

P.L. 1999, CHAPTER 429, *approved January 18, 2000*
Assembly, No. 2335 (*First Reprint*)

1 AN ACT concerning criminal penalties and amending P.L.1997, c.182.

2

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

5

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

8 2. A person who throws a bodily fluid at a Department of
9 Corrections employee, county corrections officer,¹ **[juvenile detention**
10 **officer]** juvenile corrections officer, juvenile detention staff member¹,
11 any sheriff, undersheriff or sheriff's officer or any municipal, county or
12 State law enforcement officer while in the performance of his duties
13 or otherwise purposely subjects such employee to contact with a
14 bodily fluid commits an aggravated assault. If the victim suffers bodily
15 injury, this shall be a crime of the third degree. Otherwise, this shall
16 be a crime of the fourth degree. A term of imprisonment imposed for
17 this offense shall run consecutively to any term of imprisonment
18 currently being served and to any other term imposed for another
19 offense committed at the time of the assault. Nothing herein shall be
20 deemed to preclude, if the evidence so warrants, an indictment and
21 conviction for a violation or attempted violation of chapter 11 of Title
22 2C of the New Jersey Statutes or subsection b. of N.J.S.2C:12-1 or
23 any other provision of the criminal laws.

24 (cf: P.L.1997, c.182, s.2)

25

26 2. This act shall take effect immediately.

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31 Makes throwing bodily fluid at a county correction officer, juvenile
32 detention officer, any sheriff, undersheriff or sheriff's officer or any
33 law enforcement officer an aggravated assault.

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ALP committee amendments adopted September 14, 1998.

ASSEMBLY, No. 2335

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED JULY 30, 1998

Sponsored by:

Assemblywoman MARY T. PREVITE

District 6 (Camden)

Assemblyman CHARLES "KEN" ZISA

District 37 (Bergen)

Co-Sponsored by:

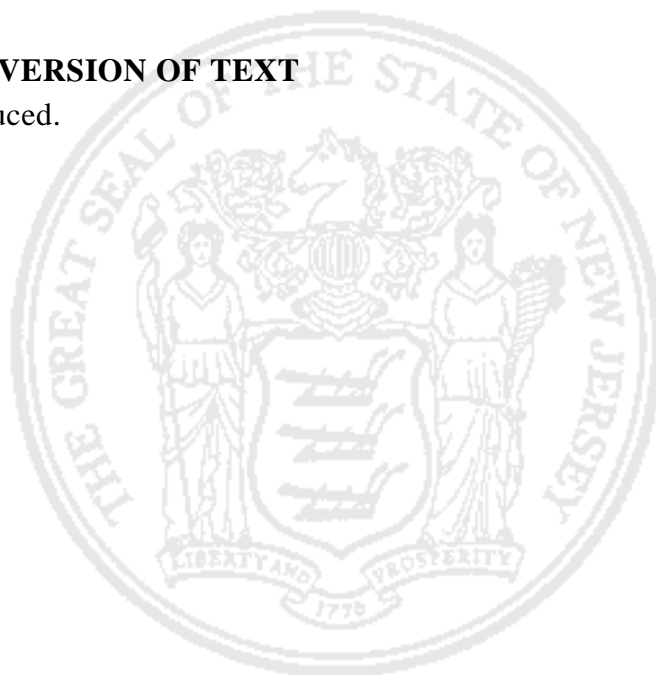
Assemblymen Greenwald and Luongo

SYNOPSIS

Makes throwing bodily fluid at a county correction officer, juvenile detention officer, any sheriff, undersheriff or sheriff's officer or any law enforcement officer an aggravated assault.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/15/1998)

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

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7 as follows:

8 2. A person who throws a bodily fluid at a Department of
9 Corrections employee, county corrections officer, juvenile detention
10 officer, any sheriff, undersheriff or sheriff's officer or any municipal,
11 county or State law enforcement officer while in the performance of
12 his duties or otherwise purposely subjects such employee to contact
13 with a bodily fluid commits an aggravated assault. If the victim
14 suffers bodily injury, this shall be a crime of the third degree.
15 Otherwise, this shall be a crime of the fourth degree. A term of
16 imprisonment imposed for this offense shall run consecutively to any
17 term of imprisonment currently being served and to any other term
18 imposed for another offense committed at the time of the assault.
19 Nothing herein shall be deemed to preclude, if the evidence so
20 warrants, an indictment and conviction for a violation or attempted
21 violation of chapter 11 of Title 2C of the New Jersey Statutes or
22 subsection b. of N.J.S.2C:12-1 or any other provision of the criminal
23 laws.

24 (cf: P.L.1997, c.182, s.2)

25

26 2. This act shall take effect immediately.

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STATEMENT

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31 Currently, any person who throws bodily fluids at a Department of
32 Corrections employee or otherwise purposely subjects a corrections
33 employee to contact with bodily fluids would be guilty of aggravated
34 assault. If the victim suffers bodily injury, it would be a crime of the
35 third degree. Otherwise, it would be a crime of the fourth degree.

36 This bill would amend this section of the law to add county
37 correction officer, juvenile detention officer, any sheriff, undersheriff
38 or sheriff's officer or any municipal, county or State law enforcement
39 officer to the list of protected individuals.

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.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2335

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 14, 1998

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 2335.

Assembly Bill No. 2335 provides that a person who throws bodily fluids at a county corrections officer, juvenile detention officer, sheriff, undersheriff, sheriff's officer or municipal, county or State law enforcement officer employee while that officer is performing his or her duties or purposely subjects such an officer to contact with a bodily fluid commits aggravated assault.

Currently, section 2 of P.L.1997, c.182 (C.2C:12-13) provides that persons commit aggravated assault if they throw bodily fluids at a Department of Corrections employee while that employee is performing his or her duties or purposely subject such an employee to contact with a bodily fluid. "Bodily fluid" is defined in section 1 of P.L.1997, c.182 (C.2C:12-12) as saliva, blood, urine, feces, seminal fluid or any other bodily fluid. Aggravated assault under the bill is a crime of the third degree if the victim suffers bodily injury. Otherwise, it is a crime of the fourth degree. Third-degree crimes are punishable by a term of imprisonment of 3 to 5 years, a fine of up to \$15,000, or both. Fourth-degree crimes are punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both.

The committee amended the bill to make it applicable not only to juvenile detention officers, but to all juvenile detention staff members and to clarify that State juvenile corrections officers are also included in the list of employees protected by the bill.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2335

STATE OF NEW JERSEY

DATED: FEBRUARY 18, 1999

The Senate Judiciary Committee reports favorably Assembly Bill No. 2335 (1R).

Currently N.J.S.A.2C:12-13 provides that a person commits aggravated assault if the person throws bodily fluids at a Department of Corrections employee while the employee is in the performance of his duties. A2335 (1R) would expand the provisions of N.J.S.A.2C:12-13 to include county corrections officers, juvenile detention officers, sheriffs, undersheriffs, sheriff's officers and other municipal, county or State law enforcement officers while such officers are in the performance of their duties.