

2C:12-11

LEGISLATIVE HISTORY CHECKLIST
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(Law enforcement officers--disarming)

NJSA: 2C:12-11

LAWS OF: 1996 CHAPTER: 14

BILL NO: S194

SPONSOR(S): Cafiero

DATE INTRODUCED: Pre-filed

COMMITTEE: ASSEMBLY: Law & Public Safety

SENATE: Law & Public Safety

AMENDED DURING PASSAGE: No Senate Committee
Substitute enacted

DATE OF PASSAGE: ASSEMBLY: March 28, 1996

SENATE: March 19, 1996

DATE OF APPROVAL: April 11, 1996

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBP:pp

State Law Library
1996

P.L. 1996, CHAPTER 14, *approved April 11, 1996*
Senate Committee Substitute for
Senate No. 194

1 AN ACT concerning law enforcement officers and supplementing
2 chapter 12 of Title 2C of the New Jersey Statutes.

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

6
7 1. a. A person who knowingly takes or attempts to exercise
8 unlawful control over a firearm or other weapon in the possession of
9 a law enforcement or corrections officer when that officer is acting in
10 the performance of his duties, and either is in uniform or exhibits
11 evidence of his authority, is guilty of a crime of the second degree.

12 b. A person violating the provisions of subsection a. of this section
13 shall be guilty of a crime of the first degree if:

14 (1) The person fires or discharges the firearm;

15 (2) The person uses or threatens to use the firearm or weapon
16 against the officer or any other person; or

17 (3) The officer or another person suffers serious bodily injury.

18

19 2. This act shall take effect immediately.

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24 _____
Creates offense of disarming a law enforcement officer.

SENATE, No. 194

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Senator CAFIERO

1 AN ACT concerning law enforcement officers and supplementing
2 chapter 12 of Title 2C of the New Jersey Statutes.

3

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

6

7 1. A person who knowingly removes a firearm or weapon from the
8 person of a law enforcement officer, or deprives a law enforcement
9 officer of the use of a firearm or weapon, when that officer is acting
10 in the performance of his duties and either is in uniform or exhibits
11 evidence of his authority is guilty of a crime of the third degree.

12

13 2. This act shall take effect immediately.

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STATEMENT

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18 This bill establishes the offense of disarming a law enforcement
19 officer. Under the provisions of the bill, a person who knowingly
20 removes or deprives a law enforcement officer of a firearm or weapon
21 at a time when that officer is acting in the performance of his duties
22 and either is in uniform or exhibits evidence of his authority is guilty
23 of a crime of the third degree. A crime of the third degree is
24 punishable by a fine of not more than \$7,500, imprisonment for a term
25 of between three and five years, or both.

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30 Creates offense of disarming a law enforcement officer.

[Corrected Copy]

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 194

STATE OF NEW JERSEY

DATED: MARCH 25, 1996

The Assembly Law and Public Safety Committee reports favorably Senate Bill No. 194 SCS.

The Senate Committee Substitute for Senate Bill No. 194 establishes a new criminal offense in the New Jersey Criminal Code--the offense of disarming a law enforcement officer or corrections officer.

Under the provisions of the bill, a person who knowingly takes or attempts to exercise unlawful control over a firearm or weapon in the possession of a law enforcement officer or a corrections officer at a time when that officer is acting in the performance of his duties and either is in uniform or exhibits evidence of his authority is guilty of a crime of the second degree. A crime of the second degree is punishable by a fine of not more than \$100,000, imprisonment for a term between five and ten years, or both.

The bill elevates the offense to a crime of the first degree (1) if the offender fires or discharges a firearm taken from a law enforcement officer or corrections officer, (2) the offender uses or threatens to use the firearm or weapon against the officer or any other person, or (3) the officer or other person suffers serious bodily injury as a result of the offender's actions. A crime of the first degree is punishable by a fine of not more than \$100,000, imprisonment for a term between 10 and 20 years, or both.

"Serious bodily injury" is defined in the New Jersey Code of Criminal Justice (N.J.S.2C:11-1) as "bodily 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."

It is the committee's understanding that the current practice is for prosecutors to charge persons who attempt to disarm a law enforcement officer with assault. Any assault against a law enforcement officer is statutorily required to be upgraded to a charge of aggravated assault. Aggravated assault is a crime of the fourth

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR SENATE, No. 194

STATE OF NEW JERSEY

DATED: MARCH 7, 1996

The Senate Law and Public Safety Committee reports favorably a Senate Committee Substitute for Senate Bill No. 194.

This committee substitute establishes the offense of disarming a law enforcement officer or corrections officer.

Under the provisions of the substitute, a person who knowingly takes or attempts to exercise unlawful control over a firearm or weapon in the possession of a law enforcement officer or a corrections officer at a time when that officer is acting in the performance of his duties and either is in uniform or exhibits evidence of his authority is guilty of a crime of the second degree. A crime of the second degree is punishable by a fine of not more than \$100,000, imprisonment for a term of between five and ten years, or both.

The substitute further provides, however, that it is a crime of the first degree if the offender (1) fires or discharges a firearm taken from a law enforcement officer or corrections officer, (2) uses or threatens to use the firearm or weapon against the officer or any other person, or (3) the officer or other person suffers serious bodily injury as a result of the offenders actions. A crime of the first degree is punishable by a fine of not more than \$100,000, imprisonment for a term of between ten and twenty years, or both.

"Serious bodily injury" is defined in the New Jersey Code of Criminal Justice (N.J.S.2C:11-1) as "bodily 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."

It is the committee's understanding that under current practice a person who attempts to disarm a law enforcement officer is guilty of assault, (a crime of the third degree) and if the officer is injured the person is guilty of aggravated assault (a crime of the third degree).

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 194

STATE OF NEW JERSEY

ADOPTED MARCH 7, 1996

Sponsored by Senators CAFIERO and KOSCO

1 AN ACT concerning law enforcement officers and supplementing
2 chapter 12 of Title 2C of the New Jersey Statutes.

3

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

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7 1. a. A person who knowingly takes or attempts to exercise
8 unlawful control over a firearm or other weapon in the possession of
9 a law enforcement or corrections officer when that officer is acting in
10 the performance of his duties, and either is in uniform or exhibits
11 evidence of his authority, is guilty of a crime of the second degree.

12 b. A person violating the provisions of subsection a. of this section
13 shall be guilty of a crime of the first degree if:

14 (1) The person fires or discharges the firearm;

15 (2) The person uses or threatens to use the firearm or weapon
16 against the officer or any other person; or

17 (3) The officer or another person suffers serious bodily injury.

18

19 2. This act shall take effect immediately.

20

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23

24 _____
Creates offense of disarming a law enforcement officer.

degree. (A crime of the fourth degree is punishable by a fine of not more than \$7,500, imprisonment for a term not to exceed 18 months, or both.) If the officer is injured in the assault, it becomes a crime of the third degree. (A crime of the third degree is punishable by a fine of not more than \$7,500, imprisonment for a term between three and five years, or both.)

The provisions of the Senate Committee Substitute for Senate Bill No. 194 are identical to those of the Assembly Committee Substitute for Assembly Bill No. 972.