

2C:12-1

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2005 **CHAPTER:** 2

NJSA: 2C:12-1 (Upgrades penalties for certain assaults against employees of public utilities)

BILL NO: S334 (Substituted for A2948)

SPONSOR(S): Sarlo and others

DATE INTRODUCED: Pre-filed

COMMITTEE: **ASSEMBLY:** Law and Public Safety and Veterans' Affairs
SENATE: Law and Public Safety

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** November 15, 2004
SENATE: December 13, 2004

DATE OF APPROVAL: January 19, 2005

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) Senate Substitute (1R) enacted

S334

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

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

SENATE: [Yes](#)

[FLOOR AMENDMENT STATEMENT](#) (Page 6 of floor substitute): [Yes](#)

LEGISLATIVE FISCAL ESTIMATE: No

A2948

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

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

SENATE: No

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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HEARINGS:

No

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No

IS 2/21/07

P.L. 2005, CHAPTER 2, *approved January 19, 2005*
Senate Substitute (*First Reprint*) for
Senate, No. 334

1 AN ACT concerning assault 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
10 causes 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
14 imminent 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)
33 or (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

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ALP committee amendments adopted October 4, 2004.

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 Department of Corrections employee, county corrections
26 officer, juvenile corrections officer, State juvenile facility employee,
27 juvenile detention staff member, juvenile detention officer, probation
28 officer or any sheriff, undersheriff, or sheriff's officer acting in the
29 performance of his duties while in uniform or exhibiting evidence of
30 his authority; or

31 (i) Any employee, including any person employed under contract,
32 of a utility company as defined in section 2 of P.L.1971, c.224
33 (C.2A:42-86) ¹or a cable television company subject to the provisions
34 of the "Cable Television Act," P.L.1972, c.186 (C.48:5A-1 et seq.)¹
35 while clearly identifiable as being engaged in the performance of his
36 duties in regard to connecting, disconnecting or repairing or
37 attempting to connect, disconnect or repair any gas, electric or water
38 utility ¹, or cable television or telecommunication¹ service; or

39 (6) Causes bodily injury to another person while fleeing or
40 attempting to elude a law enforcement officer in violation of
41 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in
42 violation of subsection c. of N.J.S.2C:20-10. Notwithstanding any
43 other provision of law to the contrary, a person shall be strictly liable
44 for a violation of this subsection upon proof of a violation of
45 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in
46 violation of subsection c. of N.J.S.2C:20-10 which resulted in bodily

1 injury to another person; or

2 (7) Attempts to cause significant bodily injury to another or causes
3 significant bodily injury purposely or knowingly or, under
4 circumstances manifesting extreme indifference to the value of human
5 life recklessly causes such significant bodily injury; or

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

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

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

29 (11) Uses or activates a laser sighting system or device, or a
30 system or device which, in the manner used, would cause a reasonable
31 person to believe that it is a laser sighting system or device, against a
32 law enforcement officer acting in the performance of his duties while
33 in uniform or exhibiting evidence of his authority. As used in this
34 paragraph, "laser sighting system or device" means any system or
35 device that is integrated with or affixed to a firearm and emits a laser
36 light beam that is used to assist in the sight alignment or aiming of the
37 firearm.

38 Aggravated assault under subsections b. (1) and b. (6) is a crime
39 of the second degree; under subsections b. (2), b. (7), b. (9) and b.
40 (10) is a crime of the third degree; under subsections b. (3) and b. (4)
41 is a crime of the fourth degree; and under subsection b. (5) is a crime
42 of the third degree if the victim suffers bodily injury, otherwise it is a
43 crime of the fourth degree. Aggravated assault under subsection b.(8)
44 is a crime of the third degree if the victim suffers bodily injury; if the
45 victim suffers significant bodily injury or serious bodily injury it is a
46 crime of the second degree. Aggravated assault under subsection

1 b.(11) is a crime of the third degree.

2 c. (1) A person is guilty of assault by auto or vessel when the
3 person drives a vehicle or vessel recklessly and causes either serious
4 bodily injury or bodily injury to another. Assault by auto or vessel is
5 a crime of the fourth degree if serious bodily injury results and is a
6 disorderly persons offense if bodily injury results.

7 (2) Assault by auto or vessel is a crime of the third degree if the
8 person drives the vehicle while in violation of R.S.39:4-50 or section
9 2 of P.L.1981, c.512 (C.39:4-50.4a) and serious bodily injury results
10 and is a crime of the fourth degree if the person drives the vehicle
11 while in violation of R.S.39:4-50 or section 2 of P.L.1981, c.512
12 (C.39:4-50.4a) and bodily injury results.

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

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

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

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

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

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

35 It shall be no defense to a prosecution for a violation of
36 subparagraph (a) or (b) of paragraph (3) of this subsection that the
37 defendant was unaware that the prohibited conduct took place while
38 on or within 1,000 feet of any school property or while driving
39 through a school crossing. Nor shall it be a defense to a prosecution
40 under subparagraph (a) or (b) of paragraph (3) of this subsection that
41 no juveniles were present on the school property or crossing zone at
42 the time of the offense or that the school was not in session.

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

45 d. A person who is employed by a facility as defined in section 2
46 of P.L.1977, c.239 (C.52:27G-2) who commits a simple assault as

1 defined in paragraph (1) or (2) of subsection a. of this section upon an
2 institutionalized elderly person as defined in section 2 of P.L.1977,
3 c.239 (C.52:27G-2) is guilty of a crime of the fourth degree.

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

5 f. A person who commits a simple assault as defined in paragraph
6 (1), (2) or (3) of subsection a. of this section in the presence of a child
7 under 16 years of age at a school or community sponsored youth
8 sports event is guilty of a crime of the fourth degree. The defendant
9 shall be strictly liable upon proof that the offense occurred, in fact, in
10 the presence of a child under 16 years of age. It shall not be a defense
11 that the defendant did not know that the child was present or
12 reasonably believed that the child was 16 years of age or older. The
13 provisions of this subsection shall not be construed to create any
14 liability on the part of a participant in a youth sports event or to
15 abrogate any immunity or defense available to a participant in a youth
16 sports event. As used in this act, "school or community sponsored
17 youth sports event" means a competition, practice or instructional
18 event involving one or more interscholastic sports teams or youth
19 sports teams organized pursuant to a nonprofit or similar charter or
20 which are member teams in a youth league organized by or affiliated
21 with a county or municipal recreation department and shall not include
22 collegiate, semi-professional or professional sporting events.

23 (cf: P.L.2003, c.218, s.1)

24
25 2. This act shall take effect immediately.

26
27
28 _____
29
30 Upgrades penalties for certain assaults committed against employees
31 of public utilities, cable television or telecommunication services.

SENATE, No. 334

STATE OF NEW JERSEY
211th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

Sponsored by:

Senator PAUL SARLO

District 36 (Bergen, Essex and Passaic)

SYNOPSIS

Upgrades penalties for certain assaults committed against employees of public utilities.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



S334 SARLO

2

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

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4 of New Jersey:

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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 employee of a public utility as defined in R.S.48:2-13
22 while clearly identifiable as being engaged in the performance of his
23 duties or because of his status as an employee of a public utility; 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

S334 SARLO

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,
47 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 the auto or vessel in
12 violation 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. (Deleted by amendment, P.L.2001, c.443).

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

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

8

9 2. This act shall take effect immediately.

10

11

12

STATEMENT

13

14 This bill would upgrade the offense of simple assault to aggravated
15 assault if the victim is an employee of a public utility.

16 The bill amends N.J.S.2C:12-1 to upgrade a simple assault against
17 a public utility employee to aggravated assault if the assault occurs
18 when the employee is engaged in performance of his duties or if the
19 assault is due to his status as a employee of a public utility.

20 Aggravated assault under paragraph 5 of subsection b. of
21 N.J.S.2C:12-1 is a crime of the third degree if the victim suffers bodily
22 injury; otherwise it is a crime of the fourth degree. A crime of the
23 third degree is punishable by a maximum term of imprisonment of
24 three to five years, a maximum fine of \$15,000, or both. A crime of
25 the fourth degree is punishable by a maximum term of imprisonment
26 not to exceed 18 months, a maximum fine of \$10,000, or both.

27 Employees of public utilities often place themselves in harm's way
28 to restore services to citizens when an emergency strikes. They may
29 work side by side with police officers, firefighters and rescue squad
30 members. Therefore, they should be afforded the same protection if
31 they are assaulted in the course of performing their jobs.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE SUBSTITUTE FOR **SENATE, No. 334**

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 4, 2004

The Assembly Law and Public Safety Committee reports favorably and with committee amendments the Senate Substitute for Senate Bill No. 334.

As amended and released by the committee, the Senate Substitute for Senate Bill No. 334 upgrades the offense of simple assault to aggravated assault if the victim is an employee of a public utility, cable television company or telecommunications service, including a person employed under contract.

The amended bill changes N.J.S.2C:12-1 to upgrade a simple assault against a public utility or cable television employee to aggravated assault if the assault occurs while the employee is clearly identifiable as being engaged in the performance of his duties in regard to connecting, disconnecting or repairing or attempting to connect, disconnect or repair any gas, electric or water utility or cable television or telecommunication service.

Aggravated assault under paragraph 5 of subsection b. of N.J.S.2C:12-1 is a crime of the third degree if the victim suffers bodily injury; otherwise it is a crime of the fourth degree. A crime of the third degree is punishable by a maximum term of imprisonment of three to five years, a maximum fine of \$15,000, or both. A crime of the fourth degree is punishable by a maximum term of imprisonment not to exceed 18 months, a maximum fine of \$10,000, or both.

As amended by the committee, the Senate Substitute for Senate Bill No. 334 is identical to Assembly Bill No. 2948, also amended and released by the committee on this same date.

COMMITTEE AMENDMENTS

The committee amended the bill to include cable television and telecommunication service workers in the list of victims for whom the offense of simple assault is upgraded.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 334

STATE OF NEW JERSEY

DATED: FEBRUARY 9, 2004

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably Senate Bill No. 334.

This bill would upgrade the offense of simple assault to aggravated assault if the victim is an employee of a public utility.

The bill amends N.J.S.2C:12-1 to upgrade a simple assault against a public utility employee to aggravated assault if the assault occurs when the employee is engaged in performance of his duties or if the assault is due to his status as a employee of a public utility.

Aggravated assault under paragraph 5 of subsection b. of N.J.S.2C:12-1 is a crime of the third degree if the victim suffers bodily injury; otherwise it is a crime of the fourth degree. A crime of the third degree is punishable by a maximum term of imprisonment of three to five years, a maximum fine of \$15,000, or both. A crime of the fourth degree is punishable by a maximum term of imprisonment not to exceed 18 months, a maximum fine of \$10,000, or both.

Employees of public utilities often place themselves in harm's way to restore services to citizens when an emergency strikes. They may work side by side with police officers, firefighters and rescue squad members. Therefore, they should be afforded the same protection if they are assaulted in the course of performing their jobs.

This bill was pre-filed for introduction in the 2004 legislative session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE SUBSTITUTE FOR
SENATE, No. 334

STATE OF NEW JERSEY
211th LEGISLATURE

ADOPTED MARCH 22, 2004

Sponsored by:
Senator PAUL SARLO
District 36 (Bergen, Essex and Passaic)

SYNOPSIS

Upgrades penalties for certain assaults committed against employees of public utilities.

CURRENT VERSION OF TEXT

Substitute as adopted by the Senate.



1 AN ACT concerning assault 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
10 causes 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
14 imminent 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)
33 or (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 (h) Any Department of Corrections employee, county corrections
22 officer, juvenile corrections officer, State juvenile facility employee,
23 juvenile detention staff member, juvenile detention officer, probation
24 officer or any sheriff, undersheriff, or sheriff's officer acting in the
25 performance of his duties while in uniform or exhibiting evidence of
26 his authority; or

27 (i) Any employee, including any person employed under contract,
28 of a utility company as defined in section 2 of P.L.1971, c.224
29 (C.2A:42-86) while clearly identifiable as being engaged in the
30 performance of his duties in regard to connecting, disconnecting or
31 repairing or attempting to connect, disconnect or repair any gas,
32 electric or water utility service; or

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

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

46 (8) Causes bodily injury by knowingly or purposely starting a fire

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 f. A person who commits a simple assault as defined in paragraph
46 (1), (2) or (3) of subsection a. of this section in the presence of a child

1 under 16 years of age at a school or community sponsored youth
2 sports event is guilty of a crime of the fourth degree. The defendant
3 shall be strictly liable upon proof that the offense occurred, in fact, in
4 the presence of a child under 16 years of age. It shall not be a defense
5 that the defendant did not know that the child was present or
6 reasonably believed that the child was 16 years of age or older. The
7 provisions of this subsection shall not be construed to create any
8 liability on the part of a participant in a youth sports event or to
9 abrogate any immunity or defense available to a participant in a youth
10 sports event. As used in this act, "school or community sponsored
11 youth sports event" means a competition, practice or instructional
12 event involving one or more interscholastic sports teams or youth
13 sports teams organized pursuant to a nonprofit or similar charter or
14 which are member teams in a youth league organized by or affiliated
15 with a county or municipal recreation department and shall not include
16 collegiate, semi-professional or professional sporting events.
17 (cf: P.L.2003, c.218, s.1)

18

19 2. This act shall take effect immediately.

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STATEMENT

23

24 This bill would upgrade the offense of simple assault to aggravated
25 assault if the victim is an employee of a public utility, including a
26 person employed under contract.

27 The bill amends N.J.S.2C:12-1 to upgrade a simple assault against
28 a public utility employee to aggravated assault if the assault occurs
29 while the employee is clearly identifiable as being engaged in the
30 performance of his duties in regard to connecting, disconnecting or
31 repairing or attempting to connect, disconnect or repair any gas,
32 electric or water utility service.

33 Aggravated assault under paragraph 5 of subsection b. of
34 N.J.S.2C:12-1 is a crime of the third degree if the victim suffers bodily
35 injury; otherwise it is a crime of the fourth degree. A crime of the
36 third degree is punishable by a maximum term of imprisonment of
37 three to five years, a maximum fine of \$15,000, or both. A crime of
38 the fourth degree is punishable by a maximum term of imprisonment
39 not to exceed 18 months, a maximum fine of \$10,000, or both.

ASSEMBLY, No. 2948

STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED MAY 27, 2004

Sponsored by:

Assemblyman FREDERICK SCALERA

District 36 (Bergen, Essex and Passaic)

Assemblyman BRIAN P. STACK

District 33 (Hudson)

Co-Sponsored by:

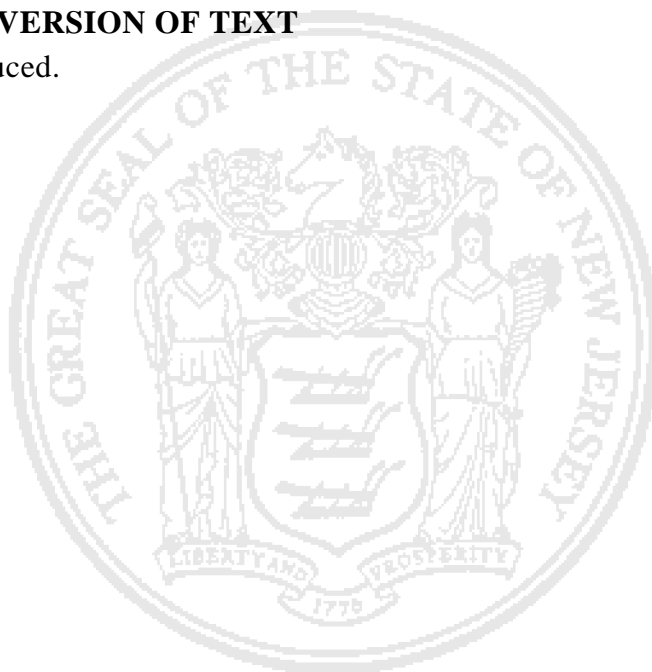
Assemblyman Hackett and Assemblywoman Quigley

SYNOPSIS

Upgrades penalties for certain assaults committed against employees of public utilities.

CURRENT VERSION OF TEXT

As introduced.



A2948 SCALERA, STACK

2

1 AN ACT concerning assault 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 Department of Corrections employee, county corrections
22 officer, juvenile corrections officer, State juvenile facility employee,
23 juvenile detention staff member, juvenile detention officer, probation
24 officer or any sheriff, undersheriff, or sheriff's officer acting in the
25 performance of his duties while in uniform or exhibiting evidence of
26 his authority; or

27 (i) Any employee, including any person employed under contract,
28 of a utility company as defined in section 2 of P.L.1971, c.224
29 (C.2A:42-86) while clearly identifiable as being engaged in the
30 performance of his duties in regard to connecting, disconnecting or
31 repairing or attempting to connect, disconnect or repair any gas,
32 electric or water utility service; or

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

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

46 (8) Causes bodily injury by knowingly or purposely starting a fire

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 f. A person who commits a simple assault as defined in paragraph
46 (1), (2) or (3) of subsection a. of this section in the presence of a child

1 under 16 years of age at a school or community sponsored youth
2 sports event is guilty of a crime of the fourth degree. The defendant
3 shall be strictly liable upon proof that the offense occurred, in fact, in
4 the presence of a child under 16 years of age. It shall not be a defense
5 that the defendant did not know that the child was present or
6 reasonably believed that the child was 16 years of age or older. The
7 provisions of this subsection shall not be construed to create any
8 liability on the part of a participant in a youth sports event or to
9 abrogate any immunity or defense available to a participant in a youth
10 sports event. As used in this act, "school or community sponsored
11 youth sports event" means a competition, practice or instructional
12 event involving one or more interscholastic sports teams or youth
13 sports teams organized pursuant to a nonprofit or similar charter or
14 which are member teams in a youth league organized by or affiliated
15 with a county or municipal recreation department and shall not include
16 collegiate, semi-professional or professional sporting events.
17 (cf: P.L.2003, c.218, s.1)

18

19 2. This act shall take effect immediately.

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STATEMENT

23

24 This bill would upgrade the offense of simple assault to aggravated
25 assault if the victim is an employee of a public utility, including a
26 person employed under contract.

27 The bill amends N.J.S.2C:12-1 to upgrade a simple assault against
28 a public utility employee to aggravated assault if the assault occurs
29 while the employee is clearly identifiable as being engaged in the
30 performance of his duties in regard to connecting, disconnecting or
31 repairing or attempting to connect, disconnect or repair any gas,
32 electric or water utility service.

33 Aggravated assault under paragraph 5 of subsection b. of
34 N.J.S.2C:12-1 is a crime of the third degree if the victim suffers bodily
35 injury; otherwise it is a crime of the fourth degree. A crime of the
36 third degree is punishable by a maximum term of imprisonment of
37 three to five years, a maximum fine of \$15,000, or both. A crime of
38 the fourth degree is punishable by a maximum term of imprisonment
39 not to exceed 18 months, a maximum fine of \$10,000, or both.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2948

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 4, 2004

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 2948.

As amended and released by the committee, Assembly Bill No. 2948 upgrades the offense of simple assault to aggravated assault if the victim is an employee of a public utility, cable television company or telecommunications service, including a person employed under contract.

The amended bill changes N.J.S.2C:12-1 to upgrade a simple assault against a public utility or cable television employee to aggravated assault if the assault occurs while the employee is clearly identifiable as being engaged in the performance of his duties in regard to connecting, disconnecting or repairing or attempting to connect, disconnect or repair any gas, electric or water utility or cable television or telecommunication service.

Aggravated assault under paragraph 5 of subsection b. of N.J.S.2C:12-1 is a crime of the third degree if the victim suffers bodily injury; otherwise it is a crime of the fourth degree. A crime of the third degree is punishable by a maximum term of imprisonment of three to five years, a maximum fine of \$15,000, or both. A crime of the fourth degree is punishable by a maximum term of imprisonment not to exceed 18 months, a maximum fine of \$10,000, or both.

As amended by the committee, Assembly Bill No. 2948 is identical to the Senate Substitute for Senate Bill No. 334, also amended and released by the committee on this same date.

COMMITTEE AMENDMENTS

The committee amended the bill to include cable television and telecommunication service workers in the list of victims for whom the offense of simple assault is upgraded.