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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** Yes

"Christie signs 'Jessica Rogers' Law,' boosting penalties for road rage," NewJerseyNewsroom.com, April 21, 2012

"Day of reckoning for raging drivers who hurt others," The Times, April 21, 2012

"Gov. Christie signs road rage law inspired by Hamilton's Jessica Rogers," The Trentonian, April 21, 2012

"Christie signs Jessica's Law for paralyzed 'rage' victim," The Star-Ledger, April 21, 2012

"More jail time if road rage causes injury," Home News Tribune, April 21, 2012

"Tougher road rage bill signed, Courier-Post, April 21, 2012

"Christie signs road rage bill into law," The Daily Journal, April 21, 2012

"Christie signs road rage bill into law," Courier News, April 21, 2012

"Penalties for road-rage injuries increased," The Press, April 21, 2012

"Law raises penalties for road rage," The Record, April 21, 2012

LAW/KR

P.L.2012, CHAPTER 3, *approved April 20, 2012*

Senate, No. 1468

1 **AN ACT** concerning assault by auto or vessel and designated Jessica  
2 Rogers' Law and amending N.J.S.2C:12-1.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. N.J.S.2C:12-1 is amended to read as follows:

8 2C:12-1. Assault. a. Simple assault. A person is guilty of  
9 assault if he:

10 (1) Attempts to cause or purposely, knowingly or recklessly  
11 causes bodily injury to another; or

12 (2) Negligently causes bodily injury to another with a deadly  
13 weapon; or

14 (3) Attempts by physical menace to put another in fear of  
15 imminent serious bodily injury.

16 Simple assault is a disorderly persons offense unless committed  
17 in a fight or scuffle entered into by mutual consent, in which case it  
18 is a petty disorderly persons offense.

19 b. Aggravated assault. A person is guilty of aggravated assault  
20 if he:

21 (1) Attempts to cause serious bodily injury to another, or causes  
22 such injury purposely or knowingly or under circumstances  
23 manifesting extreme indifference to the value of human life  
24 recklessly causes such injury; or

25 (2) Attempts to cause or purposely or knowingly causes bodily  
26 injury to another with a deadly weapon; or

27 (3) Recklessly causes bodily injury to another with a deadly  
28 weapon; or

29 (4) Knowingly under circumstances manifesting extreme  
30 indifference to the value of human life points a firearm, as defined  
31 in section 2C:39-1f., at or in the direction of another, whether or not  
32 the actor believes it to be loaded; or

33 (5) Commits a simple assault as defined in subsection a. (1), (2)  
34 or (3) of this section upon:

35 (a) Any law enforcement officer acting in the performance of  
36 his duties while in uniform or exhibiting evidence of his authority  
37 or because of his status as a law enforcement officer; or

38 (b) Any paid or volunteer fireman acting in the performance of  
39 his duties while in uniform or otherwise clearly identifiable as being  
40 engaged in the performance of the duties of a fireman; or

41 (c) Any person engaged in emergency first-aid or medical  
42 services acting in the performance of his duties while in uniform or

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

- 1 otherwise clearly identifiable as being engaged in the performance  
2 of emergency first-aid or medical services; or
- 3 (d) Any school board member, school administrator, teacher,  
4 school bus driver or other employee of a public or nonpublic school  
5 or school board while clearly identifiable as being engaged in the  
6 performance of his duties or because of his status as a member or  
7 employee of a public or nonpublic school or school board or any  
8 school bus driver employed by an operator under contract to a  
9 public or nonpublic school or school board while clearly  
10 identifiable as being engaged in the performance of his duties or  
11 because of his status as a school bus driver; or
- 12 (e) Any employee of the Division of Youth and Family Services  
13 while clearly identifiable as being engaged in the performance of  
14 his duties or because of his status as an employee of the division; or
- 15 (f) Any justice of the Supreme Court, judge of the Superior  
16 Court, judge of the Tax Court or municipal judge while clearly  
17 identifiable as being engaged in the performance of judicial duties  
18 or because of his status as a member of the judiciary; or
- 19 (g) Any operator of a motorbus or the operator's supervisor or  
20 any employee of a rail passenger service while clearly identifiable  
21 as being engaged in the performance of his duties or because of his  
22 status as an operator of a motorbus or as the operator's supervisor or  
23 as an employee of a rail passenger service; or
- 24 (h) Any Department of Corrections employee, county  
25 corrections officer, juvenile corrections officer, State juvenile  
26 facility employee, juvenile detention staff member, juvenile  
27 detention officer, probation officer or any sheriff, undersheriff, or  
28 sheriff's officer acting in the performance of his duties while in  
29 uniform or exhibiting evidence of his authority; or
- 30 (i) Any employee, including any person employed under  
31 contract, of a utility company as defined in section 2 of P.L.1971,  
32 c.224 (C.2A:42-86) or a cable television company subject to the  
33 provisions of the "Cable Television Act," P.L.1972, c.186  
34 (C.48:5A-1 et seq.) while clearly identifiable as being engaged in  
35 the performance of his duties in regard to connecting, disconnecting  
36 or repairing or attempting to connect, disconnect or repair any gas,  
37 electric or water utility, or cable television or telecommunication  
38 service; or
- 39 (j) Any health care worker employed by a licensed health care  
40 facility to provide direct patient care, any health care professional  
41 licensed or otherwise authorized pursuant to Title 26 or Title 45 of  
42 the Revised Statutes to practice a health care profession, except a  
43 direct care worker at a State or county psychiatric hospital or State  
44 developmental center or veterans' memorial home, while clearly  
45 identifiable as being engaged in the duties of providing direct  
46 patient care or practicing the health care profession; or
- 47 (k) Any direct care worker at a State or county psychiatric  
48 hospital or State developmental center or veterans' memorial home,

1 while clearly identifiable as being engaged in the duties of  
2 providing direct patient care or practicing the health care  
3 profession, provided that the actor is not a patient or resident at the  
4 facility who is classified by the facility as having a mental illness or  
5 developmental disability; or

6 (6) Causes bodily injury to another person while fleeing or  
7 attempting to elude a law enforcement officer in violation of  
8 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in  
9 violation of subsection c. of N.J.S.2C:20-10. Notwithstanding any  
10 other provision of law to the contrary, a person shall be strictly  
11 liable for a violation of this subsection upon proof of a violation of  
12 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in  
13 violation of subsection c. of N.J.S.2C:20-10 which resulted in  
14 bodily injury to another person; or

15 (7) Attempts to cause significant bodily injury to another or  
16 causes significant bodily injury purposely or knowingly or, under  
17 circumstances manifesting extreme indifference to the value of  
18 human life recklessly causes such significant bodily injury; or

19 (8) Causes bodily injury by knowingly or purposely starting a  
20 fire or causing an explosion in violation of N.J.S.2C:17-1 which  
21 results in bodily injury to any emergency services personnel  
22 involved in fire suppression activities, rendering emergency  
23 medical services resulting from the fire or explosion or rescue  
24 operations, or rendering any necessary assistance at the scene of the  
25 fire or explosion, including any bodily injury sustained while  
26 responding to the scene of a reported fire or explosion. For  
27 purposes of this subsection, "emergency services personnel" shall  
28 include, but not be limited to, any paid or volunteer fireman, any  
29 person engaged in emergency first-aid or medical services and any  
30 law enforcement officer. Notwithstanding any other provision of  
31 law to the contrary, a person shall be strictly liable for a violation of  
32 this paragraph upon proof of a violation of N.J.S.2C:17-1 which  
33 resulted in bodily injury to any emergency services personnel; or

34 (9) Knowingly, under circumstances manifesting extreme  
35 indifference to the value of human life, points or displays a firearm,  
36 as defined in subsection f. of N.J.S.2C:39-1, at or in the direction of  
37 a law enforcement officer; or

38 (10) Knowingly points, displays or uses an imitation firearm, as  
39 defined in subsection f. of N.J.S.2C:39-1, at or in the direction of a  
40 law enforcement officer with the purpose to intimidate, threaten or  
41 attempt to put the officer in fear of bodily injury or for any unlawful  
42 purpose; or

43 (11) Uses or activates a laser sighting system or device, or a  
44 system or device which, in the manner used, would cause a  
45 reasonable person to believe that it is a laser sighting system or  
46 device, against a law enforcement officer acting in the performance  
47 of his duties while in uniform or exhibiting evidence of his  
48 authority. As used in this paragraph, "laser sighting system or

1 device" means any system or device that is integrated with or  
2 affixed to a firearm and emits a laser light beam that is used to  
3 assist in the sight alignment or aiming of the firearm.

4 Aggravated assault under subsections b. (1) and b. (6) is a crime  
5 of the second degree; under subsections b. (2), b. (7), b. (9) and b.  
6 (10) is a crime of the third degree; under subsections b. (3) and b.  
7 (4) is a crime of the fourth degree; and under subsection b. (5) is a  
8 crime of the third degree if the victim suffers bodily injury,  
9 otherwise it is a crime of the fourth degree. Aggravated assault  
10 under subsection b.(8) is a crime of the third degree if the victim  
11 suffers bodily injury; if the victim suffers significant bodily injury  
12 or serious bodily injury it is a crime of the second degree.  
13 Aggravated assault under subsection b. (11) is a crime of the third  
14 degree.

15 c. (1) A person is guilty of assault by auto or vessel when the  
16 person drives a vehicle or vessel recklessly and causes either  
17 serious bodily injury or bodily injury to another. Assault by auto or  
18 vessel is a crime of the fourth degree if serious bodily injury results  
19 and is a disorderly persons offense if bodily injury results.

20 (2) Assault by auto or vessel is a crime of the third degree if the  
21 person drives the vehicle while in violation of R.S.39:4-50 or  
22 section 2 of P.L.1981, c.512 (C.39:4-50.4a) and serious bodily  
23 injury results and is a crime of the fourth degree if the person drives  
24 the vehicle while in violation of R.S.39:4-50 or section 2 of  
25 P.L.1981, c.512 (C.39:4-50.4a) and bodily injury results.

26 (3) Assault by auto or vessel is a crime of the second degree if  
27 serious bodily injury results from the defendant operating the auto  
28 or vessel while in violation of R.S.39:4-50 or section 2 of P.L.1981,  
29 c.512 (C.39:4-50.4a) while:

30 (a) on any school property used for school purposes which is  
31 owned by or leased to any elementary or secondary school or school  
32 board, or within 1,000 feet of such school property;

33 (b) driving through a school crossing as defined in R.S.39:1-1 if  
34 the municipality, by ordinance or resolution, has designated the  
35 school crossing as such; or

36 (c) driving through a school crossing as defined in R.S.39:1-1  
37 knowing that juveniles are present if the municipality has not  
38 designated the school crossing as such by ordinance or resolution.

39 Assault by auto or vessel is a crime of the third degree if bodily  
40 injury results from the defendant operating the auto or vessel in  
41 violation of this paragraph.

42 A map or true copy of a map depicting the location and  
43 boundaries of the area on or within 1,000 feet of any property used  
44 for school purposes which is owned by or leased to any elementary  
45 or secondary school or school board produced pursuant to section 1  
46 of P.L.1987, c.101 (C.2C:35-7) may be used in a prosecution under  
47 subparagraph (a) of paragraph (3) of this subsection.

1 It shall be no defense to a prosecution for a violation of  
2 subparagraph (a) or (b) of paragraph (3) of this subsection that the  
3 defendant was unaware that the prohibited conduct took place while  
4 on or within 1,000 feet of any school property or while driving  
5 through a school crossing. Nor shall it be a defense to a prosecution  
6 under subparagraph (a) or (b) of paragraph (3) of this subsection  
7 that no juveniles were present on the school property or crossing  
8 zone at the time of the offense or that the school was not in session.

9 (4) Assault by auto or vessel is a crime of the third degree if the  
10 person purposely drives a vehicle in an aggressive manner directed  
11 at another vehicle and serious bodily injury results and is a crime of  
12 the fourth degree if the person purposely drives a vehicle in an  
13 aggressive manner directed at another vehicle and bodily injury  
14 results. For purposes of this paragraph, "driving a vehicle in an  
15 aggressive manner" shall include, but is not limited to,  
16 unexpectedly altering the speed of the vehicle, making improper or  
17 erratic traffic lane changes, disregarding traffic control devices,  
18 failing to yield the right of way, or following another vehicle too  
19 closely.

20 As used in this section, "vessel" means a means of conveyance  
21 for travel on water and propelled otherwise than by muscular  
22 power.

23 d. A person who is employed by a facility as defined in section  
24 2 of P.L.1977, c.239 (C.52:27G-2) who commits a simple assault as  
25 defined in paragraph (1) or (2) of subsection a. of this section upon  
26 an institutionalized elderly person as defined in section 2 of  
27 P.L.1977, c.239 (C.52:27G-2) is guilty of a crime of the fourth  
28 degree.

29 e. (Deleted by amendment, P.L.2001, c.443).

30 f. A person who commits a simple assault as defined in  
31 paragraph (1), (2) or (3) of subsection a. of this section in the  
32 presence of a child under 16 years of age at a school or community  
33 sponsored youth sports event is guilty of a crime of the fourth  
34 degree. The defendant shall be strictly liable upon proof that the  
35 offense occurred, in fact, in the presence of a child under 16 years  
36 of age. It shall not be a defense that the defendant did not know  
37 that the child was present or reasonably believed that the child was  
38 16 years of age or older. The provisions of this subsection shall not  
39 be construed to create any liability on the part of a participant in a  
40 youth sports event or to abrogate any immunity or defense available  
41 to a participant in a youth sports event. As used in this act, "school  
42 or community sponsored youth sports event" means a competition,  
43 practice or instructional event involving one or more interscholastic  
44 sports teams or youth sports teams organized pursuant to a  
45 nonprofit or similar charter or which are member teams in a youth  
46 league organized by or affiliated with a county or municipal  
47 recreation department and shall not include collegiate, semi-

1 professional or professional sporting events.  
2 (cf: P.L.2010, c.109, s. 1)

3

4 2. This act shall take effect immediately.

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#### STATEMENT

8

9 This bill would upgrade the offense of assault by auto or vessel  
10 under certain circumstances.

11 The bill is intended to address those situations where a person  
12 drives a vehicle in an aggressive manner and bodily injury results.  
13 This driving is known as “road rage.” This bill is designated for  
14 Jessica Rogers, a young woman from Hamilton who suffered severe  
15 injuries as a victim of road rage.

16 Current law, N.J.S.A.2C:12-1, establishes a sentencing gradation  
17 scheme for assault by auto or vessel which depends upon the extent  
18 of the injury to the victim and the driver’s condition at the time of  
19 the incident. Under these provisions, a person is guilty of assault  
20 by auto or vessel if he drives a vehicle or vessel recklessly and  
21 causes either serious bodily injury or bodily injury to another. If  
22 serious bodily injury results, assault by auto or vessel is a crime of  
23 the fourth degree; if bodily injury results, it is a disorderly persons  
24 offense.

25 In addition, assault by auto or vessel is a crime of the third  
26 degree if the person drives the vehicle while in violation of  
27 N.J.S.A.39:4-50 (*driving while intoxicated*) or N.J.S.A.39:4-50.4a  
28 (*refusal to submit to a breath test*) and serious bodily injury results,  
29 and a crime of the fourth degree if bodily injury results. Assault by  
30 auto or vessel is also a crime of the second degree if serious bodily  
31 injury results where the driver was operating the vehicle in violation  
32 of N.J.S.A.39:4-50 (*driving while intoxicated*) or N.J.S.A.39:4-  
33 50.4a (*refusal to submit to a breath test*) while operating the auto or  
34 vessel on any school property or while driving through a school  
35 crossing.

36 Under the provisions of the criminal code, “serious bodily  
37 injury” is defined as bodily injury which creates a substantial risk of  
38 death or which causes serious, permanent disfigurement, or  
39 protracted loss or impairment of the function of any bodily member  
40 or organ. “Bodily injury” is defined as physical pain, illness or any  
41 impairment of physical condition.

42 This bill would add a new category of assault by auto or vessel.  
43 The bill would make it a crime to operate the auto or vessel in an  
44 aggressive manner directed at another vehicle if serious bodily  
45 injury or bodily injury results. The bill defines “driving a vehicle in  
46 an aggressive manner” to include, but not be limited to,  
47 unexpectedly altering the speed of the vehicle, making improper or  
48 erratic traffic lane changes, disregarding traffic control devices,



**S1468**

7

1 failing to yield the right of way, or following another vehicle too  
2 closely. It would be a crime of the third degree if the person causes  
3 serious bodily injury under these circumstances. It would be a  
4 crime of the fourth degree if the person causes bodily injury to  
5 another. A crime of the third degree is punishable by a term of  
6 imprisonment of three to five years, a fine of up to \$15,000, or both.  
7 A crime of the fourth degree is punishable by a term of  
8 imprisonment of up to 18 months, a fine of up to \$10,000, or both.

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Jessica Rogers' Law; upgrades assault by auto or vessel.

**SENATE, No. 1468**

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**STATE OF NEW JERSEY**  
**215th LEGISLATURE**

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INTRODUCED FEBRUARY 6, 2012

**Sponsored by:**

**Senator LINDA R. GREENSTEIN**  
**District 14 (Mercer and Middlesex)**  
**Assemblyman WAYNE P. DEANGELO**  
**District 14 (Mercer and Middlesex)**  
**Assemblyman DANIEL R. BENSON**  
**District 14 (Mercer and Middlesex)**  
**Assemblyman PAUL D. MORIARTY**  
**District 4 (Camden and Gloucester)**

**Co-Sponsored by:**

**Assemblyman Coughlin**

**SYNOPSIS**

Jessica Rogers' Law; upgrades assault by auto or vessel.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 3/16/2012)**

1 AN ACT concerning assault by auto or vessel and designated Jessica  
2 Rogers' Law and amending N.J.S.2C:12-1.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
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11 causes bodily injury to another; or

12 (2) Negligently causes bodily injury to another with a deadly  
13 weapon; or

14 (3) Attempts by physical menace to put another in fear of  
15 imminent serious bodily injury.

16 Simple assault is a disorderly persons offense unless committed  
17 in a fight or scuffle entered into by mutual consent, in which case it  
18 is a petty disorderly persons offense.

19 b. Aggravated assault. A person is guilty of aggravated assault  
20 if he:

21 (1) Attempts to cause serious bodily injury to another, or causes  
22 such injury purposely or knowingly or under circumstances  
23 manifesting extreme indifference to the value of human life  
24 recklessly causes such injury; or

25 (2) Attempts to cause or purposely or knowingly causes bodily  
26 injury to another with a deadly weapon; or

27 (3) Recklessly causes bodily injury to another with a deadly  
28 weapon; or

29 (4) Knowingly under circumstances manifesting extreme  
30 indifference to the value of human life points a firearm, as defined  
31 in section 2C:39-1f., at or in the direction of another, whether or not  
32 the actor believes it to be loaded; or

33 (5) Commits a simple assault as defined in subsection a. (1), (2)  
34 or (3) of this section upon:

35 (a) Any law enforcement officer acting in the performance of  
36 his duties while in uniform or exhibiting evidence of his authority  
37 or because of his status as a law enforcement officer; or

38 (b) Any paid or volunteer fireman acting in the performance of  
39 his duties while in uniform or otherwise clearly identifiable as being  
40 engaged in the performance of the duties of a fireman; or

41 (c) Any person engaged in emergency first-aid or medical  
42 services acting in the performance of his duties while in uniform or  
43 otherwise clearly identifiable as being engaged in the performance  
44 of emergency first-aid or medical services; or

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 (d) Any school board member, school administrator, teacher,  
2 school bus driver or other employee of a public or nonpublic school  
3 or school board while clearly identifiable as being engaged in the  
4 performance of his duties or because of his status as a member or  
5 employee of a public or nonpublic school or school board or any  
6 school bus driver employed by an operator under contract to a  
7 public or nonpublic school or school board while clearly  
8 identifiable as being engaged in the performance of his duties or  
9 because of his status as a school bus driver; or

10 (e) Any employee of the Division of Youth and Family Services  
11 while clearly identifiable as being engaged in the performance of  
12 his duties or because of his status as an employee of the division; or

13 (f) Any justice of the Supreme Court, judge of the Superior  
14 Court, judge of the Tax Court or municipal judge while clearly  
15 identifiable as being engaged in the performance of judicial duties  
16 or because of his status as a member of the judiciary; or

17 (g) Any operator of a motorbus or the operator's supervisor or  
18 any employee of a rail passenger service while clearly identifiable  
19 as being engaged in the performance of his duties or because of his  
20 status as an operator of a motorbus or as the operator's supervisor or  
21 as an employee of a rail passenger service; or

22 (h) Any Department of Corrections employee, county  
23 corrections officer, juvenile corrections officer, State juvenile  
24 facility employee, juvenile detention staff member, juvenile  
25 detention officer, probation officer or any sheriff, undersheriff, or  
26 sheriff's officer acting in the performance of his duties while in  
27 uniform or exhibiting evidence of his authority; or

28 (i) Any employee, including any person employed under  
29 contract, of a utility company as defined in section 2 of P.L.1971,  
30 c.224 (C.2A:42-86) or a cable television company subject to the  
31 provisions of the "Cable Television Act," P.L.1972, c.186  
32 (C.48:5A-1 et seq.) while clearly identifiable as being engaged in  
33 the performance of his duties in regard to connecting, disconnecting  
34 or repairing or attempting to connect, disconnect or repair any gas,  
35 electric or water utility, or cable television or telecommunication  
36 service; or

37 (j) Any health care worker employed by a licensed health care  
38 facility to provide direct patient care, any health care professional  
39 licensed or otherwise authorized pursuant to Title 26 or Title 45 of  
40 the Revised Statutes to practice a health care profession, except a  
41 direct care worker at a State or county psychiatric hospital or State  
42 developmental center or veterans' memorial home, while clearly  
43 identifiable as being engaged in the duties of providing direct  
44 patient care or practicing the health care profession; or

45 (k) Any direct care worker at a State or county psychiatric  
46 hospital or State developmental center or veterans' memorial home,  
47 while clearly identifiable as being engaged in the duties of  
48 providing direct patient care or practicing the health care

- 1 profession, provided that the actor is not a patient or resident at the  
2 facility who is classified by the facility as having a mental illness or  
3 developmental disability; or
- 4 (6) Causes bodily injury to another person while fleeing or  
5 attempting to elude a law enforcement officer in violation of  
6 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in  
7 violation of subsection c. of N.J.S.2C:20-10. Notwithstanding any  
8 other provision of law to the contrary, a person shall be strictly  
9 liable for a violation of this subsection upon proof of a violation of  
10 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in  
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12 bodily injury to another person; or
- 13 (7) Attempts to cause significant bodily injury to another or  
14 causes significant bodily injury purposely or knowingly or, under  
15 circumstances manifesting extreme indifference to the value of  
16 human life recklessly causes such significant bodily injury; or
- 17 (8) Causes bodily injury by knowingly or purposely starting a  
18 fire or causing an explosion in violation of N.J.S.2C:17-1 which  
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25 purposes of this subsection, "emergency services personnel" shall  
26 include, but not be limited to, any paid or volunteer fireman, any  
27 person engaged in emergency first-aid or medical services and any  
28 law enforcement officer. Notwithstanding any other provision of  
29 law to the contrary, a person shall be strictly liable for a violation of  
30 this paragraph upon proof of a violation of N.J.S.2C:17-1 which  
31 resulted in bodily injury to any emergency services personnel; or
- 32 (9) Knowingly, under circumstances manifesting extreme  
33 indifference to the value of human life, points or displays a firearm,  
34 as defined in subsection f. of N.J.S.2C:39-1, at or in the direction of  
35 a law enforcement officer; or
- 36 (10) Knowingly points, displays or uses an imitation firearm, as  
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38 law enforcement officer with the purpose to intimidate, threaten or  
39 attempt to put the officer in fear of bodily injury or for any unlawful  
40 purpose; or
- 41 (11) Uses or activates a laser sighting system or device, or a  
42 system or device which, in the manner used, would cause a  
43 reasonable person to believe that it is a laser sighting system or  
44 device, against a law enforcement officer acting in the performance  
45 of his duties while in uniform or exhibiting evidence of his  
46 authority. As used in this paragraph, "laser sighting system or  
47 device" means any system or device that is integrated with or

1 affixed to a firearm and emits a laser light beam that is used to  
2 assist in the sight alignment or aiming of the firearm.

3 Aggravated assault under subsections b. (1) and b. (6) is a crime  
4 of the second degree; under subsections b. (2), b. (7), b. (9) and b.  
5 (10) is a crime of the third degree; under subsections b. (3) and b.  
6 (4) is a crime of the fourth degree; and under subsection b. (5) is a  
7 crime of the third degree if the victim suffers bodily injury,  
8 otherwise it is a crime of the fourth degree. Aggravated assault  
9 under subsection b.(8) is a crime of the third degree if the victim  
10 suffers bodily injury; if the victim suffers significant bodily injury  
11 or serious bodily injury it is a crime of the second degree.  
12 Aggravated assault under subsection b. (11) is a crime of the third  
13 degree.

14 c. (1) A person is guilty of assault by auto or vessel when the  
15 person drives a vehicle or vessel recklessly and causes either  
16 serious bodily injury or bodily injury to another. Assault by auto or  
17 vessel is a crime of the fourth degree if serious bodily injury results  
18 and is a disorderly persons offense if bodily injury results.

19 (2) Assault by auto or vessel is a crime of the third degree if the  
20 person drives the vehicle while in violation of R.S.39:4-50 or  
21 section 2 of P.L.1981, c.512 (C.39:4-50.4a) and serious bodily  
22 injury results and is a crime of the fourth degree if the person drives  
23 the vehicle while in violation of R.S.39:4-50 or section 2 of  
24 P.L.1981, c.512 (C.39:4-50.4a) and bodily injury results.

25 (3) Assault by auto or vessel is a crime of the second degree if  
26 serious bodily injury results from the defendant operating the auto  
27 or vessel while in violation of R.S.39:4-50 or section 2 of P.L.1981,  
28 c.512 (C.39:4-50.4a) while:

29 (a) on any school property used for school purposes which is  
30 owned by or leased to any elementary or secondary school or school  
31 board, or within 1,000 feet of such school property;

32 (b) driving through a school crossing as defined in R.S.39:1-1 if  
33 the municipality, by ordinance or resolution, has designated the  
34 school crossing as such; or

35 (c) driving through a school crossing as defined in R.S.39:1-1  
36 knowing that juveniles are present if the municipality has not  
37 designated the school crossing as such by ordinance or resolution.

38 Assault by auto or vessel is a crime of the third degree if bodily  
39 injury results from the defendant operating the auto or vessel in  
40 violation of this paragraph.

41 A map or true copy of a map depicting the location and  
42 boundaries of the area on or within 1,000 feet of any property used  
43 for school purposes which is owned by or leased to any elementary  
44 or secondary school or school board produced pursuant to section 1  
45 of P.L.1987, c.101 (C.2C:35-7) may be used in a prosecution under  
46 subparagraph (a) of paragraph (3) of this subsection.

47 It shall be no defense to a prosecution for a violation of  
48 subparagraph (a) or (b) of paragraph (3) of this subsection that the

1 defendant was unaware that the prohibited conduct took place while  
2 on or within 1,000 feet of any school property or while driving  
3 through a school crossing. Nor shall it be a defense to a prosecution  
4 under subparagraph (a) or (b) of paragraph (3) of this subsection  
5 that no juveniles were present on the school property or crossing  
6 zone at the time of the offense or that the school was not in session.

7 (4) Assault by auto or vessel is a crime of the third degree if the  
8 person purposely drives a vehicle in an aggressive manner directed  
9 at another vehicle and serious bodily injury results and is a crime of  
10 the fourth degree if the person purposely drives a vehicle in an  
11 aggressive manner directed at another vehicle and bodily injury  
12 results. For purposes of this paragraph, "driving a vehicle in an  
13 aggressive manner" shall include, but is not limited to,  
14 unexpectedly altering the speed of the vehicle, making improper or  
15 erratic traffic lane changes, disregarding traffic control devices,  
16 failing to yield the right of way, or following another vehicle too  
17 closely.

18 As used in this section, "vessel" means a means of conveyance  
19 for travel on water and propelled otherwise than by muscular  
20 power.

21 d. A person who is employed by a facility as defined in section  
22 2 of P.L.1977, c.239 (C.52:27G-2) who commits a simple assault as  
23 defined in paragraph (1) or (2) of subsection a. of this section upon  
24 an institutionalized elderly person as defined in section 2 of  
25 P.L.1977, c.239 (C.52:27G-2) is guilty of a crime of the fourth  
26 degree.

27 e. (Deleted by amendment, P.L.2001, c.443).

28 f. A person who commits a simple assault as defined in  
29 paragraph (1), (2) or (3) of subsection a. of this section in the  
30 presence of a child under 16 years of age at a school or community  
31 sponsored youth sports event is guilty of a crime of the fourth  
32 degree. The defendant shall be strictly liable upon proof that the  
33 offense occurred, in fact, in the presence of a child under 16 years  
34 of age. It shall not be a defense that the defendant did not know  
35 that the child was present or reasonably believed that the child was  
36 16 years of age or older. The provisions of this subsection shall not  
37 be construed to create any liability on the part of a participant in a  
38 youth sports event or to abrogate any immunity or defense available  
39 to a participant in a youth sports event. As used in this act, "school  
40 or community sponsored youth sports event" means a competition,  
41 practice or instructional event involving one or more interscholastic  
42 sports teams or youth sports teams organized pursuant to a  
43 nonprofit or similar charter or which are member teams in a youth  
44 league organized by or affiliated with a county or municipal  
45 recreation department and shall not include collegiate, semi-  
46 professional or professional sporting events.

47 (cf: P.L.2010, c.109, s. 1)

1       2. This act shall take effect immediately.

2

3

4

STATEMENT

5

6       This bill would upgrade the offense of assault by auto or vessel  
7 under certain circumstances.

8       The bill is intended to address those situations where a person  
9 drives a vehicle in an aggressive manner and bodily injury results.  
10 This driving is known as “road rage.” This bill is designated for  
11 Jessica Rogers, a young woman from Hamilton who suffered severe  
12 injuries as a victim of road rage.

13       Current law, N.J.S.A.2C:12-1, establishes a sentencing gradation  
14 scheme for assault by auto or vessel which depends upon the extent  
15 of the injury to the victim and the driver’s condition at the time of  
16 the incident. Under these provisions, a person is guilty of assault  
17 by auto or vessel if he drives a vehicle or vessel recklessly and  
18 causes either serious bodily injury or bodily injury to another. If  
19 serious bodily injury results, assault by auto or vessel is a crime of  
20 the fourth degree; if bodily injury results, it is a disorderly persons  
21 offense.

22       In addition, assault by auto or vessel is a crime of the third  
23 degree if the person drives the vehicle while in violation of  
24 N.J.S.A.39:4-50 (*driving while intoxicated*) or N.J.S.A.39:4-50.4a  
25 (*refusal to submit to a breath test*) and serious bodily injury results,  
26 and a crime of the fourth degree if bodily injury results. Assault by  
27 auto or vessel is also a crime of the second degree if serious bodily  
28 injury results where the driver was operating the vehicle in violation  
29 of N.J.S.A.39:4-50 (*driving while intoxicated*) or N.J.S.A.39:4-  
30 50.4a (*refusal to submit to a breath test*) while operating the auto or  
31 vessel on any school property or while driving through a school  
32 crossing.

33       Under the provisions of the criminal code, “serious bodily  
34 injury” is defined as bodily injury which creates a substantial risk of  
35 death or which causes serious, permanent disfigurement, or  
36 protracted loss or impairment of the function of any bodily member  
37 or organ. “Bodily injury” is defined as physical pain, illness or any  
38 impairment of physical condition.

39       This bill would add a new category of assault by auto or vessel.  
40 The bill would make it a crime to operate the auto or vessel in an  
41 aggressive manner directed at another vehicle if serious bodily  
42 injury or bodily injury results. The bill defines “driving a vehicle in  
43 an aggressive manner” to include, but not be limited to,  
44 unexpectedly altering the speed of the vehicle, making improper or  
45 erratic traffic lane changes, disregarding traffic control devices,  
46 failing to yield the right of way, or following another vehicle too  
47 closely. It would be a crime of the third degree if the person causes  
48 serious bodily injury under these circumstances. It would be a



**S1468 GREENSTEIN**

8

1 crime of the fourth degree if the person causes bodily injury to  
2 another. A crime of the third degree is punishable by a term of  
3 imprisonment of three to five years, a fine of up to \$15,000, or both.  
4 A crime of the fourth degree is punishable by a term of  
5 imprisonment of up to 18 months, a fine of up to \$10,000, or both.

# SENATE JUDICIARY COMMITTEE

## STATEMENT TO

### SENATE, No. 1468

# STATE OF NEW JERSEY

DATED: FEBRUARY 16, 2012

The Senate Judiciary Committee reports favorably Senate Bill No. 1468.

This bill, establishing Jessica Rogers' Law, would add a new category of assault by auto or vessel to address driving in an aggressive manner, commonly known as "road rage." This bill is designated for Jessica Rogers, a young woman from Hamilton who suffered severe injuries as a victim of road rage.

The bill would make it a crime to drive an auto or vessel in an aggressive manner directed at another vehicle resulting in bodily injury or serious bodily injury. The bill indicates that driving in an aggressive manner may include, but is not limited to, unexpectedly altering the speed of the vehicle, making improper or erratic traffic lane changes, disregarding traffic control devices, failing to yield the right of way, or following another vehicle too closely.

It would be a crime of the fourth degree if the aggressive driver caused bodily injury (i.e., physical pain, illness, or any impairment of physical condition); a fourth degree crime is punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both.

It would be a crime of the third degree if the aggressive driver caused serious bodily injury (i.e., injury creating a substantial risk of death, or which causes serious, permanent disfigurement, or protracted loss or impairment of function of any bodily member or organ); a third degree crime is punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both.

**LEGISLATIVE FISCAL ESTIMATE**  
**SENATE, No. 1468**  
**STATE OF NEW JERSEY**  
**215th LEGISLATURE**

DATED: APRIL 12, 2012

**SUMMARY**

**Synopsis:** Jessica Rogers' Law: upgrades assault by auto or vessel.

**Type of Impact:** General Fund expenditure.

**Agencies Affected:** Judiciary, Department of Corrections.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Cost</b>	Indeterminate – See comments below		

- The Office of Legislative Services (OLS) **concurs** with the Administrative Office of the Courts' (AOC's) informal estimate that enactment of this bill would generate no additional costs for the Judiciary.
- The bill would make it a crime to drive an auto or vessel in an aggressive manner directed at another vehicle resulting in bodily injury or serious bodily injury. The bill indicates that driving in an aggressive manner may include, but is not limited to, unexpectedly altering the speed of the vehicle, making improper or erratic traffic lane changes, disregarding traffic control devices, failing to yield the right of way, or following another vehicle too closely.
- The OLS notes that crimes of the third and fourth degree carry with them a presumption of non-incarceration for first time offenders. The OLS notes that the Department of Corrections (DOC) data indicate that the ongoing operating expenses of housing a State sentenced prison inmate is \$49,000 per year for the duration of that offender's incarceration. Because data is not available concerning the number of offenders who would be guilty of the second degree crime, the OLS is unable to estimate the potential cost of this bill.
- Information provided informally by the AOC indicates that during 2010, a total of 184 individuals were convicted of offenses under the provisions of N.J.S.2C:12-1. Therefore it is estimated that there would be minimal cost to the Judicial system.

## **BILL DESCRIPTION**

Senate Bill No. 1468 of 2012, Jessica Rogers' Law, would add a new category of assault by auto or vessel to address driving in an aggressive manner, commonly known as "road rage." This bill is designated for Jessica Rogers, a young woman from Hamilton who suffered severe injuries as a victim of road rage.

As amended, the bill would make it a crime to drive an auto or vessel in an aggressive manner directed at another vehicle resulting in bodily injury or serious bodily injury. The bill, as amended, indicates that driving in an aggressive manner may include, but is not limited to, unexpectedly altering the speed of the vehicle, making improper or erratic traffic lane changes, disregarding traffic control devices, failing to yield the right of way, or following another vehicle too closely.

It would be a crime of the fourth degree if the aggressive driver caused bodily injury (i.e., physical pain, illness or any impairment of physical condition); a fourth degree crime is punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both.

It would be a crime of the third degree if the aggressive driver caused serious bodily injury (i.e., injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ); a third degree crime is punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

#### **Department of Correction**

None received.

#### **Administrative Office of the Courts**

Information provided informally by the AOC indicates that during 2010, a total of 184 individuals were convicted of offenses under the provisions of N.J.S.2C:12-1. Accordingly, it is estimated that there would be minimal cost to the Judicial system.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS concurs with the AOC's estimate that enactment of this bill would generate no additional costs for the Judiciary.

However the OLS notes that crimes of the third and fourth degree carry with them a presumption of non-incarceration for first time offenders. The OLS states that DOC data indicate that the ongoing operating expenses of housing a State sentenced prison inmate is \$49,000 per year for the duration of that offender's incarceration. Because data is not available concerning the number of offenders who would be guilty of the second degree crime, the OLS is unable to estimate the potential cost of this bill.

S1468

3

*Section: Judiciary*

*Analyst: Anne Raughley  
Principal Fiscal Analyst*

*Approved: David J. Rosen  
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# ASSEMBLY, No. 2139

## STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED JANUARY 30, 2012

**Sponsored by:**

**Assemblyman WAYNE P. DEANGELO**

**District 14 (Mercer and Middlesex)**

**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

**SYNOPSIS**

Jessica Rogers' Law: upgrades assault by auto or vessel in situations of road rage.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning assault by auto or vessel and designated as  
2 Jessica Rogers' Law and amending N.J.S.2C:12-1.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. N.J.S.2C:12-1 is amended to read as follows:

8 2C:12-1. Assault. a. Simple assault. A person is guilty of  
9 assault if he:

10 (1) Attempts to cause or purposely, knowingly or recklessly  
11 causes bodily injury to another; or

12 (2) Negligently causes bodily injury to another with a deadly  
13 weapon; or

14 (3) Attempts by physical menace to put another in fear of  
15 imminent serious bodily injury.

16 Simple assault is a disorderly persons offense unless committed  
17 in a fight or scuffle entered into by mutual consent, in which case it  
18 is a petty disorderly persons offense.

19 b. Aggravated assault. A person is guilty of aggravated assault  
20 if he:

21 (1) Attempts to cause serious bodily injury to another, or causes  
22 such injury purposely or knowingly or under circumstances  
23 manifesting extreme indifference to the value of human life  
24 recklessly causes such injury; or

25 (2) Attempts to cause or purposely or knowingly causes bodily  
26 injury to another with a deadly weapon; or

27 (3) Recklessly causes bodily injury to another with a deadly  
28 weapon; or

29 (4) Knowingly under circumstances manifesting extreme  
30 indifference to the value of human life points a firearm, as defined  
31 in section 2C:39-1f., at or in the direction of another, whether or not  
32 the actor believes it to be loaded; or

33 (5) Commits a simple assault as defined in subsection a. (1), (2)  
34 or (3) of this section upon:

35 (a) Any law enforcement officer acting in the performance of  
36 his duties while in uniform or exhibiting evidence of his authority  
37 or because of his status as a law enforcement officer; or

38 (b) Any paid or volunteer fireman acting in the performance of  
39 his duties while in uniform or otherwise clearly identifiable as being  
40 engaged in the performance of the duties of a fireman; or

41 (c) Any person engaged in emergency first-aid or medical  
42 services acting in the performance of his duties while in uniform or  
43 otherwise clearly identifiable as being engaged in the performance  
44 of emergency first-aid or medical services; or

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 (d) Any school board member, school administrator, teacher,  
2 school bus driver or other employee of a public or nonpublic school  
3 or school board while clearly identifiable as being engaged in the  
4 performance of his duties or because of his status as a member or  
5 employee of a public or nonpublic school or school board or any  
6 school bus driver employed by an operator under contract to a  
7 public or nonpublic school or school board while clearly  
8 identifiable as being engaged in the performance of his duties or  
9 because of his status as a school bus driver; or

10 (e) Any employee of the Division of Youth and Family Services  
11 while clearly identifiable as being engaged in the performance of  
12 his duties or because of his status as an employee of the division; or

13 (f) Any justice of the Supreme Court, judge of the Superior  
14 Court, judge of the Tax Court or municipal judge while clearly  
15 identifiable as being engaged in the performance of judicial duties  
16 or because of his status as a member of the judiciary; or

17 (g) Any operator of a motorbus or the operator's supervisor or  
18 any employee of a rail passenger service while clearly identifiable  
19 as being engaged in the performance of his duties or because of his  
20 status as an operator of a motorbus or as the operator's supervisor or  
21 as an employee of a rail passenger service; or

22 (h) Any Department of Corrections employee, county  
23 corrections officer, juvenile corrections officer, State juvenile  
24 facility employee, juvenile detention staff member, juvenile  
25 detention officer, probation officer or any sheriff, undersheriff, or  
26 sheriff's officer acting in the performance of his duties while in  
27 uniform or exhibiting evidence of his authority; or

28 (i) Any employee, including any person employed under  
29 contract, of a utility company as defined in section 2 of P.L.1971,  
30 c.224 (C.2A:42-86) or a cable television company subject to the  
31 provisions of the "Cable Television Act," P.L.1972, c.186  
32 (C.48:5A-1 et seq.) while clearly identifiable as being engaged in  
33 the performance of his duties in regard to connecting, disconnecting  
34 or repairing or attempting to connect, disconnect or repair any gas,  
35 electric or water utility, or cable television or telecommunication  
36 service; or

37 (j) Any health care worker employed by a licensed health care  
38 facility to provide direct patient care, any health care professional  
39 licensed or otherwise authorized pursuant to Title 26 or Title 45 of  
40 the Revised Statutes to practice a health care profession, except a  
41 direct care worker at a State or county psychiatric hospital or State  
42 developmental center or veterans' memorial home, while clearly  
43 identifiable as being engaged in the duties of providing direct  
44 patient care or practicing the health care profession; or

45 (k) Any direct care worker at a State or county psychiatric  
46 hospital or State developmental center or veterans' memorial home,  
47 while clearly identifiable as being engaged in the duties of  
48 providing direct patient care or practicing the health care



- 1 profession, provided that the actor is not a patient or resident at the  
2 facility who is classified by the facility as having a mental illness or  
3 developmental disability; or
- 4 (6) Causes bodily injury to another person while fleeing or  
5 attempting to elude a law enforcement officer in violation of  
6 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in  
7 violation of subsection c. of N.J.S.2C:20-10. Notwithstanding any  
8 other provision of law to the contrary, a person shall be strictly  
9 liable for a violation of this subsection upon proof of a violation of  
10 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in  
11 violation of subsection c. of N.J.S.2C:20-10 which resulted in  
12 bodily injury to another person; or
- 13 (7) Attempts to cause significant bodily injury to another or  
14 causes significant bodily injury purposely or knowingly or, under  
15 circumstances manifesting extreme indifference to the value of  
16 human life recklessly causes such significant bodily injury; or
- 17 (8) Causes bodily injury by knowingly or purposely starting a  
18 fire or causing an explosion in violation of N.J.S.2C:17-1 which  
19 results in bodily injury to any emergency services personnel  
20 involved in fire suppression activities, rendering emergency  
21 medical services resulting from the fire or explosion or rescue  
22 operations, or rendering any necessary assistance at the scene of the  
23 fire or explosion, including any bodily injury sustained while  
24 responding to the scene of a reported fire or explosion. For  
25 purposes of this subsection, "emergency services personnel" shall  
26 include, but not be limited to, any paid or volunteer fireman, any  
27 person engaged in emergency first-aid or medical services and any  
28 law enforcement officer. Notwithstanding any other provision of  
29 law to the contrary, a person shall be strictly liable for a violation of  
30 this paragraph upon proof of a violation of N.J.S.2C:17-1 which  
31 resulted in bodily injury to any emergency services personnel; or
- 32 (9) Knowingly, under circumstances manifesting extreme  
33 indifference to the value of human life, points or displays a firearm,  
34 as defined in subsection f. of N.J.S.2C:39-1, at or in the direction of  
35 a law enforcement officer; or
- 36 (10) Knowingly points, displays or uses an imitation firearm, as  
37 defined in subsection f. of N.J.S.2C:39-1, at or in the direction of a  
38 law enforcement officer with the purpose to intimidate, threaten or  
39 attempt to put the officer in fear of bodily injury or for any unlawful  
40 purpose; or
- 41 (11) Uses or activates a laser sighting system or device, or a  
42 system or device which, in the manner used, would cause a  
43 reasonable person to believe that it is a laser sighting system or  
44 device, against a law enforcement officer acting in the performance  
45 of his duties while in uniform or exhibiting evidence of his  
46 authority. As used in this paragraph, "laser sighting system or  
47 device" means any system or device that is integrated with or

1 affixed to a firearm and emits a laser light beam that is used to  
2 assist in the sight alignment or aiming of the firearm.

3 Aggravated assault under subsections b. (1) and b. (6) is a crime  
4 of the second degree; under subsections b. (2), b. (7), b. (9) and b.  
5 (10) is a crime of the third degree; under subsections b. (3) and b.  
6 (4) is a crime of the fourth degree; and under subsection b. (5) is a  
7 crime of the third degree if the victim suffers bodily injury,  
8 otherwise it is a crime of the fourth degree. Aggravated assault  
9 under subsection b.(8) is a crime of the third degree if the victim  
10 suffers bodily injury; if the victim suffers significant bodily injury  
11 or serious bodily injury it is a crime of the second degree.  
12 Aggravated assault under subsection b. (11) is a crime of the third  
13 degree.

14 c. (1) A person is guilty of assault by auto or vessel when the  
15 person drives a vehicle or vessel recklessly and causes either  
16 serious bodily injury or bodily injury to another. Assault by auto or  
17 vessel is a crime of the ~~fourth~~ third degree if serious bodily injury  
18 results and is a ~~disorderly persons offense~~ crime of the fourth  
19 degree if bodily injury results.

20 (2) Assault by auto or vessel is a crime of the ~~third~~ second  
21 degree if the person drives the vehicle while in violation of  
22 R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a) and  
23 serious bodily injury results and is a crime of the ~~fourth~~ third  
24 degree if the person drives the vehicle while in violation of  
25 R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a) and  
26 bodily injury results.

27 (3) Assault by auto or vessel is a crime of the second degree if  
28 serious bodily injury results from the defendant operating the auto  
29 or vessel while in violation of R.S.39:4-50 or section 2 of P.L.1981,  
30 c.512 (C.39:4-50.4a) while:

31 (a) on any school property used for school purposes which is  
32 owned by or leased to any elementary or secondary school or school  
33 board, or within 1,000 feet of such school property;

34 (b) driving through a school crossing as defined in R.S.39:1-1 if  
35 the municipality, by ordinance or resolution, has designated the  
36 school crossing as such; or

37 (c) driving through a school crossing as defined in R.S.39:1-1  
38 knowing that juveniles are present if the municipality has not  
39 designated the school crossing as such by ordinance or resolution.

40 Assault by auto or vessel is a crime of the third degree if bodily  
41 injury results from the defendant operating the auto or vessel in  
42 violation of this paragraph.

43 A map or true copy of a map depicting the location and  
44 boundaries of the area on or within 1,000 feet of any property used  
45 for school purposes which is owned by or leased to any elementary  
46 or secondary school or school board produced pursuant to section 1  
47 of P.L.1987, c.101 (C.2C:35-7) may be used in a prosecution under  
48 subparagraph (a) of paragraph (3) of this subsection.

1 It shall be no defense to a prosecution for a violation of  
2 subparagraph (a) or (b) of paragraph (3) of this subsection that the  
3 defendant was unaware that the prohibited conduct took place while  
4 on or within 1,000 feet of any school property or while driving  
5 through a school crossing. Nor shall it be a defense to a prosecution  
6 under subparagraph (a) or (b) of paragraph (3) of this subsection  
7 that no juveniles were present on the school property or crossing  
8 zone at the time of the offense or that the school was not in session.

9 As used in this section, "vessel" means a means of conveyance  
10 for travel on water and propelled otherwise than by muscular  
11 power.

12 d. A person who is employed by a facility as defined in section  
13 2 of P.L.1977, c.239 (C.52:27G-2) who commits a simple assault as  
14 defined in paragraph (1) or (2) of subsection a. of this section upon  
15 an institutionalized elderly person as defined in section 2 of  
16 P.L.1977, c.239 (C.52:27G-2) is guilty of a crime of the fourth  
17 degree.

18 e. (Deleted by amendment, P.L.2001, c.443).

19 f. A person who commits a simple assault as defined in  
20 paragraph (1), (2) or (3) of subsection a. of this section in the  
21 presence of a child under 16 years of age at a school or community  
22 sponsored youth sports event is guilty of a crime of the fourth  
23 degree. The defendant shall be strictly liable upon proof that the  
24 offense occurred, in fact, in the presence of a child under 16 years  
25 of age. It shall not be a defense that the defendant did not know  
26 that the child was present or reasonably believed that the child was  
27 16 years of age or older. The provisions of this subsection shall not  
28 be construed to create any liability on the part of a participant in a  
29 youth sports event or to abrogate any immunity or defense available  
30 to a participant in a youth sports event. As used in this act, "school  
31 or community sponsored youth sports event" means a competition,  
32 practice or instructional event involving one or more interscholastic  
33 sports teams or youth sports teams organized pursuant to a  
34 nonprofit or similar charter or which are member teams in a youth  
35 league organized by or affiliated with a county or municipal  
36 recreation department and shall not include collegiate, semi-  
37 professional or professional sporting events.

38 (cf: P.L.2010, c.109, s.1)

39  
40 2. This act shall take effect immediately.

41  
42 STATEMENT

43  
44 Currently, under paragraph (1) of subsection c. of  
45 N.J.S.A.2C:12-1, a person is guilty of assault by auto or vessel if he  
46 drives a vehicle or vessel recklessly and causes either serious bodily  
47 injury or bodily injury to another. If serious bodily injury results,  
48 assault by auto or vessel is a crime of the fourth degree; if bodily

1 injury results, it is a disorderly persons offense. Paragraph (2) of  
2 subsection c. of N.J.S.A.2C:12-1 provides that assault by auto or  
3 vessel is a crime of the third degree if the person drives the vehicle  
4 while in violation of N.J.S.A.39:4-50 (*driving while intoxicated*) or  
5 N.J.S.A.39:4-50.4a (*refusal to submit to a breath test*) and serious  
6 bodily injury results and is a crime of the fourth degree if bodily  
7 injury results.

8 N.J.S.A.2C:11-1 defines “serious bodily injury” as bodily injury  
9 which creates a substantial risk of death or which causes serious,  
10 permanent disfigurement, or protracted loss or impairment of the  
11 function of any bodily member or organ. “Bodily injury” is defined  
12 as physical pain, illness or any impairment of physical condition.

13 This bill would upgrade the offense of assault by auto or vessel  
14 set out in existing law, in paragraphs (1) and (2) of subsection c. of  
15 N.J.S.A.2C:12-1. Under the bill, assault by auto or vessel pursuant  
16 to paragraph (1) (driving recklessly and causing injury) would be a  
17 crime of the third degree if serious bodily injury results and a crime  
18 of the fourth degree if bodily injury results. A crime of the third  
19 degree is punishable by a term of imprisonment of three to five  
20 years, a fine of up to \$15,000, or both. A crime of the fourth degree  
21 is punishable by a term of imprisonment of up to 18 months, a fine  
22 of up to \$10,000, or both.

23 Assault by auto or vessel pursuant to paragraph (2) of subsection  
24 c. of N.J.S.A.2C:12-1 (*driving under the influence and causing*  
25 *injury, or refusing to submit to a breath test and causing injury*)  
26 would be a crime of the second degree if serious bodily injury  
27 results and a crime of the third degree if bodily injury results. A  
28 crime of the second degree is punishable by a term of imprisonment  
29 of five to 10 years, a fine of up to \$150,000, or both.

30 The bill was prompted by an accident which was caused by road  
31 rage. It is named after Jessica Rogers, a young woman from  
32 Hamilton, New Jersey who suffered severe injuries as a victim of  
33 road rage.

# ASSEMBLY JUDICIARY COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 2139**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MARCH 8, 2012

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 2139.

This bill, establishing Jessica Rogers' Law, would add a new category of assault by auto or vessel to address driving in an aggressive manner, commonly known as "road rage." This bill is designated for Jessica Rogers, a young woman from Hamilton who suffered severe injuries as a victim of road rage.

As amended, the bill would make it a crime to drive an auto or vessel in an aggressive manner directed at another vehicle resulting in bodily injury or serious bodily injury. The bill, as amended, indicates that driving in an aggressive manner may include, but is not limited to, unexpectedly altering the speed of the vehicle, making improper or erratic traffic lane changes, disregarding traffic control devices, failing to yield the right of way, or following another vehicle too closely.

It would be a crime of the fourth degree if the aggressive driver caused bodily injury (i.e., physical pain, illness or any impairment of physical condition); a fourth degree crime is punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both.

It would be a crime of the third degree if the aggressive driver caused serious bodily injury (i.e., injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ); a third degree crime is punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both.

As originally introduced, the bill would have upgraded the offense of assault by auto or vessel pursuant to paragraph (1) of subsection c. of N.J.S.2C:12-1 (driving recklessly and causing injury) from a crime of the fourth degree to a crime of the third degree if serious bodily injury resulted and from a disorderly persons offense to a crime of the fourth degree if bodily injury resulted. The bill as originally introduced would have also upgraded assault by auto or vessel pursuant to paragraph (2) of subsection c. of N.J.S.2C:12-1 (driving under the influence and causing injury, or refusing to submit to a breath test and causing injury) to a crime of the second degree if serious bodily injury resulted and a crime of the third degree if bodily injury resulted.

These amendments make this bill identical to Senate Bill No. 1468, as reported by the Senate Judiciary Committee on February 16, 2012.

COMMITTEE AMENDMENTS:

(1) Eliminate the upgrade in paragraphs (1) and (2) of subsection c. of N.J.S.2C:12-1 for driving a vehicle or vessel recklessly and causing injury and for driving a vehicle or vessel while under the influence or refusing to submit to a breath test and causing injury.

(2) Add a new paragraph (4) to subsection c. of N.J.S.2C:12-1 providing that assault by auto or vessel is a crime of the third degree if the person purposely drives a vehicle in an aggressive manner directed at another vehicle and serious bodily injury results and is a crime of the fourth degree if the person purposely drives a vehicle in an aggressive manner directed at another vehicle and bodily injury results. The paragraph provides that “driving a vehicle in an aggressive manner” shall include, but is not limited to, unexpectedly altering the speed of the vehicle, making improper or erratic traffic lane changes, disregarding traffic control devices, failing to yield the right of way, or following another vehicle too closely.

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

## ASSEMBLY, No. 2139

### STATE OF NEW JERSEY 215th LEGISLATURE

DATED: APRIL 13, 2012

#### SUMMARY

**Synopsis:** Jessica Rogers' Law: upgrades assault by auto or vessel.

**Type of Impact:** General Fund expenditure.

**Agencies Affected:** Judiciary, Department of Corrections.

#### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Cost</b>	Indeterminate – See comments below		

- The Office of Legislative Services (OLS) **concurs** with the Administrative Office of the Courts' (AOC's) informal estimate that enactment of this bill would generate no additional costs for the Judiciary.
- The bill would make it a crime to drive an auto or vessel in an aggressive manner directed at another vehicle resulting in bodily injury or serious bodily injury. The bill indicates that driving in an aggressive manner may include, but is not limited to, unexpectedly altering the speed of the vehicle, making improper or erratic traffic lane changes, disregarding traffic control devices, failing to yield the right of way, or following another vehicle too closely.
- The OLS notes that crimes of the third and fourth degree carry with them a presumption of non-incarceration for first time offenders. The OLS notes that the Department of Corrections (DOC) data indicate that the ongoing operating expenses of housing a State sentenced prison inmate is \$49,000 per year for the duration of that offender's incarceration. Because data is not available concerning the number of offenders who would be guilty of the second degree crime, the OLS is unable to estimate the potential cost of this bill.
- Information provided informally by the AOC indicates that during 2010, a total of 184 individuals were convicted of offenses under the provisions of N.J.S.2C:12-1. Therefore it is estimated that there would be minimal cost to the Judicial system.

## **BILL DESCRIPTION**

Assembly Bill No. 2139 (1R) of 2012, Jessica Rogers' Law, would add a new category of assault by auto or vessel to address driving in an aggressive manner, commonly known as "road rage." This bill is designated for Jessica Rogers, a young woman from Hamilton who suffered severe injuries as a victim of road rage.

As amended, the bill would make it a crime to drive an auto or vessel in an aggressive manner directed at another vehicle resulting in bodily injury or serious bodily injury. The bill, as amended, indicates that driving in an aggressive manner may include, but is not limited to, unexpectedly altering the speed of the vehicle, making improper or erratic traffic lane changes, disregarding traffic control devices, failing to yield the right of way, or following another vehicle too closely.

It would be a crime of the fourth degree if the aggressive driver caused bodily injury (i.e., physical pain, illness or any impairment of physical condition); a fourth degree crime is punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both.

It would be a crime of the third degree if the aggressive driver caused serious bodily injury (i.e., injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ); a third degree crime is punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

#### **Department of Correction**

None received.

#### **Administrative Office of the Courts**

Information provided informally by the AOC indicates that during 2010, a total of 184 individuals were convicted of offenses under the provisions of N.J.S.2C:12-1. Accordingly, it is estimated that there would be minimal cost to the Judicial system.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS concurs with the AOC's estimate that enactment of this bill would generate no additional costs for the Judiciary.

However the OLS notes that crimes of the third and fourth degree carry with them a presumption of non-incarceration for first time offenders. The OLS states that DOC data indicate that the ongoing operating expenses of housing a State sentenced prison inmate is \$49,000 per year for the duration of that offender's incarceration. Because data is not available concerning the number of offenders who would be guilty of the second degree crime, the OLS is unable to estimate the potential cost of this bill.



*Section: Judiciary*

*Analyst: Anne Raughley  
Principal Fiscal Analyst*

*Approved: David J. Rosen  
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

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## Governor Chris Christie Signs Jessica Rogers' Law

Friday, April 20, 2012   Tags: [Other](#)

**Trenton, NJ** – Acting on a commitment to provide law enforcement officials with the tools they need to appropriately prosecute those who threaten the public's safety, Governor Chris Christie today signed into law S-1468, also known as Jessica Rogers' Law. The bill allows for increased criminal penalties for bodily harm caused through the aggressive operation of an auto or vessel, commonly known as "road rage."

The legislation was crafted in response to a 2005 automobile accident involving an incident of "road rage" that left a 16-year-old Hamilton Township girl, Jessica Rogers, requiring 24 surgeries and ultimately paralyzed from the chest down. Because existing laws do not provide adequate penalties for aggressive drivers who cause injuries, the Rogers family has advocated strongly for passage of this bill to increase the penalties for incidents of road rage to ensure that similar tragedies are deterred in the future.

"As a parent, Jessica Rogers' story hits close to home. It is the story of the worst fears we have for our children realized – when they are seriously harmed because of another person's recklessness. Through the actions of an enraged driver, tragedy was levied on the Rogers family and justice was left out of reach because the laws of our state were not adequate to appropriately prosecute the crime," said Governor Christie. "That is why today I am proud to sign this legislation that honors the fight of Jessica and her family over the past 7 years by fixing our laws. This bill enables our law enforcement officials to treat incidents of road rage that cause senseless harm as they should be – as serious and preventable crimes that cannot be tolerated."

Prior to the enactment of Jessica Rogers' Law, the crime of assault by auto or vessel was committed when a person operated a vehicle or craft in a reckless or impaired manner and bodily injury resulted. Accordingly, a "road rage" incident causing injury was charged merely as a fourth-degree crime even if it caused serious bodily injury. Injuries considered less than "serious" were charged as a disorderly persons offense.

Jessica Rogers' Law creates a provision in the assault statute for the purposeful operation of an auto or vessel in an aggressive manner directed at another vehicle. Under this new law, such operations that result in serious bodily injury will be prosecuted as third-degree crimes, and incidents resulting in less serious injuries will be prosecuted as fourth-degree crimes.

Primary sponsors of S-1468/A-2139 were Senator Linda Greenstein (D-Mercer) and Assemblymembers Wayne DeAngelo (D-Mercer and Middlesex), Daniel Benson (D-Mercer and Middlesex) and Paul Moriarty (D-Camden and Gloucester).

###

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