

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H

D

HOUSE BILL 36
Committee Substitute Favorable 3/10/21
PROPOSED COMMITTEE SUBSTITUTE H36-PCS40264-CH-6

Short Title: Protect Those Who Serve and Protect Act.

(Public)

Sponsors:

Referred to:

February 2, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO INCREASE THE PUNISHMENT FOR DISCHARGING OR ATTEMPTING TO
3 DISCHARGE A FIREARM AT OR INTO AN UNOCCUPIED EMERGENCY VEHICLE
4 AND TO INCREASE THE PUNISHMENT FOR POINTING A LASER DEVICE AT A
5 LAW ENFORCEMENT OFFICER OR OTHER EMERGENCY PERSONNEL WHEN
6 THE PERSON OR ANIMAL IS IN THE PERFORMANCE OF HIS OR HER DUTIES.

7 The General Assembly of North Carolina enacts:

8 SECTION 1. This act shall be known as the "Protect Those Who Serve and Protect
9 Act."

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

12 "§ 14-34.1A. Discharging certain barreled weapons or a firearm at or into certain
13 unoccupied emergency vehicles.

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

16 (1) A law enforcement vehicle.

17 (2) A fire department vehicle.

18 (3) A public or private ambulance.

19 (4) A rescue squad emergency service vehicle.

20 (5) A vehicle owned or operated by the North Carolina National Guard.

21 (6) A vehicle owned or operated by any branch of the Armed Forces of the United
22 States.

23 (7) A vehicle owned or operated by the Division of Adult Corrections and
24 Juvenile Justice of the Department of Public Safety.

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

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

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

32 "§ 14-34.8. Criminal use of laser device.

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

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



* H 3 6 - P C S 4 0 2 6 4 - C H - 6 *

1 (2) Law enforcement agency animal. – As defined in G.S. 14-163.1.
2 (3) Search and rescue animal. – As defined in G.S. 14-163.1.
3 (b) It is unlawful ~~to intentionally to point a laser device at a law enforcement officer, or~~
4 ~~at the head or face of another person,~~ while the device is emitting a laser beam.
5 beam at any of
6 the following:

7 (1) Any of the following while the person is in the performance of his or her
8 duties:
9 a. A law enforcement officer.
10 b. A probation or parole officer.
11 c. A person whose employment duties include the custody,
12 transportation, or management of persons who are detained or
13 confined to a detention facility, youth development center, or
14 correctional institution operated under the jurisdiction of the State or
15 a local government.
16 d. A firefighter.
17 e. An emergency medical technician or other emergency health care
18 provider.
19 f. A member of the North Carolina National Guard.
20 g. A member of any branch of the Armed Forces of the United States.
21 h. Court counselors whose employment duties include intake, probation,
22 post-release supervision, and court supervision services of juveniles.

23 (2) The head or face of any person not covered under subdivision (1) of this
24 subsection.

25 (3) A law enforcement agency animal or a search and rescue animal while the
26 animal is in the performance of its duty.

27 (c) ~~A violation of subdivision (1) of subsection (b) of this section is a Class I felony.~~
28 A violation of subdivision (3) of subsection (b) of this section is a Class A1 misdemeanor. Any
29 other violation of subsection (b) of this section is an infraction.

30 (d) This section does not apply to a law enforcement officer who uses a laser device in
31 discharging or attempting to discharge the officer's official duties. This section does not apply to
32 a health care professional who uses a laser device in providing services within the scope of
33 practice of that professional nor to any other person who is licensed or authorized by law to use
34 a laser device or uses it in the performance of the person's official duties.

35 (e) This section does not apply to laser tag, paintball guns, and other similar games and
36 devices using light emitting diode (LED) technology."

37 **SECTION 4.** This act becomes effective December 1, 2021, and applies to offenses
committed on or after that date.