

# 2C:12-1

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2002           **CHAPTER:** 53  
**NJSA:** 2C:12-1       (Assault at youth sports events)  
**BILL NO:** S1198       (Substituted for A440)

**SPONSOR(S):** Sweeney and others

**DATE INTRODUCED:** February 25, 2002

**COMMITTEE:**           **ASSEMBLY:** ----  
                                  **SENATE:**       Judiciary

**AMENDED DURING PASSAGE:**       Yes

**DATE OF PASSAGE:**           **ASSEMBLY:** June 28, 2002  
  **SENATE:**       June 20, 2002

**DATE OF APPROVAL:**       August 3, 2002

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

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

**S1198**

[SPONSORS STATEMENT](#): (Begins on page 6 of original bill)       [Yes](#)

**COMMITTEE STATEMENT:**                       **ASSEMBLY:**       No

**SENATE:**       [Yes](#)

**FLOOR AMENDMENT STATEMENTS:**       No

**LEGISLATIVE FISCAL ESTIMATE:**       No

**A440**

[SPONSORS STATEMENT](#): (Begins on page 6 of original bill)       [Yes](#)

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

**SENATE:**       No

[FLOOR AMENDMENT STATEMENT](#):       [Yes](#)

**LEGISLATIVE FISCAL ESTIMATE:**       No

[FINAL VERSION](#) (2<sup>ND</sup> reprint):       [Yes](#)

**VETO MESSAGE:**       No

**GOVERNOR'S PRESS RELEASE ON SIGNING:**       No

**FOLLOWING WERE PRINTED:**

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**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

No

P.L. 2002, CHAPTER 53, *approved August 3, 2002*

Senate, No. 1198 (*First Reprint*)

1 **AN ACT** concerning assaults 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

**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:**

<sup>1</sup> Senate SJU committee amendments adopted May 16, 2002.

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

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

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

19 (g) Any operator of a motorbus or the operator's supervisor or any  
20 employee of a rail passenger service while clearly identifiable as being  
21 engaged in the performance of his duties or because of his status as an  
22 operator of a motorbus or as the operator's supervisor or as an  
23 employee of a rail passenger service; 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 auto or vessel in violation  
13 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 <sup>1</sup>[upon another]<sup>1</sup> in the  
38 presence of a child under 16 years of age at a school or community  
39 sponsored youth sports event is guilty of a crime of the fourth  
40 degree. <sup>1</sup>The defendant shall be strictly liable upon proof that the  
41 offense occurred, in fact, in the presence of a child under 16 years of  
42 age. It shall not be a defense that the defendant did not know that the  
43 child was present or reasonably believed that the child was 16 years of  
44 age or older. The provisions of this subsection shall not be construed  
45 to create any liability on the part of a participant in a youth sports  
46 event or to abrogate any immunity or defense available to a participant

1 in a youth sports event.<sup>1</sup> As used in this act, <sup>1</sup>["Youth sports event"]  
2 "school or community sponsored youth sports event"<sup>1</sup> means a  
3 competition, practice or instructional event involving one or more  
4 interscholastic sports teams or <sup>1</sup>youth<sup>1</sup> sports teams organized  
5 pursuant to a nonprofit or similar charter or which are member teams  
6 in a <sup>1</sup>youth<sup>1</sup> league organized by or affiliated with a county or  
7 municipal recreation department <sup>1</sup>and shall not include collegiate,  
8 semi-professional or professional sporting events<sup>1</sup>.  
9 (cf: P.L.2001, c.443, s.2)

10

11 2. This act shall take effect immediately.

12

13

14

15

16 Upgrades simple assault to aggravated assault at youth sports events.

**SENATE, No. 1198**

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**STATE OF NEW JERSEY**  
**210th LEGISLATURE**

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INTRODUCED FEBRUARY 25, 2002

**Sponsored by:**

**Senator STEPHEN M. SWEENEY**

**District 3 (Salem, Cumberland and Gloucester)**

**Senator JOHN H. ADLER**

**District 6 (Camden)**

**SYNOPSIS**

Upgrades simple assault to aggravated assault at youth sports events.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/10/2002)**



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

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

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

1 resulted in bodily injury to any emergency services personnel; or

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

6 (10) Knowingly points, displays or uses an imitation 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 with the purpose to intimidate, threaten or  
9 attempt to put the officer in fear of bodily injury or for any unlawful  
10 purpose; or

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

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

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

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

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

45 (a) on any school property used for school purposes which is  
46 owned by or leased to any elementary or secondary school or school

1 board, or within 1,000 feet of such school property;

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

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

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

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

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

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

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

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

33 f. A person who commits a simple assault as defined in paragraph  
34 (1), (2) or (3) of subsection a. of this section upon another in the  
35 presence of a child under 16 years of age at a school or community  
36 sponsored youth sports event is guilty of a crime of the fourth degree.  
37 As used in this act, "Youth sports event" means a competition,  
38 practice or instructional event involving one or more interscholastic  
39 sports teams or sports teams organized pursuant to a nonprofit or  
40 similar charter or which are member teams in a league organized by or  
41 affiliated with a county or municipal recreation department.

42 (cf: P.L.2001, c.443, s.2)

43

44 2. This act shall take effect immediately.



# SENATE JUDICIARY COMMITTEE

## STATEMENT TO

### **SENATE, No. 1198**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MAY 16, 2002

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 1198.

This bill concerns assaults against coaches, players and other spectators at youth sports events.

The bill in its original form defined a "youth sports event" as a competition, practice or instructional event involving one or more interscholastic sports teams or sports teams organized pursuant to a nonprofit or similar charter or which are member teams in a league organized by or affiliated with a county or municipal recreation department. The bill creates a new subsection f. in N.J.S.2C:12-1 to clarify that any person who commits a simple assault upon another in the presence of a child under 16 years of age at one of these events would be guilty of a crime of a fourth degree. A crime of the fourth degree is punishable by a term of imprisonment not to exceed 18 months, a fine of up to \$10,000 or both. Generally simple assault is a disorderly persons offense.

The new subsection f. being added by the bill is amended to provide for strict liability if a child under 16 years of age is present regardless of the actor's knowledge. The defined term is changed to conform to the phrase used in the bill. Other amendments clarify that the bill addresses youth teams and youth leagues. There is no intent to reach collegiate, semi-pro or professional events. Nor is there any intent to create any liability for a participant or abrogate any available immunities or defenses for participants.

# ASSEMBLY, No. 440

## STATE OF NEW JERSEY 210th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2002 SESSION

**Sponsored by:**

**Assemblyman ROBERT J. SMITH**

**District 4 (Camden and Gloucester)**

**SYNOPSIS**

Upgrades simple assault to aggravated assault at youth sports events.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



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

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

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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  
19 if 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 (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 other person in a fight or scuffle which the actor initiated  
21 at a school or community sponsored youth sports event, while in the  
22 presence of a child under 16 years of age; 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 system  
14 or device which, in the manner used, would cause a reasonable person  
15 to believe that it is a laser sighting system or device, against a law  
16 enforcement officer acting in the performance of his duties while in  
17 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 subparagraphs (a) through (g)  
26 of subsection b. (5) is a crime of the third degree if the victim suffers  
27 bodily injury, otherwise it is a crime of the fourth degree. Aggravated  
28 assault under subsection b.(8) is a crime of the third degree if the  
29 victim suffers bodily injury; if the victim suffers significant bodily  
30 injury or serious bodily injury it is a crime of the second degree.  
31 Aggravated assault under subsection b.(11) is a crime of the third  
32 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

1 vessel while in violation of R.S.39:4-50 or section 2 of P.L.1981,  
2 c.512 (C.39:4-50.4a) while:

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

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

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

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

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

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

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

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

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

41 f. As used in this act, "Youth sports event" means a competition,  
42 practice or instructional event involving one or more interscholastic  
43 sports teams or sports teams organized pursuant to a nonprofit or  
44 similar charter or which are member teams in a league organized by or  
45 affiliated with a county or municipal recreation department.

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

1       2. This act shall take effect immediately.

2

3

4

STATEMENT

5

6       Violent outbreaks at school and youth sports events by parents,  
7 including attacks on coaches, players and other spectators, have  
8 become more frequent in recent years, resulting in injury and  
9 disruption. These outbreaks, in addition to creating an unsafe  
10 environment for the children who are present, also promotes violence  
11 to children as a means of resolving conflict. It is the sponsor's view  
12 that in order to counter these negative and harmful consequences,  
13 stiffer penalties should be imposed for violent behavior committed in  
14 the presence of children. Accordingly, this bill classifies simple assault  
15 as aggravated assault if the assault is committed in a fight or scuffle  
16 which the actor initiated at a school or community sponsored youth  
17 sports event, while in the presence of a child under 16 years of age.  
18 The bill defines "youth sports event" to mean a competition, practice  
19 or instructional event involving one or more interscholastic sports  
20 teams or sports teams organized pursuant to a nonprofit or similar  
21 charter or which are member teams in a league organized by or  
22 affiliated with a county or municipal recreation department. Under the  
23 bill, this offense is graded as a crime of the fourth degree. A crime of  
24 the fourth degree is punishable by up to 18 months imprisonment, a  
25 fine of up to \$10,000, or both.

# ASSEMBLY JUDICIARY COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 440**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: FEBRUARY 4, 2002

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 440.

This bill concerns assaults against coaches, players and other spectators at youth sports events.

In its original form, the bill classified a simple assault as an aggravated assault if the assault was committed in a fight or scuffle which the actor initiated at a school or community sponsored youth sports event, while in the presence of a child under 16 years of age. The bill defines a "youth sports event" as a competition, practice or instructional event involving one or more interscholastic sports teams or sports teams organized pursuant to a nonprofit or similar charter or which are member teams in a league organized by or affiliated with a county or municipal recreation department. As introduced, the bill created a new subparagraph (h) under paragraph (5) of subsection b. of N.J.S.2C:12-1 which would have included this type of assault within the list of simple assaults which are upgraded to aggravated assault when the victim is a member of one or more of the listed classes. This type of assault would have been graded as a crime of the fourth degree 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 by eliminating subparagraph (h) and creating a new subsection f. in N.J.S.2C:12-1 to clarify that any person who commits a simple assault upon another in the presence of a child under 16 years of age at a school or community sponsored youth sports events would be guilty of a crime of a fourth degree. The definition of a "youth sports event" would remain unchanged.

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

STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 440**

with Assembly Floor Amendments  
(Proposed By Assemblyman R. SMITH)

ADOPTED: JUNE 27, 2002

This bill concerns assaults against coaches, players and other spectators at youth sports events. The bill creates a new subsection f. in N.J.S.2C:12-1 to clarify that any person who commits a simple assault upon another in the presence of a child under 16 years of age at one of these events would be guilty of a crime of a fourth degree.

The floor amendments would amend subsection f. to provide for strict liability if a child under 16 years of age is present regardless of the actor's knowledge. The amendments would clarify that the bill addresses youth teams and youth leagues. There is no intent to reach collegiate, semi-pro or professional events. Nor is there any intent to create any liability for a participant or abrogate any available immunities or defenses for participants.

[Second Reprint]

**ASSEMBLY, No. 440**

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**STATE OF NEW JERSEY**  
**210th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2002 SESSION

**Sponsored by:**

**Assemblyman ROBERT J. SMITH**  
**District 4 (Camden and Gloucester)**  
**Assemblyman GARY L. GUEAR, SR.**  
**District 14 (Mercer and Middlesex)**

**Co-Sponsored by:**

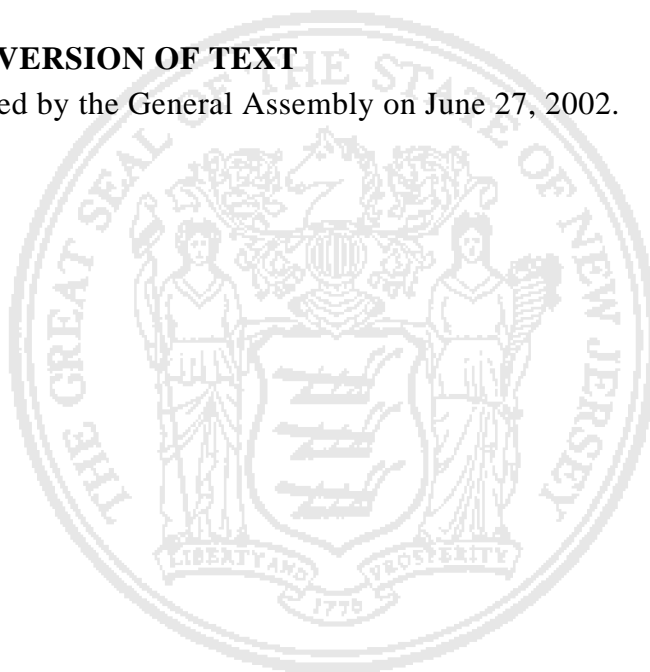
**Assemblywoman Greenstein**

**SYNOPSIS**

Upgrades simple assault to aggravated assault at youth sports events.

**CURRENT VERSION OF TEXT**

As amended by the General Assembly on June 27, 2002.



**(Sponsorship Updated As Of: 6/30/2002)**

1 AN ACT concerning assaults 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 <sup>1</sup>[amende] amended<sup>1</sup> 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 <sup>1</sup>or  
36 because of his status as a law enforcement officer<sup>1</sup>; 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

**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:**

<sup>1</sup>Assembly AJU committee amendments adopted February 4, 2002.

<sup>2</sup>Assembly floor amendments adopted June 27, 2002.



1 clearly identifiable as being engaged in the performance of emergency  
2 first-aid or medical services; or

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

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

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

18 (g) Any operator of a motorbus or the operator's supervisor or any  
19 employee of a rail passenger service while clearly identifiable as being  
20 engaged in the performance of his duties or because of his status as an  
21 operator of a motorbus or as the operator's supervisor or as an  
22 employee of a rail passenger service; [~~or~~]<sup>1</sup>~~or~~<sup>1</sup>

23 <sup>1</sup>[(h) Any other person in a fight or scuffle which the actor  
24 initiated at a school or community sponsored youth sports event, while  
25 in the presence of a child under 16 years of age; or]<sup>1</sup>

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

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

39 (8) Causes bodily injury by knowingly or purposely starting a fire  
40 or causing an explosion in violation of N.J.S.2C:17-1 which results in  
41 bodily injury to any emergency services personnel involved in fire  
42 suppression activities, rendering emergency medical services resulting  
43 from the fire or explosion or rescue operations, or rendering any  
44 necessary assistance at the scene of the fire or explosion, including any  
45 bodily injury sustained while responding to the scene of a reported fire  
46 or explosion. For purposes of this subsection, "emergency services

1 personnel" shall include, but not be limited to, any paid or volunteer  
2 fireman, any person engaged in emergency first-aid or medical services  
3 and any law enforcement officer. Notwithstanding any other provision  
4 of law to the contrary, a person shall be strictly liable for a violation  
5 of this paragraph upon proof of a violation of N.J.S.2C:17-1 which  
6 resulted in bodily injury to any emergency services personnel; or

7 (9) Knowingly, under circumstances manifesting extreme  
8 indifference to the value of human life, points or displays a 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; or

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

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

25 Aggravated assault under subsections b. (1) and b. (6) is a crime of  
26 the second degree; under subsections b. (2), b. (7), b. (9) and b. (10)  
27 is a crime of the third degree; under subsections b. (3) and b. (4) is a  
28 crime of the fourth degree; and under <sup>1</sup>[subparagraphs (a) through (g)  
29 of ]<sup>1</sup> subsection b. (5) is a crime of the third degree if the victim  
30 suffers bodily injury, otherwise it is a crime of the fourth degree.  
31 Aggravated assault under subsection b.(8) is a crime of the third  
32 degree if the victim suffers bodily injury; if the victim suffers  
33 significant bodily injury or serious bodily injury it is a crime of the  
34 second degree. Aggravated assault under subsection b.(11) is a crime  
35 of the third degree.

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

41 (2) Assault by auto or vessel is a crime of the third degree if the  
42 person drives the vehicle while in violation of R.S.39:4-50 or section  
43 2 of P.L.1981, c.512 (C.39:4-50.4a) and serious bodily injury results  
44 and is a crime of the fourth degree if the person drives the vehicle  
45 while in violation of R.S.39:4-50 or section 2 of P.L.1981, c.512  
46 (C.39:4-50.4a) and bodily injury results.

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

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

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

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

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

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

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

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

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

38 e. <sup>1</sup>[A person who commits a simple assault as defined in  
39 subsection a. of this section is guilty of a crime of the fourth degree if  
40 the person acted with a purpose to intimidate an individual or group  
41 of individuals because of race, color, religion, gender, handicap, sexual  
42 orientation, or ethnicity.] Deleted by amendment, P.L.2001, c.443<sup>1</sup>.

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

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

16 (cf: P.L.2001, c.443, s.2).

17

18 2. This act shall take effect immediately.