

2C:12-1

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2C:12-1 (Institutionalized elderly--assault--define and prescribe penalties)

LAWS OF: 1985 CHAPTER: 444

BILL NO: A3506

Sponsor(s): Girgenti and others

Date Introduced: April 15, 1985

Committee: Assembly: Corrections, Health and Human Services
Senate: Aging

Amended during passage: Yes Amendments during passage denoted by asterisks.

Date of Passage: Assembly: June 24, 1985
Senate: December 12, 1985

Date of Approval: January 13, 1986

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly: Yes
Senate: Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

1-13-86

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ASSEMBLY, No. 3506**STATE OF NEW JERSEY**

INTRODUCED APRIL 15, 1985

By Assemblymen GIRGENTI, PELLECCIA, OTLOWSKI, CUP-
ROWSKI, KERN, FELICE and MAZUR

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

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

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

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

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

6 (2) Negligently causes bodily injury to another with a deadly
7 weapon; or

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

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

13 b. Aggravated assault. A person is guilty of aggravated assault
14 if he:

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

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

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

23 (4) Knowingly under circumstances manifesting extreme indiff-
24 erence to the value of human life points a firearm, as defined 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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Assembly committee amendments adopted May 13, 1985.**

25 section 2C:39-1f., at or in the direction of another, whether or not
 26 the actor believes it to be loaded; or

27 (5) Commits a simple assault as defined in subsection a. (1) and
 28 (2) of this section upon

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

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

34 (c) Any person engaged in emergency first-aid or medical ser-
 35 vices acting in the performance of his duties while in uniform or
 36 otherwise clearly identifiable as being engaged in the performance
 37 of emergency first-aid or medical services; or

38 (d) Any school board member or school administrator, teacher or
 39 other employee of a school board while clearly identifiable as being
 40 engaged in the performance of his duties or because of his status as
 41 a member or employee of a school board***]; or**

42 (e) *Any institutionalized elderly person as defined in section 2*
 43 *of P. L. 1977, c. 239 (C. 52:27G-2)]*.*

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

50 c. A person is guilty of assault by auto when the person drives a
 51 vehicle recklessly and causes either serious bodily injury or bodily
 52 injury to another. Assault by auto is a crime of the fourth degree
 53 if serious bodily injury results and is a disorderly persons offense
 54 if bodily injury results.

55 *d. *A person who is employed by a facility as defined in section*
 56 *2 of P. L. 1977, c. 239 (C. 52:27G-2) who commits a simple assault*
 57 *as defined in paragraph (1) or (2) of subsection a. of this section*
 58 *upon an institutionalized elderly person as defined in section 2 of*
 59 *P. L. 1977, c. 239 (C. 52:27G-2) is guilty of a crime of the fourth*
 60 *degree.**

1 2. This act shall take effect immediately.

ASSEMBLY, No. 3506

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 26 the actor believes it to be loaded; or

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

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

34 (c) Any person engaged in emergency first-aid or medical ser-
 35 vices acting in the performance of his duties while in uniform or
 36 otherwise clearly identifiable as being engaged in the performance
 37 of emergency first-aid or medical services; or

38 (d) Any school board member or school administrator, teacher or
 39 other employee of a school board while clearly identifiable as being
 40 engaged in the performance of his duties or because of his status as
 41 a member or employee of a school board; or

42 (e) *Any institutionalized elderly person as defined in section 2*
 43 *of P. L. 1977, c. 239 (C. 52:27G-2).*

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

50 c. A person is guilty of assault by auto when the person drives a
 51 vehicle recklessly and causes either serious bodily injury or bodily
 52 injury to another. Assault by auto is a crime of the fourth degree
 53 if serious bodily injury results and is a disorderly persons offense
 54 if bodily injury results.

1 2. This act shall take effect immediately.

STATEMENT

This amendment to the "New Jersey Code of Criminal Justice,"
 N. J. S. 2C:12-1b., places institutionalized elderly persons in the
 same category as law enforcement officers, firemen, school board
 employees or rescue squad and ambulance operators who are the
 victims of simple assault. Simple assaults on these individuals,
 which are ordinarily disorderly persons offenses under N. J. S.
 2C:12-1a., are, under N. J. S. 2C:12-1b. (5) defined as aggravated
 assaults and are further defined as a crime of the third degree if
 the victim suffers bodily injuries, otherwise a crime of the fourth
 degree.

A3506 (1985)

ASSEMBLY CORRECTIONS, HEALTH AND
HUMAN SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3506

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: MAY 13, 1985

As amended by committee, this bill amends the "New Jersey Code of Criminal Justice" (N. J. S. 2C:12-1 b.) to make it a separate crime for an employee of a health care facility to assault an institutionalized elderly person as defined in section 2 of P. L. 1977, c. 239 (C. 52:27G-2).

The committee amended the bill at the request of the sponsor to provide that an employee of a facility as defined in section 2 of P. L. 1977, c. 239 (C. 52:27G-2) who commits a simple assault upon an institutionalized elderly person as defined in section 2 of P. L. 1977, c. 239 is guilty of a crime of the fourth degree. A person who is convicted of a crime of the fourth degree may be fined up to \$7,500.00 or sentenced to imprisonment for up to 18 months, or both.

The committee reported the bill favorably as amended.

SENATE COMMITTEE ON AGING

STATEMENT TO

ASSEMBLY, No. 3506

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STATE OF NEW JERSEY

DATED: NOVEMBER 18, 1985

This bill amends the "New Jersey Code of Criminal Justice" (N. J. S. 2C:12-1 b.) to provide that an employee of a health care facility as defined in section 2 of P. L. 1977, c. 239 (C. 52:27G-2) who commits a simple assault upon an institutionalized elderly person as defined in section 2 of P. L. 1977, c. 239 is guilty of a crime of the fourth degree. A person who is convicted of a crime of the fourth degree may be fined up to \$7,500.00 or sentenced to imprisonment for up to 18 months, or both.