with intent to kill and
42 inflicts serious injury shall be punished as a Class C felon.

43 (b) Any person who assaults another person with a deadly weapon and inflicts serious
44 injury shall be punished as a Class E felon.

45 (c) Any person who assaults another person with a deadly weapon with intent to kill shall
46 be punished as a Class E felon.

47 (d) Any person who assaults an emergency worker with a deadly weapon and inflicts
48 serious injury shall be punished as a Class D felon.

49 (e) Any person who assaults an emergency worker with a deadly weapon with intent to
50 kill shall be punished as a Class D felon.

1 (f) For the purposes of this section, an "emergency worker" is a law enforcement officer,
2 firefighter, emergency medical technician, or medical responder."

3 **SECTION 8.** This act becomes effective December 1, 2023, and applies to offenses
4 committed on or after that date.