

2C:11-1

**LEGISLATIVE HISTORY CHECKLIST**  
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(Simple assault)

**NJSA:** 2C:11-1

**LAWS OF:** 1995 **CHAPTER:** 307

**BILL NO:** S504

**SPONSOR(S):** Cafiero

**DATE INTRODUCED:** February 10, 1995

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

**SENATE:** Judiciary

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

**DATE OF PASSAGE:** **ASSEMBLY:** December 21, 1995

**SENATE:** October 27, 1995

**DATE OF APPROVAL:** January 5, 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

KBP:pp

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STATE OF NEW JERSEY

INTRODUCED FEBRUARY 10, 1994

By Senators CAFIERO and Bubba

1 AN ACT concerning criminal assault in certain cases and  
2 amending N.J.S.2C:11-1 and 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:11-1 is amended to read as follows:

7 2C:11-1. Definitions.

8 In chapters 11 through 15, unless a different meaning plainly is  
9 required:

10 a. "Bodily injury" means physical pain, illness or any  
11 impairment of physical condition;

12 b. "Serious bodily injury" means bodily injury which creates a  
13 substantial risk of death or which causes serious, permanent  
14 disfigurement, or protracted loss or impairment of the function  
15 of any bodily member or organ <sup>1</sup>[and shall include bone fractures;  
16 serious, infectious illness; incapacitating mental anguish and  
17 chronic physical pain]<sup>1</sup>;

18 c. "Deadly weapon" means any firearm or other weapon,  
19 device, instrument, material or substance, whether animate or  
20 inanimate, which in the manner it is used or is intended to be  
21 used, is known to be capable of producing death or serious bodily  
22 injury or which in the manner it is fashioned would lead the  
23 victim reasonably to believe it to be capable of producing death  
24 or serious bodily injury <sup>1</sup>;

25 d. "Significant bodily injury" means bodily injury which  
26 creates a temporary loss of the function of any bodily member or  
27 organ or temporary loss of any one of the five senses<sup>1</sup>.

28 (cf: P.L.1981, c.384, s.1)

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

30 2C:12-1. Assault. a. Simple assault. A person is guilty of  
31 assault if he:

32 (1) Attempts to cause or purposely, knowingly or recklessly  
33 causes bodily injury to another; or

34 (2) Negligently causes bodily injury to another with a deadly  
35 weapon; or

36 (3) Attempts by physical menace to put another in fear of  
37 imminent serious bodily injury.

38 [Simple] <sup>1</sup>[Except as provided in subsections d., e. and f. of this  
39 section, simple] Simple<sup>1</sup> assault is a disorderly persons offense  
40 unless committed in a fight or scuffle entered into by mutual  
41 consent, in which case it is a petty disorderly persons offense.

42 b. Aggravated assault. A person is guilty of aggravated  
43 assault if he:

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> Assembly AJL committee amendments adopted April 27, 1995.

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

5 (2) Attempts to cause or purposely or knowingly causes bodily  
6 injury to another with a deadly weapon; or

7 (3) Recklessly causes bodily injury to another with a deadly  
8 weapon; or

9 (4) Knowingly under circumstances manifesting extreme  
10 indifference to the value of human life points a firearm, as  
11 defined in section 2C:39-1f., at or in the direction of another,  
12 whether or not the actor believes it to be loaded; or

13 (5) Commits a simple assault as defined in subsection a. (1), (2)  
14 or (3) of this section upon:

15 (a) Any law enforcement officer acting in the performance of  
16 his duties while in uniform or exhibiting evidence of his authority;  
17 or

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

21 (c) Any person engaged in emergency first-aid or medical  
22 services acting in the performance of his duties while in uniform  
23 or otherwise clearly identifiable as being engaged in the  
24 performance of emergency first-aid or medical services; or

25 (d) Any school board member or school administrator, teacher  
26 or other employee of a school board while clearly identifiable as  
27 being engaged in the performance of his duties or because of his  
28 status as a member or employee of a school board; or

29 (6) Causes bodily injury to another person while fleeing or  
30 attempting to elude a law enforcement officer in violation of  
31 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle  
32 in violation of subsection c. of N.J.S.2C:20-10. Notwithstanding  
33 any other provision of law to the contrary, a person shall be  
34 strictly liable for a violation of this subsection upon proof of a  
35 violation of subsection b. of N.J.S.2C:29-2 or while operating a  
36 motor vehicle in violation of subsection c. of N.J.S.2C:20-10  
37 which resulted in bodily injury to another person <sup>1</sup>; or

38 (7) Attempts to cause significant bodily injury to another or  
39 causes significant bodily injury purposely or knowingly or, under  
40 circumstances manifesting extreme indifference to the value of  
41 human life recklessly causes such significant bodily injury<sup>1</sup>.

42 Aggravated assault under subsections b. (1) and b. (6) is a crime  
43 of the second degree; under <sup>1</sup>[subsection] subsections<sup>1</sup> b. (2) <sup>1</sup>and  
44 b. (7)<sup>1</sup> is a crime of the third degree; under subsections b. (3) and  
45 b. (4) is a crime of the fourth degree; and under subsection b. (5)  
46 is a crime of the third degree if the victim suffers bodily injury,  
47 otherwise it is a crime of the fourth degree.

48 c. A person is guilty of assault by auto or vessel when the  
49 person drives a vehicle or vessel recklessly and causes either  
50 serious bodily injury or bodily injury to another. Assault by auto  
51 or vessel is a crime of the fourth degree if serious bodily injury  
52 results and is a disorderly persons offense if bodily injury results.

53 As used in this section, "vessel" means a means of conveyance  
54 for travel on water and propelled otherwise than by muscular

1 power.

2 d. A person who is employed by a facility as defined in section  
3 2 of P.L.1977, c.239 (C.52:27G-2) who commits a simple assault  
4 as defined in paragraph (1) or (2) of subsection a. of this section  
5 upon an institutionalized elderly person as defined in section 2 of  
6 P.L.1977, c.239 (C.52:27G-2) is guilty of a crime of the fourth  
7 degree.

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

14 <sup>1</sup>[f. A person who commits a simple assault as defined in  
15 subsection a. of this section is guilty of a crime of the fourth  
16 degree if the victim suffers serious bodily injury.]<sup>1</sup>

17 (cf: P.L.1995, c.6, s.1)

18 3. This act shall take effect immediately.

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22

23 Upgrades assault in certain cases; defines "significant bodily  
24 injury."

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

6 f. A person who commits a simple assault as defined in  
7 subsection a. of this section is guilty of a crime of the fourth  
8 degree if the victim suffers serious bodily injury.

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

10 3. This act shall take effect immediately.

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12  
13 STATEMENT

14  
15 This bill would upgrade simple assault to a crime of the fourth  
16 degree in cases in which the victim suffers serious bodily injury.

17 This bill also clarifies that the term "serious bodily injury" as  
18 used in the criminal code includes bone fractures; serious,  
19 infectious illness; incapacitating mental anguish and chronic  
20 physical pain.

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24  
25 Upgrades simple assault to a crime of the fourth degree in  
26 certain cases; clarifies definition of "serious bodily injury."

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY  
COMMITTEE

STATEMENT TO

**SENATE, No. 504**

with committee amendments

**STATE OF NEW JERSEY**

DATED: APRIL 12, 1995

The Assembly Judiciary, Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 504.

Prior to committee amendment, this bill would have graded any simple assault in cases in which the victim suffers serious bodily injury as a crime of the fourth degree. Simple assault is generally graded as a disorderly persons offense. Simple assault may be classified as aggravated assault if the victim of the assault falls into certain occupational categories (i.e. law enforcement officer, teachers, emergency workers, firemen). Assaults against persons in these occupational categories are graded as crimes of the third or fourth degree dependent on whether the victim suffered serious bodily injury. Simple assault is also graded as a crime of the fourth degree if the assault was motivated by bias or hatred or if the simple assault was committed by an employee of a health care facility upon an institutionalized elderly person. It also clarified that the term "serious bodily injury" as used in the criminal code included bone fractures; serious, infectious illness; incapacitating mental anguish and chronic physical pain.

The committee amended the bill to add a definition of "significant bodily injury" rather than changing the definition of "serious bodily injury". The committee amendments added a new category of aggravated assault that would be graded as a crime of the third degree that would read "attempts to cause significant bodily injury to another or causes significant bodily injury purposely or knowingly or, under circumstances manifesting extreme indifference to the value of human life recklessly causes such significant bodily injury". Subsection f. which would have been added by the bill is deleted by these amendments.

The amendments are an attempt to address the problem of classifying certain types of assault which fall between simple assault and aggravated assaults where the victim suffers serious bodily injury. The approach of the bill in its original form to classify certain simple assaults as crimes of the fourth degree if serious bodily injury was suffered may have resulted in the jury finding this as a lesser included offense in many, if not all, aggravated assault cases. These amendments are intended to provide an intermediate level of assault which is more serious than simple assault and yet may not result in serious injury. An example of this intermediate type of assault would be a bar fight which erupts and in which one of the participants suffers a blow to the eye area which results in impaired vision for a few days but which does not result in permanent damage.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 504

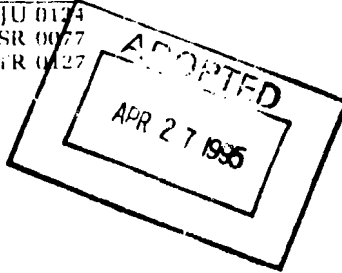
STATE OF NEW JERSEY

DATED: MAY 16, 1994

The Senate Judiciary Committee reports favorably Senate Bill No. 504.

Under N.J.S. 2C:12-1, simple assault is generally graded as a disorderly persons offense. Simple assault may be classified as aggravated assault if the victim of the assault falls into certain occupational categories (i.e. law enforcement officer, teachers, emergency workers, firemen). Assaults against persons in these occupational categories are graded as crimes of the third or fourth degree dependent on whether the victim suffered serious bodily injury. Simple assault is also graded as a crime of the fourth degree if the assault was motivated by bias or hatred or if the simple assault was committed by an employee of a health care facility upon an institutionalized elderly person.

This bill would grade any simple assault in cases in which the victim suffers serious bodily injury as a crime of the fourth degree. This bill would also clarify that the term "serious bodily injury" as used in the criminal code includes bone fractures; serious, infectious illness; incapacitating mental anguish and chronic physical pain.



ASSEMBLY BILL COMMITTEE

AMENDMENTS

to

SENATE BILL NO. 504  
(Sponsored by Senator Cafiero)

REPLACE SECTION 1 TO READ:

1. N.J.S.2C:11-1 is amended to read as follows:

2C:11-1. Definitions.

In chapters 11 through 15, unless a different meaning plainly is required:

a. "Bodily injury" means physical pain, illness or any impairment of physical condition;

b. "Serious bodily injury" means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ <sup>1</sup>[and shall include bone fractures, serious, infectious illness, incapacitating mental anguish and chronic physical pain]<sup>1</sup>;

c. "Deadly weapon" means any firearm or other weapon, device, instrument, material or substance, whether animate or inanimate, which in the manner it is used or is intended to be used, is known to be capable of producing death or serious bodily injury or which in the manner it is fashioned would lead the victim reasonably to believe it to be capable of producing death or serious bodily injury <sup>1</sup>;

d. "Significant bodily injury" means bodily injury which creates a temporary loss of the function of any bodily member or organ or temporary loss of any one of the five senses<sup>1</sup>.

(cf: P.L.1981, c.384, s.1)

REPLACE SECTION 2 TO READ:

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

2C:12-1. Assault. a. Simple assault. A person is guilty of assault if he:

(1) Attempts to cause or purposely, knowingly or recklessly causes bodily injury to another; or

(2) Negligently causes bodily injury to another with a deadly weapon; or

(3) Attempts by physical menace to put another in fear of imminent serious bodily injury.

<sup>1</sup>[[Simple] Except as provided in subsections d., e. and f. of this section, simple] Simple<sup>1</sup> assault is a disorderly persons offense unless committed in a fight or scuffle entered into by mutual consent, in which case it is a petty disorderly persons offense.

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

(1) Attempts to cause serious bodily injury to another, or causes such injury purposely or knowingly or under circumstances manifesting extreme indifference to the value of human life recklessly causes such injury; or



(2) Attempts to cause or purposely or knowingly causes bodily injury to another with a deadly weapon; or

(3) Recklessly causes bodily injury to another with a deadly weapon; or

(4) Knowingly under circumstances manifesting extreme indifference to the value of human life points a firearm, as defined in section 2C:39-1f., at or in the direction of another, whether or not the actor believes it to be loaded, or

(5) Commits a simple assault as defined in subsection a. (1), (2) or (3) of this section upon:

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

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

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

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

(6) Causes bodily injury to another person while fleeing or attempting to elude a law enforcement officer in violation of subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in violation of subsection c. of N.J.S.2C:20-10. Notwithstanding any other provision of law to the contrary, a person shall be strictly liable for a violation of this subsection upon proof of a violation of subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in violation of subsection c. of N.J.S.2C:20-10 which resulted in bodily injury to another person<sup>1</sup>; or

(7) Attempts to cause significant bodily injury to another or causes significant bodily injury purposely or knowingly or, under circumstances manifesting extreme indifference to the value of human life recklessly causes such significant bodily injury<sup>1</sup>.

Aggravated assault under subsections b. (1) and b. (6) is a crime of the second degree; under <sup>1</sup>[subsection] subsections<sup>1</sup> b. (2) <sup>1</sup>and b. (7)<sup>1</sup> is a crime of the third degree; under subsections b. (3) and b. (4) is a crime of the fourth degree; and under subsection b. (5) is a crime of the third degree if the victim suffers bodily injury, otherwise it is a crime of the fourth degree.

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

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

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

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

<sup>1</sup>[f. A person who commits a simple assault as defined in subsection a. of this section is guilty of a crime of the fourth degree if the victim suffers serious bodily injury.]<sup>1</sup>

(cf: P.L. 1995, c.6, s.1)

REPLACE SYNOPSIS TO READ:

Upgrades assault in certain cases; defines "significant bodily injury."