

2C:12-1

LEGISLATIVE HISTORY CHECKLIST

Compiled by the NJ State Law Library

LAWS OF: 2003 **CHAPTER:** 218

NJSA: 2C:12-1 (Upgrades penalty for assault)

BILL NO: A537 (Substituted for S2224)

SPONSOR(S): Roberts and Cruz-Perez

DATE INTRODUCED: Pre-filed

COMMITTEE: **ASSEMBLY:** Law and Public Safety

SENATE: Judiciary

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** December 15, 2003

SENATE: February 27, 2003

DATE OF APPROVAL: January 9, 2004

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (1st reprint enacted)
(Amendments during passage denoted by superscript numbers)

A537

[SPONSOR'S STATEMENT](#): (Begins on page 6 of original bill) [Yes](#)

COMMITTEE STATEMENT: [ASSEMBLY:](#) [Yes](#)

[SENATE:](#) [Yes](#)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

S2224

[SPONSOR'S STATEMENT](#): (Begins on page 6 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

[SENATE:](#) [Yes](#)

Identical to Senate Statement for A537

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext. 103 or <mailto:refdesk@njstatelib.org>.

REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

P.L. 2003, CHAPTER 218, *approved January 9, 2004*
Assembly, No. 537 (*First Reprint*)

1 AN ACT concerning ¹[corrections officers] assault¹ 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

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SJU committee amendments adopted January 27, 2003.

1 (c) Any person engaged in emergency first-aid or medical services
2 acting in the performance of his duties while in uniform or otherwise
3 clearly identifiable as being engaged in the performance of emergency
4 first-aid or medical services; or

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

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

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

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

25 (h) Any ¹Department of Corrections employee, county¹ corrections
26 officer, juvenile corrections officer ¹[or] , State juvenile facility
27 employee, juvenile detention staff member,¹ juvenile detention officer
28 ¹probation officer or any sheriff, undersheriff, or sheriff's officer¹
29 acting in the performance of his duties while in uniform or exhibiting
30 evidence of his authority; or

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

40 (7) Attempts to cause significant bodily injury to another or causes
41 significant bodily injury purposely or knowingly or, under
42 circumstances manifesting extreme indifference to the value of human
43 life recklessly causes such significant bodily injury; or

44 (8) Causes bodily injury by knowingly or purposely starting a fire
45 or causing an explosion in violation of N.J.S.2C:17-1 which results in
46 bodily injury to any emergency services personnel involved in fire

1 suppression activities, rendering emergency medical services resulting
2 from the fire or explosion or rescue operations, or rendering any
3 necessary assistance at the scene of the fire or explosion, including any
4 bodily injury sustained while responding to the scene of a reported fire
5 or explosion. For purposes of this subsection, "emergency services
6 personnel" shall include, but not be limited to, any paid or volunteer
7 fireman, any person engaged in emergency first-aid or medical services
8 and any law enforcement officer. Notwithstanding any other provision
9 of law to the contrary, a person shall be strictly liable for a violation
10 of this paragraph upon proof of a violation of N.J.S.2C:17-1 which
11 resulted in bodily injury to any emergency services personnel; or

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

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

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

30 Aggravated assault under subsections b. (1) and b. (6) is a crime of
31 the second degree; under subsections b. (2), b. (7), b. (9) and b. (10)
32 is a crime of the third degree; under subsections b. (3) and b. (4) is a
33 crime of the fourth degree; and under subsection b. (5) is a crime of
34 the third degree if the victim suffers bodily injury, otherwise it is a
35 crime of the fourth degree. Aggravated assault under subsection b.(8)
36 is a crime of the third degree if the victim suffers bodily injury; if the
37 victim suffers significant bodily injury or serious bodily injury it is a
38 crime of the second degree. Aggravated assault under subsection
39 b.(11) is a crime of the third degree.

40 c. (1) A person is guilty of assault by auto or vessel when the
41 person drives a vehicle or vessel recklessly and causes either serious
42 bodily injury or bodily injury to another. Assault by auto or vessel is
43 a crime of the fourth degree if serious bodily injury results and is a
44 disorderly persons offense if bodily injury results.

45 (2) Assault by auto or vessel is a crime of the third degree if the
46 person drives the vehicle while in violation of R.S.39:4-50 or section

1 2 of P.L.1981, c.512 (C.39:4-50.4a) and serious bodily injury results
2 and is a crime of the fourth degree if the person drives the vehicle
3 while in violation of R.S.39:4-50 or section 2 of P.L.1981, c.512
4 (C.39:4-50.4a) and bodily injury results.

5 (3) Assault by auto or vessel is a crime of the second degree if
6 serious bodily injury results from the defendant operating the auto or
7 vessel while in violation of R.S.39:4-50 or section 2 of P.L.1981,
8 c.512 (C.39:4-50.4a) while:

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

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

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

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

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

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

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

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

42 e. (Deleted by amendment P.L.2001, c.443).

43 ¹f. A person who commits a simple assault as defined in paragraph
44 (1), (2) or (3) of subsection a. of this section in the presence of a child
45 under 16 years of age at a school or community sponsored youth
46 sports event is guilty of a crime of the fourth degree. The defendant

1 shall be strictly liable upon proof that the offense occurred, in fact, in
2 the presence of a child under 16 years of age. It shall not be a defense
3 that the defendant did not know that the child was present or
4 reasonably believed that the child was 16 years of age or older. The
5 provisions of this subsection shall not be construed to create any
6 liability on the part of a participant in a youth sports event or to
7 abrogate any immunity or defense available to a participant in a youth
8 sports event. As used in this act, "school or community sponsored
9 youth sports event" means a competition, practice or instructional
10 event involving one or more interscholastic sports teams or youth
11 sports teams organized pursuant to a nonprofit or similar charter or
12 which are member teams in a youth league organized by or affiliated
13 with a county or municipal recreation department and shall not include
14 collegiate, semi-professional or professional sporting events.¹

15 (cf: P.L.2002, c.53, s.1)

16

17 2. This act shall take effect immediately.

18

19

20

21

22 Upgrades penalty for assault in certain cases.

ASSEMBLY, No. 537

STATE OF NEW JERSEY 210th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2002 SESSION

Sponsored by:

Assemblyman JOSEPH J. ROBERTS, JR.

District 5 (Camden and Gloucester)

Assemblywoman NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

Co-Sponsored by:

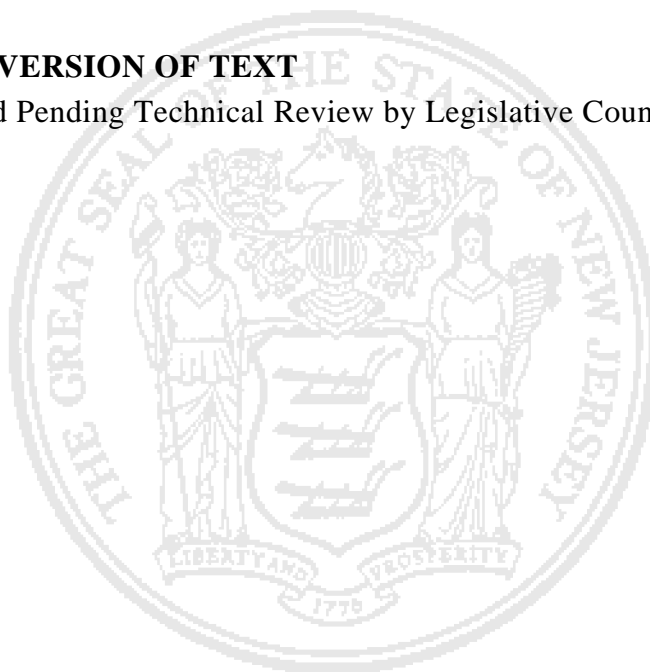
**Assemblywoman Friscia, Assemblyman Greenwald, Assemblywoman
Watson Coleman, Assemblymen Conaway, Barnes and Assemblywoman
Previte**

SYNOPSIS

Upgrades penalty for assaulting corrections officer.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 2/22/2002)

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

2

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

5

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

7 2C:12-1. Assault. a. Simple assault. A person is guilty of assault
8 if he:

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

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

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

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

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

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

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

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

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

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

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

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

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

43 (d) Any school board member, school administrator, teacher,

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 school bus driver or other employee of a school board while clearly
2 identifiable as being engaged in the performance of his duties or
3 because of his status as a member or employee of a school board or
4 any school bus driver employed by an operator under contract to a
5 school board while clearly identifiable as being engaged in the
6 performance of his duties or because of his status as a school bus
7 driver; 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 (g) Any operator of a motorbus or the operator's supervisor or any
16 employee of a rail passenger service while clearly identifiable as being
17 engaged in the performance of his duties or because of his status as an
18 operator of a motorbus or as the operator's supervisor or as an
19 employee of a rail passenger service; or

20 (h) Any corrections officer, juvenile corrections officer or juvenile
21 detention officer in the performance of his duties while in uniform or
22 exhibiting evidence of his authority; or

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

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

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

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

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

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

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

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

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

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

43 (3) Assault by auto or vessel is a crime of the second degree if
44 serious bodily injury results from the defendant operating the auto or
45 vessel while in violation of R.S.39:4-50 or section 2 of P.L.1981,
46 c.512 (C.39:4-50.4a) while:

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

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

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

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

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

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

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

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

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

39 (cf: P.L.1999, c.381)

40

41 2. This act shall take effect immediately.

STATEMENT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

This bill upgrades the offense of simple assault to that of aggravated assault when committed against a corrections officer, juvenile corrections officer or juvenile detention officer in the line of duty.

Simple assault consists of (1) purposely causing or attempting to cause bodily injury to another, (2) negligently causing bodily injury to another with a deadly weapon, or (3) putting another in fear of serious bodily injury. Simple assault is a disorderly persons offense punishable by imprisonment for up to six months, a fine of up to \$1,000, or both.

Under this bill, simple assault against a corrections officer or juvenile corrections or detention officer would become a crime of the third degree if bodily injury occurred and a crime of the fourth degree, if no injury resulted. A crime of the third degree is punishable by imprisonment for three to five years, a fine of up to \$15,000, or both. A crime of the fourth degree is punishable by imprisonment for up to 18 months, a fine of up to \$10,000, or both.

The penalties for simple assaults committed against law enforcement officers, firefighters and emergency service personnel are similarly upgraded under existing law.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 537

STATE OF NEW JERSEY

DATED: FEBRUARY 21, 2002

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 537.

Assembly Bill No. 537 upgrades the offense of simple assault to aggravated assault when committed against a corrections officer, juvenile corrections officer or juvenile detention officer in the line of duty.

Simple assault consists of (1) purposely, knowingly or recklessly causing or attempting to cause bodily injury to another, (2) negligently causing bodily injury to another with a deadly weapon, or (3) attempting by physical menace to put another in fear of imminent serious bodily injury. Simple assault is a disorderly persons offense punishable by imprisonment for up to six months, a fine of up to \$1,000, or both.

Under this bill, a simple assault committed against a corrections officer or juvenile correction or detention officer performing his or her duties while in uniform or exhibiting evidence of authority would be a crime of the third degree if bodily injury occurred and a crime of the fourth degree if no injury resulted. A crime of the third degree is punishable by imprisonment for three to five years, a fine of up to \$15,000, or both. A crime of the fourth degree is punishable by imprisonment for up to 18 months, a fine of up to \$10,000, or both.

The penalties for committing a simple assault against a law enforcement officer, firefighter or provider of emergency first-aid or medical services are similarly upgraded under existing law.

This bill was pre-filed for introduction in the 2002 legislative session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 537

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 27, 2003

The Senate Judiciary Committee reports favorably and with committee amendments Assembly No. 537.

This bill upgrades the offense of simple assault to aggravated assault when committed against a corrections officer, juvenile corrections officer or juvenile detention officer in the line of duty. The committee amendments clarify that certain State and county corrections officers are included. The amendments add probation officers and sheriffs' officers.

Simple assault is a disorderly persons offense punishable by imprisonment for up to six months, a fine of up to \$1,000, or both.

Under this bill, a simple assault committed against the enumerated officers performing duties while in uniform or exhibiting evidence of authority would be a crime of the third degree if bodily injury occurred and a crime of the fourth degree if no injury resulted. A crime of the third degree is punishable by imprisonment for three to five years, a fine of up to \$15,000, or both. A crime of the fourth degree is punishable by imprisonment for up to 18 months, a fine of up to \$10,000, or both.

Current law provides similar upgraded penalties for committing a simple assault against a law enforcement officer, firefighter or provider of emergency first-aid or medical services.

The committee amended the bill to add new language to make the simple assault upgrade consistent with the provisions of N.J.S.A.2C:12-13 concerning throwing bodily fluids so that the same correctional employees would be covered by both provisions. The committee also made a technical amendment to the bill to conform to P.L.2002 c.53 which added a new subsection f. concerning youth sports events.

As amended, this bill is identical to Senate, No. 2224 (1R).

SENATE, No. 2224

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED JANUARY 14, 2003

Sponsored by:
Senator JOHN H. ADLER
District 6 (Camden)

SYNOPSIS

Upgrades penalty for assaulting corrections officer.

CURRENT VERSION OF TEXT

As introduced.



S2224 ADLER

2

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

2

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

5

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

7 2C:12-1. Assault. a. Simple assault. A person is guilty of assault
8 if he:

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

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

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

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

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

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

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

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

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

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

34 (a) Any law enforcement officer acting in the performance of his
35 duties while in uniform or exhibiting evidence of his authority or
36 because of his status as a law enforcement officer; 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
41 acting in the performance of his duties while in uniform or otherwise
42 clearly identifiable as being engaged in the performance of emergency
43 first-aid or medical services; or

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

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

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

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

21 (h) Any corrections officer, juvenile corrections officer or juvenile
22 detention officer acting in the performance of his duties while in
23 uniform or exhibiting evidence of his authority; 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
15 system or device which, in the manner used, would cause a reasonable
16 person to believe that it is a laser sighting system or device, against a
17 law enforcement officer acting in the performance of his duties while
18 in 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 the auto or vessel in
13 violation 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. (Deleted by amendment, P.L.2001, c.443).

36 f. A person who commits a simple assault as defined in paragraph
37 (1), (2) or (3) of subsection a. of this section in the presence of a child
38 under 16 years of age at a school or community sponsored youth
39 sports event is guilty of a crime of the fourth degree. The defendant
40 shall be strictly liable upon proof that the offense occurred, in fact, in
41 the presence of a child under 16 years of age. It shall not be a defense
42 that the defendant did not know that the child was present or
43 reasonably believed that the child was 16 years of age or older. The
44 provisions of this subsection shall not be construed to create any
45 liability on the part of a participant in a youth sports event or to
46 abrogate any immunity or defense available to a participant in a youth

1 sports event.As used in this act, "school or community sponsored
2 youth sports event"means a competition, practice or instructional
3 event involving one or more interscholastic sports teams or youth
4 sports teams organized pursuant to a nonprofit or similar charter or
5 which are member teams in a youth league organized by or affiliated
6 with a county or municipal recreation department and shall not include
7 collegiate, semi-professional or professional sporting events
8 (cf: P.L.2002, c.53)

9

10 2. This act shall take effect immediately.

11

12

13

STATEMENT

14

15 The bill upgrades the offense of simple assault to aggravated
16 assault when committed against a corrections officer, juvenile
17 corrections officer or juvenile detention officer in the line of duty.

18 Simple assault consists of (1) purposely, knowingly or recklessly
19 causing or attempting to cause bodily injury to another, (2) negligently
20 causing bodily injury to another with a deadly weapon, or (3)
21 attempting by physical menace to put another in fear of imminent
22 serious bodily injury. Simple assault is a disorderly persons offense
23 punishable by imprisonment for up to six months, a fine of up to
24 \$1,000, or both.

25 Under this bill, a simple assault committed against a corrections
26 officer or juvenile correction or detention officer performing his or her
27 duties while in uniform or exhibiting evidence of authority would be
28 a crime of the third degree if bodily injury occurred and a crime of the
29 fourth degree if no injury resulted. A crime of the third degree is
30 punishable by imprisonment for three to five years, a fine of up to
31 \$15,000, or both. A crime of the fourth degree is punishable by
32 imprisonment for up to 18 months, a fine of up to \$10,000, or both.

33 The penalties for committing a simple assault against a law
34 enforcement officer, firefighter or provider of emergency first-aid or
35 medical services are similarly upgraded under existing law.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 2224

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 27, 2003

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably and with committee amendments Senate Bill No. 2224.

As amended and released by the committee, this bill upgrades the offense of simple assault to aggravated assault when committed against any Department of Corrections employee, county corrections officer, juvenile corrections officer, State juvenile facility employee, juvenile detention staff member, juvenile detention officer, probation officer or sheriff, undersheriff, or sheriff's officer acting in the performance of his duties while in uniform or exhibiting evidence of his authority.

Simple assault consists of (1) purposely, knowingly or recklessly causing or attempting to cause bodily injury to another, (2) negligently causing bodily injury to another with a deadly weapon, or (3) attempting by physical menace to put another in fear of imminent serious bodily injury. Simple assault is a disorderly persons offense punishable by imprisonment for up to six months, a fine of up to \$1,000, or both.

Under this bill, a simple assault committed against one of these officers or employees performing his duties while in uniform or exhibiting evidence of authority would be a crime of the third degree if bodily injury occurred and a crime of the fourth degree if no injury resulted. A crime of the third degree is punishable by imprisonment for three to five years, a fine of up to \$15,000, or both. A crime of the fourth degree is punishable by imprisonment for up to 18 months, a fine of up to \$10,000, or both.

The committee amended the bill to include within its provisions any Department of Corrections employee, county corrections officer, State juvenile facility employee, juvenile detention staff member, probation officer, or any sheriff, undersheriff, or sheriff's officer acting in the performance of his duties while in uniform or exhibiting evidence of his authority. As introduced, the bill's provisions were applicable only

to any corrections officer, juvenile corrections officer or juvenile detention officer acting in the performance of his duties while in uniform or exhibiting evidence of his authority.

The penalties for committing a simple assault against a law enforcement officer, firefighter or provider of emergency first-aid or medical services are similarly upgraded under existing law.