

2C:12-1

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2C:12-1

(School employees--attempts to cause injury - aggravated assault)

LAWS OF: 1983

CHAPTER: 101

Bill No: A564

Sponsor(s): Doria and others

Date Introduced: Pre-filed

Committee: Assembly: Education

Senate: Judiciary

Amended during passage: /// No

Date of Passage: Assembly: May 17, 1982

Senate: June 20, 1982

Date of Approval: March 14, 1983

Following statements are attached if available:

Sponsor statement:		Yes	// (Below)
Committee statement:	Assembly	Yes	//
	Senate	Yes	//
Fiscal Note:		///	No
Veto Message:		///	No
Message on Signing:		///	No Yes
Following were printed:			
Reports:		Yes	//
Hearings:		Yes	//

Do Not Remove From File

Sponsors' statement:

Assaults on school personnel are an increasingly serious problem in New Jersey. The purpose of this bill would to place assaults on members and employees of school boards in the same category as assaults on law enforcement officers and firemen.

(over)

974.90 New Jersey. Task Force on Reducing Violence and Vandalism.
E24 Reducing violence, vandalism and disruption in the schools:
1979c a special report to the New Jersey State Board of Education.
May, 1979. Trenton, 1979.

(See especially recommendation #28, pp. 38, 66)

974.90 New Jersey. Juvenile Justice Task Force. Advisory Committee
J97 on "School Violence, Vandalism, Alternative Schools.
1981h January, 1981. Final Report.... Trenton, 1981.

(See recommendation #16, pp. 5-6, 16)

For background see:

974.90 New Jersey. Task Force on Reducing Violence and Vandalism.
E24 Public hearing, held 1-29-79, 2-1-79 and 2-6-79,
1979 Morris Plains, Sewell, and Trenton, N.J., 1979.

ASSEMBLY, No. 564

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1982 SESSION

By Assemblymen DORIA, JANISZEWSKI, ADUBATO, T. GALLO
and ROCCO

AN ACT concerning assault in certain circumstances 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
12 it 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
17A causes such injury; or

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

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

22 (4) Knowingly under circumstances manifesting extreme indif-
23 fence to the value of human life points a firearm, as defined in
24 section 2C:39-1 f., at or in the direction of another, whether or
25 not the actor believes it to be loaded; 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.**

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

28 (a) Any law enforcement officer acting in the performance of
29 his duties while in uniform or exhibiting evidence of his authority;
30 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*
41 *as a member or employee of a school board.*

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

1 2. This act shall take effect immediately.

STATEMENT

Assaults on school personnel are an increasingly serious problem in New Jersey. The purpose of this bill would be to place assaults on members and employees of school boards in the same category as assaults on law enforcement officers and firemen.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 564

STATE OF NEW JERSEY

DATED: MARCH 15, 1982

PROVISIONS:

This bill amends the criminal code to make a simple assault on any school board member or any employee of a school board an "aggravated assault."

IMPACT OF THIS LEGISLATION:

This would place school personnel in the same category as policemen, firemen and emergency personnel. It would increase the penalty for any attack on these individuals from up to 6 months in prison and/or a \$1,000.00 fine (simple assault) to 3 to 5 years in prison and/or a fine of \$7,500.00.

FISCAL IMPLICATIONS:

None.

BACKGROUND:

This bill would provide extra protection to school personnel in the face of an increasing incidence of attacks on such individuals. This bill (Assembly Bill No. 1682) passed the Assembly but was not voted upon in the Senate. During the 1978-79 session this bill (Senate Bill No. 3020 (passed both Houses of the Legislature, but was not signed by the Governor.

The reason given for filing this bill without approval was that P. L. 1979, c. 189 (Senate Bill No. 1455) provided greater protection for school personnel by mandating immediate suspension of any pupil found guilty of simple or aggravated assault. The full statement is as follows:

"While I am concerned about the problem of violence in our schools, I do not believe that providing for greater criminal punishment for simple assaults on all school personnel whether in or out of the classrooms is the proper way to deal with this problem. I believe that removing violent students from the schools will do much for the protection of school personnel. To that end, in September of last year, I signed Senate Bill No. 1455 into law (P. L. 1979, c. 189); now violent

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 564

STATE OF NEW JERSEY

DATED: OCTOBER 13, 1982

Presently, simple assault on policemen, firemen and emergency personnel while they are in the performance of their duties or because of their official status is defined as aggravated assault for sentencing purposes. Assembly Bill No. 564 would include an assault on a teacher, school board member, school administrator and other school employee if that assault occurs while that person was performing his duties or because of his status in the aggravated assault category.

Aggravated assault against school personnel would be classified as a crime of the third degree (three to five years imprisonment and/or a fine of up to \$7,500.00) if bodily injury results. Otherwise, aggravated assault against school personnel would be classified as a crime of the fourth degree (up to 18 months imprisonment and/or a fine of up to \$7,500.00). Presently, simple assault is classified as a disorderly persons offense (up to six months imprisonment and/or a fine of up to \$1,000.00).

OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE:
MONDAY, MARCH 14, 1983

CONTACT: PAUL WOLCOTT

Governor Thomas H. Kean has signed the following bills:

A-564, sponsored by Assemblyman Joseph V. Doria, Jr., D-Hudson, which makes a simple assault on any school board member or employee an aggravated assault.

A-284, sponsored by Assemblyman S. M. Terry LaCorte, R-Passaic, which exempts from paying motor vehicle registration fees chartered local councils of the Boys Clubs of America, the Girls Clubs of America and the Police Athletic League.

A-1684, sponsored by Assemblyman Harry A. McEnroe, D-Essex, which appropriates \$20 million from the Energy Conservation Bond Act of 1980.

A-1601, sponsored by Assemblywoman Angela D. Perun, D-Middlesex, which prohibits the exhibition of animals in shopping malls, with certain exceptions.

A-894, sponsored by Assemblyman Byron M. Baer, D-Bergen, which requires the driver of a vehicle carrying radioactive materials to produce a certificate of handling when requested to do so by the State Police or the Department of Environmental Protection.

A-590, sponsored by Assemblyman Alan J. Karcher, (D-Middlesex), which permits hold-harmless clauses in construction contracts except in cases where the damages are due to the sole negligence of the person receiving the promise.

#

Recommendation 27

Legislation should be supported to require that local boards of education shall maintain adequate insurance coverage to reimburse a school staff member for that person's payment of physical or property damage claims resulting from that person's lawful response to violence or vandalism in a school.

Recommendation 28

Legislation should be supported to provide that any person who commits an assault upon a teaching staff member, board member, or other employee of a Board of Education who is acting in the performance of his/her duties and in a situation where his/her authority to so act is apparent, or who commits such an assault as a result of the victim's relationship to an institution of public education of this state, shall be guilty of an aggravated assault.

C. Curriculum and Counseling

Recommendation 29

The State Board of Education should encourage local boards of education to:

- a. Identify learning disabilities among young children and more promptly begin appropriate services; and

Recommendation 28

Legislation should be supported to provide that any person who commits an assault upon a teaching staff member, board member, or other employee of a Board of Education who is acting in the performance of his/her duties and in a situation where his/her authority to so act is apparent, or who commits such an assault as a result of the victim's relationship to an institution of public education of this state, shall be guilty of an aggravated assault.

The Task Force proposed that school staff persons be given the same legal protections against assault as are enjoyed by police and firemen.

C. Curriculum and Counseling

Recommendation 29

The State Board of Education should encourage local boards of education to:

- a. Identify learning disabilities among young children and more promptly begin appropriate services; and
- b. Identify children who demonstrate chronically disruptive behaviors during grades 1-4 and, following due process, promptly begin appropriate intervention programs and services, including adequate attention to their emotional, health and social needs.

Both children with a learning disability and children with various disruptive behaviors should be provided due process in being assigned appropriate programs and services. Intervention to meet needs is the thrust of this recommendation.

Early attention to the emotional, health and social needs of these children was a priority expressed by the Task Force.

purpose of planning the juvenile's school program. An Advisory Committee member has expressed opposition to this recommendation fearing a net effect of classifying a student as a delinquent. There are no school programs available for "delinquents" and schools should already have all the information they need to plan an appropriate education program.

12. Every local district shall develop a written discipline code which shall include a digest of relevant state laws and local regulations. Principals shall distribute such written policies to all school staff members at the beginning of every school year and at other times as appropriate.

13. Procedures pursuant to constitutional guidelines shall be established within public schools for the search and seizure of students by school administrators. Such procedures will inform school personnel of the legal questions concerning the use of search and seizure.

14. Local school boards should be encouraged to provide legal advice to school staff members against whom criminal acts have been committed in the course of their employment.

15. Local boards of education shall maintain adequate insurance coverage to reimburse school staff members for claims against them resulting from a lawful response to violence or vandalism in a school.

16. Any person who commits an assault upon a teaching staff member, board member, or other employee of a Board of Education who is acting in the performance of his duties and in a situation where his authority to so act is apparent, or who commits such an assault as a result of the victim's relationship to an in-

stitution of public education in this State, shall be guilty of an aggravated assault. (This recommendation reflects a majority vote. Some Advisory Committee members opposed this provision fearful that it would elevate teachers to the same position as police officers. Simple assaults elevated into aggravated assaults would have the effect of turning minor incidents into serious ones.)

17. Major penalties for trespassing on school premises for the purpose of committing a crime shall be provided. The Advisory Committee has not addressed what constitutes a "major penalty".

18. Pursuant to the completion of the Advisory Committee's effort, the State Board of Education shall seek an adequate financial commitment at both the State and local level in order that schools may operate without crime or disruption. The State Board shall seek the assistance of local communities to act as partners with local schools in addressing the problem.

19. Legislative Proposal for Alternative Education.

a. Determination of Eligibility

Each board of education shall identify and ascertain, according to rules prescribed by the Commissioner with the approval of the State Board, what pupils in the public schools, if any, are eligible for alternative education programs because they cannot be properly accommodated through school programs usually provided.

15. Teachers obeying their board's policies, should be insured against personal injury and property damage claims arising from their defense of a student from a violent student or an effort to prevent vandalism against school property. However, the cost impact on local districts for increased coverage should be investigated before any action is taken on this measure.

16. This issue is addressed in Assembly, No. 1632. While the Advisory Committee supports the concept of making an assault on school staff members, boards of education members or board employees an aggravated assault, it expressed the following two concerns in the implementation of such a measure:

a. Would a harsh penalty actually be a deterrent?

b. The scope of "protected individuals" seems too broad and unwieldy.

17. Outside trespassers in school buildings are the source of considerable crime and disruption. While penalties for such trespassing should be increased they should be limited to those persons who trespass for the purpose of committing a crime.

18. Only when there is joint commitment of priorities and resources between the state and local districts, can any significant inroads be made in improving the problems of crime and disruption in the schools.

19. The Advisory Committee proposal on Alternative Education focused exclusively on the "disruptive student", providing a framework within the guidelines of N.J.S. 18A:7A-20 to

a. emphasize the school's role in prevention;

b. focus on a public school delivery system vs. a private one;