

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE DRS15208-SA-38 (03/14)

Short Title: Criminal Changes.

(Public)

Sponsors: Senator Berger of Rockingham.

Referred to:

A BILL TO BE ENTITLED

1 AN ACT TO INCREASE THE PENALTY FOR DISCHARGING A FIREARM INTO
2 A MOVING VEHICLE, TO CREATE THE OFFENSE OF AGGRAVATED
3 ASSAULT ON A FEMALE, TO AMEND THE FALSE REPORT OF A BOMB
4 STATUTE, TO INCREASE THE PENALTY FOR SALE OR DELIVERY OF
5 TWO POUNDS OR MORE OF MARIJUANA, AND TO INCREASE
6 REGULATORY PROVISIONS RELATING TO REGISTERED SEX
7 OFFENDERS.
8

9 The General Assembly of North Carolina enacts:

10 **SECTION 1.** G.S. 14-34.1 reads as rewritten:

11 "**§ 14-34.1. Discharging certain barreled weapons or a firearm into occupied**
12 **property.**

13 (a) Any-Except as provided in subsection (b) or (c) of this section, any person
14 who willfully or wantonly discharges or attempts to discharge:

- 15 (1) Any barreled weapon capable of discharging shot, bullets, pellets, or
16 other missiles at a muzzle velocity of at least 600 feet per second; or
17 (2) A firearm into any building, structure, vehicle, aircraft, watercraft, or
18 other conveyance, device, equipment, erection, or enclosure while it is
19 occupied is guilty of a Class E felony.

20 (b) Any person who violates subsection (a) of this section by discharging a
21 described weapon into a vehicle, aircraft, watercraft, or other conveyance that is
22 traveling upon the public streets or highways of this State, in a public vehicular area, is
23 traveling upon any waterway, or is traveling in any airspace within this State, shall be
24 guilty of a Class D felony.

25 (c) Any person who violates subsection (b) of this section and causes serious
26 injury to any person shall be guilty of a Class B2 felony."

1 **SECTION 2.** Chapter 14 of the General Statutes is amended by adding a
2 new section to read:

3 **"§ 14-34.7A. Aggravated assault on a female.**

4 Unless covered under some other provision of law providing greater punishment,
5 any male person, who is at least 18 years of age, that assaults a female person and
6 inflicts serious injury shall be guilty of a Class F felony."

7 **SECTION 3.** G.S. 14-69.1 reads as rewritten:

8 **"§ 14-69.1. Making a false report concerning destructive device.**

9 (a) Except as provided in subsection (c) of this section, any person who, by any
10 means of communication to any person or group of persons, makes a report, knowing or
11 having reason to know the report is false, that there is located ~~in~~-in, or in sufficient
12 proximity to cause damage to, any building, house or other structure whatsoever or any
13 vehicle, aircraft, vessel or boat any device designed to destroy or damage the building,
14 house or structure or vehicle, aircraft, vessel or boat by explosion, blasting or burning, is
15 guilty of a Class H felony.

16 (b) Repealed by S.L. 1997-443, s. 19.25(cc).

17 (c) Any person who, by any means of communication to any person or groups of
18 persons, makes a report, knowing or having reason to know the report is false, that there
19 is located ~~in~~-in, or in sufficient proximity to cause damage to, any public building any
20 device designed to destroy or damage the public building by explosion, blasting, or
21 burning, is guilty of a Class H felony. Any person who receives a second conviction for
22 a violation of this subsection within five years of the first conviction for violation of this
23 subsection is guilty of a Class G felony. For purposes of this subsection, "public
24 building" means educational property as defined in G.S. 14-269.2(a)(1), a hospital as
25 defined in G.S. 131E-76(3), a building housing only State, federal, or local government
26 offices, or the offices of State, federal, or local government located in a building that is
27 not exclusively occupied by the State, federal, or local government.

28 (d) The court may order a person convicted under this section to pay restitution,
29 including costs and consequential damages resulting from the disruption of the normal
30 activity that would have otherwise occurred on the premises but for the false report,
31 pursuant to Article 81C of Chapter 15A of the General Statutes.

32 (e) For purposes of this section, the term "report" shall include making accessible
33 to another person by computer."

34 **SECTION 4.** G.S. 90-95(b) reads as rewritten:

35 "(b) Except as provided in subsections (h) and (i) of this section, any person who
36 violates G.S. 90-95(a)(1) with respect to:

37 (1) A controlled substance classified in Schedule I or II shall be punished
38 as a Class H felon, except as follows: (i) the sale of a controlled
39 substance classified in Schedule I or II shall be punished as a Class G
40 felony, and (ii) the manufacture of methamphetamine shall be
41 punished as provided by subdivision (1a) of this subsection.

42 (1a) The manufacture of methamphetamine shall be punished as a Class C
43 felony unless the offense was one of the following: packaging or
44 repackaging methamphetamine, or labeling or relabeling the

1 methamphetamine container. The offense of packaging or repackaging
2 methamphetamine, or labeling or relabeling the methamphetamine
3 container shall be punished as a Class H felony.

4 (2) A controlled substance classified in Schedule III, IV, V, or VI shall be
5 punished as a Class I felon, except that the sale of a controlled
6 substance classified in Schedule III, IV, V, or VI shall be punished as a
7 Class H felon. The transfer of less than 5 grams of marijuana for no
8 remuneration shall not constitute a delivery in violation of
9 G.S. 90-95(a)(1).

10 (3) Notwithstanding subdivision (2) of this subsection, the sale or
11 delivery, or possession with intent to sell or deliver, of more than two
12 pounds, but less than 50 pounds, of marijuana shall be punished as
13 provided in subsection (h) of this section."

14 **SECTION 5.** Regulatory provisions relating to registered sex offenders.

15 **SECTION 6.** This act becomes effective December 1, 2005, and applies to
16 offenses committed on or after that date.