

**LEGISLATIVE HISTORY CHECKLIST**  
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(Assault upon DYFS employee)

**NJSA:** 2C:12-1

**LAWS OF:** 1994 § **CHAPTER:** 181

**BILL NO:** S1049

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

**DATE INTRODUCED:** May 12, 1994

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

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:** **ASSEMBLY:** June 12, 1995  
**SENATE:** October 3, 1994

**DATE OF APPROVAL:** July 24, 1995

**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

KBG:pp

SENATE, No. 1049

STATE OF NEW JERSEY

INTRODUCED MAY 12, 1994

By Senators CAFIERO, BASSANO and Kosco

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

3

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

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

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

20 (1) Attempts to cause serious bodily injury to another, or  
21 causes such injury purposely or knowingly or under circumstances  
22 manifesting extreme indifference to the value of human life  
23 recklessly 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  
30 defined in section 2C:39-1f., at or in the direction of another,  
31 whether or not the actor believes it to be loaded; or

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

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

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

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

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 performance of emergency first-aid or medical services; or

2 (d) Any school board member or school administrator, teacher  
3 or other employee of a school board while clearly identifiable as  
4 being engaged in the performance of his duties or because of his  
5 status as a member or employee of a school board; or

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

10 (6) Causes bodily injury to another person while fleeing or  
11 attempting to elude a law enforcement officer in violation of  
12 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle  
13 in violation of subsection c. of N.J.S.2C:20-10. Notwithstanding  
14 any other provision of law to the contrary, a person shall be  
15 strictly liable for a violation of this subsection upon proof of a  
16 violation of subsection b. of N.J.S.2C:29-2 or while operating a  
17 motor vehicle in violation of subsection c. of N.J.S.2C:20-10  
18 which resulted in bodily injury to another person.

19 Aggravated assault under subsections b. (1) and b. (6) is a crime  
20 of the second degree; under subsection b. (2) is a crime of the  
21 third degree; under subsections b. (3) and b. (4) is a crime of the  
22 fourth degree; and under subsection b. (5) is a crime of the third  
23 degree if the victim suffers bodily injury, otherwise it is a crime  
24 of the fourth degree.

25 c. A person is guilty of assault by auto or vessel when the  
26 person drives a vehicle or vessel recklessly and causes either  
27 serious bodily injury or bodily injury to another. Assault by auto  
28 or vessel is a crime of the fourth degree if serious bodily injury  
29 results and is a disorderly persons offense if bodily injury results.

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

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

39 e. A person who commits a simple assault as defined in  
40 subsection a. of this section is guilty of a crime of the fourth  
41 degree if the person acted, at least in part, with ill will, hatred or  
42 bias toward, and with a purpose to intimidate, an individual or  
43 group of individuals because of race, color, religion, sexual  
44 orientation, or ethnicity.

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

46 2. This act shall take effect immediately.

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#### STATEMENT

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51 This bill would amend N.J.S.2C:12-1 to provide that a simple  
52 assault committed against an employee of the Division of Youth  
53 and Family Services while clearly identifiable as being engaged in  
54 the performance of his duties or because of his status as a DYFS

1 employee shall be upgraded to aggravated assault. Presently,  
2 under N.J.S.2C:12-1 simple assaults against law enforcement  
3 officials, firemen, any person engaged in emergency first-aid or  
4 medical services and any school board member or school  
5 administrator are upgraded to aggravated assault.

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10 Upgrades simple assaults committed against DYFS employees to  
11 aggravated assault.

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY  
COMMITTEE

STATEMENT TO

SENATE, No. 1049

STATE OF NEW JERSEY

DATED: NOVEMBER 21, 1994

The Assembly Judiciary, Law and Public Safety Committee reports favorably Senate Bill No. 1049.

This bill would amend N.J.S.2C:12-1 to provide that a simple assault committed against an employee of the Division of Youth and Family Services while clearly identifiable as being engaged in the performance of his duties or because of his status as a DYFS employee would be classified as aggravated assault. Presently, under N.J.S.2C:12-1, simple assaults against law enforcement officials, firemen, persons engaged in emergency first-aid or medical services and school board members or school administrators are upgraded to aggravated assault.

As aggravated assault, assaults against DYFS employees would be punishable as crimes of the third degree if bodily injury results and as crimes of the fourth degree if there is no bodily injury. As simple assault, such offenses would be punishable as disorderly persons offenses.

This bill is identical to Assembly Bill No. 1966.

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SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1049

STATE OF NEW JERSEY

DATED: JUNE 2, 1994

The Senate Judiciary Committee reports favorably Senate Bill No. 1049.

This bill would amend N.J.S.2C:12-1 to provide that a simple assault committed against an employee of the Division of Youth and Family Services while clearly identifiable as being engaged in the performance of his duties or because of his status as a DYFS employee would be classified as aggravated assault. Presently, under N.J.S.2C:12-1, simple assaults against law enforcement officials, firemen, persons engaged in emergency first-aid or medical services and school board members or school administrators are upgraded to aggravated assault.

As aggravated assault, assaults against DYFS employees would be punishable as crimes of the third degree if bodily injury results and as crimes of the fourth degree if there is no bodily injury. As simple assault, such offenses would be punishable as disorderly persons offenses.