

2C:12-1

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2001 **CHAPTER:** 215
NJSA: 2C:12-1 (Upgrades simple assault against law enforcement)
BILL NO: A2888 (Substituted for S1706)
SPONSOR(S): Geist

DATE INTRODUCED: October 12, 2000

COMMITTEE: **ASSEMBLY:** Judiciary
 SENATE: Judiciary

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** March 8, 2001
 SENATE: June 28, 2001

DATE OF APPROVAL: August 20, 2001

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Original version of bill enacted)

A2888

SPONSORS STATEMENT: (Begins on page 5 of original bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

S1706

SPONSORS STATEMENT: (Begins on page 5 of original bill) Yes

Bill and Sponsors Statement identical to A2888

COMMITTEE STATEMENT:

ASSEMBLY: No

SENATE: Yes

Identical to Assembly Statement for A2888

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"New law stiffens gun penalties for felons," 8-22-2001 Bergen Record, p.A3

ASSEMBLY, No. 2888

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED OCTOBER 12, 2000

Sponsored by:

Assemblyman GEORGE F. GEIST
District 4 (Camden and Gloucester)

Co-Sponsored by:

Assemblyman R.Smith, Senators Matheussen, Allen, Inverso, Sinagra,
Bucco, Singer, Robertson and Kosco

SYNOPSIS

Upgrades simple assault against a law enforcement officer under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/29/2001)

1 AN ACT concerning law enforcement officers and amending
2 N.J.S.2C:12-1.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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 first-aid or medical services; or

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

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

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

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

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

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

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

1 of this paragraph upon proof of a violation of N.J.S.2C:17-1 which
2 resulted in bodily injury to any emergency services personnel; or

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

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

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

21 Aggravated assault under subsections b. (1) and b. (6) is a crime of
22 the second degree; under subsections b. (2), b. (7) , b. (9) and b. (10)
23 is a crime of the third degree; under subsections b. (3) and b. (4) is a
24 crime of the fourth degree; and under subsection b. (5) is a crime of
25 the third degree if the victim suffers bodily injury, otherwise it is a
26 crime of the fourth degree. Aggravated assault under subsection b.(8)
27 is a crime of the third degree if the victim suffers bodily injury; if the
28 victim suffers significant bodily injury or serious bodily injury it is a
29 crime of the second degree. Aggravated assault under subsection
30 b.(11) is a crime of the third degree.

31 c. (1) A person is guilty of assault by auto or vessel when the
32 person drives a vehicle or vessel recklessly and causes either serious
33 bodily injury or bodily injury to another. Assault by auto or vessel is
34 a crime of the fourth degree if serious bodily injury results and is a
35 disorderly persons offense if bodily injury results.

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 section
38 2 of P.L.1981, c.512 (C.39:4-50.4a) and serious bodily injury results
39 and is a crime of the fourth degree if the person drives the vehicle
40 while in violation of R.S.39:4-50 or section 2 of P.L.1981, c.512
41 (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 or
44 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

1 owned by or leased to any elementary or secondary school or school
2 board, or within 1,000 feet of such school property;

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

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

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

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

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

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

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

33 e. A person who commits a simple assault as defined in subsection
34 a. of this section is guilty of a crime of the fourth degree if the person
35 acted with a purpose to intimidate an individual or group of individuals
36 because of race, color, religion, gender, handicap, sexual orientation,
37 or ethnicity.

38 (cf: P.L.1999, c.381, s. 1)

39

40 2. This act shall take effect immediately.

41

42

STATEMENT

43

44 Current law upgrades a simple assault against a law enforcement
45 officer to an aggravated assault when the victim is acting in the
46 performance of his duties while in uniform or exhibiting evidence of

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1 his authority. This bill would amend N.J.S.2C:12-1 to upgrade a
2 simple assault to an aggravated assault when committed against a law
3 enforcement officer "because of status as a law enforcement officer."
4 Present law upgrades simple assault with regard to a person's
5 employment status if the victim is a school board member, school
6 administrator, teacher, school bus driver or other employee of a school
7 board, an employee of the Division of Youth and Family Services, any
8 justice of the Supreme Court, judge of the Superior Court, judge of
9 the Tax Court or municipal judge or any operator of a motorbus or the
10 operator's supervisor or any employee of a rail passenger service.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2888

STATE OF NEW JERSEY

DATED: NOVEMBER 13, 2000

The Assembly Judiciary Committee reports favorably Assembly Bill No. 2888.

Current law upgrades a simple assault against a law enforcement officer to an aggravated assault when the victim is acting in the performance of his duties while in uniform or exhibiting evidence of his authority. This bill would amend N.J.S.2C:12-1 to upgrade a simple assault to an aggravated assault when committed against a law enforcement officer "because of status as a law enforcement officer." Present law upgrades simple assault with regard to a person's employment status if the victim is a school board member, school administrator, teacher, school bus driver or other employee of a school board, an employee of the Division of Youth and Family Services, any justice of the Supreme Court, judge of the Superior Court, judge of the Tax Court or municipal judge or any operator of a motorbus or the operator's supervisor or any employee of a rail passenger service.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2888

STATE OF NEW JERSEY

DATED: JUNE 25, 2001

The Senate Judiciary Committee reports favorably Assembly Bill No. 2888.

Current law upgrades a simple assault against a law enforcement officer to an aggravated assault when the victim is acting in the performance of his duties while in uniform or exhibiting evidence of his authority. This bill would amend N.J.S.2C:12-1 to upgrade a simple assault to an aggravated assault when committed against a law enforcement officer "because of status as a law enforcement officer." Present law upgrades simple assault motivated by a person's employment status if the victim is a school board member, school administrator, teacher, school bus driver or other employee of a school board, an employee of the Division of Youth and Family Services, any justice of the Supreme Court, judge of the Superior Court, judge of the Tax Court or municipal judge or any operator of a motorbus or the operator's supervisor or any employee of a rail passenger service.

SENATE, No. 1706

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED OCTOBER 19, 2000

Sponsored by:

Senator JOHN J. MATHEUSSEN
District 4 (Camden and Gloucester)

Co-Sponsored by:

Senators Allen, Inverso, Sinagra, Bucco, Singer, Robertson and Kosco

SYNOPSIS

Upgrades simple assault against a law enforcement officer under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/14/2000)

S1706 MATHEUSSEN

2

1 AN ACT concerning law enforcement officers and amending
2 N.J.S.2C:12-1.

3

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

6

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Matter underlined thus is new matter.

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- 1 first-aid or medical services; or
- 2 (d) Any school board member, school administrator, teacher,
3 school bus driver or other employee of a school board while clearly
4 identifiable as being engaged in the performance of his duties or
5 because of his status as a member or employee of a school board or
6 any school bus driver employed by an operator under contract to a
7 school board while clearly identifiable as being engaged in the
8 performance of his duties or because of his status as a school bus
9 driver; or
- 10 (e) Any employee of the Division of Youth and Family Services
11 while clearly identifiable as being engaged in the performance of his
12 duties or because of his status as an employee of the division; or
- 13 (f) Any justice of the Supreme Court, judge of the Superior Court,
14 judge of the Tax Court or municipal judge while clearly identifiable as
15 being engaged in the performance of judicial duties or because of his
16 status as a member of the judiciary; or
- 17 (g) Any operator of a motorbus or the operator's supervisor or any
18 employee of a rail passenger service while clearly identifiable as being
19 engaged in the performance of his duties or because of his status as an
20 operator of a motorbus or as the operator's supervisor or as an
21 employee of a rail passenger service; or
- 22 (6) Causes bodily injury to another person while fleeing or
23 attempting to elude a law enforcement officer in 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. Notwithstanding any
26 other provision of law to the contrary, a person shall be strictly liable
27 for a violation of this subsection upon proof of a violation of
28 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in
29 violation of subsection c. of N.J.S.2C:20-10 which resulted in bodily
30 injury to another person; or
- 31 (7) Attempts to cause significant bodily injury to another or causes
32 significant bodily injury purposely or knowingly or, under
33 circumstances manifesting extreme indifference to the value of human
34 life recklessly causes such significant bodily injury; or
- 35 (8) Causes bodily injury by knowingly or purposely starting a fire
36 or causing an explosion in violation of N.J.S.2C:17-1 which results in
37 bodily injury to any emergency services personnel involved in fire
38 suppression activities, rendering emergency medical services resulting
39 from the fire or explosion or rescue operations, or rendering any
40 necessary assistance at the scene of the fire or explosion, including any
41 bodily injury sustained while responding to the scene of a reported fire
42 or explosion. For purposes of this subsection, "emergency services
43 personnel" shall include, but not be limited to, any paid or volunteer
44 fireman, any person engaged in emergency first-aid or medical services
45 and any law enforcement officer. Notwithstanding any other provision
46 of law to the contrary, a person shall be strictly liable for a violation

1 of this paragraph upon proof of a violation of N.J.S.2C:17-1 which
2 resulted in bodily injury to any emergency services personnel; or

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

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

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

21 Aggravated assault under subsections b. (1) and b. (6) is a crime of
22 the second degree; under subsections b. (2), b. (7) , b. (9) and b. (10)
23 is a crime of the third degree; under subsections b. (3) and b. (4) is a
24 crime of the fourth degree; and under subsection b. (5) is a crime of
25 the third degree if the victim suffers bodily injury, otherwise it is a
26 crime of the fourth degree. Aggravated assault under subsection b.(8)
27 is a crime of the third degree if the victim suffers bodily injury; if the
28 victim suffers significant bodily injury or serious bodily injury it is a
29 crime of the second degree. Aggravated assault under subsection
30 b.(11) is a crime of the third degree.

31 c. (1) A person is guilty of assault by auto or vessel when the
32 person drives a vehicle or vessel recklessly and causes either serious
33 bodily injury or bodily injury to another. Assault by auto or vessel is
34 a crime of the fourth degree if serious bodily injury results and is a
35 disorderly persons offense if bodily injury results.

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 section
38 2 of P.L.1981, c.512 (C.39:4-50.4a) and serious bodily injury results
39 and is a crime of the fourth degree if the person drives the vehicle
40 while in violation of R.S.39:4-50 or section 2 of P.L.1981, c.512
41 (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 or
44 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

1 owned by or leased to any elementary or secondary school or school
2 board, or within 1,000 feet of such school property;

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

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

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

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

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

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

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

33 e. A person who commits a simple assault as defined in subsection
34 a. of this section is guilty of a crime of the fourth degree if the person
35 acted with a purpose to intimidate an individual or group of individuals
36 because of race, color, religion, gender, handicap, sexual orientation,
37 or ethnicity.

38 (cf: P.L.1999, c.381, s. 1)

39

40 2. This act shall take effect immediately.

41

42

43

STATEMENT

44

45 Current law upgrades a simple assault against a law enforcement
46 officer to an aggravated assault when the victim is acting in the

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1 performance of his duties while in uniform or exhibiting evidence of
2 his authority. This bill would amend N.J.S.2C:12-1 to upgrade a
3 simple assault to an aggravated assault when committed against a law
4 enforcement officer "because of status as a law enforcement officer."
5 Present law upgrades simple assault with regard to a person's
6 employment status if the victim is a school board member, school
7 administrator, teacher, school bus driver or other employee of a school
8 board, an employee of the Division of Youth and Family Services, any
9 justice of the Supreme Court, judge of the Superior Court, judge of
10 the Tax Court or municipal judge or any operator of a motorbus or the
11 operator's supervisor or any employee of a rail passenger service.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1706

STATE OF NEW JERSEY

DATED: JUNE 25, 2001

The Senate Judiciary Committee reports favorably Senate Bill No. 1706.

Current law upgrades a simple assault against a law enforcement officer to an aggravated assault when the victim is acting in the performance of his duties while in uniform or exhibiting evidence of his authority. This bill would amend N.J.S.2C:12-1 to upgrade a simple assault to an aggravated assault when committed against a law enforcement officer "because of status as a law enforcement officer." Present law upgrades simple assault motivated by a person's employment status if the victim is a school board member, school administrator, teacher, school bus driver or other employee of a school board, an employee of the Division of Youth and Family Services, any justice of the Supreme Court, judge of the Superior Court, judge of the Tax Court or municipal judge or any operator of a motorbus or the operator's supervisor or any employee of a rail passenger service.

P.L. 2001, CHAPTER 215, *approved August 20, 2001*

Assembly, No. 2888

1 **AN ACT** concerning law enforcement officers and amending
2 N.J.S.2C:12-1.

3

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

6

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 (c) Any person engaged in emergency first-aid or medical services

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 acting in the performance of his duties while in uniform or otherwise
2 clearly identifiable as being engaged in the performance of emergency
3 first-aid or medical services; or

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

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

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

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

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

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

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

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

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

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

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

23 Aggravated assault under subsections b. (1) and b. (6) is a crime of
24 the second degree; under subsections b. (2), b. (7) , b. (9) and b. (10)
25 is a crime of the third degree; under subsections b. (3) and b. (4) is a
26 crime of the fourth degree; and under subsection b. (5) is a crime of
27 the third degree if the victim suffers bodily injury, otherwise it is a
28 crime of the fourth degree. Aggravated assault under subsection b.(8)
29 is a crime of the third degree if the victim suffers bodily injury; if the
30 victim suffers significant bodily injury or serious bodily injury it is a
31 crime of the second degree. Aggravated assault under subsection
32 b.(11) is a crime of the third degree.

33 c. (1) A person is guilty of assault by auto or vessel when the
34 person drives a vehicle or vessel recklessly and causes either serious
35 bodily injury or bodily injury to another. Assault by auto or vessel is
36 a crime of the fourth degree if serious bodily injury results and is a
37 disorderly persons offense if bodily injury results.

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

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

1 c.512 (C.39:4-50.4a) while:

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

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

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

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

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

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

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

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

35 e. A person who commits a simple assault as defined in subsection
36 a. of this section is guilty of a crime of the fourth degree if the person
37 acted with a purpose to intimidate an individual or group of individuals
38 because of race, color, religion, gender, handicap, sexual orientation,
39 or ethnicity.

40 (cf: P.L.1999, c.381, s. 1)

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42 2. This act shall take effect immediately.

STATEMENT

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3 Current law upgrades a simple assault against a law enforcement
4 officer to an aggravated assault when the victim is acting in the
5 performance of his duties while in uniform or exhibiting evidence of
6 his authority. This bill would amend N.J.S.2C:12-1 to upgrade a
7 simple assault to an aggravated assault when committed against a law
8 enforcement officer "because of status as a law enforcement officer."
9 Present law upgrades simple assault with regard to a person's
10 employment status if the victim is a school board member, school
11 administrator, teacher, school bus driver or other employee of a school
12 board, an employee of the Division of Youth and Family Services, any
13 justice of the Supreme Court, judge of the Superior Court, judge of
14 the Tax Court or municipal judge or any operator of a motorbus or the
15 operator's supervisor or any employee of a rail passenger service.

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20 Upgrades simple assault against a law enforcement officer under
21 certain circumstances.

CHAPTER 215

AN ACT concerning law enforcement officers and amending N.J.S.2C:12-1.

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 he:

(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 he:

(1) Attempts to cause serious bodily injury to another, or causes such 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 section 2C:39-1f., 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 subsection a. (1), (2) or (3) of this section upon:

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

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

(c) Any person engaged in emergency first-aid or medical services acting in the performance of his 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 school board while clearly identifiable as being engaged in the performance of his duties or because of his status as a member or employee of a school board or any school bus driver employed by an operator under contract to a school board while clearly identifiable as being engaged in the performance of his duties or because of his status as a school bus driver;
or

(e) Any employee of the Division of Youth and Family Services while clearly identifiable as being engaged in the performance of his duties or because of his 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 his 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 his duties or because of his status as an operator of a motorbus or as the operator's supervisor or as an employee of a rail passenger service; 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 subsection 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 subsection, "emergency services personnel" shall include, but not be limited to, any paid or volunteer fireman, 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 f. 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 his duties while in uniform or exhibiting evidence of his 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.

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

(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 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

section.

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.

As used in this section, "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. A person who commits a simple assault as defined in subsection a. of this section is guilty of a crime of the fourth degree if the person acted with a purpose to intimidate an individual or group of individuals because of race, color, religion, gender, handicap, sexual orientation, or ethnicity.

2. This act shall take effect immediately.

Approved August 20, 2001.