

2C:12-12

LEGISLATIVE HISTORY CHECKLIST

Compiled by the NJ State Law Library

(Bodily fluids--criminals)

NJSA: 2C:12-12

LAWS OF: 1997 CHAPTER: 182

BILL NO: A1598

SPONSOR(S): Zisa

DATE INTRODUCED: February 29, 1996

COMMITTEE: ASSEMBLY: Judiciary

SENATE: Judiciary

AMENDED DURING PASSAGE: Yes Amendments during passage denoted
Second reprint enacted by superscript numbers

DATE OF PASSAGE: ASSEMBLY: June 17, 1996

SENATE: June 26, 1997

DATE OF APPROVAL: August 1, 1997

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes Also attached statement,
adopted 6-19-97

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBP:pp

DEPOSITORY COPY
Do Not Remove From Library

[Passed Both Houses]

[Second Reprint]

ASSEMBLY, No. 1598

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 29, 1996

By Assemblymen ZISA, DeSOPO, Assemblywoman Allen
and Assemblyman Roma

1 AN ACT concerning certain acts of inmates and parolees and
2 supplementing chapter 12 of Title 2C of the New Jersey Statutes.

3

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

6

7 1. As used in this act:

8 "Bodily fluid" means saliva, blood, urine, feces, seminal fluid or any
9 other bodily fluid.

10 "Department of Corrections employee" means any corrections
11 officer, parole officer or other employee of the New Jersey
12 Department of Corrections and any person under contract to provide
13 services to the department.

14

15 2. A person who throws a bodily fluid at a Department of
16 Corrections employee ²while in the performance of his duties² or
17 otherwise purposely subjects such employee to contact with a bodily
18 fluid commits an aggravated assault. If the victim suffers bodily
19 injury, this shall be a crime of the third degree. Otherwise, this shall
20 be a crime of the fourth degree ²**[**in which case the offender shall
21 serve a minimum term of imprisonment of 12 months²**]**². A term of
22 imprisonment imposed for this offense shall run consecutively to any
23 term of imprisonment currently being served and to any other term
24 imposed for another offense committed at the time of the assault.

25 ¹Nothing herein shall be deemed to preclude, if the evidence so
26 warrants, an indictment and conviction for a violation or attempted
27 violation of chapter 11 of Title 2C of the New Jersey Statutes or

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

Matter underlined **thus** is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AJU committee amendments adopted June 10, 1996.

² Senate floor amendments adopted June 19, 1997.

ASSEMBLY, No. 1598

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 29, 1996

By Assemblyman ZISA

1 AN ACT concerning certain acts of inmates and parolees and
2 supplementing chapter 12 of Title 2C of the New Jersey Statutes.

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

6
7 1. As used in this act:

8 "Bodily fluid" means saliva, blood, urine, feces, seminal fluid or any
9 other bodily fluid.

10 "Department of Corrections employee" means any corrections
11 officer, parole officer or other employee of the New Jersey
12 Department of Corrections and any person under contract to provide
13 services to the department.

14
15 2. A person who throws a bodily fluid at a Department of
16 Corrections employee or otherwise purposely subjects such employee
17 to contact with a bodily fluid commits an aggravated assault. If the
18 victim suffers bodily injury, this shall be a crime of the third degree.
19 Otherwise, this shall be a crime of the fourth degree, in which case the
20 offender shall serve a minimum term of imprisonment of 12 months.
21 A term of imprisonment imposed for this offense shall run
22 consecutively to any term of imprisonment currently being served and
23 to any other term imposed for another offense committed at the time
24 of the assault.

25
26 3. This act shall take effect immediately.

27

28

29

STATEMENT

30

31 This bill is intended to protect the health and well-being of
32 corrections and parole officers by designating the act of throwing
33 bodily fluids at such officers an aggravated assault. The need to
34 impose tough sanctions for this vile and disgusting act takes on greater
35 urgency in an era when such fluids can may serve as the medium for
36 the transmission of life- threatening diseases.

1 Under this bill, the act of throwing bodily fluids at a Department
2 of Corrections employee would be a crime of the third degree if the
3 victim suffers bodily injury. A crime of the third degree is punishable
4 by a prison term of three to five years, a fine of up to \$7,500, or both.
5 If no bodily injury occurred, this act would be a crime of the fourth
6 degree, punishable by a prison term of up to 18 months, a fine of up
7 to \$7,500, or both. However, in this instance the bill provides that
8 the offender serve a mandatory 12 month prison sentence.

9 The bill further requires that any prison term imposed for throwing
10 a bodily fluid be served consecutively with any prison term currently
11 being served by the offender or with any term imposed for another
12 offense occurring at the time of the assault.

13 The bill defines bodily fluid as saliva, blood, urine, feces, seminal
14 fluid or any other bodily fluid. Department of Corrections employee
15 is defined as any corrections officer, parole officer or other employee
16 of the New Jersey Department of Corrections and any person under
17 contract to provide services to the department.

18

19

20

21

22 _____
23 Makes throwing bodily fluid at corrections officer an aggravated
assault.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1598

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 10, 1996

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No.1598.

This bill is intended to protect corrections and parole officers by designating the act of throwing bodily fluids at such persons, or otherwise subjecting the person to contact with bodily fluids, an aggravated assault.

Under this bill, the act of throwing bodily fluids at , or otherwise purposely subjecting to contact with bodily fluids, a Department of Corrections employee would be a crime of the third degree if the victim suffers bodily injury. A crime of the third degree is punishable by a prison term of three to five years, a fine of up to \$7,500, or both. If no bodily injury occurred, this act would be a crime of the fourth degree, punishable by a prison term of up to 18 months, a fine of up to \$7,500, or both. However, in this instance, the bill provides that the offender serve a mandatory 12 month prison sentence.

The bill further requires that any prison term imposed for throwing a bodily fluid be served consecutively with any prison term currently being served by the offender or with any term imposed for another offense occurring at the time of the assault.

The bill defines bodily fluid as saliva, blood, urine, feces, seminal fluid or any other bodily fluid. Department of Corrections employee is defined as any corrections officer, parole officer or other employee of the New Jersey Department of Corrections and any person under contract to provide services to the department.

The committee amendments provide that nothing in the bill precludes an indictment and conviction for murder, manslaughter or aggravated assault, or any other criminal violation, if the evidence warrants.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 1598

STATE OF NEW JERSEY

DATED: DECEMBER 16, 1996

The Senate Judiciary Committee reports favorably Assembly Bill No. 1598 (1R).

Under this bill, throwing bodily fluids at a Department of Corrections employee or otherwise purposely subjecting a corrections employee to contact with bodily fluids would constitute aggravated assault. Aggravated assault under these circumstances would constitute a crime of the third degree. Otherwise a crime under this bill would be graded as a crime of the fourth degree with a minimum term of imprisonment of 12 months.

This bill defines bodily fluid as saliva, blood, urine, feces, seminal fluid or any other bodily fluid. Department of Corrections employee is defined as any corrections officer, parole officer or other employee of the New Jersey Department of Corrections and any person under contract to provide services to the department.

This bill also provides that nothing in the bill precludes an indictment and conviction for murder, manslaughter or aggravated assault, or any other criminal offense, if the evidence warrants.

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 1598

with Senate Floor Amendments
(Proposed By Senator BAER)

ADOPTED: JUNE 19, 1997

This bill would criminalize throwing bodily fluids at an employee of the Department of Corrections. This amendment would clarify that an offense under the bill could only occur if the employee of the Department of Corrections was in the performance of his duties. This amendment would also delete the mandatory minimum term of imprisonment proposed in the bill.