

2C:12-1

LEGISLATIVE HISTORY CHECKLIST
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(Assault on judges)

NJSA: 2C:12-1

LAWS OF: 1997 CHAPTER: 42

BILL NO: S356

SPONSOR(S): Bubba

DATE INTRODUCED: Pre-filed

COMMITTEE: ASSEMBLY: Judiciary

SENATE: Judiciary

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: ASSEMBLY: February 27, 1997

SENATE: February 5, 1997

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FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:
REPORTS: No

HEARINGS: No

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P.L. 1997, CHAPTER 42, *approved March 27, 1997*
Senate, No. 356

1 AN ACT concerning assaults on judges 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:

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

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 duties while in uniform or exhibiting evidence of his authority; or
- 2 (b) Any paid or volunteer fireman acting in the performance of his
- 3 duties while in uniform or otherwise clearly identifiable as being
- 4 engaged in the performance of the duties of a fireman; or
- 5 (c) Any person engaged in emergency first-aid or medical services
- 6 acting in the performance of his duties while in uniform or otherwise
- 7 clearly identifiable as being engaged in the performance of emergency
- 8 first-aid or medical services; or
- 9 (d) Any school board member or school administrator, teacher or
- 10 other employee of a school board while clearly identifiable as being
- 11 engaged in the performance of his duties or because of his status as a
- 12 member or employee of a school board; 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 (6) Causes bodily injury to another person while fleeing or
- 21 attempting to elude a law enforcement officer in violation of
- 22 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in
- 23 violation of subsection c. of N.J.S.2C:20-10. Notwithstanding any
- 24 other provision of law to the contrary, a person shall be strictly liable
- 25 for a violation of this subsection upon proof of a 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 which resulted in bodily
- 28 injury to another person.
- 29 Aggravated assault under subsection b. (1) and b. (6) is a crime of
- 30 the second degree; under subsection b. (2) is a crime of the third
- 31 degree; under subsection b. (3) and b. (4) is a crime of the fourth
- 32 degree; and under subsection b. (5) is a crime of the third degree if the
- 33 victim suffers bodily injury, otherwise it is a crime of the fourth
- 34 degree.
- 35 c. A person is guilty of assault by auto or vessel when the person
- 36 drives a vehicle or vessel recklessly and causes either serious bodily
- 37 injury or bodily injury to another. Assault by auto or vessel is a crime
- 38 of the fourth degree if serious bodily injury results and is a disorderly
- 39 persons offense if bodily injury results.
- 40 As used in this section, "vessel" means a means of conveyance for
- 41 travel on water and propelled otherwise than by muscular power.
- 42 d. A person who is employed by a facility as defined in section 2
- 43 of P.L.1977, c.239 (C.52:27G-2) who commits a simple assault as
- 44 defined in paragraph (1) or (2) of subsection a. of this section upon an
- 45 institutionalized elderly person as defined in section 2 of P.L.1977,
- 46 c.239 (C.52:27G-2) is guilty of a crime of the fourth degree.

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

6 (cf: P.L.1993, c.219, s.2)

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8 2. This act shall take effect immediately.

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13 Upgrades simple assaults committed against judges to aggravated
14 assault.

1 a. of this section is guilty of a crime of the fourth degree if the person
2 acted, at least in part, with ill will, hatred or bias toward, and with a
3 purpose to intimidate, an individual or group of individuals because of
4 race, color, religion, sexual orientation, or ethnicity.

5 (cf: P.L.1993, c.219, s.2)

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7 2. This act shall take effect immediately.

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10 STATEMENT

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12 This bill provides that a simple assault committed against a judge
13 while clearly identifiable as being engaged in the performance of
14 judicial duties or because of status as a member of the judiciary shall
15 be upgraded to aggravated assault. The statute provides that the
16 crime of assault on a judge would be graded under subsection b. (5)
17 as a crime of the third degree if the victim suffers bodily injury,
18 otherwise it is a crime of the fourth degree. The statute presently
19 upgrades simple assaults in a similar manner for law enforcement
20 officials, firemen, any person engaged in emergency first-aid or
21 medical services and any school board member or school
22 administrator.

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27 Upgrades simple assaults committed against judges to aggravated
28 assault.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 356

STATE OF NEW JERSEY

DATED: JANUARY 18, 1996

The Senate Judiciary Committee reports favorably Senate Bill No. 356.

This bill provides that a simple assault committed against a judge while clearly identifiable as being engaged in the performance of judicial duties or because of status as a member of the judiciary shall be graded to aggravated assault. The crime of assault on a judge would be graded as a crime of the third degree if the victim suffers bodily injury, otherwise it is a crime of the fourth degree. Present law upgrades simple assault in a similar manner when the victim is a law enforcement official, a fireman, a person engaged in emergency first-aid or medical services or a school board member or school board employee.

This bill was prefiled for introduction in the 1996 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 356

STATE OF NEW JERSEY

DATED: JANUARY 23, 1997

The Assembly Judiciary Committee reports favorably Senate Bill No. 356.

This bill amends N.J.S.2C:12-1 and provides that a simple assault committed against a judge while clearly identifiable as being engaged in the performance of judicial duties or because of status as a member of the judiciary shall be graded to aggravated assault. The crime of assault on a judge would be graded as a crime of the third degree if the victim suffers bodily injury, otherwise it is a crime of the fourth degree. Present law upgrades simple assault in a similar manner when the victim is a law enforcement official, a fireman, a person engaged in emergency first-aid or medical services, a school board member or school board employee or an employee of the Division of Youth and Family Services.

This bill is identical to Assembly Bill No. 1832 (1R).