

2C:12-1

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 1999 **CHAPTER:** 281

NJSA: 2C:12-1 (Laser sighting device)

BILL NO: S1258 (Substituted for A1985)

SPONSOR(S): Cafiero and Girgenti

DATE INTRODUCED: June 29, 1998

COMMITTEE: **ASSEMBLY:** -----

SENATE: Law and Public Safety

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** November 15, 1999

SENATE: December 17, 1998

DATE OF APPROVAL: December 20, 1999

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL: Senate Committee Substitute for S1258
(Amendments during passage denoted by superscript numbers)

SCS for S1258

SPONSORS STATEMENT: No

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

S1258

SPONSORS STATEMENT: (Begins on page 2 of original bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: No

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

A1985

SPONSORS STATEMENT: (Begins on page 2 of original bill) Yes

Bill and Sponsors Statement identical to S1258

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

Identical to Senate Statement for SCS for S1258

SENATE: No

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: [Yes](#)

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext. 103 or

refdesk@njstatelib.org **REPORTS:** No

HEARINGS: No

NEWSPAPER ARTICLES: No

P.L. 1999, CHAPTER 281, *approved December 20, 1999*
Senate Committee Substitute for
Senate, No. 1258

1 AN ACT concerning the use of certain firearms sighting systems and
2 amending 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
11 causes 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
15 imminent 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)
34 or (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 (b) Any paid or volunteer fireman acting in the performance of his
38 duties while in uniform or otherwise clearly identifiable as being
39 engaged in the performance of the duties of a fireman; or

40 (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 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 or school administrator, teacher or
5 other employee of a school board while clearly identifiable as being
6 engaged in the performance of his duties or because of his status as a
7 member or employee of a school board; or

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

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

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

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

28 (8) Causes bodily injury by knowingly or purposely starting a fire
29 or causing an explosion in violation of N.J.S.2C:17-1 which results in
30 bodily injury to any emergency services personnel involved in fire
31 suppression activities, rendering emergency medical services resulting
32 from the fire or explosion or rescue operations, or rendering any
33 necessary assistance at the scene of the fire or explosion, including any
34 bodily injury sustained while responding to the scene of a reported fire
35 or explosion. For purposes of this subsection, "emergency services
36 personnel" shall include, but not be limited to, any paid or volunteer
37 fireman, any person engaged in emergency first-aid or medical services
38 and any law enforcement officer. Notwithstanding any other provision
39 of law to the contrary, a person shall be strictly liable for a violation
40 of 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) Uses or activates a laser sighting system or device, or a system
43 or device which, in the manner used, would cause a reasonable person
44 to believe that it is a laser sighting system or device, against a law
45 enforcement officer acting in the performance of his duties while in
46 uniform or exhibiting evidence of his authority. As used in this

1 paragraph, "laser sighting system or device" means any system or
2 device that is integrated with or affixed to a firearm and emits a laser
3 light beam that is used to assist in the sight alignment or aiming of the
4 firearm.

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

15 c. A person is guilty of assault by auto or vessel when the person
16 drives a vehicle or vessel recklessly and causes either serious bodily
17 injury or bodily injury to another. Assault by auto or vessel is a crime
18 of the fourth degree if serious bodily injury results and is a disorderly
19 persons offense if bodily injury results.

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

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

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

32 (cf: P.L.1997, c.119, s.1)

33
34 2. This act shall take effect on the first day of the second month
35 following enactment.

36
37
38 _____
39
40 Establishes the use of a laser sighting device against a law enforcement
41 officer as aggravated assault of the third degree.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 1258

STATE OF NEW JERSEY

DATED: OCTOBER 15, 1998

The Senate Law and Public Safety Committee reports favorably a Senate Committee Substitute for Senate Bill No. 1258.

This committee substitute establishes the use or activation of 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 aggravated assault of the third degree. A third-degree crime is punishable by a fine of not more than \$15,000, imprisonment for a term of three to five years, or both.

The substitute defines a "laser sighting system or device" as any system or device which 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.

SENATE, No. 1258

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED JUNE 29, 1998

Sponsored by:

Senator JAMES S. CAFIERO

District 1 (Cape May, Atlantic and Cumberland)

Senator JOHN A. GIRGENTI

District 35 (Passaic)

SYNOPSIS

Establishes the use of laser lighting and sighting devices against law enforcement officers as a crime.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/16/1998)

1 AN ACT concerning the use of certain laser lighting devices and
2 firearms sighting systems, and supplementing chapter 39 and
3 chapter 33 of Title 2C of the New Jersey Statutes.

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

7
8 1. a. As used in this section, "laser sighting system or device"
9 means any system or device which is integrated with or affixed to a
10 firearm and which emits a laser light beam that is used by the shooter
11 to assist in the sight alignment or aiming of that firearm.

12 b. Any person who uses or activates a laser sighting system or
13 device against any federal, State or local law enforcement officer is
14 guilty of a crime of the third degree. The provisions of this subsection
15 shall apply regardless of whether that system or device is integrated
16 with or affixed to (1) a firearm which is unloaded or not operational
17 or (2) an imitation firearm.

18
19 2. a. As used in this section, "laser lighting" device means any
20 device which emits a laser light beam that is used by the operator as
21 a pointer or highlighter to indicate, mark or identify a specific position,
22 item, place or person.

23 b. Any person who knowingly activates a laser lighting device
24 against any federal, State or local law enforcement officer is guilty of
25 a crime of the fourth degree.

26
27 3. This act shall take effect on the first day of the second month
28 following enactment.

29
30
31 STATEMENT

32
33 This bill would establish the use or activation of a "laser sighting
34 system or device" against any federal, State or local law enforcement
35 officer as a crime of the third degree. A crime of the third degree is
36 punishable by a fine of not more than \$15,000, imprisonment for a
37 term of three to five years, or both.

38 A laser sighting system or device is defined in the bill as any system
39 or device which is integrated with or affixed to a firearm and which
40 emits a laser light beam that is used by the shooter to assist in the sight
41 alignment or aiming of that firearm.

42 The bill also would establish the use or activation of a "laser
43 lighting device" against any federal, State or local law enforcement
44 officer as a crime of the fourth degree. A crime of the fourth degree
45 is punishable by a fine of not more than \$10,000, imprisonment for a
46 term of not more than 18 months, or both.

S1258 CAFIERO,GIRGENTI

3

1 A laser lighting device is defined in the bill as a device which emits
2 a laser light beam that is used by the operator as a pointer or
3 highlighter to indicate, mark or identify a specific position, item, place
4 or person.

ASSEMBLY, No. 1985

STATE OF NEW JERSEY

208th LEGISLATURE

INTRODUCED MAY 4, 1998

Sponsored by:

Assemblyman FRANCIS J. BLEE

District 2 (Atlantic)

Assemblyman KENNETH C. LEFEVRE

District 2 (Atlantic)

Co-Sponsored by:

Assemblyman Gibson

SYNOPSIS

Establishes the use of a laser sighting device against a law enforcement officer as a crime of the third degree.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/29/1998)

1 AN ACT concerning the use of certain firearms sighting systems and
2 supplementing chapter 39 of Title 2C of the New Jersey Statutes.

3

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

6

7 1. a. As used in this section, "laser sighting system or device"
8 means any system or device which is integrated with or affixed to a
9 firearm and which emits a laser light beam that is used by the shooter
10 to assist in the sight alignment or aiming of that firearm.

11 b. Any person who uses or activates a laser sighting system or
12 device against any federal, State or local law enforcement officer is
13 guilty of a crime of the third degree. The provisions of this subsection
14 shall apply regardless of whether that system or device is integrated
15 with or affixed to (1) a firearm which is unloaded or not operational
16 or (2) a imitation firearm.

17

18 2. This act shall take effect on the first day of the second month
19 following enactment.

20

21

22

STATEMENT

23

24 This bill would establish the use or activation of a "laser sighting
25 system or device" against any federal, State or local law enforcement
26 officer as a crime of the third degree. A crime of the third degree is
27 punishable by a fine of not more than \$15,000; imprisonment for a
28 term of three to five years, or both.

29 A laser sighting system or device is defined in the bill as any system
30 or device which is integrated with or affixed to a firearm and which
31 emits a laser light beam that is used by the shooter to assist in the sight
32 alignment or aiming of that firearm.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1985

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 5, 1998

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 1985.

As amended by the committee, Assembly Bill No. 1985 establishes the use or activation of 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 aggravated assault of the third degree. A third-degree crime is punishable by a fine of not more than \$15,000, imprisonment for a term of three to five years, or both.

The amended bill defines a "laser sighting system or device" as any system or device which 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.

PO BOX 004
TRENTON, NJ 08625

Office of the Governor
NEWS RELEASE

CONTACT: Gene Herman
609-777-2600

RELEASE: December 20, 1999

Gov. Christie Whitman today signed the following pieces of legislation:

ACS for A-1016, sponsored by Assembly Members Charles Zisa (D-Bergen), Francis J. Blee (R-Atlantic), Melvin Cottrell (R-Burlington/Monmouth/Ocean) and Joseph R. Malone, III (R-Burlington/Monmouth/Ocean), exempts law enforcement officers from certain bicycle laws in the performance of their official duties.

A-1126, sponsored by E. Scott Garrett (R-Sussex/Hunterdon/Morris) and Guy R. Gregg (R-Sussex/Hunterdon/Morris), clarifies existing law by providing that a recreational vehicle installed in a campsite is not subject to the property tax. The bill defines a recreational vehicle as a camper that is easily disassembled and removed from a campground. The bill specifically excludes a manufactured home or a permanent residence.

A-1884, sponsored by Assembly Members Carol J. Murphy (R-Essex/Morris/Passaic) and Nicholas Asselta (R-Atlantic/CapeMay/Cumberland) and Senator James S. Cafiero (R-Cape May/Atlantic/Cumberland), expands the eligibility for state grants to Alzheimer day care programs to include for-profit as well as public and non-profit programs. It also appropriates \$803,000 from the General Fund to increase the number of clients who can be served by Alzheimer's adult day care programs. The bill incorporates the recommendations the Governor made in a conditional veto of the bill.

A-2312, sponsored by Assembly Members Rose Marie Heck (R-Bergen) and David W. Wolfe (R-Monmouth/Ocean) and Senator Robert J. Martin (R-Essex/Morris/Passaic), provides that administrative penalty funds returned to school districts in the 1997-98 school year shall be included in each district's prebudget year total for the purpose of calculating stabilized aid in 1998-99 and thereafter. The bill incorporates the recommendations the Governor made in a conditional veto of the bill.

A-2785, sponsored by Assembly Members Rose Marie Heck (R-Bergen) and Nicholas Asselta (R-Cape May/Atlantic/Cumberland) and Senators Diane B. Allen (R-Burlington/Camden) and John O. Bennett (R-Monmouth), requires fingerprinting of domestic violence offenders. The bill was introduced upon the recommendation of the Assembly Task Force on Domestic Violence in order to enhance enforcement of the federal firearms ban with respect to domestic violence offenders. The bill requires fingerprinting upon conviction for the disorderly persons offenses of assault and harassment that constitute domestic violence. It also requires the fingerprinting of any persons against whom a final domestic violence restraining order has been entered.

A-2789, sponsored by Assembly Members Kevin J. O'Toole (R-Essex/Union) and Joseph Azzolina (R-Middlesex/Monmouth) and Senators Martha W. Bark (R-Atlantic/Burlington/Camden) and Robert W. Singer (R- Burlington/Monmouth/Ocean) and Diane B. Allen (R-Burlington/Camden), requires annual domestic violence training for family court judges. Under previous law, all judges and court personnel were required to receive biannual training on the handling of domestic violence matters. The Assembly Task Force on domestic violence recommended in a report issued in July, 1998 that the statutory requirement for biannual training be increased.

S-1258, sponsored by Senators James S. Cafiero (R-Cape May/Atlantic/Cumberland) and John A. Girgenti (D-Passaic) and Assembly Members Francis J. Blee (R-Atlantic) and Kenneth C. Lefevre (R-Atlantic), makes it a third degree crime to knowingly use a laser sighting system or device against a law enforcement officer who is engaged in the performance of his or her official duties and is in uniform or otherwise displaying evidence of his or her authority. Third degree crimes are punishable by a three-to-five-year term of imprisonment or a \$15,000 fine or both. For first offenders, however, a presumption against incarceration applies.

S-1378, revises various hunting, trapping and fishing license fees and related provisions, and changes the name of the Division of Fish, Game and Wildlife to the Division of Fish and Wildlife. The bill increases the fees for various hunting, fishing and trapping licenses, permits and stamps by an average of about 50 percent. The bill also authorizes the division to collect a new \$2 fee from migratory bird hunters to pay for information collection activities mandated by the United States Fish and Wildlife Service Migratory Bird Harvest Information Program. The legislation was sponsored by Senators Robert E. Littell (R-Sussex/Hunterdon/Morris) and Joseph F. Vitale (D-Middlesex) and Assembly Members Michael Patrick Carroll (R-Morris) and Melvin Cottrell (R-Burlington/Monmouth/Ocean).