

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE BILL 95
Committee Substitute Favorable 3/11/25

Short Title: Threaten Elected Official/Increase Punishment.

(Public)

Sponsors:

Referred to:

February 12, 2025

A BILL TO BE ENTITLED
AN ACT TO INCREASE THE PUNISHMENT IMPOSED FOR AN ASSAULT OR THREAT
AGAINST AN EXECUTIVE OFFICER, LEGISLATIVE OFFICER, COURT OFFICER,
OR LOCAL ELECTED OFFICER AND TO REQUIRE PRETRIAL RELEASE
CONDITIONS FOR ANY PERSON CHARGED WITH ASSAULTING OR MAKING A
THREAT AGAINST AN EXECUTIVE OFFICER, LEGISLATIVE OFFICER, COURT
OFFICER, LOCAL ELECTED OFFICER, OR ELECTION OFFICER TO BE
DETERMINED BY A JUDGE.

The General Assembly of North Carolina enacts:

SECTION 1. Article 5A of Chapter 14 of the General Statutes reads as rewritten:

"Article 5A.

"Endangering Executive, Legislative, ~~and Court~~ Court, and Local Elected Officers.

"§ 14-16.6. Assault on executive, legislative, ~~or court officer~~ court, or local elected officers.

(a) Any person who assaults any legislative officer, executive officer, ~~or court officer~~, or local elected officer, or assaults another person as retaliation against any legislative officer, executive officer, ~~or court officer~~ officer, or local elected officer because of the exercise of that officer's duties, or any person who makes a violent attack upon the residence, office, temporary accommodation or means of transport of any one of those officers or persons in a manner likely to endanger the officer or person, shall be guilty of a felony and shall be punished as a ~~Class I~~ Class G felon.

(b) Any person who commits an offense under subsection (a) and uses a deadly weapon in the commission of that offense shall be punished as a ~~Class F~~ Class D felon.

(c) Any person who commits an offense under subsection (a) and inflicts serious bodily injury to any legislative officer, executive officer, ~~or court officer~~, or local elected officer shall be punished as a ~~Class E~~ Class C felon.

"§ 14-16.7. Threats against executive, legislative, ~~or court~~ court, or local elected officers.

(a) Any person who knowingly and willfully makes any threat to inflict serious bodily injury upon or to kill any legislative officer, executive officer, ~~or court officer~~, or local elected officer, or who knowingly and willfully makes any threat to inflict serious bodily injury upon or kill any other person as retaliation against any legislative officer, executive officer, ~~or court officer~~ officer, or local elected officer because of the exercise of that officer's duties, shall be guilty of a felony and shall be punished as a ~~Class I~~ Class H felon.

(b) Any person who knowingly and willfully deposits for conveyance in the mail any letter, writing, or other document containing a threat to commit an offense described in subsection (a) of this section shall be guilty of a felony and shall be punished as a ~~Class I~~ Class H felon.

"§ 14-16.8. No requirement of receipt of the threat.



1 In prosecutions under G.S. 14-16.7 of this Article it shall not be necessary to prove that any
2 legislative officer, executive officer, ~~or court officer~~ or local elected officer actually
3 received the threatening communication or actually believed the threat.

4 ...

5 **"§ 14-16.10. Definitions.**

6 The following definitions apply in this Article:

- 7 (1) Court officer. – Magistrate, clerk of superior court, acting clerk, assistant or
8 deputy clerk, judge, or justice of the General Court of Justice; district attorney,
9 assistant district attorney, or any other attorney designated by the district
10 attorney to act for the State or on behalf of the district attorney; public
11 defender or assistant defender; court reporter; juvenile court counselor as
12 defined in G.S. 7B-1501(18a); any attorney or other individual employed by,
13 contracted by, or acting on behalf of a county department of social services,
14 as defined in G.S. 108A-24; any attorney or other individual appointed
15 pursuant to G.S. 7B-601 or G.S. 7B-1108 or employed by the Guardian ad
16 Litem Services Division of the Administrative Office of the Courts.
- 17 (2) Executive officer. – A person named in G.S. 147-3(c).
- 18 (3) Legislative officer. – A person named in G.S. 147-2(1), (2), or (3).
- 19 (4) Local elected officer. – An elected officer of a political subdivision of this
20 State."

21 **SECTION 2.** G.S. 163-275(11) reads as rewritten:

- 22 "(11) For any person, by threats, menaces or in any other manner, to intimidate or
23 attempt to intimidate any chief judge, judge of election or other election
24 officer in the discharge ~~of~~ of, or because of, duties in the registration of voters
25 or in conducting any primary or election."

26 **SECTION 3.** Article 26 of Chapter 15A of the General Statutes is amended by
27 adding a new section to read:

28 **"§ 15A-534.9. Threats against public officers; bail and pretrial release.**

29 (a) In all cases in which the defendant is charged with a violation of G.S. 14-16.6,
30 14-16.7, or 163-275(11), except as provided in subsection (b) of this section, the judicial official
31 who determines the conditions of pretrial release shall be a judge. The judge shall direct a law
32 enforcement officer or a district attorney to provide a criminal history report for the defendant
33 and shall consider the criminal history when setting conditions of release. After setting conditions
34 of release, the judge shall return the report to the providing agency or department. No judge shall
35 unreasonably delay the determination of conditions of pretrial release for the purpose of
36 reviewing the defendant's criminal history report. The following provisions shall apply in
37 addition to the provisions of G.S. 15A-534:

- 38 (1) Upon a determination by the judge that the immediate release of the defendant
39 will pose a danger of injury to persons and upon a determination that the
40 execution of an appearance bond as required by G.S. 15A-534 will not
41 reasonably assure that such injury will not occur, a judge may retain the
42 defendant in custody for a reasonable period of time while determining the
43 conditions of pretrial release.
- 44 (2) A judge may impose the following conditions on pretrial release:
- 45 a. That the defendant stay away from the home, school, business, or place
46 of employment of the alleged victim.
- 47 b. That the defendant refrain from assaulting or threatening the alleged
48 victim.
- 49 c. That the defendant stay away from specific locations or property
50 where the offense occurred.

1 d. That the defendant stay away from other specified locations or
2 property.

3 The conditions set forth in this subdivision may be imposed in addition to
4 requiring that the defendant execute a secured appearance bond.

5 (3) Should the defendant be mentally ill and dangerous to himself or herself or
6 others or a substance abuser and dangerous to himself or herself or others, the
7 provisions of Article 5 of Chapter 122C of the General Statutes shall apply.

8 (b) A defendant may be retained in custody not more than 48 hours from the time of arrest
9 without a determination being made under this section by a judge. If a judge has not acted
10 pursuant to this section within 48 hours of arrest, the magistrate shall act under the provisions of
11 this section."

12 **SECTION 4.** This act becomes effective December 1, 2025, and applies to offenses
13 committed on or after that date.