2C:12-1a; 2C:12-3.1; 2C:12-1b & 2C:12-1c et al
LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2023 **CHAPTER:** 48

NJSA: 2C:12-1a; 2C:12-3.1; 2C:12-1b & 2C:12-1c et al Establishes "Health Care Heroes Violence Prevention Act."

BILL NO: A3199 (Substituted for S2008 (2R))

SPONSOR(S) Greenwald, Louis D. and others

DATE INTRODUCED: 3/7/2022

COMMITTEE: **ASSEMBLY:** Law & Public Safety
Appropriations

SENATE: Budget & Appropriations

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** 02/27/2023

SENATE: 02/02/2023

DATE OF APPROVAL: 5/8/2023

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (A3199 AcaAcaSca (3R) enacted) Yes

A3199

INTRODUCED BILL: (Includes sponsor(s) statement) Yes

COMMITTEE STATEMENT: **ASSEMBLY**: Yes Law & Public Safety
Appropriations

SENATE: Yes Budget

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, ***may possibly*** be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: Yes 06/03/2022
06/21/2022
12/15/2022

S2008 (2R)

INTRODUCED BILL: (Includes sponsor(s) statement) Yes

COMMITTEE STATEMENT: **ASSEMBLY**: No

SENATE: Yes Health, Human Services & Senior Citizens
Budget & Appropriations

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, ***may possibly*** be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT:	No	
LEGISLATIVE FISCAL ESTIMATE:	Yes	06/03/2022 12/15/2022
VETO MESSAGE:	No	
GOVERNOR'S PRESS RELEASE ON SIGNING:	Yes	

FOLLOWING WERE PRINTED:

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REPORTS:	No
HEARINGS:	No
NEWSPAPER ARTICLES:	Yes

Matthew Fazelpoor, 'Murphy signs law protecting health care workers facing threats', *NJBIZ* (online), 9 May 2023

Brent Johnson - For The Star-Ledger, 'Law seeks to shield health care workers from hostility In signing measure, Murphy cites increase in violence in the wake of the COVID crisis.', *Star-Ledger, The* (online), 10 May 2023 015

CL/JA

§1
C.2C:12-1a
and Note to
§§ 2, 3, 6, and
7
§3
C.2C:12-3.1
§§4,5
C.2C:12-1b
and 2C:12-1c
§6
C.26:2H-5.23a
§7
C.45:9-22.18a

P.L. 2023, CHAPTER 48, ***approved May 8, 2023***
Assembly, No. 3199 ***(Third Reprint)***

AN ACT concerning violence against health care professionals **[1]**[and]**]** **,[1]** amending **[1]**N.J.S.2C:44-1,**[1]** and supplementing **[1]**[various parts of the statutory law**]** Title 2C of the New Jersey Statutes and P.L.1971, c.136 (C.26:2H-1 et seq.)**[1]**.

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

1. (New section) This act may be known and may be cited as the "Health Care Heroes Violence Prevention Act."

2. N.J.S.2C:44-1 is amended to read as follows:

2C:44-1. a. In determining the appropriate sentence to be imposed on a person who has been convicted of an offense, the court shall consider the following aggravating circumstances:

(1) The nature and circumstances of the offense, and the role of the actor in committing the offense, including whether or not it was committed in an especially heinous, cruel, or depraved manner;

(2) The gravity and seriousness of harm inflicted on the victim, including whether or not the defendant knew or reasonably should have known that the victim of the offense was particularly vulnerable or incapable of resistance due to advanced age, ill-health, or extreme youth, or was for any other reason substantially incapable of exercising normal physical or mental power of resistance;

(3) The risk that the defendant will commit another offense;

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 May 9, 2022.
[2]Assembly AAP committee amendments adopted June 13, 2022.
[3]Senate SBA committee amendments adopted December 5, 2022.

(4) A lesser sentence will depreciate the seriousness of the defendant's offense because it involved a breach of the public trust under chapters 27 and 30 of this title, or the defendant took advantage of a position of trust or confidence to commit the offense;

(5) There is a substantial likelihood that the defendant is involved in organized criminal activity;

(6) The extent of the defendant's prior criminal record and the seriousness of the offenses of which the defendant has been convicted;

(7) The defendant committed the offense pursuant to an agreement to either pay or be paid for the commission of the offense and the pecuniary incentive was beyond that inherent in the offense itself;

(8) The defendant committed the offense against a police or other law enforcement officer, correctional employee or firefighter, acting in the performance of the officer, employee, or firefighter duties while in uniform or exhibiting evidence of his authority; the defendant committed the offense because of the status of the victim as a public servant; [1]**[**or**]**[1] the defendant committed the offense against a sports official, athletic coach or manager, acting in or immediately following the performance of the person's duties or because of the person's status as a sports official, coach or manager; or the defendant committed the offense against any [1]**[**worker employed by a licensed health care facility or a**]**[1] health care professional [1]**[**licensed or otherwise authorized pursuant to Title 26 or Title 45 of the New Jersey Statutes to practice a health care profession while clearly identifiable as being engaged in the duties of providing direct patient care, practicing the health care profession, or any other professional duties**]** , volunteer working for a health care professional or working at a health care facility, [3]supportive services staff member working for a health care professional or working at a health care facility,[3] or employee of a health care professional or [2]health care[2] facility, while the health care professional, volunteer, [3]supportive services staff member,[3] or employee is performing official duties.

For the purposes of this paragraph, "health care facility" and "health care professional" mean the same as those terms are defined in subsection b. of section 3 of P.L. , c. (C.)(pending before the Legislature as this bill)[1];

(9) The need for deterring the defendant and others from violating the law;

(10) The offense involved fraudulent or deceptive practices committed against any department or division of State government;

(11) The imposition of a fine, penalty, or order of restitution without also imposing a term of imprisonment would be perceived by the defendant or others merely as part of the cost of doing business, or as an acceptable contingent business or operating

expense associated with the initial decision to resort to unlawful practices;

(12) The defendant committed the offense against a person who the defendant knew or should have known was 60 years of age or older, or disabled;

(13) The defendant, while in the course of committing or attempting to commit the crime, including the immediate flight therefrom, used or was in possession of a stolen motor vehicle;

(14) The offense involved an act of domestic violence, as that term is defined in subsection a. of section 3 of P.L.1991, c.261 (C.2C:25-19), committed in the presence of a child under 16 years of age; and

(15) The offense involved an act of domestic violence, as that term is defined in subsection a. of section 3 of P.L.1991, c.261 (C.2C:25-19) and the defendant committed at least one act of domestic violence on more than one occasion.

b. In determining the appropriate sentence to be imposed on a person who has been convicted of an offense, the court may properly consider the following mitigating circumstances:

(1) The defendant's conduct neither caused nor threatened serious harm;

(2) The defendant did not contemplate that the defendant's conduct would cause or threaten serious harm;

(3) The defendant acted under a strong provocation;

(4) There were substantial grounds tending to excuse or justify the defendant's conduct, though failing to establish a defense;

(5) The victim of the defendant's conduct induced or facilitated its commission;

(6) The defendant has compensated or will compensate the victim of the defendant's conduct for the damage or injury that the victim sustained, or will participate in a program of community service;

(7) The defendant has no history of prior delinquency or criminal activity or has led a law-abiding life for a substantial period of time before the commission of the present offense;

(8) The defendant's conduct was the result of circumstances unlikely to recur;

(9) The character and attitude of the defendant indicate that the defendant is unlikely to commit another offense;

(10) The defendant is particularly likely to respond affirmatively to probationary treatment;

(11) The imprisonment of the defendant would entail excessive hardship to the defendant or the defendant's dependents;

(12) The willingness of the defendant to cooperate with law enforcement authorities;

(13) The conduct of a youthful defendant was substantially influenced by another person more mature than the defendant; and

(14) The defendant was under 26 years of age at the time of the commission of the offense.

c. (1) A plea of guilty by a defendant or failure to so plead shall not be considered in withholding or imposing a sentence of imprisonment.

(2) When imposing a sentence of imprisonment the court shall consider the defendant's eligibility for release under the law governing parole, including time credits awarded pursuant to Title 30 of the Revised Statutes, in determining the appropriate term of imprisonment.

d. Presumption of imprisonment. The court shall deal with a person who has been convicted of a crime of the first or second degree, or a crime of the third degree where the court finds that the aggravating factor in paragraph (5), (14), or (15) of subsection a. of this section applies, by imposing a sentence of imprisonment unless, having regard to the character and condition of the defendant, it is of the opinion that the defendant's imprisonment would be a serious injustice which overrides the need to deter such conduct by others. Notwithstanding the provisions of subsection e. of this section, the court shall deal with a person who has been convicted of theft of a motor vehicle or of the unlawful taking of a motor vehicle and who has previously been convicted of either offense by imposing a sentence of imprisonment unless, having regard to the character and condition of the defendant, it is of the opinion that imprisonment would be a serious injustice which overrides the need to deter such conduct by others.

e. The court shall deal with a person convicted of an offense other than a crime of the first or second degree, who has not previously been convicted of an offense, without imposing a sentence of imprisonment unless, having regard to the nature and circumstances of the offense and the history, character, and condition of the defendant, it is of the opinion that imprisonment is necessary for the protection of the public under the criteria set forth in subsection a. of this section, except that this subsection shall not apply if the court finds that the aggravating factor in paragraph (5), (14) or (15) of subsection a. of this section applies or if the person is convicted of any of the following crimes of the third degree: theft of a motor vehicle; unlawful taking of a motor vehicle; eluding; strict liability vehicular homicide pursuant to section 1 of P.L.2017, c.165 (C.2C:11-5.3); if the person is convicted of a crime of the third degree constituting use of a false government document in violation of subsection c. of section 1 of P.L.1983, c.565 (C.2C:21-2.1); if the person is convicted of a crime of the third degree constituting distribution, manufacture or possession of an item containing personal identifying information in violation of subsection b. of section 6 of P.L.2003, c.184 (C.2C:21-17.3); if the person is convicted of a crime of the third or fourth degree constituting bias intimidation in violation of N.J.S.2C:16-1; if the person is convicted of a crime of the third degree under paragraph (12) of subsection b. of N.J.S.2C:12-1 or section 2 of P.L.1997, c.111 (C.2C:12-1.1); or if the person is convicted of a crime of the

third or fourth degree under the provisions of section 1 or 2 of P.L.2007, c.341 (C.2C:33-29 or C.2C:33-30).

f. Presumptive Sentences. (1) Except for the crime of murder, unless the preponderance of aggravating or mitigating factors, as set forth in subsections a. and b. of this section, weighs in favor of a higher or lower term within the limits provided in N.J.S.2C:43-6, when a court determines that a sentence of imprisonment is warranted, it shall impose sentence as follows:

(a) To a term of 20 years for aggravated manslaughter or kidnapping pursuant to paragraph (1) of subsection c. of N.J.S.2C:13-1 when the offense constitutes a crime of the first degree;

(b) Except as provided in subparagraph (a) of this paragraph to a term of 15 years for a crime of the first degree;

(c) To a term of seven years for a crime of the second degree;

(d) To a term of four years for a crime of the third degree; and

(e) To a term of nine months for a crime of the fourth degree.

In imposing a minimum term pursuant to subsection b. of N.J.S.2C:43-6, the sentencing court shall specifically place on the record the aggravating factors set forth in this section which justify the imposition of a minimum term.

Unless the preponderance of mitigating factors set forth in subsection b. weighs in favor of a lower term within the limits authorized, sentences imposed pursuant to paragraph (1) of subsection a. of N.J.S.2C:43-7 shall have a presumptive term of life imprisonment. Unless the preponderance of aggravating and mitigating factors set forth in subsections a. and b. of this section weighs in favor of a higher or lower term within the limits authorized, sentences imposed pursuant to paragraph (2) of subsection a. of N.J.S.2C:43-7 shall have a presumptive term of 50 years' imprisonment; sentences imposed pursuant to paragraph (3) of subsection a. of N.J.S.2C:43-7 shall have a presumptive term of 15 years' imprisonment; and sentences imposed pursuant to paragraph (4) of subsection a. of N.J.S.2C:43-7 shall have a presumptive term of seven years' imprisonment.

In imposing a minimum term pursuant to subsection b. of N.J.S.2C:43-7, the sentencing court shall specifically place on the record the aggravating factors set forth in this section which justify the imposition of a minimum term.

(2) In cases of convictions for crimes of the first or second degree where the court is clearly convinced that the mitigating factors substantially outweigh the aggravating factors and where the interest of justice demands, the court may sentence the defendant to a term appropriate to a crime of one degree lower than that of the crime for which the defendant was convicted. If the court does impose sentence pursuant to this paragraph, or if the court imposes a noncustodial or probationary sentence upon conviction for a crime of the first or second degree, the sentence shall not become final for

10 days in order to permit the appeal of the sentence by the prosecution.

g. Imposition of Noncustodial Sentences in Certain Cases. If the court, in considering the aggravating factors set forth in subsection a. of this section, finds the aggravating factor in paragraph (2), (5), (10), or (12) of subsection a. of this section and does not impose a custodial sentence, the court shall specifically place on the record the mitigating factors which justify the imposition of a noncustodial sentence.

h. Except as provided in section 2 of P.L.1993, c.123 (C.2C:43-11), the presumption of imprisonment as provided in subsection d. of this section shall not preclude the admission of a person to the Intensive Supervision Program, established pursuant to the Rules Governing the Courts of the State of New Jersey.

(cf: P.L.2020, c.110, s.1)

3. (New section) a. A person commits a disorderly persons offense if the [1][individual] person[1] orally or in writing:

(1) knowingly and willfully makes a threat against any [1][person employed by a health care facility, which is licensed by the Department of Health pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.)] health care professional, volunteer working for a health care professional or working at a health care facility, [3]supportive services staff member working for a health care professional or working at a health care facility,[3] or employee of a health care professional or health care facility[1], with the intent to intimidate, interfere with, or impede the [1]health care professional, volunteer, [3]supportive services staff member,[3] or employee in the[1] performance of [1]the health care professional's, volunteer's, [3]supportive services staff member's,[3] or employee's [2][performance of[1]][2] official duties; or

(2) knowingly sends, delivers, or makes for the purpose of sending or delivering a threat prohibited pursuant to paragraph (1) of this subsection.

b. For [1]the[1] purposes of this section:

(1) "health care professional" means a person licensed [1][,] or[1] certified [1][, registered, or otherwise authorized] to practice a health care profession[1] pursuant to [3]Title 26,[3] Title 45 [3],[3] or Title 52 of the Revised Statutes [1][, or by any principal department of the Executive Branch of State government or any entity within any department or any other entity created to license or otherwise regulate a health care profession. "Health care professional" shall include, but shall not be limited to, health care professionals regulated by the following entities: the State Board of Medical Examiners, the New Jersey Board of Nursing, the New Jersey State Board of Dentistry, the New Jersey State Board of Optometrists, the Board of Pharmacy, the State Board of Chiropractic Examiners, the Acupuncture Examining Board, the State Board of Physical Therapy Examiners, the Orthotics and Prosthetics Board of Examiners, the State Board of Psychological

Examiners, the State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians, the Audiology and Speech-Language Pathology Advisory Committee, the Occupational Therapy Advisory Council and the Certified Psychoanalysts Advisory Committee**]**[1].

(2) "health care facility" means a [1]**[**general or special hospital or nursing home licensed by the Department of Health pursuant to P.L.1971, c.136 (C.26:2H-1 et al.), a State or county psychiatric hospital, or a State developmental center**]** health care facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1 [2]**[**et seq.**]** et al.[2]), a State or county psychiatric hospital, a State developmental center, or a health care service firm registered by the Division of Consumer Affairs in the Department of Law and Public Safety pursuant to P.L.1960, c.39 (C.56:8-1 et seq.)[1].

4. (New section) a. In addition to any fine imposed pursuant to N.J.S.2C:43-3 or any term of imprisonment pursuant to N.J.S.2C:43-6, the court may order any defendant who commits an assault pursuant to N.J.S.2C:12-1 against any [1]**[**person employed by a health care facility, which is licensed by the Department of Health pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.)**]** health care professional, volunteer working for a health care professional or working at a health care facility, [3]supportive services staff member working for a health care professional or working at a health care facility,[3] or employee of a health care professional or health care facility[1], while [1]the health care professional, volunteer, [3]supportive services staff member,[3] or employee is[1] performing official duties [2],[2] to satisfactorily complete an anger management course.

b. The court may order a defendant to participate in an anger management course of up to 12 months [1]duration[1] [2]pursuant to this section[2].

c. A defendant shall pay the enrollment cost of [2]**[**the ordered**]** an[2] anger management course [2]ordered pursuant to this section[2] .

d. A defendant sentenced to an anger management course [2]pursuant to this section[2] shall have one year to comply with the court order. Failure to satisfactorily complete the course within one year shall constitute a violation of the order. Any defendant who fails to comply with the court order requiring an anger management course may be subject to an additional penalty of up to $500.

e. The Administrative Office of the Courts shall develop and approve a list of eligible anger management courses that may provide anger management services to any person ordered to participate pursuant to this section.

f. The Administrative Office of the Courts shall establish standards and procedures for certification of anger management courses required pursuant to this section.

5. (New section) a. Notwithstanding the term of imprisonment provided in N.J.S.2C:43-6 or any fine imposed pursuant to

N.J.S.2C:43-3, [2]⟦any person⟧ a defendant[2] convicted of assault, pursuant to N.J.S.2C:12-1, against any [1]⟦person employed by a health care facility, which is licensed by the Department of Health pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.)⟧ health care professional, volunteer working for a health care professional or working at a health care facility, [3]supportive services staff member working for a health care professional or working at a health care facility,[3] or employee of a health care professional or health care facility[1], while [1]the health care professional, volunteer, [3]supportive services staff member,[3] or employee is[1] performing official duties[2],[2] may be sentenced to community service.

b. The court may order the [2]⟦person⟧ defendant[2] to perform community service [2]pursuant to this section[2] in lieu of part of the [2]⟦person's⟧ defendant's[2] period of incarceration. The court [2]⟦shall⟧ may[2] impose a term of community service of up to 30 days.

c. The Administrative Office of the Courts shall establish standards and procedures for [2]the[2] certification of community service [2]⟦for any person⟧ organizations and providers to which a defendant may be[2] sentenced pursuant to this section.

6. (New section) a. As used in this section, "health care facility" means [1]⟦a general or special hospital or nursing home licensed by the Department of Health pursuant to P.L.1971, c.136 (C.26:2H-1 et al.), a State or county psychiatric hospital, or a State developmental center⟧ the same as defined in subsection b. of section 3 of P.L. , c. (C.) (pending before the Legislature as this bill)[1].

b. A health care facility shall prominently display a written notice in a conspicuous public location that contains the following or substantially similar statement: "It is a crime to assault a health care [1]⟦worker⟧ professional, any volunteer working for a health care professional or working at a health care facility, [3]any supportive services staff member working for a health care professional or working at a health care facility,[3] or any employee of a health care professional or [2]⟦working at⟧[2] a health care facility while the health care professional, volunteer, [3]supportive services staff member,[3] or employee is performing official duties[1]. Any person who assaults a health care [1]⟦worker⟧ professional, volunteer, [3]supportive services staff member,[3] or employee in violation of this prohibition[1] shall be subject to a fine, imprisonment, or both under the New Jersey Code of Criminal Justice, N.J.S.2C:1-1 et seq."

c. The Commissioner of Health may adopt rules and regulations, in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary to effectuate the provisions of this section.

[1]7. (New section) a. A physician responsible for managing a professional physician practice shall prominently display a written

notice in a conspicuous public location that contains the following or substantially similar statement: "It is a crime to assault a health care professional, any volunteer working for a health care professional or working at a health care facility, [3]any supportive services staff member working for a health care professional or working at a health care facility,[3] or any employee of a health care professional or a health care facility, while the health care professional, volunteer, [3]supportive services staff member,[3] or employee is performing official duties. Any person who assaults a health care professional, volunteer, [3]supportive services staff member,[3] or employee in violation of this prohibition shall be subject to a fine, imprisonment, or both under the New Jersey Code of Criminal Justice, N.J.S.2C:1-1 et seq."

b. The Board of Medical Examiners may adopt rules and regulations, in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary to effectuate the provisions of this section.[1]

[1]**[**7.**]** 8.[1] This act shall take effect immediately.

Establishes "Health Care Heroes Violence Prevention Act."

ASSEMBLY, No. 3199

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED MARCH 7, 2022

Sponsored by:
Assemblyman LOUIS D. GREENWALD
District 6 (Burlington and Camden)
Assemblywoman SHAVONDA E. SUMTER
District 35 (Bergen and Passaic)
Assemblywoman SADAF F. JAFFER
District 16 (Hunterdon, Mercer, Middlesex and Somerset)
Assemblywoman LISA SWAIN
District 38 (Bergen and Passaic)
Assemblyman DANIEL R. BENSON
District 14 (Mercer and Middlesex)

Co-Sponsored by:
Assemblymen Moen, Spearman and Assemblywoman McKnight

SYNOPSIS
Establishes “Health Care Heroes Violence Prevention Act.”

CURRENT VERSION OF TEXT
As introduced.

(Sponsorship Updated As Of: 3/7/2022)

AN ACT concerning violence against health care professionals and amending and supplementing various parts of the statutory law.

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

1. (New section) This act may be known and may be cited as the "Health Care Heroes Violence Prevention Act."

2. N.J.S.2C:44-1 is amended to read as follows:

2C:44-1. a. In determining the appropriate sentence to be imposed on a person who has been convicted of an offense, the court shall consider the following aggravating circumstances:

(1) The nature and circumstances of the offense, and the role of the actor in committing the offense, including whether or not it was committed in an especially heinous, cruel, or depraved manner;

(2) The gravity and seriousness of harm inflicted on the victim, including whether or not the defendant knew or reasonably should have known that the victim of the offense was particularly vulnerable or incapable of resistance due to advanced age, ill-health, or extreme youth, or was for any other reason substantially incapable of exercising normal physical or mental power of resistance;

(3) The risk that the defendant will commit another offense;

(4) A lesser sentence will depreciate the seriousness of the defendant's offense because it involved a breach of the public trust under chapters 27 and 30 of this title, or the defendant took advantage of a position of trust or confidence to commit the offense;

(5) There is a substantial likelihood that the defendant is involved in organized criminal activity;

(6) The extent of the defendant's prior criminal record and the seriousness of the offenses of which the defendant has been convicted;

(7) The defendant committed the offense pursuant to an agreement to either pay or be paid for the commission of the offense and the pecuniary incentive was beyond that inherent in the offense itself;

(8) The defendant committed the offense against a police or other law enforcement officer, correctional employee or firefighter, acting in the performance of the officer, employee, or firefighter duties while in uniform or exhibiting evidence of his authority; the defendant committed the offense because of the status of the victim as a public servant; or the defendant committed the offense against a sports official, athletic coach or manager, acting in or immediately

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 <u>thus</u> is new matter.

following the performance of the person's duties or because of the person's status as a sports official, coach or manager; or the defendant committed the offense against any worker employed by a licensed health care facility or a health care professional licensed or otherwise authorized pursuant to Title 26 or Title 45 of the New Jersey Statutes to practice a health care profession while clearly identifiable as being engaged in the duties of providing direct patient care, practicing the health care profession, or any other professional duties;

(9) The need for deterring the defendant and others from violating the law;

(10) The offense involved fraudulent or deceptive practices committed against any department or division of State government;

(11) The imposition of a fine, penalty, or order of restitution without also imposing a term of imprisonment would be perceived by the defendant or others merely as part of the cost of doing business, or as an acceptable contingent business or operating expense associated with the initial decision to resort to unlawful practices;

(12) The defendant committed the offense against a person who the defendant knew or should have known was 60 years of age or older, or disabled;

(13) The defendant, while in the course of committing or attempting to commit the crime, including the immediate flight therefrom, used or was in possession of a stolen motor vehicle;

(14) The offense involved an act of domestic violence, as that term is defined in subsection a. of section 3 of P.L.1991, c.261 (C.2C:25-19), committed in the presence of a child under 16 years of age; and

(15) The offense involved an act of domestic violence, as that term is defined in subsection a. of section 3 of P.L.1991, c.261 (C.2C:25-19) and the defendant committed at least one act of domestic violence on more than one occasion.

b. In determining the appropriate sentence to be imposed on a person who has been convicted of an offense, the court may properly consider the following mitigating circumstances:

(1) The defendant's conduct neither caused nor threatened serious harm;

(2) The defendant did not contemplate that the defendant's conduct would cause or threaten serious harm;

(3) The defendant acted under a strong provocation;

(4) There were substantial grounds tending to excuse or justify the defendant's conduct, though failing to establish a defense;

(5) The victim of the defendant's conduct induced or facilitated its commission;

(6) The defendant has compensated or will compensate the victim of the defendant's conduct for the damage or injury that the

victim sustained, or will participate in a program of community service;

(7) The defendant has no history of prior delinquency or criminal activity or has led a law-abiding life for a substantial period of time before the commission of the present offense;

(8) The defendant's conduct was the result of circumstances unlikely to recur;

(9) The character and attitude of the defendant indicate that the defendant is unlikely to commit another offense;

(10) The defendant is particularly likely to respond affirmatively to probationary treatment;

(11) The imprisonment of the defendant would entail excessive hardship to the defendant or the defendant's dependents;

(12) The willingness of the defendant to cooperate with law enforcement authorities;

(13) The conduct of a youthful defendant was substantially influenced by another person more mature than the defendant; and

(14) The defendant was under 26 years of age at the time of the commission of the offense.

c. (1) A plea of guilty by a defendant or failure to so plead shall not be considered in withholding or imposing a sentence of imprisonment.

(2) When imposing a sentence of imprisonment the court shall consider the defendant's eligibility for release under the law governing parole, including time credits awarded pursuant to Title 30 of the Revised Statutes, in determining the appropriate term of imprisonment.

d. Presumption of imprisonment. The court shall deal with a person who has been convicted of a crime of the first or second degree, or a crime of the third degree where the court finds that the aggravating factor in paragraph (5), (14), or (15) of subsection a. of this section applies, by imposing a sentence of imprisonment unless, having regard to the character and condition of the defendant, it is of the opinion that the defendant's imprisonment would be a serious injustice which overrides the need to deter such conduct by others. Notwithstanding the provisions of subsection e. of this section, the court shall deal with a person who has been convicted of theft of a motor vehicle or of the unlawful taking of a motor vehicle and who has previously been convicted of either offense by imposing a sentence of imprisonment unless, having regard to the character and condition of the defendant, it is of the opinion that imprisonment would be a serious injustice which overrides the need to deter such conduct by others.

e. The court shall deal with a person convicted of an offense other than a crime of the first or second degree, who has not previously been convicted of an offense, without imposing a sentence of imprisonment unless, having regard to the nature and circumstances of the offense and the history, character, and

condition of the defendant, it is of the opinion that imprisonment is necessary for the protection of the public under the criteria set forth in subsection a. of this section, except that this subsection shall not apply if the court finds that the aggravating factor in paragraph (5), (14) or (15) of subsection a. of this section applies or if the person is convicted of any of the following crimes of the third degree: theft of a motor vehicle; unlawful taking of a motor vehicle; eluding; strict liability vehicular homicide pursuant to section 1 of P.L.2017, c.165 (C.2C:11-5.3); if the person is convicted of a crime of the third degree constituting use of a false government document in violation of subsection c. of section 1 of P.L.1983, c.565 (C.2C:21-2.1); if the person is convicted of a crime of the third degree constituting distribution, manufacture or possession of an item containing personal identifying information in violation of subsection b. of section 6 of P.L.2003, c.184 (C.2C:21-17.3); if the person is convicted of a crime of the third or fourth degree constituting bias intimidation in violation of N.J.S.2C:16-1; if the person is convicted of a crime of the third degree under paragraph (12) of subsection b. of N.J.S.2C:12-1 or section 2 of P.L.1997, c.111 (C.2C:12-1.1); or if the person is convicted of a crime of the third or fourth degree under the provisions of section 1 or 2 of P.L.2007, c.341 (C.2C:33-29 or C.2C:33-30).

f. Presumptive Sentences. (1) Except for the crime of murder, unless the preponderance of aggravating or mitigating factors, as set forth in subsections a. and b. of this section, weighs in favor of a higher or lower term within the limits provided in N.J.S.2C:43-6, when a court determines that a sentence of imprisonment is warranted, it shall impose sentence as follows:

(a) To a term of 20 years for aggravated manslaughter or kidnapping pursuant to paragraph (1) of subsection c. of N.J.S.2C:13-1 when the offense constitutes a crime of the first degree;

(b) Except as provided in subparagraph (a) of this paragraph to a term of 15 years for a crime of the first degree;

(c) To a term of seven years for a crime of the second degree;

(d) To a term of four years for a crime of the third degree; and

(e) To a term of nine months for a crime of the fourth degree.

In imposing a minimum term pursuant to subsection b. of N.J.S.2C:43-6, the sentencing court shall specifically place on the record the aggravating factors set forth in this section which justify the imposition of a minimum term.

Unless the preponderance of mitigating factors set forth in subsection b. weighs in favor of a lower term within the limits authorized, sentences imposed pursuant to paragraph (1) of subsection a. of N.J.S.2C:43-7 shall have a presumptive term of life imprisonment. Unless the preponderance of aggravating and mitigating factors set forth in subsections a. and b. of this section weighs in favor of a higher or lower term within the limits

authorized, sentences imposed pursuant to paragraph (2) of subsection a. of N.J.S.2C:43-7 shall have a presumptive term of 50 years' imprisonment; sentences imposed pursuant to paragraph (3) of subsection a. of N.J.S.2C:43-7 shall have a presumptive term of 15 years' imprisonment; and sentences imposed pursuant to paragraph (4) of subsection a. of N.J.S.2C:43-7 shall have a presumptive term of seven years' imprisonment.

In imposing a minimum term pursuant to subsection b. of N.J.S.2C:43-7, the sentencing court shall specifically place on the record the aggravating factors set forth in this section which justify the imposition of a minimum term.

(2) In cases of convictions for crimes of the first or second degree where the court is clearly convinced that the mitigating factors substantially outweigh the aggravating factors and where the interest of justice demands, the court may sentence the defendant to a term appropriate to a crime of one degree lower than that of the crime for which the defendant was convicted. If the court does impose sentence pursuant to this paragraph, or if the court imposes a noncustodial or probationary sentence upon conviction for a crime of the first or second degree, the sentence shall not become final for 10 days in order to permit the appeal of the sentence by the prosecution.

g. Imposition of Noncustodial Sentences in Certain Cases. If the court, in considering the aggravating factors set forth in subsection a. of this section, finds the aggravating factor in paragraph (2), (5), (10), or (12) of subsection a. of this section and does not impose a custodial sentence, the court shall specifically place on the record the mitigating factors which justify the imposition of a noncustodial sentence.

h. Except as provided in section 2 of P.L.1993, c.123 (C.2C:43-11), the presumption of imprisonment as provided in subsection d. of this section shall not preclude the admission of a person to the Intensive Supervision Program, established pursuant to the Rules Governing the Courts of the State of New Jersey.

(cf: P.L. 2020, c.110, s.1)

3. (New section) a. A person commits a disorderly persons offense if the individual orally or in writing:

(1) knowingly and willfully makes a threat against any person employed by a health care facility, which is licensed by the Department of Health pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), with the intent to intimidate, interfere with, or impede the performance of official duties; or

(2) knowingly sends, delivers, or makes for the purpose of sending or delivering a threat prohibited pursuant to paragraph (1) of this subsection.

b. For purposes of this section:

(1) “health care professional” means a person licensed, certified, registered, or otherwise authorized pursuant to Title 45 or Title 52 of the Revised Statutes, or by any principal department of the Executive Branch of State government or any entity within any department or any other entity created to license or otherwise regulate a health care profession. "Health care professional" shall include, but shall not be limited to, health care professionals regulated by the following entities: the State Board of Medical Examiners, the New Jersey Board of Nursing, the New Jersey State Board of Dentistry, the New Jersey State Board of Optometrists, the Board of Pharmacy, the State Board of Chiropractic Examiners, the Acupuncture Examining Board, the State Board of Physical Therapy Examiners, the Orthotics and Prosthetics Board of Examiners, the State Board of Psychological Examiners, the State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians, the Audiology and Speech-Language Pathology Advisory Committee, the Occupational Therapy Advisory Council and the Certified Psychoanalysts Advisory Committee.

(2) “health care facility” means a general or special hospital or nursing home licensed by the Department of Health pursuant to P.L.1971, c.136 (C.26:2H-1 et al.), a State or county psychiatric hospital, or a State developmental center.

4. (New section) a. In addition to any fine imposed pursuant to N.J.S.2C:43-3 or any term of imprisonment pursuant to N.J.S.2C:43-6, the court may order any defendant who commits an assault pursuant to N.J.S.2C:12-1 against any person employed by a health care facility, which is licensed by the Department of Health pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), while performing official duties to satisfactorily complete an anger management course.

b. The court may order a defendant to participate in an anger management course of up to 12 months.

c. A defendant shall pay the enrollment cost of the ordered anger management course.

d. A defendant sentenced to an anger management course shall have one year to comply with the court order. Failure to satisfactorily complete the course within one year shall constitute a violation of the order. Any defendant who fails to comply with the court order requiring an anger management course may be subject to an additional penalty of up to $500.

e. The Administrative Office of the Courts shall develop and approve a list of eligible anger management courses that may provide anger management services to any person ordered to participate pursuant to this section.

f. The Administrative Office of the Courts shall establish standards and procedures for certification of anger management courses required pursuant to this section.

5. (New section) a. Notwithstanding the term of imprisonment provided in N.J.S.2C:43-6 or any fine imposed pursuant to N.J.S.2C:43-3, any person convicted of assault, pursuant to N.J.S.2C:12-1, against any person employed by a health care facility, which is licensed by the Department of Health pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), while performing official duties may be sentenced to community service.

b. The court may order the person to perform community service in lieu of part of the person's period of incarceration. The court shall impose a term of community service of up to 30 days.

c. The Administrative Office of the Courts shall establish standards and procedures for certification of community service for any person sentenced pursuant to this section.

6. (New section) a. As used in this section, "health care facility" means a general or special hospital or nursing home licensed by the Department of Health pursuant to P.L.1971, c.136 (C.26:2H-1 et al.), a State or county psychiatric hospital, or a State developmental center.

b. A health care facility shall prominently display a written notice in a conspicuous public location that contains the following or substantially similar statement: "It is a crime to assault a health care worker. Any person who assaults a health care worker shall be subject to a fine, imprisonment, or both under the New Jersey Code of Criminal Justice, N.J.S.2C:1-1 et seq."

c. The Commissioner of Health may adopt rules and regulations, in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary to effectuate the provisions of this section.

7. This act shall take effect immediately.

STATEMENT

This bill establishes the "Health Care-Heroes Violence Prevention Act."

This bill expands the aggravating factors a court may consider pursuant to N.J.S.2C:44-1 in sentencing a defendant to include whether a defendant committed an offense against a worker employed by a licensed health care facility or a health care professional while engaged in their professional duties.

This bill also establishes the criminal offense of threats against a health care professional or any worker employed by a health care facility. Specifically, a person is guilty of a disorderly persons offense if the individual knowingly and willfully makes a threat against a health care professional or any worker employed by a health care facility with the intent to intimidate, interfere with, or

impede the performance of his or her official duties. Further, a person is guilty of this offense if the individual knowingly sends, delivers, or makes, for the purpose of sending or delivering, a threat to intimidate, interfere with, or impede official duties of a health care professional or any worker employed by a health care facility. A disorderly persons offense is punishable by imprisonment of up to six months, a fine of up to $1,000, or both.

The bill defines "healthcare professional" as a person licensed, certified, registered, or otherwise authorized pursuant to Title 45 or Title 52 of the Revised Statutes, or by any principal department of the Executive Branch of State government or any entity within any department or any other entity hereafter created to license or otherwise regulate a health care profession. The bill also defines "health care facility" as a general or special hospital or nursing home licensed by the Department of Health pursuant to P.L.1971, c.136 (C.26:2H-1 et al.), a State or county psychiatric hospital, or a State developmental center.

Further, this bill establishes additional penalties for any person who commits assault against a worker employed by a licensed health care facility or a health care professional. A court may sentence a defendant to satisfactorily complete an anger management course of up to 12 hours or perform up to 30 days of community service.

Finally, the bill requires health care facilities to display a written notice stating the following: "It is a crime to assault a health care worker. Any person who assaults a health care worker shall be subject to a fine, imprisonment, or both under the New Jersey Code of Criminal Justice, N.J.S.2C:1-1 et seq.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3199

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 9, 2022

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 3199.

As amended and reported by the committee, this bill establishes the "Health Care Heroes Violence Prevention Act."

This amended bill expands the aggravating factors a court may consider pursuant to N.J.S.2C:44-1 in sentencing a defendant to include whether a defendant committed an offense against any volunteer for or employee of a health care facility while the person was engaged in professional duties.

As amended, this bill also establishes the criminal offense of threats against a health care professional, volunteer working for a health care professional or working at a health care facility, or an employee of a health care professional or health care facility. Specifically, a person is guilty of a disorderly persons offense if the person knowingly and willfully makes a threat against a covered person with the intent to intimidate, interfere with, or impede the performance of his or her official duties. Further, a person is guilty of a disorderly persons offense if that person knowingly sends, delivers, or makes for the purposes of sending or delivering a threat to intimidate, interfere with, or impede official duties of a volunteer for or employee of a health care facility. A disorderly persons offense is punishable by imprisonment of up to six months, a fine of up to $1,000, or both.

The amended bill defines "health care facility" as health care facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), a State or county psychiatric hospital, a State developmental center, or a health care service firm registered by the Division of Consumer Affairs in the Department of Law and Public Safety pursuant to P.L.1960, c.39 (C.56:8-1 et seq.). The bill defines "health care professional" as a person licensed or certified to practice a health care profession pursuant to Title 45 or Title 52 of the Revised Statutes.

Further, this amended bill establishes additional penalties for any person who commits assault against a volunteer for or employee of a health care facility. A court may sentence a defendant to satisfactorily complete an anger management course of up to 12 hours or perform up to 30 days of community service.

Finally, the bill requires health care facilities and certain physicians to display a written notice stating the following: "It is a crime to assault a health care professional, any volunteer working for a health care professional or working at a health care facility, or any employee of a health care professional or a health care facility, while the health care professional, volunteer, or employee is performing official duties. Any person who assaults a health care professional, volunteer, or employee in violation of this prohibition shall be subject to a fine, imprisonment, or both under the New Jersey Code of Criminal Justice, N.J.S.2C:1-1 et seq."

It is the committee's understanding that N.J.S.2C:4-4 is applicable for the crimes established pursuant to this bill. N.J.S.2C:4-4 precludes a person who lacks capacity to understand the proceedings against him or her or to assist in his or her own defense from being tried, convicted, or sentenced for the commission of an offense so long as the incapacity endures.

COMMITTEE AMENDMENTS

The committee amended the bill to:

(1) modify the definition of "health care facility;"

(2) modify the definition of "health care professional;"

(3) expand the scope of the bill to include all volunteers and employees of health care facilities;

(4) require certain physicians to display the written notice; and

(5) make minor technical changes.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]
ASSEMBLY, No. 3199

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 14, 2022

The Assembly Appropriations Committee reports favorably and with committee amendments Assembly Bill No. 3199 (1R).

As amended by the committee, this bill establishes the "Health Care Heroes Violence Prevention Act." Specifically, the bill expands the aggravating factors a court may consider pursuant to N.J.S.2C:44-1 in sentencing a defendant to include consideration of whether a defendant committed an offense against any health care professional or any volunteer for or employee of a health care professional or health care facility while the professional, volunteer, or employee was engaged in professional duties.

As amended, this bill also establishes the criminal offense of threats against a health care professional, a volunteer working for a health care professional or working at a health care facility, or an employee of a health care professional or health care facility. Specifically, a person is guilty of a disorderly persons offense if the person knowingly and willfully makes a threat against a covered person with the intent to intimidate, interfere with, or impede the performance of the covered person's official duties. Further, a person is guilty of a disorderly persons offense if that person knowingly sends, delivers, or makes for the purposes of sending or delivering a threat to intimidate, interfere with, or impede the official duties of a health care professional or a volunteer for or employee of a health care professional or health care facility. A disorderly persons offense is punishable by imprisonment for up to six months, a fine of up to $1,000, or both.

As amended, the bill defines "health care facility" as a health care facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et al.), a State or county psychiatric hospital, a State developmental center, or a health care service firm registered by the Division of Consumer Affairs in the Department of Law and Public Safety pursuant to P.L.1960, c.39 (C.56:8-1 et seq.). The amended bill defines "health care professional" as a person licensed or certified to practice a health care profession pursuant to Title 45 or Title 52 of the Revised Statutes.

The amended bill additionally provides that a person who commits assault against a health care professional or a volunteer for or employee of a health care professional or a health care facility may be sentenced to an anger management course of up to 12 months' duration and up to 30 days of community service. A sentence of community service may stand in lieu of part of a sentence to incarceration.

Finally, as amended, the bill requires health care facilities and certain physicians to display a written notice stating the following: "It is a crime to assault a health care professional, any volunteer working for a health care professional or working at a health care facility, or any employee of a health care professional or a health care facility, while the health care professional, volunteer, or employee is performing official duties. Any person who assaults a health care professional, volunteer, or employee in violation of this prohibition shall be subject to a fine, imprisonment, or both under the New Jersey Code of Criminal Justice, N.J.S.2C:1-1 et seq."

COMMITTEE AMENDMENTS

The committee amendments revise the bill to ensure consistent use of terminology throughout the bill. The bill also clarifies that the court may impose community service of up to 30 days.

FISCAL IMPACT:

The OLS finds that the bill will result in annual expenditure and revenue increases for the State and local governments. However, the OLS is unable to determine how many cases involving threats against a health care worker there will be in a given year, or how many additional incarcerations there will be under the bill, to quantify the extent of these increases.

The OLS finds that local governments will incur an indeterminate amount of annual cost increases to prosecute, defend, and adjudicate individuals for the disorderly persons offense established in the bill. A disorderly persons offense is adjudicated in municipal court and is punishable by a term of imprisonment of up to six months, a fine of up to $1,000, or both. A presumption of non-incarceration usually applies to first-time individuals convicted of disorderly persons offenses. However, the bill's expansion of the aggravating factors that the court may consider at sentencing to include the victim's status as a health care professional or volunteer could result in the defendant being sentenced to county jail, resulting in increased county costs.

The Department of Corrections could incur additional costs if there are additional incarcerations or defendants are sentenced to longer prison terms than they otherwise would have been absent the bill's provision expanding the aggravating factors the court may consider in sentencing a defendant. The Department of Corrections indicated that the average annual cost of housing an inmate in a State prison for FY 2021 totaled $55,389, whereas the marginal costs per day were

approximately $151.75. The State Parole Board may also incur increased expenditures if additional defendants are sentenced to prison terms.

Further, under the bill, a court may sentence a defendant to satisfactorily complete an anger management course of up to 12 hours or perform up to 30 days of community service. Since the Administrative Office of the Courts will need to establish standards and procedures for certification of anger management courses required by this bill, the office will incur additional, indeterminate one-time costs.

The State and local governments are also likely to realize an indeterminate increase in annual revenues from the collection of fines and court fees; however, their ability to collect these penalties and fees has historically been limited.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[Second Reprint]
ASSEMBLY, No. 3199

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 5, 2022

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 3199 (2R), with committee amendments.

This bill establishes the "Health Care Heroes Violence Prevention Act." Specifically, the bill expands the aggravating factors a court may consider pursuant to N.J.S.2C:44-1 in sentencing a defendant to include consideration of whether a defendant committed an offense against any health care professional or any volunteer for or employee of a health care professional or health care facility while the professional, volunteer, or employee was engaged in professional duties.

As amended, this bill also establishes the criminal offense of threats against a health care professional, a volunteer working for a health care professional or working at a health care facility, or an employee of a health care professional or health care facility. Specifically, a person is guilty of a disorderly persons offense if the person knowingly and willfully makes a threat against a covered person with the intent to intimidate, interfere with, or impede the performance of the covered person's official duties. Further, a person is guilty of a disorderly persons offense if that person knowingly sends, delivers, or makes for the purposes of sending or delivering a threat to intimidate, interfere with, or impede the official duties of a health care professional or a volunteer for or employee of a health care professional or health care facility. A disorderly persons offense is punishable by imprisonment for up to six months, a fine of up to $1,000, or both.

As amended, the bill defines "health care facility" as a health care facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et al.), a State or county psychiatric hospital, a State developmental center, or a health care service firm registered by the Division of Consumer Affairs in the Department of Law and Public Safety pursuant to P.L.1960, c.39 (C.56:8-1 et seq.). The amended bill defines "health care professional" as a person licensed or certified to practice a health care profession pursuant to Title 45 or Title 52 of the Revised Statutes.

The amended bill additionally provides that a person who commits assault against a health care professional or a volunteer for or employee of a health care professional or a health care facility may be sentenced to an anger management course of up to 12 months' duration and up to 30 days of community service. A sentence of community service may stand in lieu of part of a sentence to incarceration.

Finally, as amended, the bill requires health care facilities and certain physicians to display a written notice stating the following: "It is a crime to assault a health care professional, any volunteer working for a health care professional or working at a health care facility, or any employee of a health care professional or a health care facility, while the health care professional, volunteer, or employee is performing official duties. Any person who assaults a health care professional, volunteer, or employee in violation of this prohibition shall be subject to a fine, imprisonment, or both under the New Jersey Code of Criminal Justice, N.J.S.2C:1-1 et seq."

As amended and reported by the committee, Assembly Bill No. 3199 (3R) is identical to Senate Bill No. 2008 (2R), which also was amended and reported by the committee on this date.

COMMITTEE AMENDMENTS

The committee amendments revise the bill to include supportive services staff members working for a health care professional or working at a health care facility, to ensure the bill captures individuals providing professional services for a health care professional or in a health care facility who might not otherwise be classified as health care professionals, volunteers, or employees, such as contractors and consultants.

The committee amendments revise the definition of "health care professional" to include individuals licensed or certified under Title 26 of the Revised Statutes.

FISCAL IMPACT:

The Office of Legislative Services (OLS) finds that local governments will incur an indeterminate amount of annual cost increases to prosecute, defend, and adjudicate individuals for the disorderly persons offense established in the bill. Disorderly persons offenses are adjudicated in municipal court. A presumption of non-incarceration usually applies to first-time offenders convicted of disorderly persons offenses. However, the bill's expansion of the aggravating factors that the court may consider at sentencing to include the victim's status as a health care professional, volunteer, or supportive services staff member could result in the defendant being sentenced to county jail, resulting in increased county costs.

The Department of Corrections could incur additional costs if defendants are given prison sentences or are sentenced to longer prison

terms than they otherwise would have been absent the bill's provision expanding the aggravating factors the court may consider in sentencing a defendant. The State Parole Board may also incur increased expenditures. The Administrative Office of the Courts will incur additional, indeterminate one-time costs to develop and approve a list of anger management courses and establish standards and procedures for their certification.

The State and local governments are also likely to realize an indeterminate increase in annual revenues from the collection of fines and court fees; however, their ability to collect these penalties and fees has historically been limited.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[Second Reprint]
ASSEMBLY, No. 3199

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 5, 2022

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 3199 (2R), with committee amendments.

This bill establishes the "Health Care Heroes Violence Prevention Act." Specifically, the bill expands the aggravating factors a court may consider pursuant to N.J.S.2C:44-1 in sentencing a defendant to include consideration of whether a defendant committed an offense against any health care professional or any volunteer for or employee of a health care professional or health care facility while the professional, volunteer, or employee was engaged in professional duties.

As amended, this bill also establishes the criminal offense of threats against a health care professional, a volunteer working for a health care professional or working at a health care facility, or an employee of a health care professional or health care facility. Specifically, a person is guilty of a disorderly persons offense if the person knowingly and willfully makes a threat against a covered person with the intent to intimidate, interfere with, or impede the performance of the covered person's official duties. Further, a person is guilty of a disorderly persons offense if that person knowingly sends, delivers, or makes for the purposes of sending or delivering a threat to intimidate, interfere with, or impede the official duties of a health care professional or a volunteer for or employee of a health care professional or health care facility. A disorderly persons offense is punishable by imprisonment for up to six months, a fine of up to $1,000, or both.

As amended, the bill defines "health care facility" as a health care facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et al.), a State or county psychiatric hospital, a State developmental center, or a health care service firm registered by the Division of Consumer Affairs in the Department of Law and Public Safety pursuant to P.L.1960, c.39 (C.56:8-1 et seq.). The amended bill defines "health care professional" as a person licensed or certified to practice a health care profession pursuant to Title 45 or Title 52 of the Revised Statutes.

The amended bill additionally provides that a person who commits assault against a health care professional or a volunteer for or employee of a health care professional or a health care facility may be sentenced to an anger management course of up to 12 months' duration and up to 30 days of community service. A sentence of community service may stand in lieu of part of a sentence to incarceration.

Finally, as amended, the bill requires health care facilities and certain physicians to display a written notice stating the following: "It is a crime to assault a health care professional, any volunteer working for a health care professional or working at a health care facility, or any employee of a health care professional or a health care facility, while the health care professional, volunteer, or employee is performing official duties. Any person who assaults a health care professional, volunteer, or employee in violation of this prohibition shall be subject to a fine, imprisonment, or both under the New Jersey Code of Criminal Justice, N.J.S.2C:1-1 et seq."

As amended and reported by the committee, Assembly Bill No. 3199 (3R) is identical to Senate Bill No. 2008 (2R), which also was amended and reported by the committee on this date.

COMMITTEE AMENDMENTS

The committee amendments revise the bill to include supportive services staff members working for a health care professional or working at a health care facility, to ensure the bill captures individuals providing professional services for a health care professional or in a health care facility who might not otherwise be classified as health care professionals, volunteers, or employees, such as contractors and consultants.

The committee amendments revise the definition of "health care professional" to include individuals licensed or certified under Title 26 of the Revised Statutes.

FISCAL IMPACT:

The Office of Legislative Services (OLS) finds that local governments will incur an indeterminate amount of annual cost increases to prosecute, defend, and adjudicate individuals for the disorderly persons offense established in the bill. Disorderly persons offenses are adjudicated in municipal court. A presumption of non-incarceration usually applies to first-time offenders convicted of disorderly persons offenses. However, the bill's expansion of the aggravating factors that the court may consider at sentencing to include the victim's status as a health care professional, volunteer, or supportive services staff member could result in the defendant being sentenced to county jail, resulting in increased county costs.

The Department of Corrections could incur additional costs if defendants are given prison sentences or are sentenced to longer prison

terms than they otherwise would have been absent the bill's provision expanding the aggravating factors the court may consider in sentencing a defendant. The State Parole Board may also incur increased expenditures. The Administrative Office of the Courts will incur additional, indeterminate one-time costs to develop and approve a list of anger management courses and establish standards and procedures for their certification.

The State and local governments are also likely to realize an indeterminate increase in annual revenues from the collection of fines and court fees; however, their ability to collect these penalties and fees has historically been limited.

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

ASSEMBLY, No. 3199

STATE OF NEW JERSEY
220th LEGISLATURE

DATED: JUNE 21, 2022

SUMMARY

Synopsis: Establishes "Health Care Heroes Violence Prevention Act."

Type of Impact: Annual State and local expenditure and revenue increases.

Agencies Affected: Local governments; Administrative Office of the Courts; Department of Corrections; State Parole Board.

Office of Legislative Services Estimate

Fiscal Impact	Annual
State Cost Increase	Indeterminate
State Revenue Increase	Indeterminate
Local Cost Increase	Indeterminate
Local Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) finds that local governments will incur an indeterminate amount of annual cost increases to prosecute, defend, and adjudicate individuals for the disorderly persons offense established in the bill. Disorderly persons offenses are adjudicated in municipal court.

- A presumption of non-incarceration usually applies to first-time offenders convicted of disorderly persons offenses. However, the bill's expansion of the aggravating factors that the court may consider at sentencing to include the victim's status as a health care professional or volunteer could result in the defendant being sentenced to county jail, resulting in increased county costs.

- The Department of Corrections could incur additional costs if defendants are given prison sentences or are sentenced to longer prison terms than they otherwise would have been absent the bill's provision expanding the aggravating factors the court may consider in sentencing a defendant. The State Parole Board may also incur increased expenditures.

BILL DESCRIPTION

This bill establishes the Health Care Heroes Violence Prevention Act and expands the aggravating factors a court may consider in sentencing a defendant to include whether a defendant committed an offense against any volunteer for or employee of a health care facility while the person was engaged in professional duties.

This bill also establishes the disorderly persons offense of threats against a health care professional, volunteer working for a health care professional or working at a health care facility, or an employee of a health care professional or health care facility. A disorderly persons offense is punishable by imprisonment of up to six months, a fine of up to $1,000, or both.

Further, the bill establishes additional penalties for any person who commits assault against a volunteer for or employee of a health care facility. A court may sentence a defendant to satisfactorily complete an anger management course of up to 12 months or perform up to 30 days of community service. The Administrative Office of the Courts will establish the standards and procedures for certification of anger management courses.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that the bill will result in annual expenditure and revenue increases for the State and local governments. However, the OLS is unable to determine how many cases involving threats against a health care worker there will be in a given year, or how many additional incarcerations there will be under the bill, to quantify the extent of these increases.

The OLS finds that local governments will incur an indeterminate amount of annual cost increases to prosecute, defend, and adjudicate individuals for the disorderly persons offense established in the bill. A disorderly persons offense is adjudicated in municipal court and is punishable by a term of imprisonment of up to six months, a fine of up to $1,000, or both. A presumption of non-incarceration usually applies to first-time individuals convicted of disorderly persons offenses. However, the bill's expansion of the aggravating factors that the court may consider at sentencing to include the victim's status as a health care professional or volunteer could result in the defendant being sentenced to county jail, resulting in increased county costs.

The Department of Corrections could incur additional costs if there are additional incarcerations or defendants are sentenced to longer prison terms than they otherwise would have been absent the bill's provision expanding the aggravating factors the court may consider in sentencing a defendant. The Department of Corrections indicated that the average annual cost of housing an inmate in a State prison for FY 2021 totaled $55,389, whereas the marginal costs per day were approximately $151.75. The State Parole Board may also incur increased expenditures if additional defendants are sentenced to prison terms.

Further, under the bill, a court may sentence a defendant to satisfactorily complete an anger management course or perform up to 30 days of community service. Any defendant who fails to comply with the court order requiring an anger management course may be subject to an additional penalty of up to $500. Since the Administrative Office of the Courts will need to establish

standards and procedures for certification of anger management courses required by this bill, the office will incur additional, indeterminate one-time costs.

The State and local governments are also likely to realize an indeterminate increase in annual revenues from the collection of fines and court fees; however, their ability to collect these penalties and fees has historically been limited.

For context, according to media reports, prior to the COVID-19 pandemic, health care workers were five times more likely to suffer a workplace violence injury than other professions. Furthermore, according to surveys by the American College of Emergency Physicians and the Emergency Nurses Association, almost half of emergency physicians reported being physically assaulted at work, while about 70 percent of emergency nurses report being hit and kicked while on the job.

Section:	*Judiciary*
Analyst:	*Anuja Pande Joshi* *Associate Research Analyst*
Approved:	*Thomas Koenig* *Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

LEGISLATIVE FISCAL ESTIMATE

[Third Reprint]

ASSEMBLY, No. 3199

STATE OF NEW JERSEY
220th LEGISLATURE

DATED: DECEMBER 15, 2022

SUMMARY

Synopsis: Establishes "Health Care Heroes Violence Prevention Act."

Type of Impact: Annual State and local expenditure and revenue increases.

Agencies Affected: Local governments; Administrative Office of the Courts; Department of Corrections; State Parole Board.

Office of Legislative Services Estimate

Fiscal Impact	Annual
State Cost Increase	Indeterminate
State Revenue Increase	Indeterminate
Local Cost Increase	Indeterminate
Local Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) finds that local governments will incur an indeterminate amount of annual cost increases to prosecute, defend, and adjudicate individuals for the disorderly persons offense established in the bill. Disorderly persons offenses are adjudicated in municipal court.

- A presumption of non-incarceration usually applies to first-time offenders convicted of disorderly persons offenses. However, the bill's expansion of the aggravating factors that the court may consider at sentencing to include the victim's status as a health care professional, volunteer, or supportive services staff member working for a healthcare facility or healthcare professional could result in the defendant being sentenced to county jail, resulting in increased county costs.

- The Department of Corrections could incur additional costs if defendants are given prison sentences or are sentenced to longer prison terms than they otherwise would have been absent the bill's provision expanding the aggravating factors the court may consider in sentencing a defendant. The State Parole Board may also incur increased expenditures.

- The Administrative Office of the Courts will incur additional, indeterminate one-time costs to develop and approve a list of anger management courses and establish standards and procedures for their certification.

- The State and local governments are also likely to realize an indeterminate increase in annual revenues from the collection of fines and court fees; however, their ability to collect these penalties and fees has historically been limited.

BILL DESCRIPTION

This bill establishes the Health Care Heroes Violence Prevention Act and expands the aggravating factors a court may consider in sentencing a defendant to include whether a defendant committed an offense against any supportive services staff member, volunteer, or employee of a health care facility while the person was engaged in professional duties.

This bill also establishes the disorderly persons offense of threats against a health care professional, volunteer, or supportive services staff member working for a health care professional or working at a health care facility, or an employee of a health care professional or health care facility. A disorderly persons offense is punishable by imprisonment of up to six months, a fine of up to $1,000, or both.

Further, the bill establishes additional penalties for any person who commits assault against a support services staff member, volunteer, or employee of a health care facility. A court may sentence a defendant to satisfactorily complete an anger management course of up to 12 months or perform up to 30 days of community service. The Administrative Office of the Courts will establish the standards and procedures for certification of anger management courses.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that the bill will result in annual expenditure and revenue increases for the State and local governments. However, the OLS is unable to determine how many cases involving threats against a health care worker there will be in a given year, or how many additional incarcerations there will be under the bill, to quantify the extent of these increases.

The OLS finds that local governments will incur an indeterminate amount of annual cost increases to prosecute, defend, and adjudicate individuals for the disorderly persons offense established in the bill. A disorderly persons offense is adjudicated in municipal court and is punishable by a term of imprisonment of up to six months, a fine of up to $1,000, or both. A presumption of non-incarceration usually applies to first-time offenders convicted of disorderly persons offenses. However, the bill's expansion of the aggravating factors that the court may consider at sentencing to include the victim's status as a health care professional, volunteer, or supportive services staff member could result in the defendant being sentenced to county jail, resulting in increased county costs.

The Department of Corrections could incur additional annual costs if there are additional incarcerations or defendants are sentenced to longer prison terms than they otherwise would have been absent the bill's provision expanding the aggravating factors the court may consider in sentencing a defendant. The Department of Corrections indicated that the average annual cost of housing an inmate in a State prison for FY 2021 totaled $55,389, whereas the marginal costs per day were approximately $151.75. The State Parole Board may also incur increased expenditures if additional defendants are sentenced to prison terms.

Further, under the bill, a court may sentence a defendant to satisfactorily complete an anger management course of up to 12 months or perform up to 30 days of community service. Since the Administrative Office of the Courts will need to establish standards and procedures for certification of anger management courses required by this bill, the office will incur additional, indeterminate one-time costs.

The State and local governments are also likely to realize an indeterminate increase in annual revenues from the collection of fines and court fees; however, their ability to collect these penalties and fees has historically been limited.

For context, according to media reports, prior to the COVID-19 pandemic, health care workers were five times more likely to suffer a workplace violence injury than other professions. Furthermore, according to surveys by the American College of Emergency Physicians and the Emergency Nurses Association, almost half of emergency physicians reported being physically assaulted at work, while about 70 percent of emergency nurses report being hit and kicked while on the job.

Section:	*Judiciary*
Analyst:	*Anuja Pande Joshi* *Associate Fiscal Analyst*
Approved:	*Thomas Koenig* *Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE, No. 2008

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED MARCH 3, 2022

Sponsored by:
Senator TROY SINGLETON
District 7 (Burlington)
Senator FRED H. MADDEN, JR.
District 4 (Camden and Gloucester)

SYNOPSIS

Establishes “Health Care Heroes Violence Prevention Act.”

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning violence against health care professionals and amending and supplementing various parts of the statutory law.

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

1. (New section) This act may be known and may be cited as the "Health Care Heroes Violence Prevention Act."

2. N.J.S.2C:44-1 is amended to read as follows:

2C:44-1. a. In determining the appropriate sentence to be imposed on a person who has been convicted of an offense, the court shall consider the following aggravating circumstances:

(1) The nature and circumstances of the offense, and the role of the actor in committing the offense, including whether or not it was committed in an especially heinous, cruel, or depraved manner;

(2) The gravity and seriousness of harm inflicted on the victim, including whether or not the defendant knew or reasonably should have known that the victim of the offense was particularly vulnerable or incapable of resistance due to advanced age, ill-health, or extreme youth, or was for any other reason substantially incapable of exercising normal physical or mental power of resistance;

(3) The risk that the defendant will commit another offense;

(4) A lesser sentence will depreciate the seriousness of the defendant's offense because it involved a breach of the public trust under chapters 27 and 30 of this title, or the defendant took advantage of a position of trust or confidence to commit the offense;

(5) There is a substantial likelihood that the defendant is involved in organized criminal activity;

(6) The extent of the defendant's prior criminal record and the seriousness of the offenses of which the defendant has been convicted;

(7) The defendant committed the offense pursuant to an agreement to either pay or be paid for the commission of the offense and the pecuniary incentive was beyond that inherent in the offense itself;

(8) The defendant committed the offense against a police or other law enforcement officer, correctional employee or firefighter, acting in the performance of the officer, employee, or firefighter duties while in uniform or exhibiting evidence of his authority; the defendant committed the offense because of the status of the victim as a public servant; or the defendant committed the offense against a sports official, athletic coach or manager, acting in or immediately

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 <u>thus</u> is new matter.

following the performance of the person's duties or because of the person's status as a sports official, coach or manager; or the defendant committed the offense against any worker employed by a licensed health care facility or a health care professional licensed or otherwise authorized pursuant to Title 26 or Title 45 of the New Jersey Statutes to practice a health care profession while clearly identifiable as being engaged in the duties of providing direct patient care, practicing the health care profession, or any other professional duties;

(9) The need for deterring the defendant and others from violating the law;

(10) The offense involved fraudulent or deceptive practices committed against any department or division of State government;

(11) The imposition of a fine, penalty, or order of restitution without also imposing a term of imprisonment would be perceived by the defendant or others merely as part of the cost of doing business, or as an acceptable contingent business or operating expense associated with the initial decision to resort to unlawful practices;

(12) The defendant committed the offense against a person who the defendant knew or should have known was 60 years of age or older, or disabled;

(13) The defendant, while in the course of committing or attempting to commit the crime, including the immediate flight therefrom, used or was in possession of a stolen motor vehicle;

(14) The offense involved an act of domestic violence, as that term is defined in subsection a. of section 3 of P.L.1991, c.261 (C.2C:25-19), committed in the presence of a child under 16 years of age; and

(15) The offense involved an act of domestic violence, as that term is defined in subsection a. of section 3 of P.L.1991, c.261 (C.2C:25-19) and the defendant committed at least one act of domestic violence on more than one occasion.

b. In determining the appropriate sentence to be imposed on a person who has been convicted of an offense, the court may properly consider the following mitigating circumstances:

(1) The defendant's conduct neither caused nor threatened serious harm;

(2) The defendant did not contemplate that the defendant's conduct would cause or threaten serious harm;

(3) The defendant acted under a strong provocation;

(4) There were substantial grounds tending to excuse or justify the defendant's conduct, though failing to establish a defense;

(5) The victim of the defendant's conduct induced or facilitated its commission;

(6) The defendant has compensated or will compensate the victim of the defendant's conduct for the damage or injury that the

victim sustained, or will participate in a program of community service;

(7) The defendant has no history of prior delinquency or criminal activity or has led a law-abiding life for a substantial period of time before the commission of the present offense;

(8) The defendant's conduct was the result of circumstances unlikely to recur;

(9) The character and attitude of the defendant indicate that the defendant is unlikely to commit another offense;

(10) The defendant is particularly likely to respond affirmatively to probationary treatment;

(11) The imprisonment of the defendant would entail excessive hardship to the defendant or the defendant's dependents;

(12) The willingness of the defendant to cooperate with law enforcement authorities;

(13) The conduct of a youthful defendant was substantially influenced by another person more mature than the defendant; and

(14) The defendant was under 26 years of age at the time of the commission of the offense.

c. (1) A plea of guilty by a defendant or failure to so plead shall not be considered in withholding or imposing a sentence of imprisonment.

(2) When imposing a sentence of imprisonment the court shall consider the defendant's eligibility for release under the law governing parole, including time credits awarded pursuant to Title 30 of the Revised Statutes, in determining the appropriate term of imprisonment.

d. Presumption of imprisonment. The court shall deal with a person who has been convicted of a crime of the first or second degree, or a crime of the third degree where the court finds that the aggravating factor in paragraph (5), (14), or (15) of subsection a. of this section applies, by imposing a sentence of imprisonment unless, having regard to the character and condition of the defendant, it is of the opinion that the defendant's imprisonment would be a serious injustice which overrides the need to deter such conduct by others. Notwithstanding the provisions of subsection e. of this section, the court shall deal with a person who has been convicted of theft of a motor vehicle or of the unlawful taking of a motor vehicle and who has previously been convicted of either offense by imposing a sentence of imprisonment unless, having regard to the character and condition of the defendant, it is of the opinion that imprisonment would be a serious injustice which overrides the need to deter such conduct by others.

e. The court shall deal with a person convicted of an offense other than a crime of the first or second degree, who has not previously been convicted of an offense, without imposing a sentence of imprisonment unless, having regard to the nature and circumstances of the offense and the history, character, and

condition of the defendant, it is of the opinion that imprisonment is necessary for the protection of the public under the criteria set forth in subsection a. of this section, except that this subsection shall not apply if the court finds that the aggravating factor in paragraph (5), (14) or (15) of subsection a. of this section applies or if the person is convicted of any of the following crimes of the third degree: theft of a motor vehicle; unlawful taking of a motor vehicle; eluding; strict liability vehicular homicide pursuant to section 1 of P.L.2017, c.165 (C.2C:11-5.3); if the person is convicted of a crime of the third degree constituting use of a false government document in violation of subsection c. of section 1 of P.L.1983, c.565 (C.2C:21-2.1); if the person is convicted of a crime of the third degree constituting distribution, manufacture or possession of an item containing personal identifying information in violation of subsection b. of section 6 of P.L.2003, c.184 (C.2C:21-17.3); if the person is convicted of a crime of the third or fourth degree constituting bias intimidation in violation of N.J.S.2C:16-1; if the person is convicted of a crime of the third degree under paragraph (12) of subsection b. of N.J.S.2C:12-1 or section 2 of P.L.1997, c.111 (C.2C:12-1.1); or if the person is convicted of a crime of the third or fourth degree under the provisions of section 1 or 2 of P.L.2007, c.341 (C.2C:33-29 or C.2C:33-30).

f. Presumptive Sentences. (1) Except for the crime of murder, unless the preponderance of aggravating or mitigating factors, as set forth in subsections a. and b. of this section, weighs in favor of a higher or lower term within the limits provided in N.J.S.2C:43-6, when a court determines that a sentence of imprisonment is warranted, it shall impose sentence as follows:

(a) To a term of 20 years for aggravated manslaughter or kidnapping pursuant to paragraph (1) of subsection c. of N.J.S.2C:13-1 when the offense constitutes a crime of the first degree;

(b) Except as provided in subparagraph (a) of this paragraph to a term of 15 years for a crime of the first degree;

(c) To a term of seven years for a crime of the second degree;

(d) To a term of four years for a crime of the third degree; and

(e) To a term of nine months for a crime of the fourth degree.

In imposing a minimum term pursuant to subsection b. of N.J.S.2C:43-6, the sentencing court shall specifically place on the record the aggravating factors set forth in this section which justify the imposition of a minimum term.

Unless the preponderance of mitigating factors set forth in subsection b. weighs in favor of a lower term within the limits authorized, sentences imposed pursuant to paragraph (1) of subsection a. of N.J.S.2C:43-7 shall have a presumptive term of life imprisonment. Unless the preponderance of aggravating and mitigating factors set forth in subsections a. and b. of this section weighs in favor of a higher or lower term within the limits

authorized, sentences imposed pursuant to paragraph (2) of subsection a. of N.J.S.2C:43-7 shall have a presumptive term of 50 years' imprisonment; sentences imposed pursuant to paragraph (3) of subsection a. of N.J.S.2C:43-7 shall have a presumptive term of 15 years' imprisonment; and sentences imposed pursuant to paragraph (4) of subsection a. of N.J.S.2C:43-7 shall have a presumptive term of seven years' imprisonment.

In imposing a minimum term pursuant to subsection b. of N.J.S.2C:43-7, the sentencing court shall specifically place on the record the aggravating factors set forth in this section which justify the imposition of a minimum term.

(2) In cases of convictions for crimes of the first or second degree where the court is clearly convinced that the mitigating factors substantially outweigh the aggravating factors and where the interest of justice demands, the court may sentence the defendant to a term appropriate to a crime of one degree lower than that of the crime for which the defendant was convicted. If the court does impose sentence pursuant to this paragraph, or if the court imposes a noncustodial or probationary sentence upon conviction for a crime of the first or second degree, the sentence shall not become final for 10 days in order to permit the appeal of the sentence by the prosecution.

g. Imposition of Noncustodial Sentences in Certain Cases. If the court, in considering the aggravating factors set forth in subsection a. of this section, finds the aggravating factor in paragraph (2), (5), (10), or (12) of subsection a. of this section and does not impose a custodial sentence, the court shall specifically place on the record the mitigating factors which justify the imposition of a noncustodial sentence.

h. Except as provided in section 2 of P.L.1993, c.123 (C.2C:43-11), the presumption of imprisonment as provided in subsection d. of this section shall not preclude the admission of a person to the Intensive Supervision Program, established pursuant to the Rules Governing the Courts of the State of New Jersey.

(cf: P.L. 2020, c.110, s.1)

3. (New section) a. A person commits a disorderly persons offense if the individual orally or in writing:

(1) knowingly and willfully makes a threat against any person employed by a health care facility, which is licensed by the Department of Health pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), with the intent to intimidate, interfere with, or impede the performance of official duties; or

(2) knowingly sends, delivers, or makes for the purpose of sending or delivering a threat prohibited pursuant to paragraph (1) of this subsection.

b. For purposes of this section:

(1) “health care professional” means a person licensed, certified, registered, or otherwise authorized pursuant to Title 45 or Title 52 of the Revised Statutes, or by any principal department of the Executive Branch of State government or any entity within any department or any other entity created to license or otherwise regulate a health care profession. "Health care professional" shall include, but shall not be limited to, health care professionals regulated by the following entities: the State Board of Medical Examiners, the New Jersey Board of Nursing, the New Jersey State Board of Dentistry, the New Jersey State Board of Optometrists, the Board of Pharmacy, the State Board of Chiropractic Examiners, the Acupuncture Examining Board, the State Board of Physical Therapy Examiners, the Orthotics and Prosthetics Board of Examiners, the State Board of Psychological Examiners, the State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians, the Audiology and Speech-Language Pathology Advisory Committee, the Occupational Therapy Advisory Council and the Certified Psychoanalysts Advisory Committee.

(2) “health care facility” means a general or special hospital or nursing home licensed by the Department of Health pursuant to P.L.1971, c.136 (C.26:2H-1 et al.), a State or county psychiatric hospital, or a State developmental center.

4. (New section) a. In addition to any fine imposed pursuant to N.J.S.2C:43-3 or any term of imprisonment pursuant to N.J.S.2C:43-6, the court may order any defendant who commits an assault pursuant to N.J.S.2C:12-1 against any person employed by a health care facility, which is licensed by the Department of Health pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), while performing official duties to satisfactorily complete an anger management course.

b. The court may order a defendant to participate in an anger management course of up to 12 months.

c. A defendant shall pay the enrollment cost of the ordered anger management course.

d. A defendant sentenced to an anger management course shall have one year to comply with the court order. Failure to satisfactorily complete the course within one year shall constitute a violation of the order. Any defendant who fails to comply with the court order requiring an anger management course may be subject to an additional penalty of up to $500.

e. The Administrative Office of the Courts shall develop and approve a list of eligible anger management courses that may provide anger management services to any person ordered to participate pursuant to this section.

f. The Administrative Office of the Courts shall establish standards and procedures for certification of anger management courses required pursuant to this section.

5. (New section) a. Notwithstanding the term of imprisonment provided in N.J.S.2C:43-6 or any fine imposed pursuant to N.J.S.2C:43-3, any person convicted of assault, pursuant to N.J.S.2C:12-1, against any person employed by a health care facility, which is licensed by the Department of Health pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), while performing official duties may be sentenced to community service.

b. The court may order the person to perform community service in lieu of part of the person's period of incarceration. The court shall impose a term of community service of up to 30 days.

c. The Administrative Office of the Courts shall establish standards and procedures for certification of community service for any person sentenced pursuant to this section.

6. (New section) a. As used in this section, "health care facility" means a general or special hospital or nursing home licensed by the Department of Health pursuant to P.L.1971, c.136 (C.26:2H-1 et al.), a State or county psychiatric hospital, or a State developmental center.

b. A health care facility shall prominently display a written notice in a conspicuous public location that contains the following or substantially similar statement: "It is a crime to assault a health care worker. Any person who assaults a health care worker shall be subject to a fine, imprisonment, or both under the New Jersey Code of Criminal Justice, N.J.S.2C:1-1 et seq."

c. The Commissioner of Health may adopt rules and regulations, in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary to effectuate the provisions of this section.

7. This act shall take effect immediately.

STATEMENT

This bill establishes the "Health Care-Heroes Violence Prevention Act."

This bill expands the aggravating factors a court may consider pursuant to N.J.S.2C:44-1 in sentencing a defendant to include whether a defendant committed an offense against a worker employed by a licensed health care facility or a health care professional while engaged in their professional duties.

This bill also establishes the criminal offense of threats against a health care professional or any worker employed by a health care facility. Specifically, a person is guilty of a disorderly persons offense if the individual knowingly and willfully makes a threat against a health care professional or any worker employed by a health care facility with the intent to intimidate, interfere with, or

impede the performance of his or her official duties. Further, a person is guilty of this offense if the individual knowingly sends, delivers, or makes, for the purpose of sending or delivering, a threat to intimidate, interfere with, or impede official duties of a health care professional or any worker employed by a health care facility. A disorderly persons offense is punishable by imprisonment of up to six months, a fine of up to $1,000, or both.

The bill defines "healthcare professional" as a person licensed, certified, registered, or otherwise authorized pursuant to Title 45 or Title 52 of the Revised Statutes, or by any principal department of the Executive Branch of State government or any entity within any department or any other entity hereafter created to license or otherwise regulate a health care profession. The bill also defines "health care facility" as a general or special hospital or nursing home licensed by the Department of Health pursuant to P.L.1971, c.136 (C.26:2H-1 et al.), a State or county psychiatric hospital, or a State developmental center.

Further, this bill establishes additional penalties for any person who commits assault against a worker employed by a licensed health care facility or a health care professional. A court may sentence a defendant to satisfactorily complete an anger management course of up to 12 hours or perform up to 30 days of community service.

Finally, the bill requires health care facilities to display a written notice stating the following: "It is a crime to assault a health care worker. Any person who assaults a health care worker shall be subject to a fine, imprisonment, or both under the New Jersey Code of Criminal Justice, N.J.S.2C:1-1 et seq.

SENATE HEALTH, HUMAN SERVICES AND SENIOR CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 2008

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 12, 2022

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Senate Bill No. 2008.

As amended by the committee, this bill establishes the "Health Care-Heroes Violence Prevention Act." Specifically, the bill expands the aggravating factors a court may consider pursuant to N.J.S.2C:44-1 in sentencing a defendant to include consideration of whether a defendant committed an offense against any health care professional or any volunteer for or employee of a health care professional or health care facility while the professional, volunteer, or employee was engaged in professional duties.

As amended, this bill also establishes the criminal offense of threats against a health care professional, a volunteer working for a health care professional or working at a health care facility, or an employee of a health care professional or health care facility. Specifically, a person is guilty of a disorderly persons offense if the person knowingly and willfully makes a threat against a covered person with the intent to intimidate, interfere with, or impede the performance of the covered person's official duties. Further, a person is guilty of a disorderly persons offense if that person knowingly sends, delivers, or makes for the purposes of sending or delivering a threat to intimidate, interfere with, or impede the official duties of a health care professional or a volunteer for or employee of a health care professional or health care facility. A disorderly persons offense is punishable by imprisonment for up to six months, a fine of up to $1,000, or both.

As amended, the bill defines "health care facility" as health care facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), a State or county psychiatric hospital, a State developmental center, or a health care service firm registered by the Division of Consumer Affairs in the Department of Law and Public Safety pursuant to P.L.1960, c.39 (C.56:8-1 et seq.). The bill defines "health care professional" as a person licensed or certified to practice a health care profession pursuant to Title 45 or Title 52 of the Revised Statutes.

The bill additionally provides that a person who commits assault against a health care professional or a volunteer for or employee of a health care professional or a health care facility may be sentenced to an anger management course of up to 12 hours or to up to 30 days of community service. A sentence to community service may stand in lieu of part of a sentence to incarceration.

Finally, as amended, the bill requires health care facilities and certain physicians to display a written notice stating the following: "It is a crime to assault a health care professional, any volunteer working for a health care professional or working at a health care facility, or any employee of a health care professional or a health care facility, while the health care professional, volunteer, or employee is performing official duties. Any person who assaults a health care professional, volunteer, or employee in violation of this prohibition shall be subject to a fine, imprisonment, or both under the New Jersey Code of Criminal Justice, N.J.S.2C:1-1 et seq."

COMMITTEE AMENDMENTS

The committee amendments revise the bill to clarify that it applies to all employees and volunteers of both health care facilities and health care practitioners.

The committee amendments revise the definitions of both "health care facility" and "health care professional."

The committee amendments add a new section to the bill expressly requiring physicians to post the same notice as was required for health care facilities under the bill as introduced.

The committee amendments revise the bill to ensure consistent use of terminology throughout the bill and to clarify the scope of certain provisions.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 2008

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 5, 2022

The Senate Budget and Appropriations Committee reports favorably and with committee amendments Senate Bill No. 2008 (1R).

As amended by the committee, this bill establishes the "Health Care-Heroes Violence Prevention Act." Specifically, the bill expands the aggravating factors a court may consider pursuant to N.J.S.2C:44-1 in sentencing a defendant to include consideration of whether a defendant committed an offense against any health care professional, any volunteer working for a health care professional or working at a health care facility, any supportive services staff member working for a health care professional or working at a health care facility, or any employee of a health care professional or health care facility while the professional, volunteer, supportive services staff member, or employee was engaged in professional duties.

As amended, this bill also establishes the criminal offense of threats against a health care professional, a volunteer working for a health care professional or working at a health care facility, a supportive services staff member working for a health care professional or working at a health care facility, or an employee of a health care professional or health care facility. Specifically, a person is guilty of a disorderly persons offense if the person knowingly and willfully makes a threat against a covered health care worker with the intent to intimidate, interfere with, or impede the performance of the covered health care worker's official duties. Further, a person is guilty of a disorderly persons offense if that person knowingly sends, delivers, or makes for the purposes of sending or delivering a threat to intimidate, interfere with, or impede the official duties of a covered health care worker. A disorderly persons offense is punishable by imprisonment for up to six months, a fine of up to $1,000, or both.

The bill defines "health care facility" as health care facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), a State or county psychiatric hospital, a State developmental center, or a health care service firm registered by the Division of Consumer Affairs in the Department of Law and Public Safety pursuant to P.L.1960, c.39 (C.56:8-1 et seq.). As amended, the bill defines "health care

professional" as a person licensed or certified to practice a health care profession pursuant to Title 26, Title 45, or Title 52 of the Revised Statutes.

The bill additionally provides that a person who commits assault against a covered health care worker may be sentenced to an anger management course of up to 12 hours or to up to 30 days of community service. A sentence to community service may stand in lieu of part of a sentence to incarceration.

Finally, as amended, the bill requires health care facilities and certain physicians to display a written notice stating the following: "It is a crime to assault a health care professional, any volunteer working for a health care professional or working at a health care facility, any supportive services staff member working for a health care professional or working at a health care facility, or any employee of a health care professional or a health care facility, while the health care professional, volunteer, supportive services staff member, or employee is performing official duties. Any person who assaults a health care professional, volunteer, supportive services staff member, or employee in violation of this prohibition shall be subject to a fine, imprisonment, or both under the New Jersey Code of Criminal Justice, N.J.S.2C:1-1 et seq."

As amended and reported by the committee, Senate Bill No. 2008 (2R) is identical to Assembly Bill No. 3199 (3R), which was also amended and reported by the committee on this date.

COMMITTEE AMENDMENTS

The committee amendments revise the bill to include supportive services staff members working for a health care professional or working at a health care facility, to ensure the bill captures individuals providing professional services for a health care professional or in a health care facility who might not otherwise be classified as health care professionals, volunteers, or employees, such as contractors and consultants.

The committee amendments revise the definition of "health care professional" to include individuals licensed or certified under Title 26 of the Revised Statutes.

FISCAL IMPACT:

The Office of Legislative Services (OLS) finds that local governments will incur an indeterminate amount of annual cost increases to prosecute, defend, and adjudicate individuals for the disorderly persons offense established in the bill. Disorderly persons offenses are adjudicated in municipal court. A presumption of non-incarceration usually applies to first-time offenders convicted of disorderly persons offenses. However, the bill's expansion of the aggravating factors that the court may consider at sentencing to include the victim's status as a health care professional, volunteer, or

supportive services staff member could result in the defendant being sentenced to county jail, resulting in increased county costs.

The Department of Corrections could incur additional costs if defendants are given prison sentences or are sentenced to longer prison terms than they otherwise would have been absent the bill's provision expanding the aggravating factors the court may consider in sentencing a defendant. The State Parole Board may also incur increased expenditures. The Administrative Office of the Courts will incur additional, indeterminate one-time costs to develop and approve a list of anger management courses and establish standards and procedures for their certification.

The State and local governments are also likely to realize an indeterminate increase in annual revenues from the collection of fines and court fees; however, their ability to collect these penalties and fees has historically been limited.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 2008

STATE OF NEW JERSEY
220th LEGISLATURE

DATED: JUNE 3, 2022

SUMMARY

Synopsis: Establishes "Health Care Heroes Violence Prevention Act."

Type of Impact: Annual State and local expenditure and revenue increases.

Agencies Affected: Local governments; Administrative Office of the Courts; Department of Corrections; State Parole Board.

Office of Legislative Services Estimate

Fiscal Impact	
State Cost Increase	Indeterminate
State Revenue Increase	Indeterminate
Local Cost Increase	Indeterminate
Local Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) finds that local governments will incur an indeterminate amount of annual cost increases to prosecute, defend, and adjudicate individuals for the disorderly persons offense established in the bill. Disorderly persons offenses are adjudicated in municipal court.

- A presumption of non-incarceration usually applies to first-time offenders convicted of disorderly persons offenses. However, the bill's expansion of the aggravating factors that the court may consider at sentencing to include the victim's status as a health care professional or volunteer could result in the defendant being sentenced to county jail, resulting in increased county costs.

- The Department of Corrections could incur additional costs if defendants are given prison sentences or are sentenced to longer prison terms than they otherwise would have been absent the bill's provision expanding the aggravating factors the court may consider in sentencing a defendant. The State Parole Board may also incur increased expenditures.

- The Administrative Office of the Courts will incur additional, indeterminate one-time costs to develop and approve a list of anger management courses and establish standards and procedures for their certification.

- The State and local governments are also likely to realize an indeterminate increase in annual revenues from the collection of fines and court fees; however, their ability to collect these penalties and fees has historically been limited.

BILL DESCRIPTION

This bill establishes the Health Care Heroes Violence Prevention Act and expands the aggravating factors a court may consider in sentencing a defendant to include whether a defendant committed an offense against any volunteer for or employee of a health care facility while the person was engaged in professional duties.

This bill also establishes the disorderly persons offense of threats against a health care professional, volunteer working for a health care professional or working at a health care facility, or an employee of a health care professional or health care facility. A disorderly persons offense is punishable by imprisonment of up to six months, a fine of up to $1,000, or both.

Further, the bill establishes additional penalties for any person who commits assault against a volunteer for or employee of a health care facility. A court may sentence a defendant to satisfactorily complete an anger management course of up to 12 hours or perform up to 30 days of community service. The Administrative Office of the Courts will establish the standards and procedures for certification of anger management courses.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that the bill will result in annual expenditure and revenue increases for the State and local governments. However, the OLS is unable to determine how many cases involving threats against a health care worker there will be in a given year, or how many additional incarcerations there will be under the bill, to quantify the extent of these increases.

The OLS finds that local governments will incur an indeterminate amount of annual cost increases to prosecute, defend, and adjudicate individuals for the disorderly persons offense established in the bill. A disorderly persons offense is adjudicated in municipal court and is punishable by a term of imprisonment of up to six months, a fine of up to $1,000, or both. A presumption of non-incarceration usually applies to first-time individuals convicted of disorderly persons offenses. However, the bill's expansion of the aggravating factors that the court may consider at sentencing to include the victim's status as a health care professional or volunteer could result in the defendant being sentenced to county jail, resulting in increased county costs.

The Department of Corrections could incur additional costs if there are additional incarcerations or defendants are sentenced to longer prison terms than they otherwise would have been absent the bill's provision expanding the aggravating factors the court may consider in sentencing a defendant. The Department of Corrections indicated that the average annual cost of housing an inmate in a State prison for FY 2021 totaled $55,389, whereas the marginal costs per day were approximately $151.75. The State Parole Board may also incur increased expenditures if additional defendants are sentenced to prison terms.

Further, under the bill, a court may sentence a defendant to satisfactorily complete an anger management course of up to 12 hours or perform up to 30 days of community service. Since the Administrative Office of the Courts will need to establish standards and procedures for certification of anger management courses required by this bill, the office will incur additional, indeterminate one-time costs.

The State and local governments are also likely to realize an indeterminate increase in annual revenues from the collection of fines and court fees; however, their ability to collect these penalties and fees has historically been limited.

For context, according to media reports, prior to the COVID-19 pandemic, health care workers were five times more likely to suffer a workplace violence injury than other professions. Furthermore, according to surveys by the American College of Emergency Physicians and the Emergency Nurses Association, almost half of emergency physicians reported being physically assaulted at work, while about 70 percent of emergency nurses report being hit and kicked while on the job.

Section:	*Judiciary*
Analyst:	*Anuja Pande Joshi* *Associate Research analyst*
Approved:	*Thomas Koenig* *Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

SENATE, No. 2008

STATE OF NEW JERSEY
220th LEGISLATURE

DATED: DECEMBER 15, 2022

SUMMARY

Synopsis: Establishes "Health Care Heroes Violence Prevention Act."

Type of Impact: Annual State and local expenditure and revenue increases.

Agencies Affected: Local governments; Administrative Office of the Courts; Department of Corrections; State Parole Board.

Office of Legislative Services Estimate

Fiscal Impact	Annual
State Cost Increase	Indeterminate
State Revenue Increase	Indeterminate
Local Cost Increase	Indeterminate
Local Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) finds that local governments will incur an indeterminate amount of annual cost increases to prosecute, defend, and adjudicate individuals for the disorderly persons offense established in the bill. Disorderly persons offenses are adjudicated in municipal court.

- A presumption of non-incarceration usually applies to first-time offenders convicted of disorderly persons offenses. However, the bill's expansion of the aggravating factors that the court may consider at sentencing to include the victim's status as a health care professional, volunteer, or supportive services staff member working for a healthcare facility or healthcare professional could result in the defendant being sentenced to county jail, resulting in increased county costs.

- The Department of Corrections could incur additional costs if defendants are given prison sentences or are sentenced to longer prison terms than they otherwise would have been absent the bill's provision expanding the aggravating factors the court may consider in sentencing a defendant. The State Parole Board may also incur increased expenditures.

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- The Administrative Office of the Courts will incur additional, indeterminate one-time costs to develop and approve a list of anger management courses and establish standards and procedures for their certification.

- The State and local governments are also likely to realize an indeterminate increase in annual revenues from the collection of fines and court fees; however, their ability to collect these penalties and fees has historically been limited.

BILL DESCRIPTION

This bill establishes the Health Care Heroes Violence Prevention Act and expands the aggravating factors a court may consider in sentencing a defendant to include whether a defendant committed an offense against any supportive services staff member, volunteer, or employee of a health care facility while the person was engaged in professional duties.

This bill also establishes the disorderly persons offense of threats against a health care professional, volunteer, or supportive services staff member working for a health care professional or working at a health care facility, or an employee of a health care professional or health care facility. A disorderly persons offense is punishable by imprisonment of up to six months, a fine of up to $1,000, or both.

Further, the bill establishes additional penalties for any person who commits assault against a support services staff member, volunteer, or employee of a health care facility. A court may sentence a defendant to satisfactorily complete an anger management course of up to 12 months or perform up to 30 days of community service. The Administrative Office of the Courts will establish the standards and procedures for certification of anger management courses.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that the bill will result in annual expenditure and revenue increases for the State and local governments. However, the OLS is unable to determine how many cases involving threats against a health care worker there will be in a given year, or how many additional incarcerations there will be under the bill, to quantify the extent of these increases.

The OLS finds that local governments will incur an indeterminate amount of annual cost increases to prosecute, defend, and adjudicate individuals for the disorderly persons offense established in the bill. A disorderly persons offense is adjudicated in municipal court and is punishable by a term of imprisonment of up to six months, a fine of up to $1,000, or both. A presumption of non-incarceration usually applies to first-time offenders convicted of disorderly persons offenses. However, the bill's expansion of the aggravating factors that the court may consider at sentencing to include the victim's status as a health care professional, volunteer, or supportive services staff member could result in the defendant being sentenced to county jail, resulting in increased county costs.

The Department of Corrections could incur additional annual costs if there are additional incarcerations or defendants are sentenced to longer prison terms than they otherwise would have been absent the bill's provision expanding the aggravating factors the court may consider in sentencing a defendant. The Department of Corrections indicated that the average annual cost of housing an inmate in a State prison for FY 2021 totaled $55,389, whereas the marginal costs per day were approximately $151.75. The State Parole Board may also incur increased expenditures if additional defendants are sentenced to prison terms.

Further, under the bill, a court may sentence a defendant to satisfactorily complete an anger management course of up to 12 months or perform up to 30 days of community service. Since the Administrative Office of the Courts will need to establish standards and procedures for certification of anger management courses required by this bill, the office will incur additional, indeterminate one-time costs.

The State and local governments are also likely to realize an indeterminate increase in annual revenues from the collection of fines and court fees; however, their ability to collect these penalties and fees has historically been limited.

For context, according to media reports, prior to the COVID-19 pandemic, health care workers were five times more likely to suffer a workplace violence injury than other professions. Furthermore, according to surveys by the American College of Emergency Physicians and the Emergency Nurses Association, almost half of emergency physicians reported being physically assaulted at work, while about 70 percent of emergency nurses report being hit and kicked while on the job.

Section:	*Judiciary*
Analyst:	*Anuja Pande Joshi* *Associate Fiscal Analyst*
Approved:	*Thomas Koenig* *Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

Governor Murphy Signs Health Care Heroes Violence Prevention Act

05/8/2023

TRENTON – In response to increased attacks on health care workers in recent years, Governor Phil Murphy today signed the 'Health Care Heroes Violence Prevention Act' to make criminal offense to intentionally threaten health care professionals or volunteers in an effort to intimidate them or interfere with their work. The act also establishes additional pena against individuals who assault health care workers or volunteers.

Under the bill (A-3199), a person who knowingly and willfully makes, delivers, or sends a threat against health care workers covered by the act is guilty of a disorderly persons offer which is punishable by imprisonment of up to six months and/or a fine of up to $1,000. For individuals convicted of assault against the covered workers, this act allows them to be sentenced to an anger management course of up to 12 months and community service of up to 30 days.

"If there's one thing the COVID-19 pandemic made abundantly clear, it is the essential role health care workers play in our society," **said Governor Murphy.** "Growing threats and atta against these courageous heroes are unacceptable. We owe health care workers, including volunteers and employees in health care settings, our gratitude and respect. This law w provide greater protections for health care workers in our state to help deter both physical and verbal acts of violence against these professionals."

"Health care professionals perform critical and indispensable services for the people of our state, often under very difficult and emotional circumstances," **said Attorney General Matthew J. Platkin.** "As the head of the Department responsible for licensing and regulating health care professionals and on behalf of New Jersey law enforcement who recogniz medical personnel as invaluable partners in carrying out our public safety mission, I thank Governor Murphy for signing legislation that strengthens the law protecting health care professionals from undue threats, abuse, and assault."

"Protecting health care workers is essential to maintaining a strong and viable workforce and ensuring public health," **said Health Commissioner Judith Persichilli.** "Their tireless commitment to improving health care delivery and saving lives should be without the additional worry of their physical and mental well-being."

The act applies to health care professionals, as well as any volunteer or employee of a health care professional or health care facility, while in the course of performing their official duties. Health care facilities and certain physicians will be required to display a written notice to notify the public that it is a crime to assault health care workers and volunteers, an subject to a fine, imprisonment, or both.

Sponsors of the bill include Senator Troy Singleton and Assembly Majority Leader Louis Greenwald, as well as Senator Fred Madden and Assembly members Shavonda Sumter, Sa Jaffer, Lisa Swain, and Daniel Benson.

"Over the last three years, our nurses, doctors and health care professionals were on the frontline of the COVID pandemic – often putting their own health at risk," **said Senator Singleton.** "Sadly, this figurative battlefield turned literal, with people physically assaulting these essential workers. This is simply unacceptable. This law will send a clear message our health care workers must be treated with the respect, decency and civility they deserve."

"We could not have gone through the past several years without the dedication of our frontline healthcare workers. They are truly heroes in this pandemic. Unfortunately, these fron healthcare heroes have reported a dramatic increase in violent acts since 2020," **said Assembly Majority Leader Greenwald.** "These repeated acts of violence against our health ca heroes are simply unacceptable. This law will strengthen protections for these frontline workers by enhancing penalties and awareness about violence in the workplace."

"The law provides important new protections for health care workers. These healthcare workers provide critical services for their patients," **said Cathleen Bennett, President & CEO the New Jersey Hospital Association.** "Unfortunately, instead of showing appreciation and patience to healthcare workers, there has been an increase in workers being treated poo When that leads to violence, we must act to protect healthcare workers. With the enactment of this measure, Gov. Murphy, Senator Singleton and Majority Leader Greenwald send a strong message that the tireless efforts of healthcare workers are appreciated and valued."

"The Health Care Heroes Violence Prevention Act is vital to ensure the safety of our bedside healthcare workers," **said Doug Placa, Executive Director, JNESO, District Council 1 IU AFL-CIO.** "They shouldn't have to provide good quality patient care while constantly looking over their shoulder. They should be afforded the right to working in a safe atmosphere. addition to the employer's responsibility, this law will further protect our precious asset-healthcare workers! We applaud the sponsors of this legislation and thank the Governor for signing it."

"Health care workers are five times more likely to be assaulted than any other workforce, adding to the many reasons healthcare workers are migrating out of the profession," **said Debbie White, HPAE President.** "We applaud the Legislature and the Governor's office for the passing of this bill into law – the Health Care Heroes Violence Prevention Act. It's a st forward in taking reasonable measures to minimize our risks. It's time to treat workplace violence in healthcare settings with the seriousness this crisis warrants. If our hospitals a nursing homes are unsafe for workers, they are unsafe for our patients too."

"Violence against healthcare workers is all too common, and it is crucial that we do all we can to ensure that these frontline heroes are able to do their jobs safely and free from ph harm, threats, or intimidation," **said Rhina Molina, Executive Vice President of 1199SEIU United Healthcare Workers East.** "Every worker has the right to a safe workplace, and in th field of healthcare—where often every second counts to save a life—patients are also put at risk when a caregiver is maltreated. We applaud Governor Murphy, the Senate and Ass for passing this law that will help to safeguard all of our state's healthcare workers."