

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 863
Committee Substitute Favorable 5/7/93

Short Title: Impersonating an Officer/Felony.

(Public)

Sponsors:

Referred to:

April 12, 1993

A BILL TO BE ENTITLED

AN ACT TO RAISE SOME OF THE OFFENSES THAT CONSTITUTE THE
IMPERSONATION OF A LAW-ENFORCEMENT OFFICER FROM
MISDEMEANORS TO FELONIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-277 reads as rewritten:

"§ 14-277. Impersonation of a law-enforcement or other public officer.

(a) No person shall falsely represent to another that he is a sworn law-enforcement officer. As used in this section, a person represents that he is a sworn law-enforcement officer if he:

- (1) Verbally informs another that he is a sworn law-enforcement officer, whether or not the representation refers to a particular agency;
- (2) Displays any badge or identification signifying to a reasonable individual that the person is a sworn law-enforcement officer, whether or not the badge or other identification refers to a particular law-enforcement agency; or
- (3) Unlawfully operates a vehicle on a public street, highway or public vehicular area with an operating red or blue light as defined in G.S. 20-130.1.

(b) No person shall, while falsely representing to another that he is a sworn law-enforcement officer, carry out any act in accordance with the authority granted to a law-enforcement officer. For purposes of this section, an act in accordance with the authority granted to a law-enforcement officer includes:

- 1 (1) Ordering any person to remain at or leave from a particular place or
2 area;
- 3 (2) Detaining or arresting any person;
- 4 (3) Searching any vehicle, building, or premises, whether public or
5 private, with or without a search warrant or administrative inspection
6 warrant;
- 7 (4) Unlawfully operating a vehicle on a public street or highway or public
8 vehicular area equipped with an operating red or blue light or siren in
9 such a manner as to cause a reasonable person to yield the right-of-
10 way or to stop his vehicle in obedience to such red or blue light or
11 siren.

12 (c) Nothing in this section shall prohibit any person from detaining another as
13 provided by G.S. 15A-404 or assisting a law-enforcement officer as provided by G.S.
14 15A-405.

15 (d) Violation of subsection (a) of this section shall constitute a misdemeanor.
16 Violation of subsection (b) of this section shall constitute a Class J felony. ~~is a~~
17 ~~misdemeanor punishable under G.S. 14-3(a). Violation of subsection (b) of this section is a~~
18 ~~misdemeanor. Upon conviction under subsection (b), the trial judge must sentence the~~
19 ~~defendant to a term of imprisonment of not less than 72 hours and not more than two years. The~~
20 ~~term of imprisonment may be suspended on condition that the defendant:~~

- 21 (1) ~~Be imprisoned for a term of at least 72 hours as a condition of special~~
22 ~~probation; or~~
- 23 (2) ~~Perform community service for a term of 72 hours;~~
- 24 (3) ~~Pay a fine in the discretion of the court; or~~
- 25 (4) ~~Any combination of these conditions.~~

26 ~~The judge may, in his discretion, impose any other lawful condition of probation.~~

27 (e) It shall be unlawful for any person other than duly authorized employees of a
28 county, a municipality or the State of North Carolina, including but not limited to, the
29 Department of Social Services, Health, Area Mental Health, Developmental
30 Disabilities, and Substance Abuse Authority or Building Inspector to represent to any
31 person that they are duly authorized employees of a county, a municipality or the State
32 of North Carolina or one of the above-enumerated departments and acting upon such
33 representation to perform any act, make any investigation, seek access to otherwise
34 confidential information, perform any duty of said office, gain access to any place not
35 otherwise open to the public, or seek to be afforded any privilege which would
36 otherwise not be afforded to such person except for such false representation or make
37 any attempt to do any of said enumerated acts. Any person, corporation, or business
38 association violating the provisions of this section shall be guilty of a misdemeanor and
39 upon conviction may be fined or imprisoned at the discretion of the court."

40 Sec. 2. This act becomes effective December 1, 1993, and applies to offenses
41 committed on or after that date.