

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

S

1

SENATE BILL 247

Short Title: Amend Use of Defensive Force. (Public)

Sponsors: Senators Mayfield and Woodard (Primary Sponsors).

Referred to: Rules and Operations of the Senate

March 9, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT THE PRESUMPTION OF A PERSON HAVING A
3 REASONABLE FEAR OF IMMINENT DEATH OR SERIOUS BODILY HARM TO
4 HIMSELF OR HERSELF OR ANOTHER WHEN USING DEFENSIVE FORCE OF A
5 HOME, MOTOR VEHICLE, OR WORKPLACE DOES NOT APPLY IF THE PERSON
6 ENTERING OR ATTEMPTING TO ENTER THE PROPERTY IS AN EMERGENCY
7 MEDICAL SERVICES PERSONNEL OR FIREFIGHTER.

8 The General Assembly of North Carolina enacts:

9 SECTION 1. G.S. 14-51.2 reads as rewritten:

10 "§ 14-51.2. Home, workplace, and motor vehicle protection; presumption of fear of death
11 or serious bodily harm.

12 (a) The following definitions apply in this section:

13 (1) Emergency medical services personnel. – As defined in G.S. 131E-155.

14 (1a) Home. – A building or conveyance of any kind, to include its curtilage,
15 whether the building or conveyance is temporary or permanent, mobile or
16 immobile, which has a roof over it, including a tent, and is designed as a
17 temporary or permanent residence.

18 (2) Law enforcement officer. – Any person employed or appointed as a full-time,
19 part-time, or auxiliary law enforcement officer, correctional officer, probation
20 officer, post-release supervision officer, or parole officer.

21 (3) Motor vehicle. – As defined in G.S. 20-4.01(23).

22 (4) Workplace. – A building or conveyance of any kind, whether the building or
23 conveyance is temporary or permanent, mobile or immobile, which has a roof
24 over it, including a tent, which is being used for commercial purposes.

25 ...

26 (c) The presumption set forth in subsection (b) of this section shall be rebuttable and does
27 not apply in any of the following circumstances:

28 ...

29 (4) The person against whom the defensive force is used is a law enforcement
30 officer or bail bondsman who enters or attempts to enter a home, motor
31 vehicle, or workplace in the lawful performance of his or her official duties,
32 and the officer or bail bondsman identified himself or herself in accordance
33 with any applicable law or the person using force knew or reasonably should
34 have known that the person entering or attempting to enter was a law
35 enforcement officer or bail bondsman in the lawful performance of his or her
36 official duties.



* S 2 4 7 - V - 1 *

1 (4a) The person against whom the defensive force is used is a firefighter or
2 emergency medical services personnel who enters or attempts to enter a home,
3 motor vehicle, or workplace in the lawful performance of his or her official
4 duties, and the person entering or attempting to enter gives appropriate notice
5 of the person's identity, and purpose for entering or attempting to enter, to any
6 occupant thereof or the person using force knew or reasonably should have
7 known that the person entering or attempting to enter was a firefighter or
8 emergency medical services personnel in the lawful performance of his or her
9 official duties.

10 "

11 **SECTION 2.** This act becomes effective December 1, 2023, and applies to offenses
12 committed on or after that date.