

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 36
PROPOSED COMMITTEE SUBSTITUTE H36-PCS10121-CH-3

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 Section of Community Corrections of the
24 Division of Adult Corrections and Juvenile Justice of the Department of
25 Public Safety.

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

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

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

33 "**§ 14-34.8. Criminal use of laser device.**

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

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



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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 ~~beam~~ at any of
5 the following:

6 (1) Any of the following while the person is in the performance of his or her
7 duties:
8 a. A law enforcement officer.
9 b. A probation officer.
10 c. A parole officer.
11 d. A person employed at a detention facility operated under the
12 jurisdiction of the State or a local government.
13 e. A firefighter.
14 f. An emergency medical technician or other emergency health care
15 provider.
16 g. A member of the North Carolina National Guard.
17 h. A member of any branch of the Armed Forces of the United States.
18 (2) The head or face of any person not covered under subdivision (1) of this
19 subsection.
20 (3) A law enforcement agency animal or a search and rescue animal while the
21 animal is in the performance of its duty.

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

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

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

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