§ 14-33. Misdemeanor assaults, batteries, and affrays, simple and aggravated; punishments.

(a) Any person who commits a simple assault or a simple assault and battery or participates in a simple affray is guilty of a Class 2 misdemeanor.

(b) Unless the conduct is covered under some other provision of law providing greater punishment, any person who commits any assault, assault and battery, or affray is guilty of a Class 1 misdemeanor if, in the course of the assault, assault and battery, or affray, the person does any of the following:

(1) through (3) Repealed by Session Laws 1995, c. 507, s. 19.5(b);

(4) through (7) Repealed by Session Laws 1991, c. 525, s. 1;

(8) Repealed by Session Laws 1995, c. 507, s. 19.5(b);

(9) Commits an assault and battery against a sports official when the sports official is discharging or attempting to discharge official duties at a sports event, or immediately after the sports event at which the sports official discharged official duties. A "sports official" is a person at a sports event who enforces the rules of the event, such as an umpire or referee, or a person who supervises the participants, such as a coach. A "sports event" includes any interscholastic or intramural athletic activity in a primary, middle, junior high, or high school, college, or university, any organized athletic activity sponsored by a community, business, or nonprofit organization, any athletic activity that is a professional or semiprofessional event, and any other organized athletic activity in the State.

(10) Assaults a utility or communications worker while the worker is (i) readily identifiable as a worker and (ii) discharging or attempting to discharge his or her duties. For purposes of this subdivision, the term "utility or communications worker" means an employee of, agent of, or under contract with an organization, entity, or company, whether State-created or privately, municipally, county, or cooperatively owned, that provides electricity, natural gas, liquid petroleum, water, wastewater services, telecommunications services, or internet access services. For purposes of this subdivision, the term "readily identifiable as a worker" shall be construed to include the worker wearing, at the time of the assault, a uniform, hat, or other outerwear bearing the logo of the utility or communications company for which the worker is an employee of, agent of, or under contract with.

(c) Unless the conduct is covered under some other provision of law providing greater punishment, any person who commits any assault, assault and battery, or affray is guilty of a Class A1 misdemeanor if, in the course of the assault, assault and battery, or affray, he or she:

(1) Inflicts serious injury upon another person or uses a deadly weapon;

(2) Assaults a female, he being a male person at least 18 years of age;

(2a) Assaults a pregnant woman;

(3) Assaults a child under the age of 12 years;

(4) Assaults an officer or employee of the State or any political subdivision of the State, when the officer or employee is discharging or attempting to discharge his official duties;

(5) Repealed by Session Laws 1999-105, s. 1, effective December 1, 1999; or

(6) Assaults a school employee or school volunteer when the employee or volunteer is discharging or attempting to discharge his or her duties as an employee or volunteer, or assaults a school employee or school volunteer as a result of the discharge or attempt to discharge that individual's duties as a

school employee or school volunteer. For purposes of this subdivision, the following definitions shall apply:

a. "Duties" means:
   1. All activities on school property;
   2. All activities, wherever occurring, during a school authorized event or the accompanying of students to or from that event; and
   3. All activities relating to the operation of school transportation.

b. "Employee" or "volunteer" means:
   1. An employee of a local board of education; or a charter school authorized under G.S. 115C-218.5, or a nonpublic school which has filed intent to operate under Part 1 or Part 2 of Article 39 of Chapter 115C of the General Statutes;
   2. An independent contractor or an employee of an independent contractor of a local board of education, charter school authorized under G.S. 115C-218.5, or a nonpublic school which has filed intent to operate under Part 1 or Part 2 of Article 39 of Chapter 115C of the General Statutes, if the independent contractor carries out duties customarily performed by employees of the school; and
   3. An adult who volunteers his or her services or presence at any school activity and is under the supervision of an individual listed in sub-sub-subdivision 1. or 2. of this sub-subdivision.

(7) Assaults a public transit operator, including a public employee or a private contractor employed as a public transit operator, when the operator is discharging or attempting to discharge his or her duties.

(8) Assaults a company police officer certified pursuant to the provisions of Chapter 74E of the General Statutes or a campus police officer certified pursuant to the provisions of Chapter 74G, Article 1 of Chapter 17C, or Chapter 116 of the General Statutes in the performance of that person's duties.

(9) Assaults a transportation network company (TNC) driver providing a transportation network company (TNC) service. For the purposes of this subdivision, the definitions for "TNC driver" and "TNC service" as defined in G.S. 20-280.1 shall apply.

(c1) No school personnel as defined in G.S. 14-33(c)(6) who takes reasonable actions in good faith to end a fight or altercation between students shall incur any civil or criminal liability as the result of those actions.

(d) Any person who, in the course of an assault, assault and battery, or affray, inflicts serious injury upon another person, or uses a deadly weapon, in violation of subdivision (c)(1) of this section, on a person with whom the person has a personal relationship, and in the presence of a minor, is guilty of a Class A1 misdemeanor. A person convicted under this subsection, who is sentenced to a community punishment, shall be placed on supervised probation in addition to any other punishment imposed by the court.

A person committing a second or subsequent violation of this subsection shall be sentenced to an active punishment of no less than 30 days in addition to any other punishment imposed by the court.

The following definitions apply to this subsection:

(1) "Personal relationship" is as defined in G.S. 50B-1(b).

(2) "In the presence of a minor" means that the minor was in a position to see or hear the assault.

(3) "Minor" is any person under the age of 18 years who is residing with or is under the care and supervision of, and who has a personal relationship with, the person assaulted or the person committing the assault.

(e) An offense under this section shall not be considered a lesser included offense of misdemeanor crime of domestic violence under G.S. 14-32.5. (1870-1, c. 43, s. 2; 1870-1, c. 43, s. 2; 1873-4, c. 176, s. 6; 1873-4, c. 176, s. 6; 1879, c. 92, ss. 2, 6; 1879, c. 92, ss. 2, 6; Code, s. 987; Code, s. 987; Rev., s. 3620, 1911, c. 193; Rev., s. 3620, 1911, c. 193; C.S., s. 4215; C.S., s. 4215; 1933, c. 189; 1933, c. 189; 1949, c. 298; 1949, c. 298; 1969, c. 618, s. 1; 1969, c. 618, s. 1; 1971, c. 765, s. 2; 1971, c. 765, s. 2; 1973, c. 229, s. 4; 1973, c. 229, s. 4; c. 1413; c. 1413; 1979, cc. 524, 656; 1979, cc. 524, 656; 1981, c. 180; 1981, c. 180; 1983, c. 175, ss. 6, 10; 1983, c. 175, ss. 6, 10; c. 720, s. 4; c. 720, s. 4; 1985, c. 321; 1985, c. 321; 1991, c. 525, s. 1; 1991, c. 525, s. 1; 1993, c. 286, s. 1; 1993, c. 286, s. 1; c. 539, s. 16; c. 539, s. 16; 1994, Ex. Sess., c. 14, s. 3; 1994, Ex. Sess., c. 14, s. 3; c. 24, s. 14(c); c. 24, s. 14(c); 1993 (Reg. Sess., 1994), c. 687, s. 1; 1993 (Reg. Sess., 1994), c. 687, s. 1; 1995, c. 352, s. 1; 1995, c. 352, s. 1; 1995, c. 507, s. 19.5(b); 1995, c. 507, s. 19.5(b); 1999-105, s. 1; 1999-105, s. 1; 2003-409, s. 1; 2003-409, s. 1; 2004-26, s. 1; 2004-26, s. 1; 2004-199, s. 7; 2004-199, s. 7; 2005-231, s. 6.2; 2005-231, s. 6.2; 2012-149, s. 1; 2012-149, s. 1; 2014-101, s. 7; 2014-101, s. 7; 2015-62, s. 4(b); 2015-62, s. 4(b); 2019-194, s. 3.5(a); 2019-194, s. 3.5(a); 2023-14, s. 8.2(a); 2023-14, s. 8.2(a); 2025-70, s. 17(a); 2025-71, s. 1(a).)