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[Third Reprint]

**SENATE, No. 911**

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**STATE OF NEW JERSEY**  
**214th LEGISLATURE**

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INTRODUCED FEBRUARY 1, 2010

**Sponsored by:**

**Senator JOHN A. GIRGENTI**

**District 35 (Bergen and Passaic)**

**Senator FRED H. MADDEN, JR.**

**District 4 (Camden and Gloucester)**

**Assemblyman FREDERICK SCALERA**

**District 36 (Bergen, Essex and Passaic)**

**Assemblywoman ELEASE EVANS**

**District 35 (Bergen and Passaic)**

**Co-Sponsored by:**

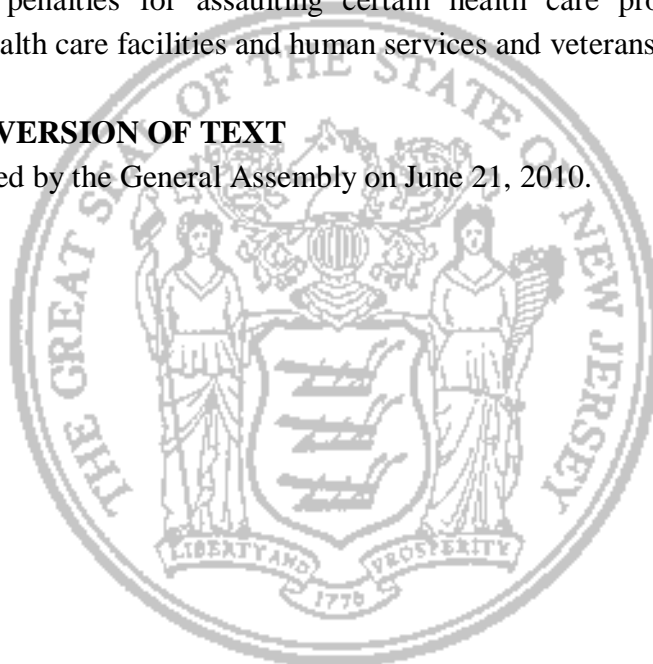
**Senator Beach**

**SYNOPSIS**

Upgrades penalties for assaulting certain health care professionals and workers at health care facilities and human services and veterans' facilities.

**CURRENT VERSION OF TEXT**

As amended by the General Assembly on June 21, 2010.



**(Sponsorship Updated As Of: 10/26/2010)**

1 AN ACT concerning assault and amending N.J.S.2C:12-1.

2

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

5

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

7 2C:12-1. Assault. a. Simple assault. A person is guilty of  
8 assault if he:

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

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

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

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

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

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

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

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

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

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

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

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

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

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SLP committee amendments adopted February 4, 2010.

<sup>2</sup>Assembly ALP committee amendments adopted June 10, 2010.

<sup>3</sup>Assembly floor amendments adopted June 21, 2010.

- 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 <sup>1</sup> ~~[and] .~~ <sup>1</sup> any health care  
39 professional licensed or otherwise authorized pursuant to Title 26 or  
40 Title 45 of the Revised Statutes to practice a health care profession  
41 <sup>1</sup> <sup>3</sup> ~~[or any]~~ <sup>3</sup> except a <sup>3</sup> direct care worker at a State or county  
42 psychiatric hospital or State developmental center or veterans'  
43 memorial home, <sup>1</sup> while clearly identifiable as being engaged in the  
44 duties of providing <sup>1</sup>  ~~[that care]~~ <sup>1</sup> direct patient care <sup>1</sup> or practicing the  
45 'health care' profession <sup>3</sup> <sup>2</sup> ~~[.]~~ <sup>3</sup> , except that the provisions of this  
46 subparagraph shall not apply if the actor is a patient or resident at a  
47 State or county psychiatric hospital, State developmental center, or

1 veterans' memorial home and is classified as having a mental  
2 illness or developmental disability<sup>2</sup> ]<sup>3</sup> ; or

3 <sup>3</sup>(k) Any direct care worker at a State or county psychiatric  
4 hospital or State developmental center or veterans' memorial home,  
5 while clearly identifiable as being engaged in the duties of  
6 providing direct patient care or practicing the health care  
7 profession, provided that the actor is not a patient or resident at the  
8 facility who is classified by the facility as having a mental illness or  
9 developmental disability; or<sup>3</sup>

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

19 (7) Attempts to cause significant bodily injury to another or  
20 causes significant bodily injury purposely or knowingly or, under  
21 circumstances manifesting extreme indifference to the value of  
22 human life recklessly causes such significant bodily injury; or

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

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

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

47 (11) Uses or activates a laser sighting system or device, or a  
48 system or device which, in the manner used, would cause a

1 reasonable person to believe that it is a laser sighting system or  
2 device, against a law enforcement officer acting in the performance  
3 of his duties while in uniform or exhibiting evidence of his  
4 authority. As used in this paragraph, "laser sighting system or  
5 device" means any system or device that is integrated with or  
6 affixed to a firearm and emits a laser light beam that is used to  
7 assist in the sight alignment or aiming of the firearm.

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

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

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

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

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

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

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

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

46 A map or true copy of a map depicting the location and  
47 boundaries of the area on or within 1,000 feet of any property used  
48 for school purposes which is owned by or leased to any elementary

1 or secondary school or school board produced pursuant to section 1  
2 of P.L.1987, c.101 (C.2C:35-7) may be used in a prosecution under  
3 subparagraph (a) of paragraph (3) of this section.

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

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

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

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

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

41 (cf: P.L.2006, c.78, s.2)

42

43 2. This act shall take effect immediately.



# SENATE, No. 911

## STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED FEBRUARY 1, 2010

**Sponsored by:**  
**Senator JOHN A. GIRGENTI**  
**District 35 (Bergen and Passaic)**

### **SYNOPSIS**

Upgrades penalties for assaulting certain health care professionals and workers.

### **CURRENT VERSION OF TEXT**

As introduced.



S911 GIRGENTI

2

1 AN ACT concerning assault and amending N.J.S.2C:12-1.

2

3 **BE IT ENACTED** by the Senate and General Assembly of the State  
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8 assault if he:

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (d) Any school board member, school administrator, teacher,  
45 school bus driver or other employee of a public or nonpublic school

**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.**

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

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

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

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

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

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

35 (j) Any health care worker employed by a licensed health care  
36 facility to provide direct patient care and any health care  
37 professional licensed or otherwise authorized pursuant to Title 26 or  
38 Title 45 of the Revised Statutes to practice a health care profession  
39 while clearly identifiable as being engaged in the duties of  
40 providing that care or practicing the profession.

41 (6) Causes bodily injury to another person while fleeing or  
42 attempting to elude a law enforcement officer in violation of  
43 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in  
44 violation of subsection c. of N.J.S.2C:20-10. Notwithstanding any  
45 other provision of law to the contrary, a person shall be strictly  
46 liable for a violation of this subsection upon proof of a violation of  
47 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in

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1 violation of subsection c. of N.J.S.2C:20-10 which resulted in  
2 bodily injury to another person; or

3 (7) Attempts to cause significant bodily injury to another or  
4 causes significant bodily injury purposely or knowingly or, under  
5 circumstances manifesting extreme indifference to the value of  
6 human life recklessly causes such significant bodily injury; or

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

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

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

31 (11) Uses or activates a laser sighting system or device, or a  
32 system or device which, in the manner used, would cause a  
33 reasonable person to believe that it is a laser sighting system or  
34 device, against a law enforcement officer acting in the performance  
35 of his duties while in uniform or exhibiting evidence of his  
36 authority. As used in this paragraph, "laser sighting system or  
37 device" means any system or device that is integrated with or  
38 affixed to a firearm and emits a laser light beam that is used to  
39 assist in the sight alignment or aiming of the firearm.

40 Aggravated assault under subsections b. (1) and b. (6) is a crime  
41 of the second degree; under subsections b. (2), b. (7), b. (9) and b.  
42 (10) is a crime of the third degree; under subsections b. (3) and b.  
43 (4) is a crime of the fourth degree; and under subsection b. (5) is a  
44 crime of the third degree if the victim suffers bodily injury,  
45 otherwise it is a crime of the fourth degree. Aggravated assault  
46 under subsection b.(8) is a crime of the third degree if the victim  
47 suffers bodily injury; if the victim suffers significant bodily injury  
48 or serious bodily injury it is a crime of the second degree.

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1 Aggravated assault under subsection b. (11) is a crime of the third  
2 degree.

3 c. (1) A person is guilty of assault by auto or vessel when the  
4 person drives a vehicle or vessel recklessly and causes either  
5 serious bodily injury or bodily injury to another. Assault by auto or  
6 vessel is a crime of the fourth degree if serious bodily injury results  
7 and is a disorderly persons offense if bodily injury results.

8 (2) Assault by auto or vessel is a crime of the third degree if the  
9 person drives the vehicle while in violation of R.S.39:4-50 or  
10 section 2 of P.L.1981, c.512 (C.39:4-50.4a) and serious bodily  
11 injury results and is a crime of the fourth degree if the person drives  
12 the vehicle while in violation of R.S.39:4-50 or section 2 of  
13 P.L.1981, c.512 (C.39:4-50.4a) and bodily injury results.

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

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

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

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

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

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

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

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

47 d. A person who is employed by a facility as defined in section  
48 2 of P.L.1977, c.239 (C.52:27G-2) who commits a simple assault as

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6

1 defined in paragraph (1) or (2) of subsection a. of this section upon  
2 an institutionalized elderly person as defined in section 2 of  
3 P.L.1977, c.239 (C.52:27G-2) is guilty of a crime of the fourth  
4 degree.

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

6 f. A person who commits a simple assault as defined in  
7 paragraph (1), (2) or (3) of subsection a. of this section in the  
8 presence of a child under 16 years of age at a school or community  
9 sponsored youth sports event is guilty of a crime of the fourth  
10 degree. The defendant shall be strictly liable upon proof that the  
11 offense occurred, in fact, in the presence of a child under 16 years  
12 of age. It shall not be a defense that the defendant did not know  
13 that the child was present or reasonably believed that the child was  
14 16 years of age or older. The provisions of this subsection shall not  
15 be construed to create any liability on the part of a participant in a  
16 youth sports event or to abrogate any immunity or defense available  
17 to a participant in a youth sports event. As used in this act, "school  
18 or community sponsored youth sports event" means a competition,  
19 practice or instructional event involving one or more interscholastic  
20 sports teams or youth sports teams organized pursuant to a  
21 nonprofit or similar charter or which are member teams in a youth  
22 league organized by or affiliated with a county or municipal  
23 recreation department and shall not include collegiate, semi-  
24 professional or professional sporting events.

25 (cf: P.L. 2006, c.78, s.2)

26

27 2. This act shall take effect immediately.

28

29

30 STATEMENT

31

32 This bill upgrades simple assault to aggravated assault if  
33 committed against health care workers employed by a licensed  
34 health care facility to provide direct patient care and health care  
35 professionals licensed or otherwise authorized pursuant to Title 26  
36 or Title 45 of the Revised Statutes to practice a health care  
37 profession while clearly identifiable as being engaged in their  
38 duties.

39 Aggravated assault under paragraph (5) of subsection b. of  
40 N.J.S.2C:12-1 is a crime of the third degree if the victim suffers  
41 bodily injury; otherwise it is a crime of the fourth degree. A crime  
42 of the third degree is punishable by a term of imprisonment of three  
43 to five years; a fine of up to \$15,000; or both. A crime of the fourth  
44 degree is punishable by a term of imprisonment for not more than  
45 18 months; a fine of up to \$10,000; or both.

# SENATE LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### **SENATE, No. 911**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: FEBRUARY 4, 2010

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 911.

As amended by the committee, this bill upgrades simple assault to aggravated assault if committed against health care workers employed by a licensed health care facility to provide direct patient care, or health care professionals licensed or otherwise authorized pursuant to Title 26 or Title 45 of the Revised Statutes to practice a health care profession, or any direct care worker at a State or county psychiatric hospital or State Developmental center or veterans' memorial home, while clearly identifiable as being engaged in their duties.

Aggravated assault under paragraph (5) of subsection b. of N.J.S.2C:12-1 is a crime of the third degree if the victim suffers bodily injury; otherwise it is a crime of the fourth degree. A crime of the third degree is punishable by a term of imprisonment of three to five years; a fine of up to \$15,000; or both. A crime of the fourth degree is punishable by a term of imprisonment for not more than 18 months; a fine of up to \$10,000; or both.

The committee amended the bill to include any direct care worker at a State or county psychiatric hospital or State Developmental center or veterans' memorial home while clearly identifiable as being engaged in their duties. The other committee amendments are clarifying and technical in nature.

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

[First Reprint]

## **SENATE, No. 911**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 10, 2010

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 911(1R).

As amended and reported by the committee, Senate Bill No. 911(1R) upgrades simple assault to aggravated assault if committed against health care workers employed by a licensed health care facility to provide direct patient care, or health care professionals licensed or otherwise authorized pursuant to Title 26 or Title 45 of the Revised Statutes to practice a health care profession, or any direct care worker at a State or county psychiatric hospital or State Developmental center or veterans' memorial home, while clearly identifiable as being engaged in their duties.

As amended, the bill does not apply to patients or residents at State or county psychiatric hospitals, State developmental centers, or veterans' memorial homes who are classified as having a mental illness or developmental disability.

Aggravated assault under paragraph (5) of subsection b. of N.J.S.2C:12-1 is a crime of the third degree if the victim suffers bodily injury; otherwise it is a crime of the fourth degree. A crime of the third degree is punishable by a term of imprisonment of three to five years; a fine of up to \$15,000; or both. A crime of the fourth degree is punishable by a term of imprisonment for not more than 18 months; a fine of up to \$10,000; or both.

As amended and reported by the committee, this bill is identical to Assembly Bill No. 2309, also amended and reported by the committee on this same date.

### COMMITTEE AMENDMENTS:

The committee amended the bill to exempt from its provisions patients or residents at State or county psychiatric hospitals, State developmental centers, or veterans' memorial homes who are classified as having a mental illness or developmental disability.



STATEMENT TO  
[Second Reprint]  
**SENATE, No. 911**

with Assembly Floor Amendments  
(Proposed by Senator GIRGENTI)

ADOPTED: JUNE 21, 2010

Senate Bill No. 911 (2R) upgrades simple assault to aggravated assault if the assault is committed against health care workers employed by a licensed health care facility to provide direct patient care; health care professionals licensed or authorized to practice a health care profession; or direct care workers at a State or county psychiatric hospital or State Developmental center or veterans' memorial home, while clearly identifiable as being engaged in their duties, except that this provision does not apply to an assault committed by a patient or resident of one of these facilities if the patient or resident is classified as having a mental illness or developmental disability.

These Senate amendments are clarifying and technical in nature.

# ASSEMBLY, No. 2309

## STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED FEBRUARY 25, 2010

**Sponsored by:**

**Assemblyman FREDERICK SCALERA**

**District 36 (Bergen, Essex and Passaic)**

**Assemblywoman ELEASE EVANS**

**District 35 (Bergen and Passaic)**

**SYNOPSIS**

Upgrades penalties for assaulting certain health care professionals and workers at health care facilities and human services and veterans' facilities.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/11/2010)**

1 AN ACT concerning assault and amending N.J.S.2C:12-1.

2

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

5

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

7 2C:12-1. Assault. a. Simple assault. A person is guilty of  
8 assault if he:

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (d) Any school board member, school administrator, teacher,

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

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

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

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

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

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

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

44 (6) Causes bodily injury to another person while fleeing or  
45 attempting to elude a law enforcement officer in violation of  
46 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in  
47 violation of subsection c. of N.J.S.2C:20-10. Notwithstanding any  
48 other provision of law to the contrary, a person shall be strictly

1 liable for a violation of this subsection upon proof of a violation of  
2 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in  
3 violation of subsection c. of N.J.S.2C:20-10 which resulted in  
4 bodily injury to another person; or

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

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

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

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

33 (11) Uses or activates a laser sighting system or device, or a  
34 system or device which, in the manner used, would cause a  
35 reasonable person to believe that it is a laser sighting system or  
36 device, against a law enforcement officer acting in the performance  
37 of his duties while in uniform or exhibiting evidence of his  
38 authority. As used in this paragraph, "laser sighting system or  
39 device" means any system or device that is integrated with or  
40 affixed to a firearm and emits a laser light beam that is used to  
41 assist in the sight alignment or aiming of the firearm.

42 Aggravated assault under subsections b. (1) and b. (6) is a crime  
43 of the second degree; under subsections b. (2), b. (7), b. (9) and b.  
44 (10) is a crime of the third degree; under subsections b. (3) and b.  
45 (4) is a crime of the fourth degree; and under subsection b. (5) is a  
46 crime of the third degree if the victim suffers bodily injury,  
47 otherwise it is a crime of the fourth degree. Aggravated assault  
48 under subsection b.(8) is a crime of the third degree if the victim

1 suffers bodily injury; if the victim suffers significant bodily injury  
2 or serious bodily injury it is a crime of the second degree.  
3 Aggravated assault under subsection b. (11) is a crime of the third  
4 degree.

5 c. (1) A person is guilty of assault by auto or vessel when the  
6 person drives a vehicle or vessel recklessly and causes either  
7 serious bodily injury or bodily injury to another. Assault by auto or  
8 vessel is a crime of the fourth degree if serious bodily injury results  
9 and is a disorderly persons offense if bodily injury results.

10 (2) Assault by auto or vessel is a crime of the third degree if the  
11 person drives the vehicle while in violation of R.S.39:4-50 or  
12 section 2 of P.L.1981, c.512 (C.39:4-50.4a) and serious bodily  
13 injury results and is a crime of the fourth degree if the person drives  
14 the vehicle while in violation of R.S.39:4-50 or section 2 of  
15 P.L.1981, c.512 (C.39:4-50.4a) and bodily injury results.

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

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

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

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

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

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

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

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

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

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

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

27 (cf: P.L. 2006, c.78, s.2)

28

29 2. This act shall take effect immediately.

30

31

32

#### STATEMENT

33

34 This bill upgrades simple assault to aggravated assault if  
35 committed against health care workers employed by a licensed  
36 health care facility to provide direct patient care, or health care  
37 professionals licensed or otherwise authorized pursuant to Title 26  
38 or Title 45 of the Revised Statutes to practice a health care  
39 profession, or any direct care worker at a State or county psychiatric  
40 hospital or State Developmental center or veterans' memorial home,  
41 while clearly identifiable as being engaged in their duties.

42 Aggravated assault under paragraph (5) of subsection b. of  
43 N.J.S.2C:12-1 is a crime of the third degree if the victim suffers  
44 bodily injury; otherwise it is a crime of the fourth degree. A crime  
45 of the third degree is punishable by a term of imprisonment of three  
46 to five years; a fine of up to \$15,000; or both. A crime of the fourth  
47 degree is punishable by a term of imprisonment for not more than  
48 18 months; a fine of up to \$10,000; or both.

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 2309**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 10, 2010

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 2309.

As amended and reported by the committee, Assembly Bill No. 2309 upgrades simple assault to aggravated assault if committed against health care workers employed by a licensed health care facility to provide direct patient care, or health care professionals licensed or otherwise authorized pursuant to Title 26 or Title 45 of the Revised Statutes to practice a health care profession, or any direct care worker at a State or county psychiatric hospital or State Developmental center or veterans' memorial home, while clearly identifiable as being engaged in their duties.

As amended, the bill does not apply to patients or residents at State or county psychiatric hospitals, State developmental centers, or veterans' memorial homes who are classified as having a mental illness or developmental disability.

Aggravated assault under paragraph (5) of subsection b. of N.J.S.2C:12-1 is a crime of the third degree if the victim suffers bodily injury; otherwise it is a crime of the fourth degree. A crime of the third degree is punishable by a term of imprisonment of three to five years; a fine of up to \$15,000; or both. A crime of the fourth degree is punishable by a term of imprisonment for not more than 18 months; a fine of up to \$10,000; or both.

As amended and reported by the committee, this bill is identical to Senate Bill No. 911(1R), also amended and reported by the committee on this same date.

#### COMMITTEE AMENDMENTS:

The committee amended the bill to exempt from its provisions patients or residents at State or county psychiatric hospitals, State developmental centers, or veterans' memorial homes who are classified as having a mental illness or developmental disability.



STATEMENT TO  
[First Reprint]  
**ASSEMBLY, No. 2309**

with Assembly Floor Amendments  
(Proposed by Assemblyman SCALERA)

ADOPTED: JUNE 21, 2010

Assembly Bill No. 2309 (1R) upgrades simple assault to aggravated assault if the assault is committed against health care workers employed by a licensed health care facility to provide direct patient care; health care professionals licensed or authorized to practice a health care profession; or direct care workers at a State or county psychiatric hospital or State Developmental center or veterans' memorial home, while clearly identifiable as being engaged in their duties, except that this provision does not apply to an assault committed by a patient or resident of one of these facilities if the patient or resident is classified as having a mental illness or developmental disability.

These Assembly amendments are clarifying and technical in nature.