

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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SENATE BILL 1081

Short Title: Malicious Conduct by Prisoner.

(Public)

Sponsors: Senator Harris.

Referred to: Judiciary I.

April 5, 2001

A BILL TO BE ENTITLED

AN ACT TO MAKE IT A CRIMINAL OFFENSE FOR A PRISONER TO THROW
BODILY FLUIDS AT AN EMPLOYEE OF A DETENTION FACILITY WHILE
IN THE PERFORMANCE OF THE EMPLOYEE'S DUTIES.

The General Assembly of North Carolina enacts:

SECTION 1. Article 33 of Chapter 14 of the General Statutes is amended by
adding a new section to read:

"§ 14-258.4. Malicious conduct by prisoner.

(a) Any prisoner in the custody of the Department of Correction or the Department of Juvenile Justice and Delinquency Prevention, including persons in the custody of the Department of Correction or the Department of Juvenile Justice and Delinquency Prevention, pending trial or appellate review or for presentence diagnostic evaluation, or any prisoner in the custody of any local confinement facility (as defined in G.S. 153A-217 or G.S. 153A-230.1), or any person in the custody of any local confinement facility (as defined in G.S. 153A-217) pending trial or appellate review or for any lawful purpose, who knowingly and willfully throws, emits, or causes to be thrown, bodily fluids upon a person who is employed at a correction, youth, or detention facility operated under the jurisdiction of the State or a local government while the employee is in the performance of the employee's duties is guilty of a Class A1 misdemeanor.

(b) The provisions of this section apply to: (i) violations committed by any prisoner in the custody of the Department of Correction or the Department of Juvenile Justice and Delinquency Prevention, whether inside or outside of the facilities of the North Carolina Department of Correction or the Department of Juvenile Justice and Delinquency Prevention; and (ii) violations committed by any prisoner or by any other person lawfully under the custody of any local confinement facility (as defined in G.S. 153A-217 or G.S. 153A-230.1), whether inside or outside the local confinement facilities (as defined in G.S. 153A-217 or G.S. 153A-230.1)."

1 **SECTION 2.** This act becomes effective December 1, 2001, and applies to
2 offenses committed on or after that date.