

A2378 (2R)

INTRODUCED BILL: (Includes sponsor(s) statement)	Yes	
REPRINT(S):	Yes	APS 9/12/24 1R AAP 9/23/24 2R
TECHNICAL REVIEW:	No	
IMPACT STATEMENT	Yes	
COMMITTEE STATEMENT:	ASSEMBLY:	Yes Public Safety & Preparedness Appropriations
	SENATE:	No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, **may possibly** be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT:	No	
LEGISLATIVE FISCAL ESTIMATE:	Yes	09/24/2024 09/30/2024

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS:	No	
HEARINGS:	No	
NEWSPAPER ARTICLES:	No	

CL/MM

P.L. 2024, CHAPTER 94, *approved November 18, 2024*
Senate, No. 3201 (*Second Reprint*)

1 AN ACT upgrading certain penalties for assault and requiring testing
2 for communicable diseases, and revising various parts of
3 statutory law.

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

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

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

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

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

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

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

20 b. Aggravated assault. A person is guilty of aggravated assault
21 if the person:

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

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

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

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

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

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

40 (b) Any paid or volunteer firefighter acting in the performance
41 of the firefighter's duties while in uniform or otherwise clearly

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:

¹Senate SLP committee amendments adopted June 13, 2024.

²Assembly AAP committee amendments adopted September 23, 2024.

1 identifiable as being engaged in the performance of the duties of a
2 firefighter; or

3 (c) Any person engaged in emergency first-aid or medical
4 services acting in the performance of the person's duties while in
5 uniform or otherwise clearly identifiable as being engaged in the
6 performance of emergency first-aid or medical services; or

7 (d) Any school board member, school administrator, teacher,
8 school bus driver, or other employee of a public or nonpublic
9 school or school board while clearly identifiable as being engaged
10 in the performance of the person's duties or because of the person's
11 status as a member or employee of a public or nonpublic school or
12 school board or any school bus driver employed by an operator
13 under contract to a public or nonpublic school or school board while
14 clearly identifiable as being engaged in the performance of the
15 person's duties or because of the person's status as a school bus
16 driver; or

17 (e) Any employee of the Division of Child Protection and
18 Permanency while clearly identifiable as being engaged in the
19 performance of the employee's duties or because of the status as an
20 employee of the division; or

21 (f) Any justice of the Supreme Court, judge of the Superior
22 Court, judge of the Tax Court or municipal judge while clearly
23 identifiable as being engaged in the performance of judicial duties
24 or because of the status as a member of the judiciary; or

25 (g) Any operator of a motorbus or the operator's supervisor or
26 any employee of a rail passenger service while clearly identifiable
27 as being engaged in the performance of the person's duties or
28 because of the status as an operator of a motorbus or as the
29 operator's supervisor or as an employee of a rail passenger service;
30 or

31 (h) Any Department of Corrections employee, county
32 correctional police officer, juvenile correctional police officer, State
33 juvenile facility employee, juvenile detention staff member,
34 juvenile detention officer, probation officer or any sheriff,
35 undersheriff, or sheriff's officer acting in the performance of the
36 person's duties while in uniform or exhibiting evidence of the
37 person's authority or because of the status as a Department of
38 Corrections employee, county correctional police officer, juvenile
39 correctional police officer, State juvenile facility employee, juvenile
40 detention staff member, juvenile detention officer, probation
41 officer, sheriff, undersheriff, or sheriff's officer; or

42 (i) Any employee, including any person employed under
43 contract, of a utility company as defined in section 2 of P.L.1971,
44 c.224 (C.2A:42-86) or a cable television company subject to the
45 provisions of the "Cable Television Act," P.L.1972, c.186
46 (C.48:5A-1 et seq.) while clearly identifiable as being engaged in
47 the performance of the employee's duties in regard to connecting,
48 disconnecting, or repairing or attempting to connect, disconnect, or

- 1 repair any gas, electric, or water utility, or cable television or
2 telecommunication service; or
- 3 (j) Any health care worker employed by a licensed health care
4 facility to provide direct patient care, any health care professional
5 licensed or otherwise authorized pursuant to Title 26 or Title 45 of
6 the Revised Statutes to practice a health care profession, except a
7 direct care worker at a State or county psychiatric hospital or State
8 developmental center or veterans' memorial home, while clearly
9 identifiable as being engaged in the duties of providing direct
10 patient care or practicing the health care profession; or
- 11 (k) Any direct care worker at a State or county psychiatric
12 hospital or State developmental center or veterans' memorial home,
13 while clearly identifiable as being engaged in the duties of
14 providing direct patient care or practicing the health care
15 profession, provided that the actor is not a patient or resident at the
16 facility who is classified by the facility as having a mental illness or
17 developmental disability; or
- 18 (6) Causes bodily injury to another person while fleeing or
19 attempting to elude a law enforcement officer in violation of
20 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in
21 violation of subsection c. of N.J.S.2C:20-10. Notwithstanding any
22 other provision of law to the contrary, a person shall be strictly
23 liable for a violation of this paragraph upon proof of a violation of
24 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in
25 violation of subsection c. of N.J.S.2C:20-10 which resulted in
26 bodily injury to another person; or
- 27 (7) Attempts to cause significant bodily injury to another or
28 causes significant bodily injury purposely or knowingly or, under
29 circumstances manifesting extreme indifference to the value of
30 human life recklessly causes such significant bodily injury; or
- 31 (8) Causes bodily injury by knowingly or purposely starting a
32 fire or causing an explosion in violation of N.J.S.2C:17-1 which
33 results in bodily injury to any emergency services personnel
34 involved in fire suppression activities, rendering emergency
35 medical services resulting from the fire or explosion or rescue
36 operations, or rendering any necessary assistance at the scene of the
37 fire or explosion, including any bodily injury sustained while
38 responding to the scene of a reported fire or explosion. For
39 purposes of this paragraph, "emergency services personnel" shall
40 include, but not be limited to, any paid or volunteer firefighter, any
41 person engaged in emergency first-aid or medical services and any
42 law enforcement officer. Notwithstanding any other provision of
43 law to the contrary, a person shall be strictly liable for a violation of
44 this paragraph upon proof of a violation of N.J.S.2C:17-1 which
45 resulted in bodily injury to any emergency services personnel; or
- 46 (9) Knowingly, under circumstances manifesting extreme
47 indifference to the value of human life, points or displays a firearm,

1 as defined in subsection f. of N.J.S.2C:39-1, at or in the direction of
2 a law enforcement officer; or

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

8 (11) Uses or activates a laser sighting system or device, or a
9 system or device which, in the manner used, would cause a
10 reasonable person to believe that it is a laser sighting system or
11 device, against a law enforcement officer acting in the performance
12 of the officer's duties while in uniform or exhibiting evidence of the
13 officer's authority. As used in this paragraph, "laser sighting system
14 or device" means any system or device that is integrated with or
15 affixed to a firearm and emits a laser light beam that is used to
16 assist in the sight alignment or aiming of the firearm; or

17 (12) Attempts to cause significant bodily injury or causes
18 significant bodily injury purposely or knowingly or, under
19 circumstances manifesting extreme indifference to the value of
20 human life, recklessly causes significant bodily injury to a person
21 who, with respect to the actor, meets the definition of a victim of
22 domestic violence, as defined in subsection d. of section 3 of
23 P.L.1991, c.261 (C.2C:25-19); or

24 (13) Knowingly or, under circumstances manifesting extreme
25 indifference to the value of human life, recklessly obstructs the
26 breathing or blood circulation of a person who, with respect to the
27 actor, meets the definition of a victim of domestic violence, as
28 defined in subsection d. of section 3 of P.L.1991, c.261 (C.2C:25-
29 19), by applying pressure on the throat or neck or blocking the nose
30 or mouth of such person, thereby causing or attempting to cause
31 bodily injury.

32 Aggravated assault under paragraphs (1) and (6) of subsection b.
33 of this section is a crime of the second degree; under paragraphs
34 (2), (7), (9), and (10) of subsection b. of this section is a crime of
35 the third degree; under paragraphs (3) and (4) of subsection b. of
36 this section is a crime of the fourth degree; and under paragraph (5)
37 of subsection b. of this section is a crime of the third degree if the
38 victim suffers bodily injury, otherwise it is a crime of the fourth
39 degree, except: **[that]**

40 any aggravated assault under subparagraph (g) of paragraph (5)
41 of subsection b. of this section shall be a crime of the third
42 degree~~],]~~ ; and

43 any aggravated assault of a law enforcement officer under
44 subparagraph (a) of paragraph (5) of subsection b. of this section
45 'resulting in serious bodily injury'¹ shall be a crime of the second
46 degree. ¹[A prosecutor shall not permit a person charged under
47 subparagraph (a) of paragraph (5) of subsection b. of this section to

1 enter a plea of guilty to a lesser offense.】¹ Notwithstanding the
2 provisions of N.J.S.2C:1-8 or any other law, a conviction for
3 assaulting a law enforcement officer under subparagraph (a) of
4 paragraph (5) of subsection b. of this section shall not merge with a
5 conviction for any other criminal offense. A mandatory term of
6 incarceration pursuant to section 2 of P.L.1997, c.117 (C.2C:43-7.2)
7 shall not apply to a conviction for aggravated assault of a law
8 enforcement officer under subparagraph (a) of paragraph (5) of
9 subsection b. of this section unless the assault resulted in ¹【bodily
10 injury or】¹ serious bodily injury to the officer. ¹A person charged
11 with aggravated assault of a law enforcement officer under
12 subparagraph (a) of paragraph (5) of subsection b. of this section
13 resulting in serious bodily injury shall be ineligible to apply for
14 admission to a program of supervisory treatment pursuant to the
15 provisions of N.J.S.2C:43-12 through N.J.S.2C:43-22.¹

16 Aggravated assault under paragraph (8) of subsection b. of this
17 section is a crime of the third degree if the victim suffers bodily
18 injury; if the victim suffers significant bodily injury or serious
19 bodily injury it is a crime of the second degree. Aggravated assault
20 under paragraph (11) of subsection b. of this section is a crime of
21 the third degree. Aggravated assault under paragraph (12) of
22 subsection b. of this section is a crime of the third degree but the
23 presumption of non-imprisonment set forth in subsection e. of
24 N.J.S.2C:44-1 for a first offense of a crime of the third degree shall
25 not apply. Aggravated assault under paragraph (13) of subsection
26 b. of this section is a crime of the second degree.

27 c. (1) A person is guilty of assault by auto or vessel when the
28 person drives a vehicle or vessel recklessly and causes either
29 serious bodily injury or bodily injury to another. Assault by auto or
30 vessel is a crime of the fourth degree if serious bodily injury results
31 and is a disorderly persons offense if bodily injury results. Proof
32 that the defendant was operating a hand-held wireless telephone
33 while driving a motor vehicle in violation of section 1 of P.L.2003,
34 c.310 (C.39:4-97.3) may give rise to an inference that the defendant
35 was driving recklessly.

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

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

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

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

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

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

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

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

24 (4) Assault by auto or vessel is a crime of the third degree if the
25 person purposely drives a vehicle in an aggressive manner directed
26 at another vehicle and serious bodily injury results and is a crime of
27 the fourth degree if the person purposely drives a vehicle in an
28 aggressive manner directed at another vehicle and bodily injury
29 results. For purposes of this paragraph, "driving a vehicle in an
30 aggressive manner" shall include, but is not limited to,
31 unexpectedly altering the speed of the vehicle, making improper or
32 erratic traffic lane changes, disregarding traffic control devices,
33 failing to yield the right of way, or following another vehicle too
34 closely.

35 As used in this subsection, "vessel" means a means of
36 conveyance for travel on water and propelled otherwise than by
37 muscular power.

38 d. A person who is employed by a facility as defined in section
39 2 of P.L.1977, c.239 (C.52:27G-2) who commits a simple assault as
40 defined in paragraph (1) or (2) of subsection a. of this section upon
41 an institutionalized elderly person as defined in section 2 of
42 P.L.1977, c.239 (C.52:27G-2) is guilty of a crime of the fourth
43 degree.

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

45 f. A person who commits a simple assault as defined in
46 paragraph (1), (2), or (3) of subsection a. of this section in the
47 presence of a child under 16 years of age at a school or community
48 sponsored youth sports event is guilty of a crime of the fourth

1 degree. The defendant shall be strictly liable upon proof that the
2 offense occurred, in fact, in the presence of a child under 16 years
3 of age. It shall not be a defense that the defendant did not know
4 that the child was present or reasonably believed that the child was
5 16 years of age or older. The provisions of this subsection shall not
6 be construed to create any liability on the part of a participant in a
7 youth sports event or to abrogate any immunity or defense available
8 to a participant in a youth sports event. As used in this act, "school
9 or community sponsored youth sports event" means a competition,
10 practice, or instructional event involving one or more
11 interscholastic sports teams or youth sports teams organized
12 pursuant to a nonprofit or similar charter or which are member
13 teams in a youth league organized by or affiliated with a county or
14 municipal recreation department and shall not include collegiate,
15 semi-professional or professional sporting events.

16 (cf: P.L.2021, c.352, s.1)

17

18 2. Section 2 of P.L.1997, c.182 (C.2C:12-13) is amended to
19 read as follows:

20 2. A person who throws a bodily fluid at a Department of
21 Corrections employee, county correctional police officer, juvenile
22 correctional police officer, State juvenile facility employee, juvenile
23 detention staff member, probation officer, any sheriff, undersheriff
24 or sheriff's officer ~~or~~, any municipal, county, or State law
25 enforcement officer, ¹court services officer, ¹a paid or volunteer
26 firefighter, or a person engaged in emergency first-aid or medical
27 services while in the performance of the person's duties or
28 otherwise purposely subjects such employee or volunteer to contact
29 with a bodily fluid commits an aggravated assault.

30 ¹It shall be a crime of the second degree if the victim suffers
31 serious bodily injury. ¹ If the victim ²~~serious suffers~~ ²suffers
32 bodily injury, ¹~~this~~ ¹it shall be a crime of the ~~third degree~~
33 ¹~~second degree~~ ¹third degree. Otherwise, this shall be a crime of
34 the fourth degree.

35 A term of imprisonment imposed for this offense shall run
36 consecutively to any term of imprisonment currently being served
37 and to any other term imposed for another offense committed at the
38 time of the assault. Any person charged with assault with a bodily
39 fluid under this section shall have a blood sample drawn or other
40 biological sample collected to test for communicable diseases at a
41 clinical laboratory licensed by the Department of Health pursuant to
42 the "New Jersey Clinical Laboratory Improvement Act," P.L.1975,
43 c.166 (C.45:9-42.26 et seq.) ¹, upon consent given by the person
44 charged or in compliance with a warrant issued by a judge of the
45 Superior Court.

46 The court shall issue a warrant upon finding there is probable
47 cause to believe that the person's blood or other bodily fluid came

1 into contact with a victim of the assault and the victim is at risk of
2 transmission of a communicable disease. Upon application, a
3 warrant shall be issued in accordance with the Rules of Court ²[if
4 the judge is satisfied that sufficient grounds for granting the
5 application have been shown¹]². Any affirmative result for a
6 communicable disease shall be disclosed to the victim
7 ¹[assaulted]¹. ²Upon the issuance of a warrant, the blood sample or
8 biological sample taken from a person charged under this section
9 may not be used by law enforcement for any purpose other than to
10 test for communicable diseases. A separate warrant shall be
11 obtained before law enforcement may use the blood sample or
12 biological sample for any other investigatory purpose. After
13 completion of the testing, the blood sample or biological sample
14 shall be destroyed.²

15 Nothing herein shall be deemed to preclude, if the evidence so
16 warrants, an indictment and conviction for a violation or attempted
17 violation of chapter 11 of Title 2C of the New Jersey Statutes or
18 subsection b. of N.J.S.2C:12-1 or any other provision of the
19 criminal laws.

20 (cf: P.L.2019, c.219, s.4)

21

22 3. This act shall take effect immediately.

23

24

25

26

27 Upgrades certain penalties for assaulting law enforcement officer
28 and requires offender to be tested for communicable diseases in
29 certain instances.

CHAPTER 94

AN ACT upgrading certain penalties for assault and requiring testing for communicable diseases, and revising various parts of statutory law.

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

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

Assault.

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

- (1) Attempts to cause or purposely, knowingly or recklessly causes bodily injury to another; or
- (2) Negligently causes bodily injury to another with a deadly weapon; or
- (3) Attempts by physical menace to put another in fear of imminent serious bodily injury.

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

b. Aggravated assault. A person is guilty of aggravated assault if the person:

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

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

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

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

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

- (a) Any law enforcement officer acting in the performance of the officer's duties while in uniform or exhibiting evidence of authority or because of the officer's status as a law enforcement officer; or

- (b) Any paid or volunteer firefighter acting in the performance of the firefighter's duties while in uniform or otherwise clearly identifiable as being engaged in the performance of the duties of a firefighter; or

- (c) Any person engaged in emergency first-aid or medical services acting in the performance of the person's duties while in uniform or otherwise clearly identifiable as being engaged in the performance of emergency first-aid or medical services; or

- (d) Any school board member, school administrator, teacher, school bus driver, or other employee of a public or nonpublic school or school board while clearly identifiable as being engaged in the performance of the person's duties or because of the person's status as a member or employee of a public or nonpublic school or school board or any school bus driver employed by an operator under contract to a public or nonpublic school or school board while clearly identifiable as being engaged in the performance of the person's duties or because of the person's status as a school bus driver; or

- (e) Any employee of the Division of Child Protection and Permanency while clearly identifiable as being engaged in the performance of the employee's duties or because of the status as an employee of the division; or

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

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

(h) Any Department of Corrections employee, county correctional police officer, juvenile correctional police officer, State juvenile facility employee, juvenile detention staff member, juvenile detention officer, probation officer or any sheriff, undersheriff, or sheriff's officer acting in the performance of the person's duties while in uniform or exhibiting evidence of the person's authority or because of the status as a Department of Corrections employee, county correctional police officer, juvenile correctional police officer, State juvenile facility employee, juvenile detention staff member, juvenile detention officer, probation officer, sheriff, undersheriff, or sheriff's officer; or

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

(j) Any health care worker employed by a licensed health care facility to provide direct patient care, any health care professional licensed or otherwise authorized pursuant to Title 26 or Title 45 of the Revised Statutes to practice a health care profession, except a 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 the duties of providing direct patient care or practicing the health care profession; or

(k) 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 the duties of providing direct patient care or practicing the health care profession, provided that the actor is not a patient or resident at the facility who is classified by the facility as having a mental illness or developmental disability; or

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

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

(8) Causes bodily injury by knowingly or purposely starting a fire or causing an explosion in violation of N.J.S.2C:17-1 which results in bodily injury to any emergency services personnel involved in fire suppression activities, rendering emergency medical services resulting from the fire or explosion or rescue operations, or rendering any necessary assistance at the scene of the fire or explosion, including any bodily injury sustained while responding to the scene of a reported fire or explosion. For purposes of this paragraph, "emergency services personnel" shall include, but not be limited to, any paid or volunteer firefighter, any person

engaged in emergency first-aid or medical services and any law enforcement officer. Notwithstanding any other provision of law to the contrary, a person shall be strictly liable for a violation of this paragraph upon proof of a violation of N.J.S.2C:17-1 which resulted in bodily injury to any emergency services personnel; or

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

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

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

(12) Attempts to cause significant bodily injury or causes significant bodily injury purposely or knowingly or, under circumstances manifesting extreme indifference to the value of human life, recklessly causes significant bodily injury to a person who, with respect to the actor, meets the definition of a victim of domestic violence, as defined in subsection d. of section 3 of P.L.1991, c.261 (C.2C:25-19); or

(13) Knowingly or, under circumstances manifesting extreme indifference to the value of human life, recklessly obstructs the breathing or blood circulation of a person who, with respect to the actor, meets the definition of a victim of domestic violence, as defined in subsection d. of section 3 of P.L.1991, c.261 (C.2C:25-19), by applying pressure on the throat or neck or blocking the nose or mouth of such person, thereby causing or attempting to cause bodily injury.

Aggravated assault under paragraphs (1) and (6) of subsection b. of this section is a crime of the second degree; under paragraphs (2), (7), (9), and (10) of subsection b. of this section is a crime of the third degree; under paragraphs (3) and (4) of subsection b. of this section is a crime of the fourth degree; and under paragraph (5) of subsection b. of this section is a crime of the third degree if the victim suffers bodily injury, otherwise it is a crime of the fourth degree, except:

any aggravated assault under subparagraph (g) of paragraph (5) of subsection b. of this section shall be a crime of the third degree; and

any aggravated assault of a law enforcement officer under subparagraph (a) of paragraph (5) of subsection b. of this section resulting in serious bodily injury shall be a crime of the second degree. Notwithstanding the provisions of N.J.S.2C:1-8 or any other law, a conviction for assaulting a law enforcement officer under subparagraph (a) of paragraph (5) of subsection b. of this section shall not merge with a conviction for any other criminal offense. A mandatory term of incarceration pursuant to section 2 of P.L.1997, c.117 (C.2C:43-7.2) shall not apply to a conviction for aggravated assault of a law enforcement officer under subparagraph (a) of paragraph (5) of subsection b. of this section unless the assault resulted in serious bodily injury to the officer. A person charged with aggravated assault of a law enforcement officer under subparagraph (a) of paragraph (5) of subsection b. of this section resulting in serious bodily injury shall be ineligible to apply for admission to a program of supervisory treatment pursuant to the provisions of N.J.S.2C:43-12 through 2C:43-22.

Aggravated assault under paragraph (8) of subsection b. of this section is a crime of the third degree if the victim suffers bodily injury; if the victim suffers significant bodily injury

or serious bodily injury it is a crime of the second degree. Aggravated assault under paragraph (11) of subsection b. of this section is a crime of the third degree. Aggravated assault under paragraph (12) of subsection b. of this section is a crime of the third degree but the presumption of non-imprisonment set forth in subsection e. of N.J.S.2C:44-1 for a first offense of a crime of the third degree shall not apply. Aggravated assault under paragraph (13) of subsection b. of this section is a crime of the second degree.

c. (1) A person is guilty of assault by auto or vessel when the person drives a vehicle or vessel recklessly and causes either serious bodily injury or bodily injury to another. Assault by auto or vessel is a crime of the fourth degree if serious bodily injury results and is a disorderly persons offense if bodily injury results. Proof that the defendant was operating a hand-held wireless telephone while driving a motor vehicle in violation of section 1 of P.L.2003, c.310 (C.39:4-97.3) may give rise to an inference that the defendant was driving recklessly.

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

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

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

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

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

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

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

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

(4) 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. For purposes of this paragraph, "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.

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

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

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

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

2. Section 2 of P.L.1997, c.182 (C.2C:12-13) is amended to read as follows:

C.2C:12-13 Throwing bodily fluid at certain law enforcement officers deemed aggravated assault; grading, sentences.

2. A person who throws a bodily fluid at a Department of Corrections employee; county correctional police officer; juvenile correctional police officer; State juvenile facility employee; juvenile detention staff member; probation officer; any sheriff, undersheriff, or sheriff's officer; any municipal, county, or State law enforcement officer; court services officer; a paid or volunteer firefighter; or a person engaged in emergency first-aid or medical services while in the performance of the person's duties or otherwise purposely subjects such employee or volunteer to contact with a bodily fluid commits an aggravated assault.

It shall be a crime of the second degree if the victim suffers serious bodily injury. If the victim suffers bodily injury, it shall be a crime of the third degree. Otherwise, this shall be a crime of the fourth degree.

A term of imprisonment imposed for this offense shall run consecutively to any term of imprisonment currently being served and to any other term imposed for another offense committed at the time of the assault. Any person charged with assault with a bodily fluid under this section shall have a blood sample drawn or other biological sample collected to test for communicable diseases at a clinical laboratory licensed by the Department of Health pursuant to the "New Jersey Clinical Laboratory Improvement Act," P.L.1975, c.166 (C.45:9-42.26 et seq.), upon consent given by the person charged or in compliance with a warrant issued by a judge of the Superior Court.

The court shall issue a warrant upon finding there is probable cause to believe that the person's blood or other bodily fluid came into contact with a victim of the assault and the victim is at risk of transmission of a communicable disease. Upon application, a warrant shall be issued in accordance with the Rules of Court. Any affirmative result for a communicable disease shall be disclosed to the victim. Upon the issuance of a warrant, the blood sample or biological sample taken from a person charged under this section may not be used by law

enforcement for any purpose other than to test for communicable diseases. A separate warrant shall be obtained before law enforcement may use the blood sample or biological sample for any other investigatory purpose. After completion of the testing, the blood sample or biological sample shall be destroyed.

Nothing herein shall be deemed to preclude, if the evidence so warrants, an indictment and conviction for a violation or attempted violation of chapter 11 of Title 2C of the New Jersey Statutes or subsection b. of N.J.S.2C:12-1 or any other provision of the criminal laws.

3. This act shall take effect immediately.

Approved November 18, 2024.

SENATE, No. 3201

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED MAY 9, 2024

Sponsored by:

Senator VIN GOPAL

District 11 (Monmouth)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

SYNOPSIS

Upgrades certain penalties for assaulting law enforcement officer and requires offender to be tested for communicable diseases in certain instances.

CURRENT VERSION OF TEXT

As introduced.



S3201 GOPAL, GREENSTEIN

2

1 AN ACT upgrading certain penalties for assault and requiring testing
2 for communicable diseases, and revising various parts of
3 statutory law.

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

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

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

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

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

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

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

20 b. Aggravated assault. A person is guilty of aggravated assault if
21 the person:

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

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

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

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

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

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

39 (b) Any paid or volunteer firefighter acting in the performance of
40 the firefighter's duties while in uniform or otherwise clearly
41 identifiable as being engaged in the performance of the duties of a
42 firefighter; or

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

1 identifiable as being engaged in the duties of providing direct patient
2 care or practicing the health care profession; or

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

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

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

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

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

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

46 (11) Uses or activates a laser sighting system or device, or a
47 system or device which, in the manner used, would cause a reasonable
48 person to believe that it is a laser sighting system or device, against a

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

7 (12) Attempts to cause significant bodily injury or causes
8 significant bodily injury purposely or knowingly or, under
9 circumstances manifesting extreme indifference to the value of human
10 life, recklessly causes significant bodily injury to a person who, with
11 respect to the actor, meets the definition of a victim of domestic
12 violence, as defined in subsection d. of section 3 of P.L.1991, c.261
13 (C.2C:25-19); or

14 (13) Knowingly or, under circumstances manifesting extreme
15 indifference to the value of human life, recklessly obstructs the
16 breathing or blood circulation of a person who, with respect to the
17 actor, meets the definition of a victim of domestic violence, as defined
18 in subsection d. of section 3 of P.L.1991, c.261 (C.2C:25-19), by
19 applying pressure on the throat or neck or blocking the nose or mouth
20 of such person, thereby causing or attempting to cause bodily injury.

21 Aggravated assault under paragraphs (1) and (6) of subsection b. of
22 this section is a crime of the second degree; under paragraphs (2), (7),
23 (9), and (10) of subsection b. of this section is a crime of the third
24 degree; under paragraphs (3) and (4) of subsection b. of this section is
25 a crime of the fourth degree; and under paragraph (5) of subsection b.
26 of this section is a crime of the third degree if the victim suffers bodily
27 injury, otherwise it is a crime of the fourth degree, except: **[that]**

28 any aggravated assault under subparagraph (g) of paragraph (5) of
29 subsection b. of this section shall be a crime of the third degree**[,]** ;
30 and

31 any aggravated assault of a law enforcement officer under
32 subparagraph (a) of paragraph (5) of subsection b. of this section shall
33 be a crime of the second degree. A prosecutor shall not permit a
34 person charged under subparagraph (a) of paragraph (5) of subsection
35 b. of this section to enter a plea of guilty to a lesser offense.
36 Notwithstanding the provisions of N.J.S.2C:1-8 or any other law, a
37 conviction for assaulting a law enforcement officer under
38 subparagraph (a) of paragraph (5) of subsection b. of this section shall
39 not merge with a conviction for any other criminal offense. A
40 mandatory term of incarceration pursuant to section 2 of P.L.1997,
41 c.117 (C.2C:43-7.2) shall not apply to a conviction for aggravated
42 assault of a law enforcement officer under subparagraph (a) of
43 paragraph (5) of subsection b. of this section unless the assault resulted
44 in bodily injury or serious bodily injury to the officer.

45 Aggravated assault under paragraph (8) of subsection b. of this
46 section is a crime of the third degree if the victim suffers bodily injury;
47 if the victim suffers significant bodily injury or serious bodily injury it
48 is a crime of the second degree. Aggravated assault under paragraph

1 (11) of subsection b. of this section is a crime of the third degree.
2 Aggravated assault under paragraph (12) of subsection b. of this
3 section is a crime of the third degree but the presumption of non-
4 imprisonment set forth in subsection e. of N.J.S.2C:44-1 for a first
5 offense of a crime of the third degree shall not apply. Aggravated
6 assault under paragraph (13) of subsection b. of this section is a crime
7 of the second degree.

8 c. (1) A person is guilty of assault by auto or vessel when the
9 person drives a vehicle or vessel recklessly and causes either serious
10 bodily injury or bodily injury to another. Assault by auto or vessel is a
11 crime of the fourth degree if serious bodily injury results and is a
12 disorderly persons offense if bodily injury results. Proof that the
13 defendant was operating a hand-held wireless telephone while driving
14 a motor vehicle in violation of section 1 of P.L.2003, c.310 (C.39:4-
15 97.3) may give rise to an inference that the defendant was driving
16 recklessly.

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

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

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

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

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

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

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

45 It shall be no defense to a prosecution for a violation of
46 subparagraph (a) or (b) of paragraph (3) of this subsection that the
47 defendant was unaware that the prohibited conduct took place while on
48 or within 1,000 feet of any school property or while driving through a

1 school crossing. Nor shall it be a defense to a prosecution under
2 subparagraph (a) or (b) of paragraph (3) of this subsection that no
3 juveniles were present on the school property or crossing zone at the
4 time of the offense or that the school was not in session.

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

15 As used in this subsection, "vessel" means a means of conveyance
16 for travel on water and propelled otherwise than by muscular power.

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

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

23 f. A person who commits a simple assault as defined in paragraph
24 (1), (2), or (3) of subsection a. of this section in the presence of a child
25 under 16 years of age at a school or community sponsored youth sports
26 event is guilty of a crime of the fourth degree. The defendant shall be
27 strictly liable upon proof that the offense occurred, in fact, in the
28 presence of a child under 16 years of age. It shall not be a defense that
29 the defendant did not know that the child was present or reasonably
30 believed that the child was 16 years of age or older. The provisions of
31 this subsection shall not be construed to create any liability on the part
32 of a participant in a youth sports event or to abrogate any immunity or
33 defense available to a participant in a youth sports event. As used in
34 this act, "school or community sponsored youth sports event" means a
35 competition, practice, or instructional event involving one or more
36 interscholastic sports teams or youth sports teams organized pursuant
37 to a nonprofit or similar charter or which are member teams in a youth
38 league organized by or affiliated with a county or municipal recreation
39 department and shall not include collegiate, semi-professional or
40 professional sporting events.
41 (cf: P.L.2021, c.352, s.1)

42

43 2. Section 2 of P.L.1997, c.182 (C.2C:12-13) is amended to read
44 as follows:

45 2. A person who throws a bodily fluid at a Department of
46 Corrections employee, county correctional police officer, juvenile
47 correctional police officer, State juvenile facility employee, juvenile
48 detention staff member, probation officer, any sheriff, undersheriff or

1 sheriff's officer **[or]**, any municipal, county, or State law enforcement
2 officer, a paid or volunteer firefighter, or a person engaged in
3 emergency first-aid or medical services while in the performance of
4 the person's duties or otherwise purposely subjects such employee or
5 volunteer to contact with a bodily fluid commits an aggravated assault.

6 If the victim suffers bodily injury, this shall be a crime of the
7 **[third degree]** second degree. Otherwise, this shall be a crime of the
8 fourth degree. A term of imprisonment imposed for this offense shall
9 run consecutively to any term of imprisonment currently being served
10 and to any other term imposed for another offense committed at the
11 time of the assault. Any person charged with assault with a bodily
12 fluid under this section shall have a blood sample drawn or other
13 biological sample collected to test for communicable diseases at a
14 clinical laboratory licensed by the Department of Health pursuant to
15 the "New Jersey Clinical Laboratory Improvement Act," P.L.1975,
16 c.166 (C.45:9-42.26 et seq.). Any affirmative result for a
17 communicable disease shall be disclosed to the victim assaulted.

18 Nothing herein shall be deemed to preclude, if the evidence so
19 warrants, an indictment and conviction for a violation or attempted
20 violation of chapter 11 of Title 2C of the New Jersey Statutes or
21 subsection b. of N.J.S.2C:12-1 or any other provision of the criminal
22 laws.

23 (cf: P.L.2019, c.219, s.4)

24

25 3. This act shall take effect immediately.

26

27

28

STATEMENT

29

30 This bill upgrades certain penalties for assaulting a law
31 enforcement officer. The bill also increases the penalty for assault
32 with bodily fluids if the victim is a law enforcement officer, paid or
33 volunteer firefighter, or person engaged in emergency first-aid or
34 medical services and suffers bodily injury.

35 Under current law, it is a crime of the third degree to assault a
36 law enforcement officer if the victim is injured; otherwise, it is a
37 crime of the fourth degree. Under this bill, the penalty for
38 assaulting a law enforcement officer would become a crime of the
39 second degree. Additionally, the defendant would not be allowed to
40 enter a guilty plea to a lesser charge. The bill provides that a
41 conviction for assaulting a law enforcement officer would not
42 merge with any other criminal offense. Under the bill, a mandatory
43 term of incarceration under the No Early Release Act (NERA)
44 would not apply to second degree assault of a law enforcement
45 officer, unless the assault resulted in bodily injury or seriously
46 bodily injury.

47 The bill would also upgrade the penalty for assault with bodily
48 fluids of a law enforcement officer, paid or volunteer firefighter, or

1 person engaged in emergency first-aid or medical services who
2 suffers bodily injury. Under current law, it is a crime of the fourth
3 degree for a person to assault a Department of Corrections
4 employee, county correctional police officer, juvenile correctional
5 police officer, State juvenile facility employee, juvenile detention
6 staff member, probation officer, any sheriff, undersheriff or
7 sheriff's officer, or any municipal, county, or State law enforcement
8 officer. If the victim suffers bodily injury, it is a crime of the third
9 degree. The bill would add firefighters and persons engaged in
10 emergency first-aid or medical services to the list of officers
11 protected under current law.

12 Under the bill, the penalty for assault with bodily fluids would be
13 upgraded to a crime of the second degree if the victim suffers
14 bodily injury. Additionally, any person charged with assault with a
15 bodily fluid would be required to provide a blood sample or other
16 biological sample drawn to be tested for communicable diseases at a
17 clinical laboratory licensed by the Department of Health. Any
18 positive results for a communicable disease will be shared with the
19 assault victim.

20 A crime of the second degree is punishable by five to 10 years
21 imprisonment, a fine of up to \$150,000, or both.

[First Reprint]

SENATE, No. 3201

STATE OF NEW JERSEY
221st LEGISLATURE

INTRODUCED MAY 9, 2024

Sponsored by:

Senator VIN GOPAL

District 11 (Monmouth)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Co-Sponsored by:

Senators Space, O'Scanlon, Testa, Steinhardt and Amato

SYNOPSIS

Upgrades certain penalties for assaulting law enforcement officer and requires offender to be tested for communicable diseases in certain instances.

CURRENT VERSION OF TEXT

As reported by the Senate Law and Public Safety Committee on June 13, 2024, with amendments.



(Sponsorship Updated As Of: 6/28/2024)

1 AN ACT upgrading certain penalties for assault and requiring testing
2 for communicable diseases, and revising various parts of
3 statutory law.

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

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

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

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

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

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

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

20 b. Aggravated assault. A person is guilty of aggravated assault
21 if the person:

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

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

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

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

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

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

40 (b) Any paid or volunteer firefighter acting in the performance
41 of the firefighter's duties while in uniform or otherwise clearly
42 identifiable as being engaged in the performance of the duties of a
43 firefighter; or

44 (c) Any person engaged in emergency first-aid or medical
45 services acting in the performance of the person's duties while in

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:

¹Senate SLP committee amendments adopted June 13, 2024.

1 uniform or otherwise clearly identifiable as being engaged in the
2 performance 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
5 school or school board while clearly identifiable as being engaged
6 in the performance of the person's duties or because of the person's
7 status as a member or employee of a public or nonpublic school or
8 school board or any school bus driver employed by an operator
9 under contract to a public or nonpublic school or school board while
10 clearly identifiable as being engaged in the performance of the
11 person's duties or because of the person's status as a school bus
12 driver; or

13 (e) Any employee of the Division of Child Protection and
14 Permanency while clearly identifiable as being engaged in the
15 performance of the employee's duties or because of the status as an
16 employee of the division; or

17 (f) Any justice of the Supreme Court, judge of the Superior
18 Court, judge of the Tax Court or municipal judge while clearly
19 identifiable as being engaged in the performance of judicial duties
20 or because of the status as a member of the judiciary; or

21 (g) Any operator of a motorbus or the operator's supervisor or
22 any employee of a rail passenger service while clearly identifiable
23 as being engaged in the performance of the person's duties or
24 because of the status as an operator of a motorbus or as the
25 operator's supervisor or as an employee of a rail passenger service;
26 or

27 (h) Any Department of Corrections employee, county
28 correctional police officer, juvenile correctional police officer, State
29 juvenile facility employee, juvenile detention staff member,
30 juvenile detention officer, probation officer or any sheriff,
31 undersheriff, or sheriff's officer acting in the performance of the
32 person's duties while in uniform or exhibiting evidence of the
33 person's authority or because of the status as a Department of
34 Corrections employee, county correctional police officer, juvenile
35 correctional police officer, State juvenile facility employee, juvenile
36 detention staff member, juvenile detention officer, probation
37 officer, sheriff, undersheriff, or sheriff's officer; or

38 (i) Any employee, including any person employed under
39 contract, of a utility company as defined in section 2 of P.L.1971,
40 c.224 (C.2A:42-86) or a cable television company subject to the
41 provisions of the "Cable Television Act," P.L.1972, c.186
42 (C.48:5A-1 et seq.) while clearly identifiable as being engaged in
43 the performance of the employee's duties in regard to connecting,
44 disconnecting, or repairing or attempting to connect, disconnect, or
45 repair any gas, electric, or water utility, or cable television or
46 telecommunication service; or

47 (j) Any health care worker employed by a licensed health care
48 facility to provide direct patient care, any health care professional

1 licensed or otherwise authorized pursuant to Title 26 or Title 45 of
2 the Revised Statutes to practice a health care profession, except a
3 direct care worker at a State or county psychiatric hospital or State
4 developmental center or veterans' memorial home, while clearly
5 identifiable as being engaged in the duties of providing direct
6 patient care or practicing the health care profession; or

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

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

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

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

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

46 (10) Knowingly points, displays or uses an imitation firearm, as
47 defined in subsection v. of N.J.S.2C:39-1, at or in the direction of a
48 law enforcement officer with the purpose to intimidate, threaten, or

1 attempt to put the officer in fear of bodily injury or for any unlawful
2 purpose; or

3 (11) Uses or activates a laser sighting system or device, or a
4 system or device which, in the manner used, would cause a
5 reasonable person to believe that it is a laser sighting system or
6 device, against a law enforcement officer acting in the performance
7 of the officer's duties while in uniform or exhibiting evidence of the
8 officer's authority. As used in this paragraph, "laser sighting system
9 or device" means any system or device that is integrated with or
10 affixed to a firearm and emits a laser light beam that is used to
11 assist in the sight alignment or aiming of the firearm; or

12 (12) Attempts to cause significant bodily injury or causes
13 significant bodily injury purposely or knowingly or, under
14 circumstances manifesting extreme indifference to the value of
15 human life, recklessly causes significant bodily injury to a person
16 who, with respect to the actor, meets the definition of a victim of
17 domestic violence, as defined in subsection d. of section 3 of
18 P.L.1991, c.261 (C.2C:25-19); or

19 (13) Knowingly or, under circumstances manifesting extreme
20 indifference to the value of human life, recklessly obstructs the
21 breathing or blood circulation of a person who, with respect to the
22 actor, meets the definition of a victim of domestic violence, as
23 defined in subsection d. of section 3 of P.L.1991, c.261 (C.2C:25-
24 19), by applying pressure on the throat or neck or blocking the nose
25 or mouth of such person, thereby causing or attempting to cause
26 bodily injury.

27 Aggravated assault under paragraphs (1) and (6) of subsection b.
28 of this section is a crime of the second degree; under paragraphs
29 (2), (7), (9), and (10) of subsection b. of this section is a crime of
30 the third degree; under paragraphs (3) and (4) of subsection b. of
31 this section is a crime of the fourth degree; and under paragraph (5)
32 of subsection b. of this section is a crime of the third degree if the
33 victim suffers bodily injury, otherwise it is a crime of the fourth
34 degree, except: **[that]**

35 any aggravated assault under subparagraph (g) of paragraph (5)
36 of subsection b. of this section shall be a crime of the third
37 degree~~[,] ; and~~

38 any aggravated assault of a law enforcement officer under
39 subparagraph (a) of paragraph (5) of subsection b. of this section
40 ¹resulting in serious bodily injury¹ shall be a crime of the second
41 degree. ¹[A prosecutor shall not permit a person charged under
42 subparagraph (a) of paragraph (5) of subsection b. of this section to
43 enter a plea of guilty to a lesser offense.]¹ Notwithstanding the
44 provisions of N.J.S.2C:1-8 or any other law, a conviction for
45 assaulting a law enforcement officer under subparagraph (a) of
46 paragraph (5) of subsection b. of this section shall not merge with a
47 conviction for any other criminal offense. A mandatory term of
48 incarceration pursuant to section 2 of P.L.1997, c.117 (C.2C:43-7.2)

1 shall not apply to a conviction for aggravated assault of a law
2 enforcement officer under subparagraph (a) of paragraph (5) of
3 subsection b. of this section unless the assault resulted in ¹["bodily
4 injury or"]¹ serious bodily injury to the officer. ¹A person charged
5 with aggravated assault of a law enforcement officer under
6 subparagraph (a) of paragraph (5) of subsection b. of this section
7 resulting in serious bodily injury shall be ineligible to apply for
8 admission to a program of supervisory treatment pursuant to the
9 provisions of N.J.S.2C:43-12 through N.J.S.2C:43-22.¹

10 Aggravated assault under paragraph (8) of subsection b. of this
11 section is a crime of the third degree if the victim suffers bodily
12 injury; if the victim suffers significant bodily injury or serious
13 bodily injury it is a crime of the second degree. Aggravated assault
14 under paragraph (11) of subsection b. of this section is a crime of
15 the third degree. Aggravated assault under paragraph (12) of
16 subsection b. of this section is a crime of the third degree but the
17 presumption of non-imprisonment set forth in subsection e. of
18 N.J.S.2C:44-1 for a first offense of a crime of the third degree shall
19 not apply. Aggravated assault under paragraph (13) of subsection
20 b. of this section is a crime of the second degree.

21 c. (1) A person is guilty of assault by auto or vessel when the
22 person drives a vehicle or vessel recklessly and causes either
23 serious bodily injury or bodily injury to another. Assault by auto or
24 vessel is a crime of the fourth degree if serious bodily injury results
25 and is a disorderly persons offense if bodily injury results. Proof
26 that the defendant was operating a hand-held wireless telephone
27 while driving a motor vehicle in violation of section 1 of P.L.2003,
28 c.310 (C.39:4-97.3) may give rise to an inference that the defendant
29 was driving recklessly.

30 (2) Assault by auto or vessel is a crime of the third degree if the
31 person drives the vehicle while in violation of R.S.39:4-50 or
32 section 2 of P.L.1981, c.512 (C.39:4-50.4a) and serious bodily
33 injury results and is a crime of the fourth degree if the person drives
34 the vehicle while in violation of R.S.39:4-50 or section 2 of
35 P.L.1981, c.512 (C.39:4-50.4a) and bodily injury results.

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

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

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

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

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

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

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

18 (4) Assault by auto or vessel is a crime of the third degree if the
19 person purposely drives a vehicle in an aggressive manner directed
20 at another vehicle and serious bodily injury results and is a crime of
21 the fourth degree if the person purposely drives a vehicle in an
22 aggressive manner directed at another vehicle and bodily injury
23 results. For purposes of this paragraph, "driving a vehicle in an
24 aggressive manner" shall include, but is not limited to,
25 unexpectedly altering the speed of the vehicle, making improper or
26 erratic traffic lane changes, disregarding traffic control devices,
27 failing to yield the right of way, or following another vehicle too
28 closely.

29 As used in this subsection, "vessel" means a means of
30 conveyance for travel on water and propelled otherwise than by
31 muscular power.

32 d. A person who is employed by a facility as defined in section
33 2 of P.L.1977, c.239 (C.52:27G-2) who commits a simple assault as
34 defined in paragraph (1) or (2) of subsection a. of this section upon
35 an institutionalized elderly person as defined in section 2 of
36 P.L.1977, c.239 (C.52:27G-2) is guilty of a crime of the fourth
37 degree.

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

39 f. A person who commits a simple assault as defined in
40 paragraph (1), (2), or (3) of subsection a. of this section in the
41 presence of a child under 16 years of age at a school or community
42 sponsored youth sports event is guilty of a crime of the fourth
43 degree. The defendant shall be strictly liable upon proof that the
44 offense occurred, in fact, in the presence of a child under 16 years
45 of age. It shall not be a defense that the defendant did not know
46 that the child was present or reasonably believed that the child was
47 16 years of age or older. The provisions of this subsection shall not
48 be construed to create any liability on the part of a participant in a

1 youth sports event or to abrogate any immunity or defense available
2 to a participant in a youth sports event. As used in this act, "school
3 or community sponsored youth sports event" means a competition,
4 practice, or instructional event involving one or more
5 interscholastic sports teams or youth sports teams organized
6 pursuant to a nonprofit or similar charter or which are member
7 teams in a youth league organized by or affiliated with a county or
8 municipal recreation department and shall not include collegiate,
9 semi-professional or professional sporting events.
10 (cf: P.L.2021, c.352, s.1)

11

12 2. Section 2 of P.L.1997, c.182 (C.2C:12-13) is amended to
13 read as follows:

14 2. A person who throws a bodily fluid at a Department of
15 Corrections employee, county correctional police officer, juvenile
16 correctional police officer, State juvenile facility employee, juvenile
17 detention staff member, probation officer, any sheriff, undersheriff
18 or sheriff's officer **[or]**, any municipal, county, or State law
19 enforcement officer, ¹court services officer, ¹a paid or volunteer
20 firefighter, or a person engaged in emergency first-aid or medical
21 services while in the performance of the person's duties or
22 otherwise purposely subjects such employee or volunteer to contact
23 with a bodily fluid commits an aggravated assault.

24 ¹It shall be a crime of the second degree if the victim suffers
25 serious bodily injury. ¹ If the victim serious suffers bodily injury,
26 ¹**[this] it** ¹shall be a crime of the **[third degree]** ¹**[second degree]**
27 third degree ¹. Otherwise, this shall be a crime of the fourth degree.

28 A term of imprisonment imposed for this offense shall run
29 consecutively to any term of imprisonment currently being served
30 and to any other term imposed for another offense committed at the
31 time of the assault. Any person charged with assault with a bodily
32 fluid under this section shall have a blood sample drawn or other
33 biological sample collected to test for communicable diseases at a
34 clinical laboratory licensed by the Department of Health pursuant to
35 the "New Jersey Clinical Laboratory Improvement Act," P.L.1975,
36 c.166 (C.45:9-42.26 et seq.) ¹, upon consent given by the person
37 charged or in compliance with a warrant issued by a judge of the
38 Superior Court.

39 The court shall issue a warrant upon finding there is probable
40 cause to believe that the person's blood or other bodily fluid came
41 into contact with a victim of the assault and the victim is at risk of
42 transmission of a communicable disease. Upon application, a
43 warrant shall be issued in accordance with the Rules of Court if the
44 judge is satisfied that sufficient grounds for granting the application
45 have been shown ¹. Any affirmative result for a communicable
46 disease shall be disclosed to the victim ¹**[assaulted]** ¹.

1 Nothing herein shall be deemed to preclude, if the evidence so
2 warrants, an indictment and conviction for a violation or attempted
3 violation of chapter 11 of Title 2C of the New Jersey Statutes or
4 subsection b. of N.J.S.2C:12-1 or any other provision of the
5 criminal laws.

6 (cf: P.L.2019, c.219, s.4)

7

8 3. This act shall take effect immediately.

[Second Reprint]

SENATE, No. 3201

STATE OF NEW JERSEY
221st LEGISLATURE

INTRODUCED MAY 9, 2024

Sponsored by:

Senator VIN GOPAL

District 11 (Monmouth)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Assemblyman WILLIAM W. SPEARMAN

District 5 (Camden and Gloucester)

Assemblyman ALEX SAUICKIE

District 12 (Burlington, Middlesex, Monmouth and Ocean)

Assemblyman WAYNE P. DEANGELO

District 14 (Mercer and Middlesex)

Co-Sponsored by:

Senators Space, O'Scanlon, Testa, Steinhardt, Amato, Assemblyman McGuckin, Assemblywoman Carter, Assemblymen Stanley, DePhillips, Clifton, Assemblywoman Fantasia, Assemblyman Venezia, Assemblywoman Bagolie, Assemblyman Schaer, Assemblywoman Drulis, Assemblyman Atkins, Assemblywoman Murphy, Assemblymen Marengo, Inganamort, Webber, Danielsen, Kanitra, Freiman, Assemblywomen Peterpaul, Donlon, Assemblymen Sampson, McClellan and Simonsen

SYNOPSIS

Upgrades certain penalties for assaulting law enforcement officer and requires offender to be tested for communicable diseases in certain instances.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on September 23, 2024, with amendments.

(Sponsorship Updated As Of: 9/26/2024)

1 AN ACT upgrading certain penalties for assault and requiring testing
2 for communicable diseases, and revising various parts of
3 statutory law.

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

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

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

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

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

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

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

20 b. Aggravated assault. A person is guilty of aggravated assault
21 if the person:

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

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

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

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

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

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

40 (b) Any paid or volunteer firefighter acting in the performance
41 of the firefighter's duties while in uniform or otherwise clearly
42 identifiable as being engaged in the performance of the duties of a
43 firefighter; or

44 (c) Any person engaged in emergency first-aid or medical
45 services acting in the performance of the person's duties while in

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:

¹Senate SLP committee amendments adopted June 13, 2024.

²Assembly AAP committee amendments adopted September 23, 2024.

1 uniform or otherwise clearly identifiable as being engaged in the
2 performance 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
5 school or school board while clearly identifiable as being engaged
6 in the performance of the person's duties or because of the person's
7 status as a member or employee of a public or nonpublic school or
8 school board or any school bus driver employed by an operator
9 under contract to a public or nonpublic school or school board while
10 clearly identifiable as being engaged in the performance of the
11 person's duties or because of the person's status as a school bus
12 driver; or

13 (e) Any employee of the Division of Child Protection and
14 Permanency while clearly identifiable as being engaged in the
15 performance of the employee's duties or because of the status as an
16 employee of the division; or

17 (f) Any justice of the Supreme Court, judge of the Superior
18 Court, judge of the Tax Court or municipal judge while clearly
19 identifiable as being engaged in the performance of judicial duties
20 or because of the status as a member of the judiciary; or

21 (g) Any operator of a motorbus or the operator's supervisor or
22 any employee of a rail passenger service while clearly identifiable
23 as being engaged in the performance of the person's duties or
24 because of the status as an operator of a motorbus or as the
25 operator's supervisor or as an employee of a rail passenger service;
26 or

27 (h) Any Department of Corrections employee, county
28 correctional police officer, juvenile correctional police officer, State
29 juvenile facility employee, juvenile detention staff member,
30 juvenile detention officer, probation officer or any sheriff,
31 undersheriff, or sheriff's officer acting in the performance of the
32 person's duties while in uniform or exhibiting evidence of the
33 person's authority or because of the status as a Department of
34 Corrections employee, county correctional police officer, juvenile
35 correctional police officer, State juvenile facility employee, juvenile
36 detention staff member, juvenile detention officer, probation
37 officer, sheriff, undersheriff, or sheriff's officer; or

38 (i) Any employee, including any person employed under
39 contract, of a utility company as defined in section 2 of P.L.1971,
40 c.224 (C.2A:42-86) or a cable television company subject to the
41 provisions of the "Cable Television Act," P.L.1972, c.186
42 (C.48:5A-1 et seq.) while clearly identifiable as being engaged in
43 the performance of the employee's duties in regard to connecting,
44 disconnecting, or repairing or attempting to connect, disconnect, or
45 repair any gas, electric, or water utility, or cable television or
46 telecommunication service; or

47 (j) Any health care worker employed by a licensed health care
48 facility to provide direct patient care, any health care professional

1 licensed or otherwise authorized pursuant to Title 26 or Title 45 of
2 the Revised Statutes to practice a health care profession, except a
3 direct care worker at a State or county psychiatric hospital or State
4 developmental center or veterans' memorial home, while clearly
5 identifiable as being engaged in the duties of providing direct
6 patient care or practicing the health care profession; or

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

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

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

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

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

46 (10) Knowingly points, displays or uses an imitation firearm, as
47 defined in subsection v. of N.J.S.2C:39-1, at or in the direction of a
48 law enforcement officer with the purpose to intimidate, threaten, or

1 attempt to put the officer in fear of bodily injury or for any unlawful
2 purpose; or

3 (11) Uses or activates a laser sighting system or device, or a
4 system or device which, in the manner used, would cause a
5 reasonable person to believe that it is a laser sighting system or
6 device, against a law enforcement officer acting in the performance
7 of the officer's duties while in uniform or exhibiting evidence of the
8 officer's authority. As used in this paragraph, "laser sighting system
9 or device" means any system or device that is integrated with or
10 affixed to a firearm and emits a laser light beam that is used to
11 assist in the sight alignment or aiming of the firearm; or

12 (12) Attempts to cause significant bodily injury or causes
13 significant bodily injury purposely or knowingly or, under
14 circumstances manifesting extreme indifference to the value of
15 human life, recklessly causes significant bodily injury to a person
16 who, with respect to the actor, meets the definition of a victim of
17 domestic violence, as defined in subsection d. of section 3 of
18 P.L.1991, c.261 (C.2C:25-19); or

19 (13) Knowingly or, under circumstances manifesting extreme
20 indifference to the value of human life, recklessly obstructs the
21 breathing or blood circulation of a person who, with respect to the
22 actor, meets the definition of a victim of domestic violence, as
23 defined in subsection d. of section 3 of P.L.1991, c.261 (C.2C:25-
24 19), by applying pressure on the throat or neck or blocking the nose
25 or mouth of such person, thereby causing or attempting to cause
26 bodily injury.

27 Aggravated assault under paragraphs (1) and (6) of subsection b.
28 of this section is a crime of the second degree; under paragraphs
29 (2), (7), (9), and (10) of subsection b. of this section is a crime of
30 the third degree; under paragraphs (3) and (4) of subsection b. of
31 this section is a crime of the fourth degree; and under paragraph (5)
32 of subsection b. of this section is a crime of the third degree if the
33 victim suffers bodily injury, otherwise it is a crime of the fourth
34 degree, except: **[that]**

35 any aggravated assault under subparagraph (g) of paragraph (5)
36 of subsection b. of this section shall be a crime of the third
37 degree~~[,] ; and~~

38 any aggravated assault of a law enforcement officer under
39 subparagraph (a) of paragraph (5) of subsection b. of this section
40 ¹resulting in serious bodily injury¹ shall be a crime of the second
41 degree. ¹[A prosecutor shall not permit a person charged under
42 subparagraph (a) of paragraph (5) of subsection b. of this section to
43 enter a plea of guilty to a lesser offense.]¹ Notwithstanding the
44 provisions of N.J.S.2C:1-8 or any other law, a conviction for
45 assaulting a law enforcement officer under subparagraph (a) of
46 paragraph (5) of subsection b. of this section shall not merge with a
47 conviction for any other criminal offense. A mandatory term of
48 incarceration pursuant to section 2 of P.L.1997, c.117 (C.2C:43-7.2)

1 shall not apply to a conviction for aggravated assault of a law
2 enforcement officer under subparagraph (a) of paragraph (5) of
3 subsection b. of this section unless the assault resulted in ¹["bodily
4 injury or"]¹ serious bodily injury to the officer. ¹A person charged
5 with aggravated assault of a law enforcement officer under
6 subparagraph (a) of paragraph (5) of subsection b. of this section
7 resulting in serious bodily injury shall be ineligible to apply for
8 admission to a program of supervisory treatment pursuant to the
9 provisions of N.J.S.2C:43-12 through N.J.S.2C:43-22.¹

10 Aggravated assault under paragraph (8) of subsection b. of this
11 section is a crime of the third degree if the victim suffers bodily
12 injury; if the victim suffers significant bodily injury or serious
13 bodily injury it is a crime of the second degree. Aggravated assault
14 under paragraph (11) of subsection b. of this section is a crime of
15 the third degree. Aggravated assault under paragraph (12) of
16 subsection b. of this section is a crime of the third degree but the
17 presumption of non-imprisonment set forth in subsection e. of
18 N.J.S.2C:44-1 for a first offense of a crime of the third degree shall
19 not apply. Aggravated assault under paragraph (13) of subsection
20 b. of this section is a crime of the second degree.

21 c. (1) A person is guilty of assault by auto or vessel when the
22 person drives a vehicle or vessel recklessly and causes either
23 serious bodily injury or bodily injury to another. Assault by auto or
24 vessel is a crime of the fourth degree if serious bodily injury results
25 and is a disorderly persons offense if bodily injury results. Proof
26 that the defendant was operating a hand-held wireless telephone
27 while driving a motor vehicle in violation of section 1 of P.L.2003,
28 c.310 (C.39:4-97.3) may give rise to an inference that the defendant
29 was driving recklessly.

30 (2) Assault by auto or vessel is a crime of the third degree if the
31 person drives the vehicle while in violation of R.S.39:4-50 or
32 section 2 of P.L.1981, c.512 (C.39:4-50.4a) and serious bodily
33 injury results and is a crime of the fourth degree if the person drives
34 the vehicle while in violation of R.S.39:4-50 or section 2 of
35 P.L.1981, c.512 (C.39:4-50.4a) and bodily injury results.

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

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

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

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

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

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

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

18 (4) Assault by auto or vessel is a crime of the third degree if the
19 person purposely drives a vehicle in an aggressive manner directed
20 at another vehicle and serious bodily injury results and is a crime of
21 the fourth degree if the person purposely drives a vehicle in an
22 aggressive manner directed at another vehicle and bodily injury
23 results. For purposes of this paragraph, "driving a vehicle in an
24 aggressive manner" shall include, but is not limited to,
25 unexpectedly altering the speed of the vehicle, making improper or
26 erratic traffic lane changes, disregarding traffic control devices,
27 failing to yield the right of way, or following another vehicle too
28 closely.

29 As used in this subsection, "vessel" means a means of
30 conveyance for travel on water and propelled otherwise than by
31 muscular power.

32 d. A person who is employed by a facility as defined in section
33 2 of P.L.1977, c.239 (C.52:27G-2) who commits a simple assault as
34 defined in paragraph (1) or (2) of subsection a. of this section upon
35 an institutionalized elderly person as defined in section 2 of
36 P.L.1977, c.239 (C.52:27G-2) is guilty of a crime of the fourth
37 degree.

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

39 f. A person who commits a simple assault as defined in
40 paragraph (1), (2), or (3) of subsection a. of this section in the
41 presence of a child under 16 years of age at a school or community
42 sponsored youth sports event is guilty of a crime of the fourth
43 degree. The defendant shall be strictly liable upon proof that the
44 offense occurred, in fact, in the presence of a child under 16 years
45 of age. It shall not be a defense that the defendant did not know
46 that the child was present or reasonably believed that the child was
47 16 years of age or older. The provisions of this subsection shall not
48 be construed to create any liability on the part of a participant in a

1 youth sports event or to abrogate any immunity or defense available
2 to a participant in a youth sports event. As used in this act, "school
3 or community sponsored youth sports event" means a competition,
4 practice, or instructional event involving one or more
5 interscholastic sports teams or youth sports teams organized
6 pursuant to a nonprofit or similar charter or which are member
7 teams in a youth league organized by or affiliated with a county or
8 municipal recreation department and shall not include collegiate,
9 semi-professional or professional sporting events.
10 (cf: P.L.2021, c.352, s.1)

11
12 2. Section 2 of P.L.1997, c.182 (C.2C:12-13) is amended to
13 read as follows:

14 2. A person who throws a bodily fluid at a Department of
15 Corrections employee, county correctional police officer, juvenile
16 correctional police officer, State juvenile facility employee, juvenile
17 detention staff member, probation officer, any sheriff, undersheriff
18 or sheriff's officer **[or]**, any municipal, county, or State law
19 enforcement officer, ¹court services officer,¹ a paid or volunteer
20 firefighter, or a person engaged in emergency first-aid or medical
21 services while in the performance of the person's duties or
22 otherwise purposely subjects such employee or volunteer to contact
23 with a bodily fluid commits an aggravated assault.

24 ¹It shall be a crime of the second degree if the victim suffers
25 serious bodily injury.¹ If the victim ²**[serious suffers]** suffers²
26 bodily injury, ¹**[this]** it¹ shall be a crime of the **[third degree]**
27 ¹**[second degree]** third degree¹. Otherwise, this shall be a crime of
28 the fourth degree.

29 A term of imprisonment imposed for this offense shall run
30 consecutively to any term of imprisonment currently being served
31 and to any other term imposed for another offense committed at the
32 time of the assault. Any person charged with assault with a bodily
33 fluid under this section shall have a blood sample drawn or other
34 biological sample collected to test for communicable diseases at a
35 clinical laboratory licensed by the Department of Health pursuant to
36 the "New Jersey Clinical Laboratory Improvement Act," P.L.1975,
37 c.166 (C.45:9-42.26 et seq.) ¹, upon consent given by the person
38 charged or in compliance with a warrant issued by a judge of the
39 Superior Court.

40 The court shall issue a warrant upon finding there is probable
41 cause to believe that the person's blood or other bodily fluid came
42 into contact with a victim of the assault and the victim is at risk of
43 transmission of a communicable disease. Upon application, a
44 warrant shall be issued in accordance with the Rules of Court ²**[if**
45 the judge is satisfied that sufficient grounds for granting the
46 application have been shown¹**]**². Any affirmative result for a
47 communicable disease shall be disclosed to the victim

1 ~~1~~¹ ~~assaulted~~¹. ²Upon the issuance of a warrant, the blood sample or
2 biological sample taken from a person charged under this section
3 may not be used by law enforcement for any purpose other than to
4 test for communicable diseases. A separate warrant shall be
5 obtained before law enforcement may use the blood sample or
6 biological sample for any other investigatory purpose. After
7 completion of the testing, the blood sample or biological sample
8 shall be destroyed.²

9 Nothing herein shall be deemed to preclude, if the evidence so
10 warrants, an indictment and conviction for a violation or attempted
11 violation of chapter 11 of Title 2C of the New Jersey Statutes or
12 subsection b. of N.J.S.2C:12-1 or any other provision of the
13 criminal laws.

14 (cf: P.L.2019, c.219, s.4)

15

16 3. This act shall take effect immediately.

RACIAL AND ETHNIC COMMUNITY CRIMINAL JUSTICE AND PUBLIC SAFETY IMPACT STATEMENT

SENATE, No. 3201 (2R)

STATE OF NEW JERSEY

SUMMARY

Synopsis: Upgrades certain penalties for assault law enforcement officer and requires offender to be tested for communicable diseases in certain instances.

INTRODUCTION

The Office of Legislative Services does not develop or maintain source data concerning the criminal justice system in the State. The Office of Legislative Services makes reasonable efforts to obtain data from Executive Branch Departments and the Judiciary. This statement may reflect information provided by the United States Census Bureau, the Administrative Office of the Courts within the Judiciary, the New Jersey Department of Corrections, the New Jersey Office of the Attorney General, and the Juvenile Justice Commission in the New Jersey Department of Law and Public Safety. The publicly available data and the data provided by the responding departments and agencies contained within this statement allows for a general overview of the frequencies of events of interest (i.e. arrests, charges, and convictions) for racial and ethnic minorities for the crimes identified herein. This statement does not provide for an in-depth analysis of that data.

Additional data concerning recidivism rates and incarceration rates for the specific crimes addressed within this statement sorted by race and ethnicity is needed in order to make a conclusion on the impacts on racial and ethnic minorities. Additional data concerning the deterrent effects of similar laws of this type is needed to determine the impact on community criminal justice and public safety. It should be noted that the data needed may not currently be collected by the responding departments or agencies or may not exist.¹

BILL DESCRIPTION

Senate Bill No.3201(2R) upgrades certain penalties for assaulting a law enforcement officer. The bill also increases the penalty for assault with bodily fluids if the victim is a law enforcement officer, paid or volunteer firefighter, court service officer, or person engaged in emergency first-aid or medical services and suffers serious bodily injury.

Under current law, it is a crime of the third degree to assault a law enforcement officer if the victim suffers bodily injury; otherwise, it is a crime of the fourth degree. Under this bill, the penalty for assaulting a law enforcement officer would become a crime of the second degree if the assault results in serious bodily injury to the officer. The bill provides that a conviction for

¹ *This racial and ethnic community criminal justice and public safety impact statement has been produced by the Office of Legislative Services pursuant to section 2 of P.L.2017, c.286 (C.52:11-57.1). Although impact statements are considered a tool for policymaking, the Office of Legislative Services does not take a policy position in preparing a racial and ethnic community criminal justice and public safety impact statement. The role of the Office of Legislative Services is to gather and present data for legislators to review. This statement may reflect information provided by the United States Census Bureau, Office of Juvenile Justice and Delinquency Prevention in the United States Department of Justice, New Jersey Department of Corrections, and Juvenile Justice Commission in the New Jersey Department of Law and Public Safety.*

assaulting a law enforcement officer would not merge with a conviction for any other criminal offense. Under the bill, a mandatory term of incarceration under the “No Early Release Act” would not apply to second degree assault of a law enforcement officer, unless the assault resulted in seriously bodily injury. In addition, a person charged with second degree assault of a law enforcement officer would be prohibited from applying to enter a Pretrial Intervention Program.

The bill would also upgrade the penalty for assault with bodily fluids of a law enforcement officer, court services officer, paid or volunteer firefighter, or person engaged in emergency first-aid or medical services who suffers serious bodily injury. Under current law, it is a crime of the fourth degree for a person to assault with bodily fluids a Department of Corrections employee, county correctional police officer, juvenile correctional police officer, State juvenile facility employee, juvenile detention staff member, probation officer, any sheriff, undersheriff or sheriff’s officer, or any municipal, county, or State law enforcement officer. If the victim suffers bodily injury, it is a crime of the third degree. The bill would add court service officers, firefighters, and persons engaged in emergency first-aid or medical services to the list of individuals protected under current law.

Under the bill, the penalty for assault with bodily fluids would be upgraded to a crime of the second degree if the victim suffers serious bodily injury. “Serious bodily injury” is defined 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. Additionally, any person charged with assault with a bodily fluid would be required to provide a blood sample or other biological sample drawn to be tested for communicable diseases at a clinical laboratory licensed by the Department of Health, upon consent given by the person charged or in compliance with a warrant issued by a judge of the Superior Court. The court would be required to issue a warrant upon finding there is probable cause to believe that the person’s blood or other bodily fluid came into contact with a victim of the assault and that the victim is at risk of transmission of a communicable disease. Any positive results for a communicable disease will be shared with the assault victim. Additionally, the bill provides that upon the issuance of a warrant, the blood sample or biological sample taken from a person pursuant to the bill may not be used by law enforcement for any purpose other than to test for communicable diseases. Under the bill, a separate warrant is required to be obtained before law enforcement may use the blood sample or biological sample for any other investigatory purpose. After completion of the testing, the blood sample or biological sample is required to be destroyed.

A crime of the second degree is punishable by five to 10 years imprisonment, a fine of up to \$150,000, or both. A crime of the third degree is punishable by three to five years imprisonment, a fine of up to \$15,000, or both. A crime of the fourth degree is punishable by up to 18 months imprisonment, a fine of up to \$10,000, or both.

Federal and State Census Information²

	Population	Caucasian	African American	Native American/Alaska Native	Asian	Native Hawaiian/ Other Pacific Islander	Hispanic	Two or More Races/Other
National Census Estimate	331,450,000	59.3%	13.6%	1.3%	6.1%	0.3%	18.9%	2.9%
State Census Estimate	9,289,000	53.5%	15.3%	0.7%	10.3%	0.1%	21.5%	2.4%

Federal and State Inmate Population Data

	Population	Caucasian	African American	Native American/Alaska Native	Asian	Native Hawaiian/ Other Pacific Islander	Hispanic	Two or More Races/Other
Actual Federal Adult Inmate Population ³	156,241	56.9%	38.8%	2.8%	1.5%	N/A	29.2%	N/A
Actual State Adult Inmate Population ⁴	12,978	22%	60.8%	0.0%	1%	N/A	17%	N/A

State Census and State Inmate Population Data

	Population	Caucasian	African American	Native American/Alaska Native	Asian	Native Hawaiian/ Other Pacific Islander	Hispanic	Two or More Races/Other
State Census Estimate	9,289,000	53.5%	15.3%	0.7%	10.3%	0.1%	21.5%	2.4%
Actual State Adult Inmate Population ⁵	12,978	22%	60.8%	0.0%	1%	N/A	17%	N/A

² Publicly available data obtained from the federal census for national and State populations as of April 1, 2020.

³ Publicly available data of federally sentenced persons in custody of the Federal Bureau of Prisons, as of June 1, 2024.

⁴ Publicly available data produced by the New Jersey Department of Corrections concerning the State inmate population on January 1, 2024. It has been reported by the New Jersey Department of Corrections that the Fiscal Year 2024 average daily population was 12,490. However, that number has not been sorted by race or ethnicity.

⁵ Publicly available data produced by the New Jersey Department of Corrections concerning the State inmate population on January 1, 2024. It has been reported by the New Jersey Department of Corrections that the Fiscal Year 2024 average daily population was 12,490. However, that number has not been sorted by race or ethnicity.

DATA PROVIDED BY THE EXECUTIVE BRANCH

The following data was provided, as a part of the submission, from the Office of the Attorney General:

The below displays the number of arrest events (a specific arrest date for a unique defendant) with any paragraph of the enumerated charges below displayed by race/ethnicity for all arrests between January 1, 2017 to June 30, 2024.

<i>STATUTE</i>	<i>STATUTE DESCRIPTION</i>	<i>DEGREE</i>	<i>WHITE (INCL. HISPANIC ORIGIN)</i>	<i>BLACK</i>	<i>ASIAN/PAC. ISLANDER</i>	<i>AM. INDIAN/ALASKA NATIVE</i>	<i>UNKNOWN/NOT PROVIDED</i>	
2C:12-1B(5)(A)	AGG ASSAULT-ON LAW ENFORCEMENT OFFICER	3rd or 4th	3,162	3,471		50	18	243
2C:12-13	THROWING BODILY FLUID AT LAW ENFORCEMENT OFF	3rd or 4th	935	893		10	3	76

The below displays the number of Unique Defendants with a Guilty Outcome (based on State Bureau of Identification Number) charged with any paragraph of the enumerated charges below displayed by race/ethnicity for all arrests between January 1, 2017 to June 30, 2024.

<i>STATUTE</i>	<i>STATUTE DESCRIPTION</i>	<i>DEGREE</i>	<i>WHITE (INCL. HISPANIC ORIGIN)</i>	<i>BLACK</i>	<i>ASIAN/PAC. ISLANDER</i>	<i>AM. INDIAN/ALASKA NATIVE</i>	<i>UNKNOWN/NOT PROVIDED</i>	
2C:12-1B(5)(A)	AGG ASSAULT-ON LAW ENFORCEMENT OFFICER	3rd or 4th	563	608		6	2	41
2C:12-13	THROWING BODILY FLUID AT LAW ENFORCEMENT OFF	3rd or 4th	230	210		2	1	23

The following response was provided by the Juvenile Justice Commission:

The Juvenile Justice Commission (JJC) does not maintain or have direct access to detailed data on youth arrests, prosecutions, or adjudications (i.e. convictions). The JJC is not a prosecutorial agency. The JJC does not keep racial and ethnic data segregated by crimes for arrests, prosecutions, or adjudications for the juveniles committed to its care.

The Department of Corrections has made available to the public statistical data concerning the State inmate population categorized by race and ethnicity for 2024, which are reflected in the charts on page 3, and offenders by base offense for 2022, 2023, and 2024 in the following charts:

Offenders by Base Offense for 2022

Base Offense	Total		Male Offenders in Other Facilities		Youth Offenders		Adult Diagnostic Treatment Center (ADTC)		Edna Mahan		Halfway Houses, County Jails, St. Francis Hospital	
	#	%	#	%	#	%	#	%	#	%	#	%
TOTAL OFFENDERS	12,492	100%	9,442	100%	1,139	100%	410	100%	408	100%	1,093	100%
Violent Offenses	9,049	72%	7,251	77%	681	60%	410	100%	273	67%	434	40%

Offenders by Base Offense for 2023

Base Offense	Total		Male Offenders in Other Facilities		Youth Offenders		Adult Diagnostic Treatment Center (ADTC)		Edna Mahan		Halfway Houses, County Jails, St. Francis Hospital	
	#	%	#	%	#	%	#	%	#	%	#	%
TOTAL OFFENDERS	13,196	100%	9,133	100%	1,174	100%	402	100%	356	100%	2,131	100%
Violent Offenses	9,343	71%	7,196	79%	708	60%	402	100%	261	73%	776	36%

Offenders by Base Offense for 2024

Base Offense	Total		Male Incarcerated Persons		Edna Mahan		Residential Community Release Program (RCRP), County Jails, Central Medical Unit (CHR)		Interstate Corrections Compact	
	#	%	#	%	#	%	#	%	#	%
Total Offenders	12,978	100%	11,176	100%	386	100%	1,140	100%	276	100%
Violent Offenses	9,417	73%	8,445	76%	284	74%	543	48%	145	53%

Note: violent offenses include homicide, sexual assault, aggravated and simple assault, robbery, kidnapping, other sex offenses and other person offenses.

DATA PROVIDED BY THE JUDICIARY

The following data was provided, as a part of the submission, from the Judiciary:

FAMILY (FACTS) JUVENILE DATA FOR CHARGES FILED IN COURT YEARS 2023 AND 2024							
2C:12-13 THROWING BODILY FLUID AT LAW ENFORCEMENT OFFICER ⁶							
County	Degree 3		Degree 4				Total
	Black/Afr	White	Black/Afr	Hispanic	Not Stated	White	
Atlantic	0	1	5	0	0	7	13
Bergen	0	0	1	0	0	3	4
Burlington	1	1	5	1	0	2	10
Camden	1	1	7	0	1	0	10
Cape May	0	0	0	0	0	2	2
Cumberland	0	0	6	0	0	2	8
Essex	2	0	7	0	0	1	10
Gloucester	0	0	5	0	0	1	6
Hudson	0	0	4	0	0	0	4
Hunterdon	0	0	5	0	0	1	6
Mercer	0	0	2	0	0	2	4
Middlesex	0	0	1	0	0	2	3
Monmouth	0	0	3	0	0	2	5
Morris	0	0	3	0	0	1	4
Ocean	0	0	1	0	0	1	2
Passaic	1	0	2	0	0	4	7
Salem	0	0	5	0	0	2	7
Somerset	0	0	1	0	0	1	2
Union	0	0	6	0	0	3	9
Warren	0	0	0	0	0	1	1
Total	5	3	69	1	1	38	117

FAMILY (FACTS) JUVENILE DATA FOR CHARGES FILED IN COURT YEARS 2023 AND 2024					
County	2C:12-1 ASSAULT – 2ND DEGREE				
	Asian	Black/Afr	Hispanic	Not Stated or Unknown	White
Atlantic	0	42	1	0	5
Bergen	0	8	0	0	13
Burlington	0	16	0	1	5
Camden	0	37	0	1	10
Cape May	0	5	1	0	7
Cumberland	0	14	0	0	13
Essex	0	125	1	2	16
Gloucester	0	5	0	0	6
Hudson	0	46	3	1	19
Hunterdon	0	1	0	0	1
Mercer	0	20	1	0	4
Middlesex	3	23	1	4	24
Monmouth	0	11	3	0	4
Morris	0	1	0	0	1
Ocean	0	0	0	1	1
Passaic	0	6	0	0	13
Salem	0	4	0	0	0
Somerset	0	3	0	0	2
Sussex	0	0	0	0	0
Union	1	17	0	0	16
Warren	0	3	0	0	0
Total	4	387	11	10	160

⁶ Racial demographic data was not provided for the following: Asian, American Indian, and Alaska Native.

FAMILY (FACTS) JUVENILE DATA FOR CHARGES FILED IN COURT YEARS 2023 AND 2024					
County	ASSAULT 2C:12-1 – 3RD DEGREE				
	Asian	Black/Afr	Hispanic	Not Stated	White
Atlantic	0	64	0	1	12
Bergen	1	14	0	0	24
Burlington	0	46	5	2	19
Camden	1	87	6	1	34
Cape May	0	1	0	0	11
Cumberland	0	12	2	2	6
Essex	1	77	2	2	18
Gloucester	0	10	1	3	2
Hudson	0	57	1	0	37
Hunterdon	0	5	0	0	1
Mercer	0	38	1	0	17
Middlesex	1	51	2	3	55
Monmouth	0	14	1	1	20
Morris	0	9	0	1	7
Ocean	0	2	2	2	21
Passaic	1	13	1	0	21
Salem	0	5	0	0	3
Somerset	0	4	0	0	9
Sussex	0	1	0	0	11
Union	2	44	0	0	17
Warren	0	14	0	0	4
Total	7	568	24	18	349

FAMILY (FACTS) JUVENILE DATA FOR CHARGES FILED IN COURT YEARS 2023 AND 2024						
County	ASSAULT 2C:12-1 – 4TH DEGREE					
	Amr Ind/Alsk	Asian	Black/Afr	Hispanic	Not Stated or Unknown	White
Atlantic	0	1	60	0	0	17
Bergen	0	1	10	0	0	13
Burlington	0	0	26	0	0	3
Camden	0	0	56	1	4	18
Cape May	0	0	4	0	0	3
Cumberland	1	0	27	0	2	12
Essex	0	0	48	0	1	7
Gloucester	0	0	17	0	0	6
Hudson	0	0	22	1	0	12
Hunterdon	0	0	0	0	0	4
Mercer	0	0	24	0	1	9
Middlesex	0	0	25	2	2	36
Monmouth	0	0	9	0	0	12
Morris	0	0	2	0	0	2
Ocean	0	0	7	0	0	14
Passaic	0	0	6	1	1	7
Salem	0	0	12	0	0	3
Somerset	0	0	4	0	2	1
Sussex	0	0	1	0	0	8
Union	0	1	22	1	0	5
Warren	0	0	1	0	0	2
Total	1	3	383	6	13	194

**ADULT CHARGES PROMIS GAVEL DATA FOR COURT YEARS 2023 AND 2024
ASSUALT 2C:12-1, AS OF SEPTEMBER 26, 2024**

COUNTY	NUMBER CHARGED	ASSAULT/INJURY STATUTE 2C:12-1																							
		DEGREE 2								DEGREE 3								DEGREE 4							
		Asian	Black/ Africa Am	Hispanic	Amer Ind/ Alsk Nativ	Nat Haw/ Pacfic Is	Unkwn	White	Missing	Asian	Black/ Africa Am	Hispanic	Amer Ind/ Alsk Nativ	Nat Haw/ Pacfic Is	Unkwn	White	Missing	Asian	Black/ Africa Am	Hispanic	Amer Ind/ Alsk Nativ	Nat Haw/ Pacfic Is	Unkwn	White	Missing
		A	B	H	I	P	U	W		A	B	H	I	P	U	W		A	B	H	I	P	U	W	
ATL	762	2	123	52	0	0	3	73	0	4	144	64	1	0	4	87	0	4	104	32	1	0	4	59	0
BER	826	17	66	104	3	0	8	65	0	11	91	129	1	0	6	91	0	8	65	77	0	0	9	74	0
BUR	638	4	159	34	0	0	4	95	0	0	104	22	0	1	4	76	0	2	63	16	0	0	2	51	0
CAM	1308	4	156	67	0	0	1	64	0	5	355	127	1	0	8	163	0	4	178	63	0	0	3	106	0
CPM	330	0	16	22	0	0	0	55	0	0	30	19	0	0	0	105	0	1	17	8	0	0	0	57	0
CUM	563	0	70	82	0	0	1	44	0	2	81	79	0	0	2	34	0	0	75	53	0	0	0	40	0
ESX	3017	4	1050	350	5	0	11	74	2	7	725	247	1	0	5	80	0	6	305	84	0	0	9	51	0
GLO	433	0	67	27	1	0	1	99	0	0	56	15	0	0	0	72	0	0	32	8	0	0	2	53	0
HNT	64	0	4	2	0	0	0	9	0	0	7	4	0	0	0	11	0	1	4	1	0	0	1	20	0
HUD	1990	11	319	299	1	1	14	93	0	18	313	376	3	0	14	150	0	8	163	141	2	0	6	58	0
MER	720	4	132	57	0	0	3	50	0	6	163	71	0	0	4	42	0	3	102	42	0	0	0	41	0
MID	1121	18	135	151	3	1	4	96	0	24	136	149	1	3	2	93	0	11	82	111	1	1	6	92	0
MON	888	1	131	96	0	0	6	147	0	0	101	65	2	0	3	143	0	2	52	37	0	0	3	99	0
MRS	338	3	18	33	0	0	1	31	0	5	34	44	0	0	1	64	0	4	16	30	0	0	2	52	0
OCN	779	1	25	53	0	0	1	127	0	2	62	65	0	0	7	182	0	0	38	49	1	0	1	165	0
PAS	880	3	90	194	0	0	6	31	0	3	102	224	0	0	6	55	0	1	52	72	0	0	4	36	0
SLM	230	1	53	10	0	0	0	29	0	0	47	9	0	0	0	38	0	0	24	5	0	0	0	14	0
SOM	90	0	7	11	0	0	0	9	0	2	17	9	0	0	0	17	0	2	4	2	0	0	0	8	0
SSX	126	0	0	6	0	0	0	16	0	1	7	11	0	0	1	40	1	0	2	6	0	0	1	34	0
UNN	815	7	143	137	2	0	3	17	0	5	139	151	0	0	4	30	0	1	82	64	0	0	0	30	0
WRN	84	0	5	2	0	0	1	12	0	1	10	9	0	0	0	26	0	0	3	4	0	0	0	11	0
Total (STATE)	16002	80	2769	1789	15	2	68	1236	2	96	2724	1889	10	4	71	1599	1	58	1463	905	5	1	53	1151	0

**ADULT CHARGES PROMIS GAVEL DATA FOR COURT YEARS 2023 AND 2024
THROWING BODILY FLUID AT LEO 2C:12-13, AS OF SEPTEMBER 26, 2024**

COUNTY	NUMBER CHARGED	BODILY FLUID STATUTE 2C:12-13																								
		DEGREE 2								DEGREE 3								DEGREE 4								
		Asian	Black/ Africa Am	Hispanic	Amer Ind/ Alsk Nativ	Nat Haw/ Pacfic Is	Unkwn	White	Missing	Asian	Black/ Africa Am	Hispanic	Amer Ind/ Alsk Nativ	Nat Haw/ Pacfic Is	Unkwn	White	Missing	Asian	Black/ Africa Am	Hispanic	Amer Ind/ Alsk Nativ	Nat Haw/ Pacfic Is	Unkwn	White	Missing	
		A	B	H	I	P	U	W		A	B	H	I	P	U	W		A	B	H	I	P	U	W		
ATL	39	0	0	0	0	0	0	0	0	0	4	0	0	0	0	0	0	0	16	2	0	0	3	14	0	
BER	29	0	0	0	0	0	0	0	0	0	1	1	0	0	2	2	0	2	7	7	0	0	0	7	0	
BUR	23	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	11	1	0	0	1	10	0	
CAM	68	0	0	0	0	0	0	0	0	0	3	0	0	0	0	0	0	1	41	7	0	0	0	16	0	
CPM	14	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	8	2	0	0	0	3	0	
CUM	39	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1	0	0	22	7	0	0	1	7	0	
ESX	155	0	0	0	0	0	0	0	0	0	7	1	0	0	1	3	0	0	109	11	0	0	6	17	0	
GLO	13	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	2	0	0	0	7	0	
HNT	14	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	2	3	0	0	0	8	0	
HUD	65	0	0	0	0	0	0	0	0	0	4	2	0	0	0	0	0	2	20	26	1	0	1	9	0	
MER	20	0	0	0	0	0	0	0	0	0	1	1	0	0	0	1	0	1	13	0	0	0	0	3	0	
MID	34	0	0	0	0	0	0	0	0	0	2	1	0	0	1	0	0	0	13	8	0	0	1	8	0	
MON	31	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	12	2	0	0	2	14	0	
MRS	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	3	0	0	0	5	0	
OCN	30	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1	0	0	10	3	0	0	0	15	0	
PAS	19	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	3	9	0	0	0	6	0	
SLM	7	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	2	1	0	0	0	3	0	
SOM	9	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1	3	0	0	0	4	0	
SSX	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0	0	
UNN	17	0	0	0	0	0	0	0	0	0	4	0	0	0	0	1	0	0	6	5	0	0	0	1	0	
WRN	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0	1	0	
Total (STATE)	641	0	0	0	0	0	0	0	0	0	31	6	0	0	5	10	0	7	303	104	1	0	16	158	0	

Count of Probation clients in each category of crime-degree (FY 23 & FY24 consolidated)																		
		Race																
		AM. INDIAN OR ALASKA NATIVE			ASIAN			BLACK/AFRICAN AMERICAN			NAT. HAWAIIAN/ OTHER PACIFIC ISLANDER		UNKNOWN			WHITE		
		Ethnicity			Ethnicity			Ethnicity			Ethnicity		Ethnicity			Ethnicity		
		Non-Hispanic	Unkown	Hispanic	Non-Hispanic	Unkown	Hispanic	Non-Hispanic	Unkown	Hispanic	Non-Hispanic	Unkown	Non-Hispanic	Unkown	Hispanic	Non-Hispanic	Unkown	Hispanic
		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Statute	degree																	
2C:12-1	1	.	.	.	.	.	.	2	1	.	.	.	.	1	.	.	1	4
	2	.	.	.	15	1	.	140	32	11	.	.	8	8	14	99	19	75
	3	3	2	2	69	6	5	1495	328	50	1	.	39	68	84	922	340	662
	4	5	1	1	22	.	.	326	59	23	.	1	8	24	31	420	129	241
2C:12-13	3	.	.	.	1	.	.	4	4	1	.	.	.	.	1	3	1	3
	4	.	.	2	1	.	.	88	11	5	.	.	1	1	6	88	22	34
	DP	.	.	.	.	.	.	2	.	.	.	.	.	.	.	1	.	.
Tot. counts by crime-deg.		8	3	5	93	6	5	1915	402	79	1	1	48	93	122	1434	492	940

ASSEMBLY PUBLIC SAFETY AND PREPAREDNESS
COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 3201

STATE OF NEW JERSEY

DATED: SEPTEMBER 12, 2024

The Assembly Public Safety and Preparedness Committee reports favorably Senate Bill No. 3201 (1R).

As reported by the committee, this bill upgrades certain penalties for assaulting a law enforcement officer. The bill also increases the penalty for assault with bodily fluids if the victim is a law enforcement officer, paid or volunteer firefighter, court service officer, or person engaged in emergency first-aid or medical services and suffers serious bodily injury.

Under current law, it is a crime of the third degree to assault a law enforcement officer if the victim suffers bodily injury; otherwise, it is a crime of the fourth degree. Under the bill, the penalty for assaulting a law enforcement officer would become a crime of the second degree if the assault results in serious bodily injury to the officer. The bill provides that a conviction for assaulting a law enforcement officer would not merge with a conviction for any other criminal offense. Under the bill, a mandatory term of incarceration under the No Early Release Act (NERA) would not apply to second degree assault of a law enforcement officer, unless the assault resulted in seriously bodily injury. In addition, a person charged with second degree assault of a law enforcement officer would be prohibited from applying to enter a Pretrial Intervention Program.

The bill would also upgrade the penalty for assault with bodily fluids of a law enforcement officer, court services officer, paid or volunteer firefighter, or person engaged in emergency first-aid or medical services who suffers serious bodily injury. Under current law, it is a crime of the fourth degree for a person to assault with bodily fluids a Department of Corrections employee, county correctional police officer, juvenile correctional police officer, State juvenile facility employee, juvenile detention staff member, probation officer, any sheriff, undersheriff or sheriff's officer, or any municipal, county, or State law enforcement officer. If the victim suffers bodily injury, it is a crime of the third degree. The bill would add court service officers, firefighters, and persons engaged in emergency first-aid or medical services to the list of individuals protected under current law.

Under the bill, the penalty for assault with bodily fluids would be upgraded to a crime of the second degree if the victim suffers serious bodily injury. Additionally, any person charged with assault with a bodily fluid would be required to provide a blood sample or other biological sample drawn to be tested for communicable diseases at a clinical laboratory licensed by the Department of Health, upon consent given by the person charged or in compliance with a warrant issued by a judge of the Superior Court. The court would be required to issue a warrant upon finding there is probable cause to believe that the person's blood or other bodily fluid came into contact with a victim of the assault and that the victim is at risk of transmission of a communicable disease. Additionally, a warrant would be required to be issued in accordance with the Rules of Court, if the judge is satisfied that sufficient grounds for granting the application have been shown. Any positive results for a communicable disease will be shared with the assault victim.

Under current law, serious bodily injury is defined 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." A crime of the second degree is punishable by five to 10 years imprisonment, a fine of up to \$150,000, or both.

As reported by the committee, Senate Bill No. 3201 (1R) is identical to Assembly Bill No. 2378, which also was amended and reported by the committee on this date.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 3201

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 23, 2024

The Assembly Appropriations Committee reports favorably and with committee amendments Senate Bill No. 3201 (1R).

As amended and reported by the committee, this bill upgrades certain penalties for assaulting a law enforcement officer. The amended bill also increases the penalty for assault with bodily fluids if the victim is a law enforcement officer, paid or volunteer firefighter, court service officer, or person engaged in emergency first-aid or medical services and suffers serious bodily injury.

Under current law, it is a crime of the third degree to assault a law enforcement officer if the victim suffers bodily injury; otherwise, it is a crime of the fourth degree. Under this bill, the penalty for assaulting a law enforcement officer would become a crime of the second degree if the assault results in serious bodily injury to the officer. The bill provides that a conviction for assaulting a law enforcement officer would not merge with a conviction for any other criminal offense. Under the bill, a mandatory term of incarceration under the No Early Release Act (NERA) would not apply to second degree assault of a law enforcement officer, unless the assault resulted in seriously bodily injury. In addition, a person charged with second degree assault of a law enforcement officer would be prohibited from applying to enter a Pretrial Intervention Program.

The bill also would upgrade the penalty for assault with bodily fluids of a law enforcement officer, court services officer, paid or volunteer firefighter, or person engaged in emergency first-aid or medical services who suffers serious bodily injury. Under current law, it is a crime of the fourth degree for a person to assault with bodily fluids a Department of Corrections employee, county correctional police officer, juvenile correctional police officer, State juvenile facility employee, juvenile detention staff member, probation officer, any sheriff, undersheriff or sheriff's officer, or any municipal, county, or State law enforcement officer. If the victim suffers bodily injury, it is a crime of the third degree. The bill would add court service

officers, firefighters, and persons engaged in emergency first-aid or medical services to the list of individuals protected under current law.

Under the bill, the penalty for assault with bodily fluids would be upgraded to a crime of the second degree if the victim suffers serious bodily injury. Additionally, any person charged with assault with a bodily fluid would be required to provide a blood sample or other biological sample drawn to be tested for communicable diseases at a clinical laboratory licensed by the Department of Health, upon consent given by the person charged or in compliance with a warrant issued by a judge of the Superior Court. The court would be required to issue a warrant upon finding there is probable cause to believe that the person's blood or other bodily fluid came into contact with a victim of the assault and that the victim is at risk of transmission of a communicable disease. Any positive results for a communicable disease will be shared with the assault victim. Additionally, the bill provides that upon the issuance of a warrant, the blood sample or biological sample taken from a person pursuant to the bill may not be used by law enforcement for any purpose other than to test for communicable diseases. Under the bill, a separate warrant is required to be obtained before law enforcement may use the blood sample or biological sample for any other investigatory purpose. After completion of the testing, the blood sample or biological sample is required to be destroyed.

Under current law, serious bodily injury is defined 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." A crime of the second degree is punishable by five to 10 years imprisonment, a fine of up to \$150,000, or both.

As reported by the committee, Assembly Bill No. 2378 (1R) is identical to Senate Bill No. 3201 (1R), which was also reported by the committee on this date.

As amended and reported by the committee, Senate Bill No. 3201 (1R) is identical to Assembly Bill No. 2378 (1R), which was also amended and reported by the committee on this date.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

1) remove the provision requiring that if a judge is satisfied sufficient grounds for granting an application have been shown, that a warrant shall be issued;

2) provide that upon the issuance of a warrant, the blood sample or biological sample taken from a person pursuant to the bill may not be used by law enforcement for any purpose other than to test for communicable diseases; in addition, a separate warrant must be

obtained before law enforcement may use the blood sample or biological sample for any other investigatory purpose. After completion of the testing, the blood sample or biological sample is required to be destroyed; and

3) make a technical correction.

FISCAL IMPACT:

Fiscal information for this bill is currently unavailable.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 3201

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 13, 2024

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 3201.

As amended and reported by the committee, this bill upgrades certain penalties for assaulting a law enforcement officer. The amended bill also increases the penalty for assault with bodily fluids if the victim is a law enforcement officer, paid or volunteer firefighter, court service officer, or person engaged in emergency first-aid or medical services and suffers serious bodily injury.

Under current law, it is a crime of the third degree to assault a law enforcement officer if the victim suffers bodily injury; otherwise, it is a crime of the fourth degree. Under this bill, the penalty for assaulting a law enforcement officer would become a crime of the second degree if the assault results in serious bodily injury to the officer. The bill provides that a conviction for assaulting a law enforcement officer would not merge with a conviction for any other criminal offense. Under the bill, a mandatory term of incarceration under the No Early Release Act (NERA) would not apply to second degree assault of a law enforcement officer, unless the assault resulted in seriously bodily injury. In addition, a person charged with second degree assault of a law enforcement officer would be prohibited from applying to enter a Pretrial Intervention Program.

The bill would also upgrade the penalty for assault with bodily fluids of a law enforcement officer, court services officer, paid or volunteer firefighter, or person engaged in emergency first-aid or medical services who suffers serious bodily injury. Under current law, it is a crime of the fourth degree for a person to assault with bodily fluids a Department of Corrections employee, county correctional police officer, juvenile correctional police officer, State juvenile facility employee, juvenile detention staff member, probation officer, any sheriff, undersheriff or sheriff's officer, or any municipal, county, or State law enforcement officer. If the victim suffers bodily injury, it is a crime of the third degree. The bill would add court service officers, firefighters, and persons engaged in emergency first-aid or medical services to the list of individuals protected under current law.

Under the bill, the penalty for assault with bodily fluids would be upgraded to a crime of the second degree if the victim suffers serious

bodily injury. Additionally, any person charged with assault with a bodily fluid would be required to provide a blood sample or other biological sample drawn to be tested for communicable diseases at a clinical laboratory licensed by the Department of Health, upon consent given by the person charged or in compliance with a warrant issued by a judge of the Superior Court. The court would be required to issue a warrant upon finding there is probable cause to believe that the person's blood or other bodily fluid came into contact with a victim of the assault and that the victim is at risk of transmission of a communicable disease. Additionally, a warrant would be required to be issued in accordance with the Rules of Court, if the judge is satisfied that sufficient grounds for granting the application have been shown. Any positive results for a communicable disease will be shared with the assault victim.

Under current law, serious bodily injury is defined 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.” A crime of the second degree is punishable by five to 10 years imprisonment, a fine of up to \$150,000, or both.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

1) provide that the penalty for assaulting a law enforcement officer would become a crime of the second degree if the assault results in serious bodily injury to the victim; as introduced the bill increased penalty also applied to the lesser bodily injury standard;

(2) increase the penalty for assault with bodily fluids to a crime of the second degree if the victim suffers serious bodily injury; as introduced, bill established a second degree crime if the victim suffered bodily injury;

(3) remove a provision prohibiting a defendant from entering a guilty plea to a lesser charge;

(4) provide that a person charged with second degree assault on a law enforcement officer resulting in serious bodily injury is ineligible for Pretrial Intervention Services;

(5) provide that a mandatory term of incarceration under the No Early Release Act (NERA) would not apply to second degree assault of a law enforcement officer, unless the assault resulted in serious bodily injury;

(6) add court service officers to the list of officers protected under current law from assault with bodily fluids;

(7) provide that a person charged with assault with a bodily fluid would be required to provide a blood or other biological sample upon consent or in accordance with a warrant issued by a judge of the Superior Court;

(8) require the court to issue a warrant for the collection of blood or other biological sample upon finding there is probable cause to believe that the person's blood or other bodily fluid came into contact with a victim of the assault and the victim is at risk of transmission of a communicable disease; and

(9) require the warrant for the collection of blood or other biological sample to be issued in accordance with the Rules of Court if the judge is satisfied that sufficient grounds for granting the application have been shown.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 3201

STATE OF NEW JERSEY

DATED: JUNE 26, 2024

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 3201 (1R).

This bill upgrades certain penalties for assaulting a law enforcement officer. The amended bill also increases the penalty for assault with bodily fluids if the victim is a law enforcement officer, paid or volunteer firefighter, court service officer, or person engaged in emergency first-aid or medical services and suffers serious bodily injury.

Under current law, it is a crime of the third degree to assault a law enforcement officer if the victim suffers bodily injury; otherwise, it is a crime of the fourth degree. Under this bill, the penalty for assaulting a law enforcement officer would become a crime of the second degree if the assault results in serious bodily injury to the officer. The bill provides that a conviction for assaulting a law enforcement officer would not merge with a conviction for any other criminal offense. Under the bill, a mandatory term of incarceration under the No Early Release Act (NERA) would not apply to second degree assault of a law enforcement officer, unless the assault resulted in seriously bodily injury. In addition, a person charged with second degree assault of a law enforcement officer would be prohibited from applying to enter a Pretrial Intervention Program.

The bill would also upgrade the penalty for assault with bodily fluids of a law enforcement officer, court services officer, paid or volunteer firefighter, or person engaged in emergency first-aid or medical services who suffers serious bodily injury. Under current law, it is a crime of the fourth degree for a person to assault with bodily fluids a Department of Corrections employee, county correctional police officer, juvenile correctional police officer, State juvenile facility employee, juvenile detention staff member, probation officer, any sheriff, undersheriff or sheriff's officer, or any municipal, county, or State law enforcement officer. If the victim suffers bodily injury, it is a crime of the third degree. The bill would add court service officers, firefighters, and persons engaged in emergency first-aid or medical services to the list of individuals protected under current law.

Under the bill, the penalty for assault with bodily fluids would be upgraded to a crime of the second degree if the victim suffers serious

bodily injury. Additionally, any person charged with assault with a bodily fluid would be required to provide a blood sample or other biological sample drawn to be tested for communicable diseases at a clinical laboratory licensed by the Department of Health, upon consent given by the person charged or in compliance with a warrant issued by a judge of the Superior Court. The court would be required to issue a warrant upon finding there is probable cause to believe that the person's blood or other bodily fluid came into contact with a victim of the assault and that the victim is at risk of transmission of a communicable disease. Additionally, a warrant would be required to be issued in accordance with the Rules of Court, if the judge is satisfied that sufficient grounds for granting the application have been shown. Any positive results for a communicable disease will be shared with the assault victim.

Under current law, serious bodily injury is defined 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.” A crime of the second degree is punishable by five to 10 years imprisonment, a fine of up to \$150,000, or both.

FISCAL IMPACT:

The Office of Legislative Services (OLS) anticipates that the bill will result in indeterminate additional annual costs to the State. The bill upgrades certain crimes concerning assault of a law enforcement officer from crimes of the third degree and the fourth degree to a crime of the second degree. Crimes of the second degree carry a presumption of incarceration for persons convicted of these crimes while, generally, a presumption of non-incarceration applies to first time offenders of crimes of the third degree and the fourth degree.

The following State agencies would incur caseload and expenditure increases: i) the Department of Corrections would have to house more inmates for longer terms of imprisonment and the State Parole Board would have to supervise their return to society; ii) the Judiciary would need to adjudicate additional cases; iii) the Office of the Public Defender may have to represent additional low-income criminal defendants; and iv) the Department of Law and Public Safety would have to prosecute additional cases if the increased penalties create a reluctance on the part of the defendant to enter a guilty plea.

This bill will also result in increased costs to the State due to the provision requiring any person charged with assault with a bodily fluid be tested for communicable diseases at a clinical laboratory licensed by the Department of Health. The OLS cannot confirm how many such individuals will require testing or who will pay for it. For context, the Department of Corrections reported 128 assaults with bodily fluids for 2021.

The State may receive indeterminate additional annual revenue from fines and penalties imposed on and collected from individuals convicted of the upgraded offenses; however, the State's ability to collect fines and penalties has historically been limited.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 3201

STATE OF NEW JERSEY 221st LEGISLATURE

DATED: JULY 1, 2024

SUMMARY

- Synopsis:** Upgrades certain penalties for assaulting law enforcement officer and requires offender to be tested for communicable diseases in certain instances.
- Type of Impact:** Annual State expenditure and revenue increases.
- Agencies Affected:** Department of Law and Public Safety; Department of Corrections; State Parole Board; the Judiciary; Office of the Public Defender; Department of Health.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Cost Increase	Indeterminate
State Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) anticipates that the bill will result in indeterminate additional annual costs to the State. The bill upgrades certain crimes concerning assault of a law enforcement officer from crimes of the third degree and the fourth degree to a crime of the second degree. Crimes of the second degree carry a presumption of incarceration for persons convicted of these crimes while, generally, a presumption of non-incarceration applies to first time offenders of crimes of the third degree and the fourth degree.
- The following State agencies would incur caseload and expenditure increases: i) the Department of Corrections would have to house more inmates for longer terms of imprisonment and the State Parole Board would have to supervise their return to society; ii) the Judiciary would need to adjudicate additional cases; iii) the Office of the Public Defender may have to represent additional low-income criminal defendants; and iv) the Department of Law and Public Safety would have to prosecute additional cases if the increased penalties create a reluctance on the part of the defendant to enter a guilty plea.
- This bill will also result in increased costs to the State due to the provision requiring any person charged with assault with a bodily fluid be tested for communicable diseases at a clinical

laboratory licensed by the Department of Health. The OLS cannot confirm how many such individuals will require testing or who will pay for it. For context, the Department of Corrections reported 128 assaults with bodily fluids for 2021.

- The State may receive indeterminate additional annual revenue from fines and penalties imposed on and collected from individuals convicted of the upgraded offenses; however, the State's ability to collect fines and penalties has historically been limited.

BILL DESCRIPTION

This bill upgrades certain penalties for assaulting a law enforcement officer. The bill also increases the penalty for assault with bodily fluids if the victim is a law enforcement officer, paid or volunteer firefighter, court service officer, or person engaged in emergency first-aid or medical services and suffers serious bodily injury.

Under current law, it is a crime of the third degree to assault a law enforcement officer if the victim suffers bodily injury; otherwise, it is a crime of the fourth degree. Under this bill, the penalty for assaulting a law enforcement officer would become a crime of the second degree if the assault results in serious bodily injury to the officer. The bill provides that a conviction for assaulting a law enforcement officer would not merge with a conviction for any other criminal offense. Under the bill, a mandatory term of incarceration under the No Early Release Act would not apply to second degree assault of a law enforcement officer, unless the assault resulted in seriously bodily injury. In addition, a person charged with second degree assault of a law enforcement officer would be prohibited from applying to enter a Pretrial Intervention Program.

The bill would also upgrade the penalty for assault with bodily fluids of a law enforcement officer, court services officer, paid or volunteer firefighter, or person engaged in emergency first-aid or medical services, to a crime of the third degree if the victim suffers serious bodily injury. Under current law, it is a crime of the fourth degree for a person to assault with bodily fluids a Department of Corrections employee, county correctional police officer, juvenile correctional police officer, State juvenile facility employee, juvenile detention staff member, probation officer, any sheriff, undersheriff or sheriff's officer, or any municipal, county, or State law enforcement officer. Additionally, any person charged with assault with a bodily fluid would be required to provide a blood sample or other biological sample drawn to be tested for communicable diseases at a clinical laboratory licensed by the Department of Health, upon consent given by the person charged or in compliance with a warrant issued by a judge of the Superior Court.

A crime of the second degree is punishable by five to 10 years imprisonment, a fine of up to \$150,000, or both. A crime of the third degree is punishable by three to five years imprisonment, a fine of up to \$15,000, or both. A crime of the fourth degree is punishable by up to 18 months imprisonment, a fine of up to \$10,000, or both.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS anticipates that the bill will result in indeterminate additional annual costs to the State. The bill upgrades certain crimes concerning assault of a law enforcement officer from crimes of the third degree and the fourth degree to a crime of the second degree. Crimes of the second degree carry a presumption of incarceration for persons convicted of these crimes while, generally, a presumption of non-incarceration applies to first time offenders of crimes of the third and the fourth degree.

The following State agencies would incur caseload and expenditure increases: i) the Department of Corrections would have to house more inmates for longer terms of imprisonment and the State Parole Board would have to supervise their return to society; ii) the Judiciary would need to adjudicate additional cases; iii) the Office of the Public Defender may have to represent additional low-income criminal defendants; and iv) the Department of Law and Public Safety would have to prosecute additional cases if the increased penalties create a reluctance on the part of the defendant to enter a guilty plea. The OLS finds that to the extent that the bill will result in additional incarcerations, based on information provided by the Department of Corrections, the FY 2021 average annual costs for housing an inmate were \$55,389, whereas the average daily cost was \$151.75.

This bill will also result in increased costs to the State due to the provision requiring any person charged with assault with a bodily fluid be tested for communicable diseases at a clinical laboratory licensed by the Department of Health. The OLS cannot confirm how many such individuals will require testing or who will pay for it.

In response to an FY 2023 budget follow-up question, the Department of Corrections noted that there were a total of 194 assaults on correctional staff in 2018, three assaults with a weapon and 51 assaults with bodily fluids. By 2021, the total number of correctional staff assaults was 319, with no assaults with weapons and 128 assaults with bodily fluids. For 2022, through June, the number of correctional staff assaults was at 247, with 129 assaults with bodily fluids. The OLS does not have data for the full year of 2022 or 2023.

The OLS cannot determine the number of convictions the bill's provisions may generate or the associated fine and penalty revenue. The State may receive indeterminate additional annual revenue from fines and penalties imposed on and collected from individuals convicted of the upgraded offenses; however, the State's ability to collect fines and penalties has historically been limited.

Section: Judiciary

Analyst: Anuja Pande Joshi
Senior Fiscal Analyst

Approved: Thomas Koenig
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

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

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

SENATE, No. 3201 STATE OF NEW JERSEY 221st LEGISLATURE

DATED: SEPTEMBER 30, 2024

SUMMARY

- Synopsis:** Upgrades certain penalties for assaulting law enforcement officer and requires offender to be tested for communicable diseases in certain instances.
- Type of Impact:** Annual State expenditure and revenue increases. Annual local expenditure increase.
- Agencies Affected:** Department of Law and Public Safety; County Prosecutors; the Judiciary; Office of the Public Defender; Department of Corrections; State Parole Board; Department of Health.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Cost Increase	Indeterminate
State Revenue Increase	Indeterminate
Local Cost Increase	Indeterminate

- The Office of Legislative Services (OLS) anticipates that the bill will result in indeterminate additional annual costs to the State. The bill upgrades certain crimes concerning assault of a law enforcement officer from crimes of the third degree and the fourth degree to a crime of the second degree. Crimes of the second degree carry a presumption of incarceration for persons convicted of these crimes while, generally, a presumption of non-incarceration applies to first time offenders of crimes of the third degree and the fourth degree.
- The following State and local agencies would incur caseload and expenditure increases: a) the Department of Law and Public Safety may have to provide guidance and other information related to the bill's provisions; b) county prosecutors would have to prosecute additional cases if the increased penalties create a reluctance on the part of the defendant to enter a guilty plea; c) the Judiciary would have to adjudicate additional cases; d) the Office of the Public Defender may have to represent additional low-income criminal defendants; e) the Department of Corrections would have to house more inmates for longer terms of imprisonment; and f) the State Parole Board would have to supervise the return to society of additional convicts.

- This bill will also result in increased costs to the State due to the provision requiring any person charged with assault with a bodily fluid be tested for communicable diseases at a clinical laboratory licensed by the Department of Health. The OLS cannot confirm how many such individuals will require testing or who will pay for it. For context, the Department of Corrections reported 128 assaults with bodily fluids for 2021.
- The State may receive indeterminate additional annual revenue from fines and penalties imposed on and collected from individuals convicted of the upgraded offenses; however, the State's ability to collect fines and penalties has historically been limited.

BILL DESCRIPTION

This bill upgrades certain penalties for assaulting a law enforcement officer. The bill also increases the penalty for assault with bodily fluids if the victim is a law enforcement officer, paid or volunteer firefighter, court service officer, or person engaged in emergency first-aid or medical services and suffers serious bodily injury.

Under current law, it is a crime of the third degree to assault a law enforcement officer if the victim suffers bodily injury; otherwise, it is a crime of the fourth degree. Under this bill, the penalty for assaulting a law enforcement officer would become a crime of the second degree if the assault results in serious bodily injury to the officer. The bill provides that a conviction for assaulting a law enforcement officer would not merge with a conviction for any other criminal offense. Under the bill, a mandatory term of incarceration under the No Early Release Act would not apply to second degree assault of a law enforcement officer, unless the assault resulted in seriously bodily injury. In addition, a person charged with second degree assault of a law enforcement officer would be prohibited from applying to enter a Pretrial Intervention Program.

The bill would also upgrade the penalty for assault with bodily fluids of a law enforcement officer, court services officer, paid or volunteer firefighter, or person engaged in emergency first-aid or medical services who suffers serious bodily injury. Under current law, it is a crime of the fourth degree for a person to assault with bodily fluids a Department of Corrections employee, county correctional police officer, juvenile correctional police officer, State juvenile facility employee, juvenile detention staff member, probation officer, any sheriff, undersheriff or sheriff's officer, or any municipal, county, or State law enforcement officer. If the victim suffers bodily injury, it is a crime of the third degree. The bill would add court service officers, firefighters, and persons engaged in emergency first-aid or medical services to the list of individuals protected under current law.

Under the bill, the penalty for assault with bodily fluids would be upgraded to a crime of the second degree if the victim suffers serious bodily injury. Additionally, any person charged with assault with a bodily fluid would be required to provide a blood sample or other biological sample drawn to be tested for communicable diseases at a clinical laboratory licensed by the Department of Health, upon consent given by the person charged or in compliance with a warrant issued by a judge of the Superior Court. The court would be required to issue a warrant upon finding there is probable cause to believe that the person's blood or other bodily fluid came into contact with a victim of the assault and that the victim is at risk of transmission of a communicable disease. Any positive results for a communicable disease will be shared with the assault victim. Additionally, the bill provides that upon the issuance of a warrant, the blood sample or biological sample taken from a person pursuant to the bill may not be used by law enforcement for any purpose other than to test for communicable diseases. Under the bill, a separate warrant is required to be obtained

before law enforcement may use the blood sample or biological sample for any other investigatory purpose. After completion of the testing, the blood sample or biological sample is required to be destroyed.

Under current law, serious bodily injury is defined 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.” A crime of the second degree is punishable by five to 10 years imprisonment, a fine of up to \$150,000, or both.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS anticipates that the bill will result in indeterminate additional annual costs to the State. The bill upgrades certain crimes concerning assault of a law enforcement officer from crimes of the third degree and the fourth degree to a crime of the second degree. Crimes of the second degree carry a presumption of incarceration for persons convicted of these crimes while, generally, a presumption of non-incarceration applies to first time offenders of crimes of the third degree and the fourth degree.

The following State and local agencies would incur caseload and expenditure increases: a) the Department of Law and Public Safety may have to provide guidance and other information related to the bill’s provisions; b) county prosecutors would have to prosecute additional cases if the increased penalties create a reluctance on the part of the defendant to enter a guilty plea; c) the Judiciary would have to adjudicate additional cases; d) the Office of the Public Defender may have to represent additional low-income criminal defendants; e) the Department of Corrections would have to house more inmates for longer terms of imprisonment; and f) the State Parole Board would have to supervise the return to society of additional convicts. The OLS finds that to the extent that the bill will result in additional incarcerations, based on information provided by the Department of Corrections, the FY 2023 average annual cost for housing, ensuring security, and providing services to an incarcerated individual was \$75,574, whereas the average daily cost was \$207.

This bill will also result in increased costs to the State due to the provision requiring any person charged with assault with a bodily fluid be tested for communicable diseases at a clinical laboratory licensed by the Department of Health. The OLS cannot confirm how many such individuals will require testing or who will pay for it.

In response to an FY 2023 budget follow-up question, the Department of Corrections noted that there were a total of 194 assaults on correctional staff in 2018, three assaults with a weapon and 51 assaults with bodily fluids. By 2021, the total number of correctional staff assaults was 319, with no assaults with weapons and 128 assaults with bodily fluids. For 2022, through June, the number of correctional staff assaults was at 247, with 129 assaults with bodily fluids. The OLS does not have data for the full year of 2022 or 2023.

The OLS cannot determine the number of convictions the bill’s provisions may generate or the associated fine and penalty revenue. The State may receive indeterminate additional annual revenue from fines and penalties imposed on and collected from individuals convicted of the upgraded offenses; however, the State’s ability to collect fines and penalties has historically been limited.

Section: Judiciary

*Analyst: William Lim
 Deputy Counsel*

*Approved: Thomas Koenig
 Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

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

ASSEMBLY, No. 2378

STATE OF NEW JERSEY 221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Assemblyman WILLIAM W. SPEARMAN

District 5 (Camden and Gloucester)

Assemblyman ALEX SAUICKIE

District 12 (Burlington, Middlesex, Monmouth and Ocean)

Assemblyman WAYNE P. DEANGELO

District 14 (Mercer and Middlesex)

Co-Sponsored by:

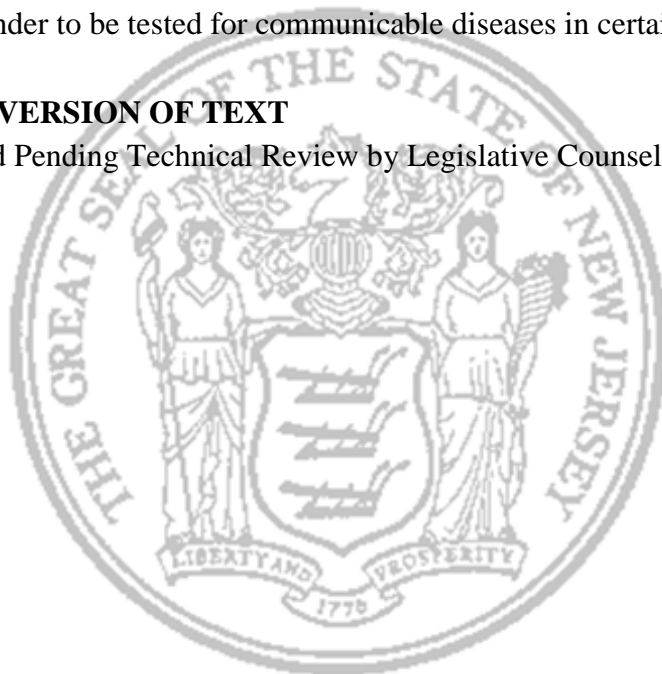
Assemblyman McGuckin, Assemblywoman Carter, Assemblymen Stanley, DePhillips, Clifton, Assemblywoman Fantasia, Assemblyman Venezia, Assemblywoman Bagolie, Assemblyman Schaer, Assemblywoman Drulis, Assemblyman Atkins and Assemblywoman Murphy

SYNOPSIS

Upgrades certain penalties for assaulting law enforcement officer and requires offender to be tested for communicable diseases in certain instances.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 9/12/2024)

A2378 SPEARMAN, SAUICKIE

2

1 AN ACT upgrading certain penalties for assault and requiring testing
2 for communicable diseases, and revising various parts of
3 statutory law.

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

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

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

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

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

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

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

20 b. Aggravated assault. A person is guilty of aggravated assault if
21 the person:

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

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

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

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

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

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

39 (b) Any paid or volunteer firefighter acting in the performance of
40 the firefighter's duties while in uniform or otherwise clearly
41 identifiable as being engaged in the performance of the duties of a
42 firefighter; or

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

- 1 developmental center or veterans' memorial home, while clearly
2 identifiable as being engaged in the duties of providing direct patient
3 care or practicing the health care profession; or
- 4 (k) Any direct care worker at a State or county psychiatric hospital
5 or State developmental center or veterans' memorial home, while
6 clearly identifiable as being engaged in the duties of providing direct
7 patient care or practicing the health care profession, provided that the
8 actor is not a patient or resident at the facility who is classified by the
9 facility as having a mental illness or developmental disability; or
- 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 liable
15 for a violation of this paragraph upon proof of a violation of subsection
16 b. of N.J.S.2C:29-2 or while operating a motor vehicle in violation of
17 subsection c. of N.J.S.2C:20-10 which resulted in bodily injury to
18 another person; or
- 19 (7) Attempts to cause significant bodily injury to another or causes
20 significant bodily injury purposely or knowingly or, under
21 circumstances manifesting extreme indifference to the value of human
22 life recklessly causes such significant bodily injury; or
- 23 (8) Causes bodily injury by knowingly or purposely starting a fire
24 or causing an explosion in violation of N.J.S.2C:17-1 which results in
25 bodily injury to any emergency services personnel involved in fire
26 suppression activities, rendering emergency medical services resulting
27 from the fire or explosion or rescue operations, or rendering any
28 necessary assistance at the scene of the fire or explosion, including any
29 bodily injury sustained while responding to the scene of a reported fire
30 or explosion. For purposes of this paragraph, "emergency services
31 personnel" shall include, but not be limited to, any paid or volunteer
32 firefighter, any person engaged in emergency first-aid or medical
33 services and any law enforcement officer. Notwithstanding any other
34 provision of law to the contrary, a person shall be strictly liable for a
35 violation of this paragraph upon proof of a violation of N.J.S.2C:17-1
36 which resulted in bodily injury to any emergency services personnel;
37 or
- 38 (9) Knowingly, under circumstances manifesting extreme
39 indifference to the value of human life, points or displays a firearm, as
40 defined in subsection f. of N.J.S.2C:39-1, at or in the direction of a law
41 enforcement officer; or
- 42 (10) Knowingly points, displays or uses an imitation firearm, as
43 defined in subsection v. 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 reasonable

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

8 (12) Attempts to cause significant bodily injury or causes
9 significant bodily injury purposely or knowingly or, under
10 circumstances manifesting extreme indifference to the value of human
11 life, recklessly causes significant bodily injury to a person who, with
12 respect to the actor, meets the definition of a victim of domestic
13 violence, as defined in subsection d. of section 3 of P.L.1991, c.261
14 (C.2C:25-19); or

15 (13) Knowingly or, under circumstances manifesting extreme
16 indifference to the value of human life, recklessly obstructs the
17 breathing or blood circulation of a person who, with respect to the
18 actor, meets the definition of a victim of domestic violence, as defined
19 in subsection d. of section 3 of P.L.1991, c.261 (C.2C:25-19), by
20 applying pressure on the throat or neck or blocking the nose or mouth
21 of such person, thereby causing or attempting to cause bodily injury.

22 Aggravated assault under paragraphs (1) and (6) of subsection b. of
23 this section is a crime of the second degree; under paragraphs (2), (7),
24 (9), and (10) of subsection b. of this section is a crime of the third
25 degree; under paragraphs (3) and (4) of subsection b. of this section is
26 a crime of the fourth degree; and under paragraph (5) of subsection b.
27 of this section is a crime of the third degree if the victim suffers bodily
28 injury, otherwise it is a crime of the fourth degree, except: **[that]**

29 any aggravated assault under subparagraph (g) of paragraph (5) of
30 subsection b. of this section shall be a crime of the third degree**[.]** ;
31 and

32 any aggravated assault of a law enforcement officer under
33 subparagraph (a) of paragraph (5) of subsection b. of this section shall
34 be a crime of the second degree. A prosecutor shall not permit a
35 person charged under subparagraph (a) of paragraph (5) of subsection
36 b. of this section to enter a plea of guilty to a lesser offense.
37 Notwithstanding the provisions of N.J.S.2C:1-8 or any other law, a
38 conviction for assaulting a law enforcement officer under
39 subparagraph (a) of paragraph (5) of subsection b. of this section shall
40 not merge with a conviction for any other criminal offense. A
41 mandatory term of incarceration pursuant to section 2 of P.L.1997,
42 c.117 (C.2C:43-7.2) shall not apply to a conviction for aggravated
43 assault of a law enforcement officer under subparagraph (a) of
44 paragraph (5) of subsection b. of this section unless the assault resulted
45 in bodily injury or serious bodily injury to the officer.

46 Aggravated assault under paragraph (8) of subsection b. of this
47 section is a crime of the third degree if the victim suffers bodily injury;
48 if the victim suffers significant bodily injury or serious bodily injury it

1 is a crime of the second degree. Aggravated assault under paragraph
2 (11) of subsection b. of this section is a crime of the third degree.
3 Aggravated assault under paragraph (12) of subsection b. of this
4 section is a crime of the third degree but the presumption of non-
5 imprisonment set forth in subsection e. of N.J.S.2C:44-1 for a first
6 offense of a crime of the third degree shall not apply. Aggravated
7 assault under paragraph (13) of subsection b. of this section is a crime
8 of the second degree.

9 c. (1) A person is guilty of assault by auto or vessel when the
10 person drives a vehicle or vessel recklessly and causes either serious
11 bodily injury or bodily injury to another. Assault by auto or vessel is a
12 crime of the fourth degree if serious bodily injury results and is a
13 disorderly persons offense if bodily injury results. Proof that the
14 defendant was operating a hand-held wireless telephone while driving
15 a motor vehicle in violation of section 1 of P.L.2003, c.310 (C.39:4-
16 97.3) may give rise to an inference that the defendant was driving
17 recklessly.

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

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

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

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

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

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

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

46 It shall be no defense to a prosecution for a violation of
47 subparagraph (a) or (b) of paragraph (3) of this subsection that the
48 defendant was unaware that the prohibited conduct took place while on

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

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

16 As used in this subsection, "vessel" means a means of conveyance
17 for travel on water and propelled otherwise than by muscular power.

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

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

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

42 (cf: P.L.2021, c.352, s.1)

43

44 2. Section 2 of P.L.1997, c. 182 (C.2C:12-13) is amended to read
45 as follows:

46 2. A person who throws a bodily fluid at a Department of
47 Corrections employee, county correctional police officer, juvenile
48 correctional police officer, State juvenile facility employee, juvenile

1 detention staff member, probation officer, any sheriff, undersheriff or
2 sheriff's officer **[or]**, any municipal, county, or State law enforcement
3 officer, a paid or volunteer firefighter, or a person engaged in
4 emergency first-aid or medical services while in the performance of
5 the person's duties or otherwise purposely subjects such employee or
6 volunteer to contact with a bodily fluid commits an aggravated assault.

7 If the victim suffers bodily injury, this shall be a crime of the
8 **[third degree]** second degree. Otherwise, this shall be a crime of the
9 fourth degree. A term of imprisonment imposed for this offense shall
10 run consecutively to any term of imprisonment currently being served
11 and to any other term imposed for another offense committed at the
12 time of the assault. Any person charged with assault with a bodily
13 fluid under this section shall have a blood sample drawn or other
14 biological sample collected to test for communicable diseases at a
15 clinical laboratory licensed by the Department of Health pursuant to
16 the "New Jersey Clinical Laboratory Improvement Act," P.L.1975,
17 c.166 (C.45:9-42.26 et seq.). Any affirmative result for a
18 communicable disease shall be disclosed to the victim assaulted.

19 Nothing herein shall be deemed to preclude, if the evidence so
20 warrants, an indictment and conviction for a violation or attempted
21 violation of chapter 11 of Title 2C of the New Jersey Statutes or
22 subsection b. of N.J.S.2C:12-1 or any other provision of the criminal
23 laws.

24 (cf: P.L.2019, c.219, s.4)

25

26 3. This act shall take effect immediately.

27

28

29

STATEMENT

30

31 This bill upgrades certain penalties for assaulting a law
32 enforcement officer. The bill also increases the penalty for assault
33 with bodily fluids if the victim is a law enforcement officer, paid or
34 volunteer firefighter, or person engaged in emergency first-aid or
35 medical services and suffers bodily injury.

36 Under current law, it is a crime of the third degree to assault a
37 law enforcement officer if the victim is injured; otherwise, it is a
38 crime of the fourth degree. Under this bill, the penalty for
39 assaulting a law enforcement officer would become a crime of the
40 second degree. Additionally, the defendant would not be allowed to
41 enter a guilty plea to a lesser charge. The bill provides that a
42 conviction for assaulting a law enforcement officer would not
43 merge with any other criminal offense. Under the bill, a mandatory
44 term of incarceration under the No Early Release Act (NERA)
45 would not apply to second degree assault of a law enforcement
46 officer, unless the assault resulted in bodily injury or seriously
47 bodily injury.

1 The bill would also upgrade the penalty for assault with bodily
2 fluids of a law enforcement officer, paid or volunteer firefighter, or
3 person engaged in emergency first-aid or medical services who
4 suffers bodily injury. Under current law, it is a crime of the fourth
5 degree for a person to assault a Department of Corrections
6 employee, county correctional police officer, juvenile correctional
7 police officer, State juvenile facility employee, juvenile detention
8 staff member, probation officer, any sheriff, undersheriff or
9 sheriff's officer, or any municipal, county, or State law enforcement
10 officer. If the victim suffers bodily injury, it is a crime of the third
11 degree. The bill would add firefighters and persons engaged in
12 emergency first-aid or medical services to the list of officers
13 protected under current law.

14 Under the bill, the penalty for assault with bodily fluids would be
15 upgraded to a crime of the second degree if the victim suffers
16 bodily injury. Additionally, any person charged with assault with a
17 bodily fluid would be required to provide a blood sample or other
18 biological sample drawn to be tested for communicable diseases at a
19 clinical laboratory licensed by the Department of Health. Any
20 positive results for a communicable disease will be shared with the
21 assault victim.

22 A crime of the second degree is punishable by five to 10 years
23 imprisonment, a fine of up to \$150,000, or both.

[First Reprint]

ASSEMBLY, No. 2378

STATE OF NEW JERSEY
221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Assemblyman WILLIAM W. SPEARMAN

District 5 (Camden and Gloucester)

Assemblyman ALEX SAUICKIE

District 12 (Burlington, Middlesex, Monmouth and Ocean)

Assemblyman WAYNE P. DEANGELO

District 14 (Mercer and Middlesex)

Co-Sponsored by:

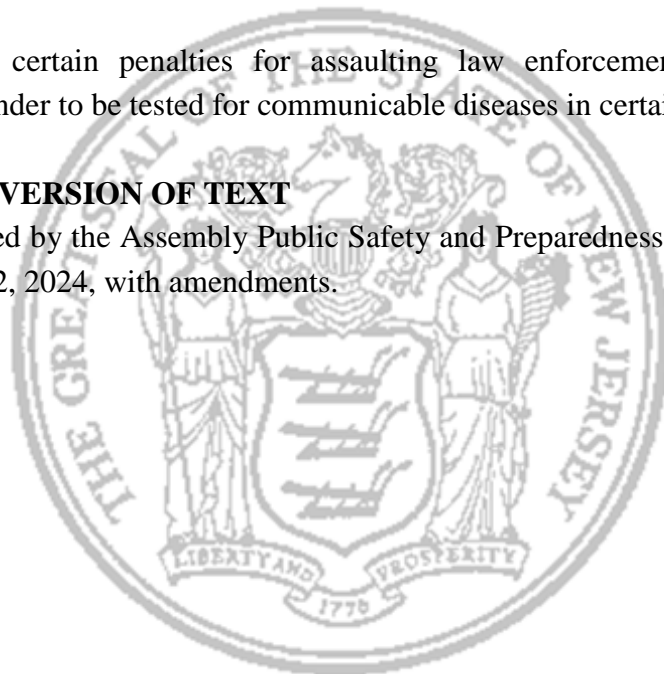
Assemblyman McGuckin, Assemblywoman Carter, Assemblymen Stanley, DePhillips, Clifton, Assemblywoman Fantasia, Assemblyman Venezia, Assemblywoman Bagolie, Assemblyman Schaer, Assemblywoman Drulis, Assemblyman Atkins and Assemblywoman Murphy

SYNOPSIS

Upgrades certain penalties for assaulting law enforcement officer and requires offender to be tested for communicable diseases in certain instances.

CURRENT VERSION OF TEXT

As reported by the Assembly Public Safety and Preparedness Committee on September 12, 2024, with amendments.



(Sponsorship Updated As Of: 9/12/2024)

1 AN ACT upgrading certain penalties for assault and requiring testing
2 for communicable diseases, and revising various parts of
3 statutory law.

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

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

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

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

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

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

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

20 b. Aggravated assault. A person is guilty of aggravated assault
21 if the person:

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

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

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

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

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

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

40 (b) Any paid or volunteer firefighter acting in the performance
41 of the firefighter's duties while in uniform or otherwise clearly
42 identifiable as being engaged in the performance of the duties of a
43 firefighter; 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:

¹Assembly APS committee amendments adopted September 12, 2024.

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

1 (j) Any health care worker employed by a licensed health care
2 facility to provide direct patient care, any health care professional
3 licensed or otherwise authorized pursuant to Title 26 or Title 45 of
4 the Revised Statutes to practice a health care profession, except a
5 direct care worker at a State or county psychiatric hospital or State
6 developmental center or veterans' memorial home, while clearly
7 identifiable as being engaged in the duties of providing direct
8 patient care or practicing the health care profession; or

9 (k) Any direct care worker at a State or county psychiatric
10 hospital or State developmental center or veterans' memorial home,
11 while clearly identifiable as being engaged in the duties of
12 providing direct patient care or practicing the health care
13 profession, provided that the actor is not a patient or resident at the
14 facility who is classified by the facility as having a mental illness or
15 developmental disability; or

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

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

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

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

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

6 (11) Uses or activates a laser sighting system or device, or a
7 system or device which, in the manner used, would cause a
8 reasonable person to believe that it is a laser sighting system or
9 device, against a law enforcement officer acting in the performance
10 of the officer's duties while in uniform or exhibiting evidence of the
11 officer's authority. As used in this paragraph, "laser sighting system
12 or device" means any system or device that is integrated with or
13 affixed to a firearm and emits a laser light beam that is used to
14 assist in the sight alignment or aiming of the firearm; or

15 (12) Attempts to cause significant bodily injury or causes
16 significant bodily injury purposely or knowingly or, under
17 circumstances manifesting extreme indifference to the value of
18 human life, recklessly causes significant bodily injury to a person
19 who, with respect to the actor, meets the definition of a victim of
20 domestic violence, as defined in subsection d. of section 3 of
21 P.L.1991, c.261 (C.2C:25-19); or

22 (13) Knowingly or, under circumstances manifesting extreme
23 indifference to the value of human life, recklessly obstructs the
24 breathing or blood circulation of a person who, with respect to the
25 actor, meets the definition of a victim of domestic violence, as
26 defined in subsection d. of section 3 of P.L.1991, c.261 (C.2C:25-
27 19), by applying pressure on the throat or neck or blocking the nose
28 or mouth of such person, thereby causing or attempting to cause
29 bodily injury.

30 Aggravated assault under paragraphs (1) and (6) of subsection b.
31 of this section is a crime of the second degree; under paragraphs
32 (2), (7), (9), and (10) of subsection b. of this section is a crime of
33 the third degree; under paragraphs (3) and (4) of subsection b. of
34 this section is a crime of the fourth degree; and under paragraph (5)
35 of subsection b. of this section is a crime of the third degree if the
36 victim suffers bodily injury, otherwise it is a crime of the fourth
37 degree, except: **[that]**

38 any aggravated assault under subparagraph (g) of paragraph (5)
39 of subsection b. of this section shall be a crime of the third
40 degree**[,]** and

41 any aggravated assault of a law enforcement officer under
42 subparagraph (a) of paragraph (5) of subsection b. of this section
43 'resulting in serious bodily injury'¹ shall be a crime of the second
44 degree. ¹**[A prosecutor shall not permit a person charged under**
45 subparagraph (a) of paragraph (5) of subsection b. of this section to
46 enter a plea of guilty to a lesser offense.]¹ Notwithstanding the
47 provisions of N.J.S.2C:1-8 or any other law, a conviction for

1 assaulting a law enforcement officer under subparagraph (a) of
2 paragraph (5) of subsection b. of this section shall not merge with a
3 conviction for any other criminal offense. A mandatory term of
4 incarceration pursuant to section 2 of P.L.1997, c.117 (C.2C:43-7.2)
5 shall not apply to a conviction for aggravated assault of a law
6 enforcement officer under subparagraph (a) of paragraph (5) of
7 subsection b. of this section unless the assault resulted in ¹["bodily
8 injury or"]¹ serious bodily injury to the officer. ¹A person charged
9 with aggravated assault of a law enforcement officer under
10 subparagraph (a) of paragraph (5) of subsection b. of this section
11 resulting in serious bodily injury shall be ineligible to apply for
12 admission to a program of supervisory treatment pursuant to the
13 provisions of N.J.S.2C:43-12 through N.J.S.2C:43-22.¹

14 Aggravated assault under paragraph (8) of subsection b. of this
15 section is a crime of the third degree if the victim suffers bodily
16 injury; if the victim suffers significant bodily injury or serious
17 bodily injury it is a crime of the second degree. Aggravated assault
18 under paragraph (11) of subsection b. of this section is a crime of
19 the third degree. Aggravated assault under paragraph (12) of
20 subsection b. of this section is a crime of the third degree but the
21 presumption of non-imprisonment set forth in subsection e. of
22 N.J.S.2C:44-1 for a first offense of a crime of the third degree shall
23 not apply. Aggravated assault under paragraph (13) of subsection
24 b. of this section is a crime of the second degree.

25 c. (1) A person is guilty of assault by auto or vessel when the
26 person drives a vehicle or vessel recklessly and causes either
27 serious bodily injury or bodily injury to another. Assault by auto or
28 vessel is a crime of the fourth degree if serious bodily injury results
29 and is a disorderly persons offense if bodily injury results. Proof
30 that the defendant was operating a hand-held wireless telephone
31 while driving a motor vehicle in violation of section 1 of P.L.2003,
32 c.310 (C.39:4-97.3) may give rise to an inference that the defendant
33 was driving recklessly.

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

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

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

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

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

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

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

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

24 (4) Assault by auto or vessel is a crime of the third degree if the
25 person purposely drives a vehicle in an aggressive manner directed
26 at another vehicle and serious bodily injury results and is a crime of
27 the fourth degree if the person purposely drives a vehicle in an
28 aggressive manner directed at another vehicle and bodily injury
29 results. For purposes of this paragraph, "driving a vehicle in an
30 aggressive manner" shall include, but is not limited to,
31 unexpectedly altering the speed of the vehicle, making improper or
32 erratic traffic lane changes, disregarding traffic control devices,
33 failing to yield the right of way, or following another vehicle too
34 closely.

35 As used in this subsection, "vessel" means a means of
36 conveyance for travel on water and propelled otherwise than by
37 muscular power.

38 d. A person who is employed by a facility as defined in section
39 2 of P.L.1977, c.239 (C.52:27G-2) who commits a simple assault as
40 defined in paragraph (1) or (2) of subsection a. of this section upon
41 an institutionalized elderly person as defined in section 2 of
42 P.L.1977, c.239 (C.52:27G-2) is guilty of a crime of the fourth
43 degree.

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

45 f. A person who commits a simple assault as defined in
46 paragraph (1), (2), or (3) of subsection a. of this section in the
47 presence of a child under 16 years of age at a school or community
48 sponsored youth sports event is guilty of a crime of the fourth

1 degree. The defendant shall be strictly liable upon proof that the
2 offense occurred, in fact, in the presence of a child under 16 years
3 of age. It shall not be a defense that the defendant did not know
4 that the child was present or reasonably believed that the child was
5 16 years of age or older. The provisions of this subsection shall not
6 be construed to create any liability on the part of a participant in a
7 youth sports event or to abrogate any immunity or defense available
8 to a participant in a youth sports event. As used in this act, "school
9 or community sponsored youth sports event" means a competition,
10 practice, or instructional event involving one or more
11 interscholastic sports teams or youth sports teams organized
12 pursuant to a nonprofit or similar charter or which are member
13 teams in a youth league organized by or affiliated with a county or
14 municipal recreation department and shall not include collegiate,
15 semi-professional or professional sporting events.
16 (cf: P.L.2021, c.352, s.1)

17
18 2. Section 2 of P.L.1997, c.182 (C.2C:12-13) is amended to
19 read as follows:

20 2. A person who throws a bodily fluid at a Department of
21 Corrections employee, county correctional police officer, juvenile
22 correctional police officer, State juvenile facility employee, juvenile
23 detention staff member, probation officer, any sheriff, undersheriff
24 or sheriff's officer **[or]**, any municipal, county, or State law
25 enforcement officer, ¹court services officer,¹ a paid or volunteer
26 firefighter, or a person engaged in emergency first-aid or medical
27 services while in the performance of the person's duties or
28 otherwise purposely subjects such employee or volunteer to contact
29 with a bodily fluid commits an aggravated assault.

30 ¹It shall be a crime of the second degree if the victim suffers
31 serious bodily injury.¹ If the victim serious suffers bodily injury,
32 ¹**[this] it**¹ shall be a crime of the **[third degree]** ¹**[second degree]**
33 third degree¹. Otherwise, this shall be a crime of the fourth degree.

34 A term of imprisonment imposed for this offense shall run
35 consecutively to any term of imprisonment currently being served
36 and to any other term imposed for another offense committed at the
37 time of the assault. Any person charged with assault with a bodily
38 fluid under this section shall have a blood sample drawn or other
39 biological sample collected to test for communicable diseases at a
40 clinical laboratory licensed by the Department of Health pursuant to
41 the "New Jersey Clinical Laboratory Improvement Act," P.L.1975,
42 c.166 (C.45:9-42.26 et seq.) ¹, upon consent given by the person
43 charged or in compliance with a warrant issued by a judge of the
44 Superior Court.

45 The court shall issue a warrant upon finding there is probable
46 cause to believe that the person's blood or other bodily fluid came
47 into contact with a victim of the assault and the victim is at risk of

1 transmission of a communicable disease. Upon application, a
2 warrant shall be issued in accordance with the Rules of Court if the
3 judge is satisfied that sufficient grounds for granting the application
4 have been shown¹. Any affirmative result for a communicable
5 disease shall be disclosed to the victim ¹~~assaulted~~¹.

6 Nothing herein shall be deemed to preclude, if the evidence so
7 warrants, an indictment and conviction for a violation or attempted
8 violation of chapter 11 of Title 2C of the New Jersey Statutes or
9 subsection b. of N.J.S.2C:12-1 or any other provision of the
10 criminal laws.

11 (cf: P.L.2019, c.219, s.4)

12

13 3. This act shall take effect immediately.

[Second Reprint]

ASSEMBLY, No. 2378

STATE OF NEW JERSEY
221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Assemblyman WILLIAM W. SPEARMAN

District 5 (Camden and Gloucester)

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Co-Sponsored by:

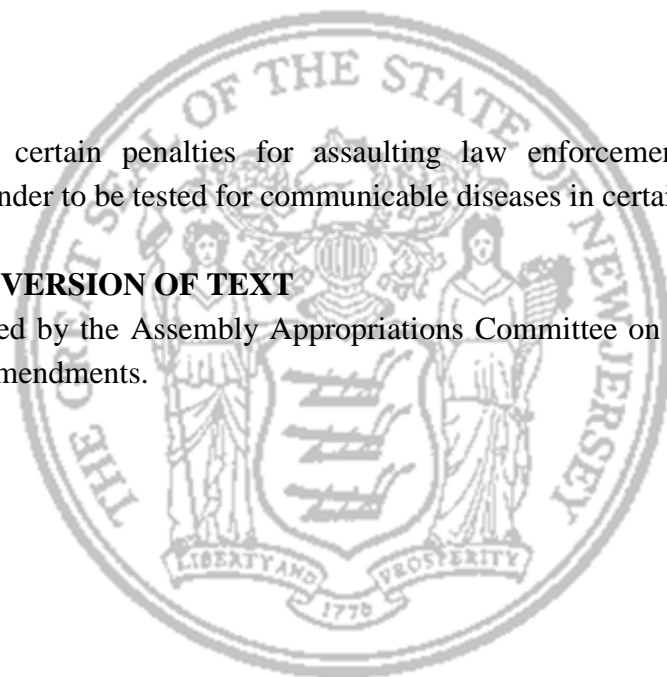
Assemblyman McGuckin, Assemblywoman Carter, Assemblymen Stanley, DePhillips, Clifton, Assemblywoman Fantasia, Assemblyman Venezia, Assemblywoman Bagolie, Assemblyman Schaer, Assemblywoman Drulis, Assemblyman Atkins, Assemblywoman Murphy, Assemblymen Marengo, Inganamort, Webber, Danielsen, Kanitra, Freiman, Assemblywomen Peterpaul, Donlon, Assemblymen Sampson, McClellan and Simonsen

SYNOPSIS

Upgrades certain penalties for assaulting law enforcement officer and requires offender to be tested for communicable diseases in certain instances.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on September 23, 2024, with amendments.



(Sponsorship Updated As Of: 9/26/2024)

1 AN ACT upgrading certain penalties for assault and requiring testing
2 for communicable diseases, and revising various parts of
3 statutory law.

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

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

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

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

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

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

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

20 b. Aggravated assault. A person is guilty of aggravated assault
21 if the person:

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

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

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

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

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

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

40 (b) Any paid or volunteer firefighter acting in the performance
41 of the firefighter's duties while in uniform or otherwise clearly
42 identifiable as being engaged in the performance of the duties of a
43 firefighter; 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:

¹Assembly APS committee amendments adopted September 12, 2024.

²Assembly AAP committee amendments adopted September 23, 2024.

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

1 (j) Any health care worker employed by a licensed health care
2 facility to provide direct patient care, any health care professional
3 licensed or otherwise authorized pursuant to Title 26 or Title 45 of
4 the Revised Statutes to practice a health care profession, except a
5 direct care worker at a State or county psychiatric hospital or State
6 developmental center or veterans' memorial home, while clearly
7 identifiable as being engaged in the duties of providing direct
8 patient care or practicing the health care profession; or

9 (k) Any direct care worker at a State or county psychiatric
10 hospital or State developmental center or veterans' memorial home,
11 while clearly identifiable as being engaged in the duties of
12 providing direct patient care or practicing the health care
13 profession, provided that the actor is not a patient or resident at the
14 facility who is classified by the facility as having a mental illness or
15 developmental disability; or

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

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

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

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

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

6 (11) Uses or activates a laser sighting system or device, or a
7 system or device which, in the manner used, would cause a
8 reasonable person to believe that it is a laser sighting system or
9 device, against a law enforcement officer acting in the performance
10 of the officer's duties while in uniform or exhibiting evidence of the
11 officer's authority. As used in this paragraph, "laser sighting system
12 or device" means any system or device that is integrated with or
13 affixed to a firearm and emits a laser light beam that is used to
14 assist in the sight alignment or aiming of the firearm; or

15 (12) Attempts to cause significant bodily injury or causes
16 significant bodily injury purposely or knowingly or, under
17 circumstances manifesting extreme indifference to the value of
18 human life, recklessly causes significant bodily injury to a person
19 who, with respect to the actor, meets the definition of a victim of
20 domestic violence, as defined in subsection d. of section 3 of
21 P.L.1991, c.261 (C.2C:25-19); or

22 (13) Knowingly or, under circumstances manifesting extreme
23 indifference to the value of human life, recklessly obstructs the
24 breathing or blood circulation of a person who, with respect to the
25 actor, meets the definition of a victim of domestic violence, as
26 defined in subsection d. of section 3 of P.L.1991, c.261 (C.2C:25-
27 19), by applying pressure on the throat or neck or blocking the nose
28 or mouth of such person, thereby causing or attempting to cause
29 bodily injury.

30 Aggravated assault under paragraphs (1) and (6) of subsection b.
31 of this section is a crime of the second degree; under paragraphs
32 (2), (7), (9), and (10) of subsection b. of this section is a crime of
33 the third degree; under paragraphs (3) and (4) of subsection b. of
34 this section is a crime of the fourth degree; and under paragraph (5)
35 of subsection b. of this section is a crime of the third degree if the
36 victim suffers bodily injury, otherwise it is a crime of the fourth
37 degree, except: **[that]**

38 any aggravated assault under subparagraph (g) of paragraph (5)
39 of subsection b. of this section shall be a crime of the third
40 degree**[,]** and

41 any aggravated assault of a law enforcement officer under
42 subparagraph (a) of paragraph (5) of subsection b. of this section
43 'resulting in serious bodily injury'¹ shall be a crime of the second
44 degree. ¹**[A prosecutor shall not permit a person charged under**
45 subparagraph (a) of paragraph (5) of subsection b. of this section to
46 enter a plea of guilty to a lesser offense.]¹ Notwithstanding the
47 provisions of N.J.S.2C:1-8 or any other law, a conviction for

1 assaulting a law enforcement officer under subparagraph (a) of
2 paragraph (5) of subsection b. of this section shall not merge with a
3 conviction for any other criminal offense. A mandatory term of
4 incarceration pursuant to section 2 of P.L.1997, c.117 (C.2C:43-7.2)
5 shall not apply to a conviction for aggravated assault of a law
6 enforcement officer under subparagraph (a) of paragraph (5) of
7 subsection b. of this section unless the assault resulted in ¹["bodily
8 injury or"]¹ serious bodily injury to the officer. ¹A person charged
9 with aggravated assault of a law enforcement officer under
10 subparagraph (a) of paragraph (5) of subsection b. of this section
11 resulting in serious bodily injury shall be ineligible to apply for
12 admission to a program of supervisory treatment pursuant to the
13 provisions of N.J.S.2C:43-12 through N.J.S.2C:43-22.¹

14 Aggravated assault under paragraph (8) of subsection b. of this
15 section is a crime of the third degree if the victim suffers bodily
16 injury; if the victim suffers significant bodily injury or serious
17 bodily injury it is a crime of the second degree. Aggravated assault
18 under paragraph (11) of subsection b. of this section is a crime of
19 the third degree. Aggravated assault under paragraph (12) of
20 subsection b. of this section is a crime of the third degree but the
21 presumption of non-imprisonment set forth in subsection e. of
22 N.J.S.2C:44-1 for a first offense of a crime of the third degree shall
23 not apply. Aggravated assault under paragraph (13) of subsection
24 b. of this section is a crime of the second degree.

25 c. (1) A person is guilty of assault by auto or vessel when the
26 person drives a vehicle or vessel recklessly and causes either
27 serious bodily injury or bodily injury to another. Assault by auto or
28 vessel is a crime of the fourth degree if serious bodily injury results
29 and is a disorderly persons offense if bodily injury results. Proof
30 that the defendant was operating a hand-held wireless telephone
31 while driving a motor vehicle in violation of section 1 of P.L.2003,
32 c.310 (C.39:4-97.3) may give rise to an inference that the defendant
33 was driving recklessly.

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

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

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

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

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

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

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

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

24 (4) Assault by auto or vessel is a crime of the third degree if the
25 person purposely drives a vehicle in an aggressive manner directed
26 at another vehicle and serious bodily injury results and is a crime of
27 the fourth degree if the person purposely drives a vehicle in an
28 aggressive manner directed at another vehicle and bodily injury
29 results. For purposes of this paragraph, "driving a vehicle in an
30 aggressive manner" shall include, but is not limited to,
31 unexpectedly altering the speed of the vehicle, making improper or
32 erratic traffic lane changes, disregarding traffic control devices,
33 failing to yield the right of way, or following another vehicle too
34 closely.

35 As used in this subsection, "vessel" means a means of
36 conveyance for travel on water and propelled otherwise than by
37 muscular power.

38 d. A person who is employed by a facility as defined in section
39 2 of P.L.1977, c.239 (C.52:27G-2) who commits a simple assault as
40 defined in paragraph (1) or (2) of subsection a. of this section upon
41 an institutionalized elderly person as defined in section 2 of
42 P.L.1977, c.239 (C.52:27G-2) is guilty of a crime of the fourth
43 degree.

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

45 f. A person who commits a simple assault as defined in
46 paragraph (1), (2), or (3) of subsection a. of this section in the
47 presence of a child under 16 years of age at a school or community
48 sponsored youth sports event is guilty of a crime of the fourth

1 degree. The defendant shall be strictly liable upon proof that the
2 offense occurred, in fact, in the presence of a child under 16 years
3 of age. It shall not be a defense that the defendant did not know
4 that the child was present or reasonably believed that the child was
5 16 years of age or older. The provisions of this subsection shall not
6 be construed to create any liability on the part of a participant in a
7 youth sports event or to abrogate any immunity or defense available
8 to a participant in a youth sports event. As used in this act, "school
9 or community sponsored youth sports event" means a competition,
10 practice, or instructional event involving one or more
11 interscholastic sports teams or youth sports teams organized
12 pursuant to a nonprofit or similar charter or which are member
13 teams in a youth league organized by or affiliated with a county or
14 municipal recreation department and shall not include collegiate,
15 semi-professional or professional sporting events.
16 (cf: P.L.2021, c.352, s.1)

17
18 2. Section 2 of P.L.1997, c.182 (C.2C:12-13) is amended to
19 read as follows:

20 2. A person who throws a bodily fluid at a Department of
21 Corrections employee, county correctional police officer, juvenile
22 correctional police officer, State juvenile facility employee, juvenile
23 detention staff member, probation officer, any sheriff, undersheriff
24 or sheriff's officer **[or]**, any municipal, county, or State law
25 enforcement officer, ¹court services officer,¹ a paid or volunteer
26 firefighter, or a person engaged in emergency first-aid or medical
27 services while in the performance of the person's duties or
28 otherwise purposely subjects such employee or volunteer to contact
29 with a bodily fluid commits an aggravated assault.

30 ¹It shall be a crime of the second degree if the victim suffers
31 serious bodily injury.¹ If the victim ²**[serious suffers]** suffers²
32 bodily injury, ¹**[this]** it¹ shall be a crime of the **[third degree]**
33 ¹**[second degree]** third degree¹. Otherwise, this shall be a crime of
34 the fourth degree.

35 A term of imprisonment imposed for this offense shall run
36 consecutively to any term of imprisonment currently being served
37 and to any other term imposed for another offense committed at the
38 time of the assault. Any person charged with assault with a bodily
39 fluid under this section shall have a blood sample drawn or other
40 biological sample collected to test for communicable diseases at a
41 clinical laboratory licensed by the Department of Health pursuant to
42 the "New Jersey Clinical Laboratory Improvement Act," P.L.1975,
43 c.166 (C.45:9-42.26 et seq.) ¹, upon consent given by the person
44 charged or in compliance with a warrant issued by a judge of the
45 Superior Court.

46 The court shall issue a warrant upon finding there is probable
47 cause to believe that the person's blood or other bodily fluid came

1 into contact with a victim of the assault and the victim is at risk of
2 transmission of a communicable disease. Upon application, a
3 warrant shall be issued in accordance with the Rules of Court ²[if
4 the judge is satisfied that sufficient grounds for granting the
5 application have been shown¹]². Any affirmative result for a
6 communicable disease shall be disclosed to the victim
7 ¹[assaulted]. ²Upon the issuance of a warrant, the blood sample or
8 biological sample taken from a person charged under this section
9 may not be used by law enforcement for any purpose other than to
10 test for communicable diseases. A separate warrant shall be
11 obtained before law enforcement may use the blood sample or
12 biological sample for any other investigatory purpose. After
13 completion of the testing, the blood sample or biological sample
14 shall be destroyed.²

15 Nothing herein shall be deemed to preclude, if the evidence so
16 warrants, an indictment and conviction for a violation or attempted
17 violation of chapter 11 of Title 2C of the New Jersey Statutes or
18 subsection b. of N.J.S.2C:12-1 or any other provision of the
19 criminal laws.

20 (cf: P.L.2019, c.219, s.4)

21

22 3. This act shall take effect immediately.

RACIAL AND ETHNIC COMMUNITY CRIMINAL JUSTICE AND PUBLIC SAFETY IMPACT STATEMENT

ASSEMBLY, No. 2378 (2R)

STATE OF NEW JERSEY

SUMMARY

Synopsis: Upgrades certain penalties for assault law enforcement officer and requires offender to be tested for communicable diseases in certain instances.

INTRODUCTION

The Office of Legislative Services does not develop or maintain source data concerning the criminal justice system in the State. The Office of Legislative Services makes reasonable efforts to obtain data from Executive Branch Departments and the Judiciary. This statement may reflect information provided by the United States Census Bureau, the Administrative Office of the Courts within the Judiciary, the New Jersey Department of Corrections, the New Jersey Office of the Attorney General, and the Juvenile Justice Commission in the New Jersey Department of Law and Public Safety. The publicly available data and the data provided by the responding departments and agencies contained within this statement allows for a general overview of the frequencies of events of interest (i.e. arrests, charges, and convictions) for racial and ethnic minorities for the crimes identified herein. This statement does not provide for an in-depth analysis of that data.

Additional data concerning recidivism rates and incarceration rates for the specific crimes addressed within this statement sorted by race and ethnicity is needed in order to make a conclusion on the impacts on racial and ethnic minorities. Additional data concerning the deterrent effects of similar laws of this type is needed to determine the impact on community criminal justice and public safety. It should be noted that the data needed may not currently be collected by the responding departments or agencies or may not exist.¹

BILL DESCRIPTION

Assembly Bill No.2378(2R) upgrades certain penalties for assaulting a law enforcement officer. The bill also increases the penalty for assault with bodily fluids if the victim is a law enforcement officer, paid or volunteer firefighter, court service officer, or person engaged in emergency first-aid or medical services and suffers serious bodily injury.

Under current law, it is a crime of the third degree to assault a law enforcement officer if the victim suffers bodily injury; otherwise, it is a crime of the fourth degree. Under this bill, the penalty for assaulting a law enforcement officer would become a crime of the second degree if the

¹ *This racial and ethnic community criminal justice and public safety impact statement has been produced by the Office of Legislative Services pursuant to section 2 of P.L.2017, c.286 (C.52:11-57.1). Although impact statements are considered a tool for policymaking, the Office of Legislative Services does not take a policy position in preparing a racial and ethnic community criminal justice and public safety impact statement. The role of the Office of Legislative Services is to gather and present data for legislators to review. This statement may reflect information provided by the United States Census Bureau, Office of Juvenile Justice and Delinquency Prevention in the United States Department of Justice, New Jersey Department of Corrections, and Juvenile Justice Commission in the New Jersey Department of Law and Public Safety.*

assault results in serious bodily injury to the officer. The bill provides that a conviction for assaulting a law enforcement officer would not merge with a conviction for any other criminal offense. Under the bill, a mandatory term of incarceration under the “No Early Release Act” would not apply to second degree assault of a law enforcement officer, unless the assault resulted in seriously bodily injury. In addition, a person charged with second degree assault of a law enforcement officer would be prohibited from applying to enter a Pretrial Intervention Program.

The bill would also upgrade the penalty for assault with bodily fluids of a law enforcement officer, court services officer, paid or volunteer firefighter, or person engaged in emergency first-aid or medical services who suffers serious bodily injury. Under current law, it is a crime of the fourth degree for a person to assault with bodily fluids a Department of Corrections employee, county correctional police officer, juvenile correctional police officer, State juvenile facility employee, juvenile detention staff member, probation officer, any sheriff, undersheriff or sheriff’s officer, or any municipal, county, or State law enforcement officer. If the victim suffers bodily injury, it is a crime of the third degree. The bill would add court service officers, firefighters, and persons engaged in emergency first-aid or medical services to the list of individuals protected under current law.

Under the bill, the penalty for assault with bodily fluids would be upgraded to a crime of the second degree if the victim suffers serious bodily injury. “Serious bodily injury” is defined 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. Additionally, any person charged with assault with a bodily fluid would be required to provide a blood sample or other biological sample drawn to be tested for communicable diseases at a clinical laboratory licensed by the Department of Health, upon consent given by the person charged or in compliance with a warrant issued by a judge of the Superior Court. The court would be required to issue a warrant upon finding there is probable cause to believe that the person’s blood or other bodily fluid came into contact with a victim of the assault and that the victim is at risk of transmission of a communicable disease. Any positive results for a communicable disease will be shared with the assault victim. Additionally, the bill provides that upon the issuance of a warrant, the blood sample or biological sample taken from a person pursuant to the bill may not be used by law enforcement for any purpose other than to test for communicable diseases. Under the bill, a separate warrant is required to be obtained before law enforcement may use the blood sample or biological sample for any other investigatory purpose. After completion of the testing, the blood sample or biological sample is required to be destroyed.

A crime of the second degree is punishable by five to 10 years imprisonment, a fine of up to \$150,000, or both. A crime of the third degree is punishable by three to five years imprisonment, a fine of up to \$15,000, or both. A crime of the fourth degree is punishable by up to 18 months imprisonment, a fine of up to \$10,000, or both.

Federal and State Census Information²

	Population	Caucasian	African American	Native American/Alaska Native	Asian	Native Hawaiian/ Other Pacific Islander	Hispanic	Two or More Races/Other
National Census Estimate	331,450,000	59.3%	13.6%	1.3%	6.1%	0.3%	18.9%	2.9%
State Census Estimate	9,289,000	53.5%	15.3%	0.7%	10.3%	0.1%	21.5%	2.4%

Federal and State Inmate Population Data

	Population	Caucasian	African American	Native American/Alaska Native	Asian	Native Hawaiian/ Other Pacific Islander	Hispanic	Two or More Races/Other
Actual Federal Adult Inmate Population ³	156,241	56.9%	38.8%	2.8%	1.5%	N/A	29.2%	N/A
Actual State Adult Inmate Population ⁴	12,978	22%	60.8%	0.0%	1%	N/A	17%	N/A

State Census and State Inmate Population Data

	Population	Caucasian	African American	Native American/Alaska Native	Asian	Native Hawaiian/ Other Pacific Islander	Hispanic	Two or More Races/Other
State Census Estimate	9,289,000	53.5%	15.3%	0.7%	10.3%	0.1%	21.5%	2.4%
Actual State Adult Inmate Population ⁵	12,978	22%	60.8%	0.0%	1%	N/A	17%	N/A

² Publicly available data obtained from the federal census for national and State populations as of April 1, 2020.

³ Publicly available data of federally sentenced persons in custody of the Federal Bureau of Prisons, as of June 1, 2024.

⁴ Publicly available data produced by the New Jersey Department of Corrections concerning the State inmate population on January 1, 2024. It has been reported by the New Jersey Department of Corrections that the Fiscal Year 2024 average daily population was 12,490. However, that number has not been sorted by race or ethnicity.

⁵ Publicly available data produced by the New Jersey Department of Corrections concerning the State inmate population on January 1, 2024. It has been reported by the New Jersey Department of Corrections that the Fiscal Year 2024 average daily population was 12,490. However, that number has not been sorted by race or ethnicity.

DATA PROVIDED BY THE EXECUTIVE BRANCH

The following data was provided, as a part of the submission, from the Office of the Attorney General:

The below displays the number of arrest events (a specific arrest date for a unique defendant) with any paragraph of the enumerated charges below displayed by race/ethnicity for all arrests between January 1, 2017 to June 30, 2024.

<i>STATUTE</i>	<i>STATUTE DESCRIPTION</i>	<i>DEGREE</i>	<i>WHITE (INCL. HISPANIC ORIGIN)</i>	<i>BLACK</i>	<i>ASIAN/PAC. ISLANDER</i>	<i>AM. INDIAN/ALASKA NATIVE</i>	<i>UNKNOWN/NOT PROVIDED</i>	
2C:12-1B(5)(A)	AGG ASSAULT-ON LAW ENFORCEMENT OFFICER	3rd or 4th	3,162	3,471		50	18	243
2C:12-13	THROWING BODILY FLUID AT LAW ENFORCEMENT OFF	3rd or 4th	935	893		10	3	76

The below displays the number of Unique Defendants with a Guilty Outcome (based on State Bureau of Identification Number) charged with any paragraph of the enumerated charges below displayed by race/ethnicity for all arrests between January 1, 2017 to June 30, 2024.

<i>STATUTE</i>	<i>STATUTE DESCRIPTION</i>	<i>DEGREE</i>	<i>WHITE (INCL. HISPANIC ORIGIN)</i>	<i>BLACK</i>	<i>ASIAN/PAC. ISLANDER</i>	<i>AM. INDIAN/ALASKA NATIVE</i>	<i>UNKNOWN/NOT PROVIDED</i>	
2C:12-1B(5)(A)	AGG ASSAULT-ON LAW ENFORCEMENT OFFICER	3rd or 4th	563	608		6	2	41
2C:12-13	THROWING BODILY FLUID AT LAW ENFORCEMENT OFF	3rd or 4th	230	210		2	1	23

The following response was provided by the Juvenile Justice Commission:

The Juvenile Justice Commission (JJC) does not maintain or have direct access to detailed data on youth arrests, prosecutions, or adjudications (i.e. convictions). The JJC is not a prosecutorial agency. The JJC does not keep racial and ethnic data segregated by crimes for arrests, prosecutions, or adjudications for the juveniles committed to its care.

The Department of Corrections has made available to the public statistical data concerning the State inmate population categorized by race and ethnicity for 2024, which are reflected in the charts on page 3, and offenders by base offense for 2022, 2023, and 2024 in the following charts:

Offenders by Base Offense for 2022

Base Offense	Total		Male Offenders in Other Facilities		Youth Offenders		Adult Diagnostic Treatment Center (ADTC)		Edna Mahan		Halfway Houses, County Jails, St. Francis Hospital	
	#	%	#	%	#	%	#	%	#	%	#	%
TOTAL OFFENDERS	12,492	100%	9,442	100%	1,139	100%	410	100%	408	100%	1,093	100%
Violent Offenses	9,049	72%	7,251	77%	681	60%	410	100%	273	67%	434	40%

Offenders by Base Offense for 2023

Base Offense	Total		Male Offenders in Other Facilities		Youth Offenders		Adult Diagnostic Treatment Center (ADTC)		Edna Mahan		Halfway Houses, County Jails, St. Francis Hospital	
	#	%	#	%	#	%	#	%	#	%	#	%
TOTAL OFFENDERS	13,196	100%	9,133	100%	1,174	100%	402	100%	356	100%	2,131	100%
Violent Offenses	9,343	71%	7,196	79%	708	60%	402	100%	261	73%	776	36%

Offenders by Base Offense for 2024

Base Offense	Total		Male Incarcerated Persons		Edna Mahan		Residential Community Release Program (RCRP), County Jails, Central Medical Unit (CHR)		Interstate Corrections Compact	
	#	%	#	%	#	%	#	%	#	%
Total Offenders	12,978	100%	11,176	100%	386	100%	1,140	100%	276	100%
Violent Offenses	9,417	73%	8,445	76%	284	74%	543	48%	145	53%

Note: violent offenses include homicide, sexual assault, aggravated and simple assault, robbery, kidnapping, other sex offenses and other person offenses.

DATA PROVIDED BY THE JUDICIARY

The following data was provided, as a part of the submission, from the Judiciary:

FAMILY (FACTS) JUVENILE DATA FOR CHARGES FILED IN COURT YEARS 2023 AND 2024							
2C:12-13 THROWING BODILY FLUID AT LAW ENFORCEMENT OFFICER⁶							
County	Degree 3		Degree 4				Total
	Black/Afr	White	Black/Afr	Hispanic	Not Stated	White	
Atlantic	0	1	5	0	0	7	13
Bergen	0	0	1	0	0	3	4
Burlington	1	1	5	1	0	2	10
Camden	1	1	7	0	1	0	10
Cape May	0	0	0	0	0	2	2
Cumberland	0	0	6	0	0	2	8
Essex	2	0	7	0	0	1	10
Gloucester	0	0	5	0	0	1	6
Hudson	0	0	4	0	0	0	4
Hunterdon	0	0	5	0	0	1	6
Mercer	0	0	2	0	0	2	4
Middlesex	0	0	1	0	0	2	3
Monmouth	0	0	3	0	0	2	5
Morris	0	0	3	0	0	1	4
Ocean	0	0	1	0	0	1	2
Passaic	1	0	2	0	0	4	7
Salem	0	0	5	0	0	2	7
Somerset	0	0	1	0	0	1	2
Union	0	0	6	0	0	3	9
Warren	0	0	0	0	0	1	1
Total	5	3	69	1	1	38	117

FAMILY (FACTS) JUVENILE DATA FOR CHARGES FILED IN COURT YEARS 2023 AND 2024					
County	2C:12-1 ASSAULT – 2ND DEGREE				
	Asian	Black/Afr	Hispanic	Not Stated or Unknown	White
Atlantic	0	42	1	0	5
Bergen	0	8	0	0	13
Burlington	0	16	0	1	5
Camden	0	37	0	1	10
Cape May	0	5	1	0	7
Cumberland	0	14	0	0	13
Essex	0	125	1	2	16
Gloucester	0	5	0	0	6
Hudson	0	46	3	1	19
Hunterdon	0	1	0	0	1
Mercer	0	20	1	0	4
Middlesex	3	23	1	4	24
Monmouth	0	11	3	0	4
Morris	0	1	0	0	1
Ocean	0	0	0	1	1
Passaic	0	6	0	0	13
Salem	0	4	0	0	0
Somerset	0	3	0	0	2
Sussex	0	0	0	0	0
Union	1	17	0	0	16
Warren	0	3	0	0	0
Total	4	387	11	10	160

FAMILY (FACTS) JUVENILE DATA FOR CHARGES FILED IN COURT YEARS 2023 AND 2024
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⁶ Racial demographic data was not provided for the following: Asian, American Indian, and Alaska Native.

County	ASSAULT 2C:12-1 – 3RD DEGREE				
	Asian	Black/Afr	Hispanic	Not Stated	White
Atlantic	0	64	0	1	12
Bergen	1	14	0	0	24
Burlington	0	46	5	2	19
Camden	1	87	6	1	34
Cape May	0	1	0	0	11
Cumberland	0	12	2	2	6
Essex	1	77	2	2	18
Gloucester	0	10	1	3	2
Hudson	0	57	1	0	37
Hunterdon	0	5	0	0	1
Mercer	0	38	1	0	17
Middlesex	1	51	2	3	55
Monmouth	0	14	1	1	20
Morris	0	9	0	1	7
Ocean	0	2	2	2	21
Passaic	1	13	1	0	21
Salem	0	5	0	0	3
Somerset	0	4	0	0	9
Sussex	0	1	0	0	11
Union	2	44	0	0	17
Warren	0	14	0	0	4
Total	7	568	24	18	349

FAMILY (FACTS) JUVENILE DATA FOR CHARGES FILED IN COURT YEARS 2023 AND 2024						
County	ASSAULT 2C:12-1 – 4TH DEGREE					
	Amr Ind/Alsk	Asian	Black/Afr	Hispanic	Not Stated or Unknown	White
Atlantic	0	1	60	0	0	17
Bergen	0	1	10	0	0	13
Burlington	0	0	26	0	0	3
Camden	0	0	56	1	4	18
Cape May	0	0	4	0	0	3
Cumberland	1	0	27	0	2	12
Essex	0	0	48	0	1	7
Gloucester	0	0	17	0	0	6
Hudson	0	0	22	1	0	12
Hunterdon	0	0	0	0	0	4
Mercer	0	0	24	0	1	9
Middlesex	0	0	25	2	2	36
Monmouth	0	0	9	0	0	12
Morris	0	0	2	0	0	2
Ocean	0	0	7	0	0	14
Passaic	0	0	6	1	1	7
Salem	0	0	12	0	0	3
Somerset	0	0	4	0	2	1
Sussex	0	0	1	0	0	8
Union	0	1	22	1	0	5
Warren	0	0	1	0	0	2
Total	1	3	383	6	13	194

**ADULT CHARGES PROMIS GAVEL DATA FOR COURT YEARS 2023 AND 2024
ASSUALT 2C:12-1, AS OF SEPTEMBER 26, 2024**

COUNTY	NUMBER CHARGED	ASSAULT/INJURY STATUTE 2C:12-1																							
		DEGREE 2								DEGREE 3								DEGREE 4							
		Asian	Black/ Africa Am	Hispanic	Amer Ind/ Alsk Nativ	Nat Haw/ Pacif Is	Unkwn	White	Missing	Asian	Black/ Africa Am	Hispanic	Amer Ind/ Alsk Nativ	Nat Haw/ Pacif Is	Unkwn	White	Missing	Asian	Black/ Africa Am	Hispanic	Amer Ind/ Alsk Nativ	Nat Haw/ Pacif Is	Unkwn	White	Missing
		A	B	H	I	P	U	W		A	B	H	I	P	U	W		A	B	H	I	P	U	W	
ATL	762	2	123	52	0	0	3	73	0	4	144	64	1	0	4	87	0	4	104	32	1	0	4	59	0
BER	826	17	66	104	3	0	8	65	0	11	91	129	1	0	6	91	0	8	65	77	0	0	9	74	0
BUR	638	4	159	34	0	0	4	95	0	0	104	22	0	1	4	76	0	2	63	16	0	0	2	51	0
CAM	1308	4	156	67	0	0	1	64	0	5	355	127	1	0	8	163	0	4	178	63	0	0	3	106	0
CPM	330	0	16	22	0	0	0	55	0	0	30	19	0	0	0	105	0	1	17	8	0	0	0	57	0
CUM	563	0	70	82	0	0	1	44	0	2	81	79	0	0	2	34	0	0	75	53	0	0	0	40	0
ESX	3017	4	1050	350	5	0	11	74	2	7	725	247	1	0	5	80	0	6	305	84	0	0	9	51	0
GLO	433	0	67	27	1	0	1	99	0	0	56	15	0	0	0	72	0	0	32	8	0	0	2	53	0
HNT	64	0	4	2	0	0	0	9	0	0	7	4	0	0	0	11	0	1	4	1	0	0	1	20	0
HUD	1990	11	319	299	1	1	14	93	0	18	313	376	3	0	14	150	0	8	163	141	2	0	6	58	0
MER	720	4	132	57	0	0	3	50	0	6	163	71	0	0	4	42	0	3	102	42	0	0	0	41	0
MID	1121	18	135	151	3	1	4	96	0	24	136	149	1	3	2	93	0	11	82	111	1	1	6	92	0
MON	888	1	131	96	0	0	6	147	0	0	101	65	2	0	3	143	0	2	52	37	0	0	3	99	0
MRS	338	3	18	33	0	0	1	31	0	5	34	44	0	0	1	64	0	4	16	30	0	0	2	52	0
OCN	779	1	25	53	0	0	1	127	0	2	62	65	0	0	7	182	0	0	38	49	1	0	1	165	0
PAS	880	3	90	194	0	0	6	31	0	3	102	224	0	0	6	55	0	1	52	72	0	0	4	36	0
SLM	230	1	53	10	0	0	0	29	0	0	47	9	0	0	0	38	0	0	24	5	0	0	0	14	0
SOM	90	0	7	11	0	0	0	9	0	2	17	9	0	0	0	17	0	2	4	2	0	0	0	8	0
SSX	126	0	0	6	0	0	0	16	0	1	7	11	0	0	1	40	1	0	2	6	0	0	1	34	0
UNN	815	7	143	137	2	0	3	17	0	5	139	151	0	0	4	30	0	1	82	64	0	0	0	30	0
WRN	84	0	5	2	0	0	1	12	0	1	10	9	0	0	0	26	0	0	3	4	0	0	0	11	0
Total (STATE)	16002	80	2769	1789	15	2	68	1236	2	96	2724	1889	10	4	71	1599	1	58	1463	905	5	1	53	1151	0

**ADULT CHARGES PROMIS GAVEL DATA FOR COURT YEARS 2023 AND 2024
THROWING BODILY FLUID AT LEO 2C:12-13, AS OF SEPTEMBER 26, 2024**

COUNTY	NUMBER CHARGED	BODILY FLUID STATUTE 2C:12-13																								
		DEGREE 2							DEGREE 3							DEGREE 4										
		Asian	Black/ Africa Am	Hispanic	Amer Ind/ Alsk Nativ	Nat Haw/ Pacfic Is	Unkwn	White	Missing	Asian	Black/ Africa Am	Hispanic	Amer Ind/ Alsk Nativ	Nat Haw/ Pacfic Is	Unkwn	White	Missing	Asian	Black/ Africa Am	Hispanic	Amer Ind/ Alsk Nativ	Nat Haw/ Pacfic Is	Unkwn	White	Missing	
		A	B	H	I	P	U	W		A	B	H	I	P	U	W		A	B	H	I	P	U	W		
ATL	39	0	0	0	0	0	0	0	0	0	4	0	0	0	0	0	0	0	16	2	0	0	3	14	0	
BER	29	0	0	0	0	0	0	0	0	0	1	1	0	0	2	2	0	2	7	7	0	0	0	7	0	
BUR	23	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	11	1	0	0	1	10	0	
CAM	68	0	0	0	0	0	0	0	0	0	3	0	0	0	0	0	0	1	41	7	0	0	0	16	0	
CPM	14	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	8	2	0	0	0	3	0	
CUM	39	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1	0	0	22	7	0	0	1	7	0	
ESX	155	0	0	0	0	0	0	0	0	0	7	1	0	0	1	3	0	0	109	11	0	0	6	17	0	
GLO	13	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	2	0	0	0	7	0	
HNT	14	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	2	3	0	0	0	8	0	
HUD	65	0	0	0	0	0	0	0	0	0	4	2	0	0	0	0	0	2	20	26	1	0	1	9	0	
MER	20	0	0	0	0	0	0	0	0	0	1	1	0	0	0	1	0	1	13	0	0	0	0	3	0	
MID	34	0	0	0	0	0	0	0	0	0	2	1	0	0	1	0	0	0	13	8	0	0	1	8	0	
MON	31	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	12	2	0	0	2	14	0	
MRS	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	3	0	0	0	5	0	
OCN	30	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1	0	0	10	3	0	0	0	15	0	
PAS	19	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	3	9	0	0	0	6	0	
SLM	7	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	2	1	0	0	0	3	0	
SOM	9	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1	3	0	0	0	4	0	
SSX	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0	0	
UNN	17	0	0	0	0	0	0	0	0	0	4	0	0	0	0	1	0	0	6	5	0	0	0	1	0	
WRN	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0	1	0	
Total (STATE)	641	0	0	0	0	0	0	0	0	0	31	6	0	0	5	10	0	7	303	104	1	0	16	158	0	

Count of Probation clients in each category of crime-degree (FY 23 & FY24 consolidated)																		
		Race																
		AM. INDIAN OR ALASKA NATIVE			ASIAN			BLACK/AFRICAN AMERICAN			NAT. HAWAIIAN/ OTHER PACIFIC ISLANDER		UNKNOWN			WHITE		
		Ethnicity			Ethnicity			Ethnicity			Ethnicity		Ethnicity			Ethnicity		
		Non-Hispanic	Unkno wn	Hispa nic	Non-Hispa nic	Unkno wn	Hispa nic	Non-Hispa nic	Unkno wn	Hispa nic	Non-Hispa nic	Unkno wn	Non-Hispa nic	Unkno wn	Hispa nic	Non-Hispa nic	Unkno wn	Hispa nic
		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Statute	degree																	
2C:12-1	1	.	.	.	.	.	.	2	1	.	.	.	.	1	.	.	1	4
	2	.	.	.	15	1	.	140	32	11	.	.	8	8	14	99	19	75
	3	3	2	2	69	6	5	1495	328	50	1	.	39	68	84	922	340	662
	4	5	1	1	22	.	.	326	59	23	.	1	8	24	31	420	129	241
2C:12-13	3	.	.	.	1	.	.	4	4	1	.	.	.	.	1	3	1	3
	4	.	.	2	1	.	.	88	11	5	.	.	1	1	6	88	22	34
	DP	.	.	.	.	.	.	2	.	.	.	.	.	.	.	1	.	.
Tot. counts by crime-deg.		8	3	5	93	6	5	1915	402	79	1	1	48	93	122	1434	492	940

ASSEMBLY PUBLIC SAFETY AND PREPAREDNESS
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 2378

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 12, 2024

The Assembly Public Safety and Preparedness Committee reports favorably and with committee amendments Assembly Bill No. 2378.

As amended and reported by the committee, this bill upgrades certain penalties for assaulting a law enforcement officer. The amended bill also increases the penalty for assault with bodily fluids if the victim is a law enforcement officer, paid or volunteer firefighter, court service officer, or person engaged in emergency first-aid or medical services and suffers serious bodily injury.

Under current law, it is a crime of the third degree to assault a law enforcement officer if the victim suffers bodily injury; otherwise, it is a crime of the fourth degree. Under this bill, the penalty for assaulting a law enforcement officer would become a crime of the second degree if the assault results in serious bodily injury to the officer. The bill provides that a conviction for assaulting a law enforcement officer would not merge with a conviction for any other criminal offense. Under the bill, a mandatory term of incarceration under the No Early Release Act (NERA) would not apply to second degree assault of a law enforcement officer, unless the assault resulted in seriously bodily injury. In addition, a person charged with second degree assault of a law enforcement officer would be prohibited from applying to enter a Pretrial Intervention Program.

The bill would also upgrade the penalty for assault with bodily fluids of a law enforcement officer, court services officer, paid or volunteer firefighter, or person engaged in emergency first-aid or medical services who suffers serious bodily injury. Under current law, it is a crime of the fourth degree for a person to assault with bodily fluids a Department of Corrections employee, county correctional police officer, juvenile correctional police officer, State juvenile facility employee, juvenile detention staff member, probation officer, any sheriff, undersheriff or sheriff's officer, or any municipal, county, or State law enforcement officer. If the victim suffers bodily injury, it is a crime of the third degree. The bill would add court service officers, firefighters, and persons engaged in emergency first-aid or medical services to the list of individuals protected under current law.

Under the bill, the penalty for assault with bodily fluids would be upgraded to a crime of the second degree if the victim suffers serious bodily injury. Additionally, any person charged with assault with a bodily fluid would be required to provide a blood sample or other biological sample drawn to be tested for communicable diseases at a clinical laboratory licensed by the Department of Health, upon consent given by the person charged or in compliance with a warrant issued by a judge of the Superior Court. The court would be required to issue a warrant upon finding there is probable cause to believe that the person's blood or other bodily fluid came into contact with a victim of the assault and that the victim is at risk of transmission of a communicable disease. Additionally, a warrant would be required to be issued in accordance with the Rules of Court, if the judge is satisfied that sufficient grounds for granting the application have been shown. Any positive results for a communicable disease will be shared with the assault victim.

Under current law, serious bodily injury is defined 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.” A crime of the second degree is punishable by five to 10 years imprisonment, a fine of up to \$150,000, or both.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

1) provide that the penalty for assaulting a law enforcement officer would become a crime of the second degree if the assault results in serious bodily injury to the victim; as introduced, the bill upgraded penalty also applied to the lesser bodily injury standard;

(2) upgrade the penalty for assault with bodily fluids to a crime of the second degree if the victim suffers serious bodily injury; as introduced, the bill established a second degree crime if the victim suffered bodily injury;

(3) remove a provision prohibiting a defendant from entering a guilty plea to a lesser charge;

(4) provide that a person charged with second degree assault on a law enforcement officer resulting in serious bodily injury is ineligible for Pretrial Intervention Services;

(5) provide that a mandatory term of incarceration under the No Early Release Act (NERA) would not apply to second degree assault of a law enforcement officer, unless the assault resulted in serious bodily injury;

(6) add court service officers to the list of officers protected under current law from assault with bodily fluids;

(7) provide that a person charged with assault with a bodily fluid would be required to provide a blood or other biological sample upon

consent or in accordance with a warrant issued by a judge of the Superior Court;

(8) require the court to issue a warrant for the collection of blood or other biological sample upon finding there is probable cause to believe that the person's blood or other bodily fluid came into contact with a victim of the assault and the victim is at risk of transmission of a communicable disease; and

(9) require the warrant for the collection of blood or other biological sample to be issued in accordance with the Rules of Court if the judge is satisfied that sufficient grounds for granting the application have been shown.

As amended and reported by the committee, Assembly Bill No. 2378 is identical to Senate Bill No. 3201 (1R), which also was reported by the committee on this date.

This bill was pre-filed for introduction in the 2024-2025 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2378

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 23, 2024

The Assembly Appropriations Committee reports favorably and with committee amendments Assembly Bill No. 2378 (1R).

As amended and reported by the committee, this bill upgrades certain penalties for assaulting a law enforcement officer. The amended bill also increases the penalty for assault with bodily fluids if the victim is a law enforcement officer, paid or volunteer firefighter, court service officer, or person engaged in emergency first-aid or medical services and suffers serious bodily injury.

Under current law, it is a crime of the third degree to assault a law enforcement officer if the victim suffers bodily injury; otherwise, it is a crime of the fourth degree. Under this bill, the penalty for assaulting a law enforcement officer would become a crime of the second degree if the assault results in serious bodily injury to the officer. The bill provides that a conviction for assaulting a law enforcement officer would not merge with a conviction for any other criminal offense. Under the bill, a mandatory term of incarceration under the No Early Release Act (NERA) would not apply to second degree assault of a law enforcement officer, unless the assault resulted in seriously bodily injury. In addition, a person charged with second degree assault of a law enforcement officer would be prohibited from applying to enter a Pretrial Intervention Program.

The bill also would upgrade the penalty for assault with bodily fluids of a law enforcement officer, court services officer, paid or volunteer firefighter, or person engaged in emergency first-aid or medical services who suffers serious bodily injury. Under current law, it is a crime of the fourth degree for a person to assault with bodily fluids a Department of Corrections employee, county correctional police officer, juvenile correctional police officer, State juvenile facility employee, juvenile detention staff member, probation officer, any sheriff, undersheriff or sheriff's officer, or any municipal, county, or State law enforcement officer. If the victim suffers bodily injury, it is a crime of the third degree. The bill would add court service officers, firefighters, and persons engaged in emergency first-aid or medical services to the list of individuals protected under current law.

Under the bill, the penalty for assault with bodily fluids would be upgraded to a crime of the second degree if the victim suffers serious

bodily injury. Additionally, any person charged with assault with a bodily fluid would be required to provide a blood sample or other biological sample drawn to be tested for communicable diseases at a clinical laboratory licensed by the Department of Health, upon consent given by the person charged or in compliance with a warrant issued by a judge of the Superior Court. The court would be required to issue a warrant upon finding there is probable cause to believe that the person's blood or other bodily fluid came into contact with a victim of the assault and that the victim is at risk of transmission of a communicable disease. Any positive results for a communicable disease will be shared with the assault victim. Additionally, the bill provides that upon the issuance of a warrant, the blood sample or biological sample taken from a person pursuant to the bill may not be used by law enforcement for any purpose other than to test for communicable diseases. Under the bill, a separate warrant is required to be obtained before law enforcement may use the blood sample or biological sample for any other investigatory purpose. After completion of the testing, the blood sample or biological sample is required to be destroyed.

Under current law, serious bodily injury is defined 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.” A crime of the second degree is punishable by five to 10 years imprisonment, a fine of up to \$150,000, or both.

As amended and reported by the committee, Assembly Bill No. 2378 (1R) is identical to Senate Bill No. 3201 (1R), which was also amended and reported by the committee on this date.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

1) remove the provision requiring that if a judge is satisfied sufficient grounds for granting an application have been shown, that a warrant shall be issued;

2) provide that upon the issuance of a warrant, the blood sample or biological sample taken from a person pursuant to the bill may not be used by law enforcement for any purpose other than to test for communicable diseases; in addition, a separate warrant must be obtained before law enforcement may use the blood sample or biological sample for any other investigatory purpose. After completion of the testing, the blood sample or biological sample is required to be destroyed; and

(3) make a technical correction.

FISCAL IMPACT:

Fiscal information for this bill is currently unavailable.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 2378

STATE OF NEW JERSEY 221st LEGISLATURE

DATED: SEPTEMBER 24, 2024

SUMMARY

- Synopsis:** Upgrades certain penalties for assaulting law enforcement officer and requires offender to be tested for communicable diseases in certain instances.
- Type of Impact:** Annual State expenditure and revenue increases.
- Agencies Affected:** Department of Law and Public Safety; Department of Corrections; State Parole Board; the Judiciary; Office of the Public Defender; Department of Health.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Cost Increase	Indeterminate
State Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) anticipates that the bill will result in indeterminate additional annual costs to the State. The bill upgrades certain crimes concerning assault of a law enforcement officer from crimes of the third degree and the fourth degree to a crime of the second degree. Crimes of the second degree carry a presumption of incarceration for persons convicted of these crimes while, generally, a presumption of non-incarceration applies to first time offenders of crimes of the third degree and the fourth degree.
- The following State agencies would incur caseload and expenditure increases: i) the Department of Corrections would have to house more inmates for longer terms of imprisonment and the State Parole Board would have to supervise their return to society; ii) the Judiciary would need to adjudicate additional cases; iii) the Office of the Public Defender may have to represent additional low-income criminal defendants; and iv) the Department of Law and Public Safety would have to prosecute additional cases if the increased penalties create a reluctance on the part of the defendant to enter a guilty plea.

- This bill will also result in increased costs to the State due to the provision requiring any person charged with assault with a bodily fluid be tested for communicable diseases at a clinical laboratory licensed by the Department of Health. The OLS cannot confirm how many such individuals will require testing or who will pay for it. For context, the Department of Corrections reported 128 assaults with bodily fluids for 2021.
- The State may receive indeterminate additional annual revenue from fines and penalties imposed on and collected from individuals convicted of the upgraded offenses; however, the State's ability to collect fines and penalties has historically been limited.

BILL DESCRIPTION

This bill upgrades certain penalties for assaulting a law enforcement officer. The bill also increases the penalty for assault with bodily fluids if the victim is a law enforcement officer, paid or volunteer firefighter, court service officer, or person engaged in emergency first-aid or medical services and suffers serious bodily injury.

Under current law, it is a crime of the third degree to assault a law enforcement officer if the victim suffers bodily injury; otherwise, it is a crime of the fourth degree. Under this bill, the penalty for assaulting a law enforcement officer would become a crime of the second degree if the assault results in serious bodily injury to the officer. The bill provides that a conviction for assaulting a law enforcement officer would not merge with a conviction for any other criminal offense. Under the bill, a mandatory term of incarceration under the No Early Release Act would not apply to second degree assault of a law enforcement officer, unless the assault resulted in seriously bodily injury. In addition, a person charged with second degree assault of a law enforcement officer would be prohibited from applying to enter a Pretrial Intervention Program.

The bill would also upgrade the penalty for assault with bodily fluids of a law enforcement officer, court services officer, paid or volunteer firefighter, or person engaged in emergency first-aid or medical services who suffers serious bodily injury. Under current law, it is a crime of the fourth degree for a person to assault with bodily fluids a Department of Corrections employee, county correctional police officer, juvenile correctional police officer, State juvenile facility employee, juvenile detention staff member, probation officer, any sheriff, undersheriff or sheriff's officer, or any municipal, county, or State law enforcement officer. If the victim suffers bodily injury, it is a crime of the third degree. The bill would add court service officers, firefighters, and persons engaged in emergency first-aid or medical services to the list of individuals protected under current law.

Under the bill, the penalty for assault with bodily fluids would be upgraded to a crime of the second degree if the victim suffers serious bodily injury. Additionally, any person charged with assault with a bodily fluid would be required to provide a blood sample or other biological sample drawn to be tested for communicable diseases at a clinical laboratory licensed by the Department of Health, upon consent given by the person charged or in compliance with a warrant issued by a judge of the Superior Court. The court would be required to issue a warrant upon finding there is probable cause to believe that the person's blood or other bodily fluid came into contact with a victim of the assault and that the victim is at risk of transmission of a communicable disease. Additionally, a warrant would be required to be issued in accordance with the Rules of Court, if the judge is satisfied that sufficient grounds for granting the application have been shown. Any positive results for a communicable disease will be shared with the assault victim.

Under current law, serious bodily injury is defined 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.” A crime of the second degree is punishable by five to 10 years imprisonment, a fine of up to \$150,000, or both.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS anticipates that the bill will result in indeterminate additional annual costs to the State. The bill upgrades certain crimes concerning assault of a law enforcement officer from crimes of the third degree and the fourth degree to a crime of the second degree. Crimes of the second degree carry a presumption of incarceration for persons convicted of these crimes while, generally, a presumption of non-incarceration applies to first time offenders of crimes of the third degree and the fourth degree.

The following State agencies would incur caseload and expenditure increases: i) the Department of Corrections would have to house more inmates for longer terms of imprisonment and the State Parole Board would have to supervise their return to society; ii) the Judiciary would need to adjudicate additional cases; iii) the Office of the Public Defender may have to represent additional low-income criminal defendants; and iv) the Department of Law and Public Safety would have to prosecute additional cases if the increased penalties create a reluctance on the part of the defendant to enter a guilty plea. The OLS finds that to the extent that the bill will result in additional incarcerations, based on information provided by the Department of Corrections, the FY 2023 average annual cost for housing, ensuring security, and providing services to an incarcerated individual was \$75,574, whereas the average daily cost was \$207.

This bill will also result in increased costs to the State due to the provision requiring any person charged with assault with a bodily fluid be tested for communicable diseases at a clinical laboratory licensed by the Department of Health. The OLS cannot confirm how many such individuals will require testing or who will pay for it.

In response to an FY 2023 budget follow-up question, the Department of Corrections noted that there were a total of 194 assaults on correctional staff in 2018, three assaults with a weapon and 51 assaults with bodily fluids. By 2021, the total number of correctional staff assaults was 319, with no assaults with weapons and 128 assaults with bodily fluids. For 2022, through June, the number of correctional staff assaults was at 247, with 129 assaults with bodily fluids. The OLS does not have data for the full year of 2022 or 2023.

The OLS cannot determine the number of convictions the bill’s provisions may generate or the associated fine and penalty revenue. The State may receive indeterminate additional annual revenue from fines and penalties imposed on and collected from individuals convicted of the upgraded offenses; however, the State’s ability to collect fines and penalties has historically been limited.

Section: Judiciary

*Analyst: William Lim
Deputy Counsel*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

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

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

ASSEMBLY, No. 2378

STATE OF NEW JERSEY 221st LEGISLATURE

DATED: SEPTEMBER 30, 2024

SUMMARY

- Synopsis:** Upgrades certain penalties for assaulting law enforcement officer and requires offender to be tested for communicable diseases in certain instances.
- Type of Impact:** Annual State expenditure and revenue increases. Annual local expenditure increase.
- Agencies Affected:** Department of Law and Public Safety; County Prosecutors; the Judiciary; Office of the Public Defender; Department of Corrections; State Parole Board; Department of Health.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Cost Increase	Indeterminate
State Revenue Increase	Indeterminate
Local Cost Increase	Indeterminate

- The Office of Legislative Services (OLS) anticipates that the bill will result in indeterminate additional annual costs to the State. The bill upgrades certain crimes concerning assault of a law enforcement officer from crimes of the third degree and the fourth degree to a crime of the second degree. Crimes of the second degree carry a presumption of incarceration for persons convicted of these crimes while, generally, a presumption of non-incarceration applies to first time offenders of crimes of the third degree and the fourth degree.
- The following State and local agencies would incur caseload and expenditure increases: a) the Department of Law and Public Safety may have to provide guidance and other information related to the bill's provisions; b) county prosecutors would have to prosecute additional cases if the increased penalties create a reluctance on the part of the defendant to enter a guilty plea; c) the Judiciary would have to adjudicate additional cases; d) the Office of the Public Defender may have to represent additional low-income criminal defendants; e) the Department of Corrections would have to house more inmates for longer terms of imprisonment; and f) the State Parole Board would have to supervise the return to society of additional convicts.

- This bill will also result in increased costs to the State due to the provision requiring any person charged with assault with a bodily fluid be tested for communicable diseases at a clinical laboratory licensed by the Department of Health. The OLS cannot confirm how many such individuals will require testing or who will pay for it. For context, the Department of Corrections reported 128 assaults with bodily fluids for 2021.
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FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

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Section: Judiciary

*Analyst: William Lim
 Deputy Counsel*

*Approved: Thomas Koenig
 Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

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

Governor Murphy Takes Action on Legislation

11/18/2024

TRENTON – Today, Governor Murphy signed the following bills into law:

S-1325/A-3890 (Pou, Ruiz/Stanley, Wimberly) - Authorizes electronic delivery of documents relating to portable electronics insurance

S-2310/A-4151 (Moriarty, Turner/Danielsen, Quijano, McCoy) - Requires transparency concerning compensation with promotional opportunities and in employment listings

S-2652/A-3539 (Greenstein, McKnight/Park, Wimberly, Murphy) - Revises statutory terms pertaining to sexual exploitation or abuse of children

S-2962/A-4745 (Greenstein, McKnight/DeAngelo) - Requires contractor subject to prevailing wage law to provide orientation meeting to new employee on prevailing wage project

S-3201/A-2378 (Gopal, Greenstein/Spearman, Sauickie, DeAngelo) - Upgrades certain penalties for assaulting law enforcement officer and requires offender to be tested for communicable diseases in certain instances.

SJR-14/AJR-48 (Diegnan, Moriarty/Karabinchak, Atkins, Collazos-Gill) - Designates third Sunday of November of each year as "World Day of Remembrance for Road Traffic Victims" in NJ