

P.L.2015, CHAPTER 100, *approved August 10, 2015*
Senate, No. 2583

1 AN ACT concerning assaults on law enforcement officers and
2 personnel and amending N.J.S.2C:12-1.

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

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

8 2C:12-1. Assault. a. Simple assault. A person is guilty of
9 assault if he:

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (d) Any school board member, school administrator, teacher,
46 school bus driver or other employee of a public or nonpublic school

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

Matter underlined thus is new matter.

1 or school board while clearly identifiable as being engaged in the
2 performance of his duties or because of his status as a member or
3 employee of a public or nonpublic school or school board or any
4 school bus driver employed by an operator under contract to a
5 public or nonpublic school or school board while clearly
6 identifiable as being engaged in the performance of his duties or
7 because of his status as a school bus driver; or

8 (e) Any employee of the Division of Child Protection and
9 Permanency while clearly identifiable as being engaged in the
10 performance of his duties or because of his status as an employee of
11 the division; or

12 (f) Any justice of the Supreme Court, judge of the Superior
13 Court, judge of the Tax Court or municipal judge while clearly
14 identifiable as being engaged in the performance of judicial duties
15 or because of his status as a member of the judiciary; or

16 (g) Any operator of a motorbus or the operator's supervisor or
17 any employee of a rail passenger service while clearly identifiable
18 as being engaged in the performance of his duties or because of his
19 status as an operator of a motorbus or as the operator's supervisor or
20 as an employee of a rail passenger service; or

21 (h) Any Department of Corrections employee, county
22 corrections officer, juvenile corrections officer, State juvenile
23 facility employee, juvenile detention staff member, juvenile
24 detention officer, probation officer or any sheriff, undersheriff, or
25 sheriff's officer acting in the performance of his duties while in
26 uniform or exhibiting evidence of his authority or because of his
27 status as a Department of Corrections employee, county corrections
28 officer, juvenile corrections officer, State juvenile facility
29 employee, juvenile detention staff member, juvenile detention
30 officer, probation officer, sheriff, undersheriff, or sheriff's officer;
31 or

32 (i) Any employee, including any person employed under
33 contract, of a utility company as defined in section 2 of P.L.1971,
34 c.224 (C.2A:42-86) or a cable television company subject to the
35 provisions of the "Cable Television Act," P.L.1972, c.186
36 (C.48:5A-1 et seq.) while clearly identifiable as being engaged in
37 the performance of his duties in regard to connecting, disconnecting
38 or repairing or attempting to connect, disconnect or repair any gas,
39 electric or water utility, or cable television or telecommunication
40 service; or

41 (j) Any health care worker employed by a licensed health care
42 facility to provide direct patient care, any health care professional
43 licensed or otherwise authorized pursuant to Title 26 or Title 45 of
44 the Revised Statutes to practice a health care profession, except a
45 direct care worker at a State or county psychiatric hospital or State
46 developmental center or veterans' memorial home, while clearly
47 identifiable as being engaged in the duties of providing direct
48 patient care or practicing the health care profession; or

1 (k) Any direct care worker at a State or county psychiatric
2 hospital or State developmental center or veterans' memorial home,
3 while clearly identifiable as being engaged in the duties of
4 providing direct patient care or practicing the health care
5 profession, provided that the actor is not a patient or resident at the
6 facility who is classified by the facility as having a mental illness or
7 developmental disability; or

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

17 (7) Attempts to cause significant bodily injury to another or
18 causes significant bodily injury purposely or knowingly or, under
19 circumstances manifesting extreme indifference to the value of
20 human life recklessly causes such significant bodily injury; or

21 (8) Causes bodily injury by knowingly or purposely starting a
22 fire or causing an explosion in violation of N.J.S.2C:17-1 which
23 results in bodily injury to any emergency services personnel
24 involved in fire suppression activities, rendering emergency
25 medical services resulting from the fire or explosion or rescue
26 operations, or rendering any necessary assistance at the scene of the
27 fire or explosion, including any bodily injury sustained while
28 responding to the scene of a reported fire or explosion. For
29 purposes of this subsection, "emergency services personnel" shall
30 include, but not be limited to, any paid or volunteer fireman, any
31 person engaged in emergency first-aid or medical services and any
32 law enforcement officer. Notwithstanding any other provision of
33 law to the contrary, a person shall be strictly liable for a violation of
34 this paragraph upon proof of a violation of N.J.S.2C:17-1 which
35 resulted in bodily injury to any emergency services personnel; or

36 (9) Knowingly, under circumstances manifesting extreme
37 indifference to the value of human life, points or displays a firearm,
38 as defined in subsection f. of N.J.S.2C:39-1, at or in the direction of
39 a law enforcement officer; or

40 (10) Knowingly points, displays or uses an imitation firearm, as
41 defined in subsection v. of N.J.S.2C:39-1, at or in the direction of a
42 law enforcement officer with the purpose to intimidate, threaten or
43 attempt to put the officer in fear of bodily injury or for any unlawful
44 purpose; or

45 (11) Uses or activates a laser sighting system or device, or a
46 system or device which, in the manner used, would cause a
47 reasonable person to believe that it is a laser sighting system or
48 device, against a law enforcement officer acting in the performance

1 of his duties while in uniform or exhibiting evidence of his
2 authority. As used in this paragraph, "laser sighting system or
3 device" means any system or device that is integrated with or
4 affixed to a firearm and emits a laser light beam that is used to
5 assist in the sight alignment or aiming of the firearm.

6 Aggravated assault under subsections b. (1) and b. (6) is a crime
7 of the second degree; under subsections b. (2), b. (7), b. (9) and b.
8 (10) is a crime of the third degree; under subsections b. (3) and b.
9 (4) is a crime of the fourth degree; and under subsection b. (5) is a
10 crime of the third degree if the victim suffers bodily injury,
11 otherwise it is a crime of the fourth degree. Aggravated assault
12 under subsection b.(8) is a crime of the third degree if the victim
13 suffers bodily injury; if the victim suffers significant bodily injury
14 or serious bodily injury it is a crime of the second degree.
15 Aggravated assault under subsection b. (11) is a crime of the third
16 degree.

17 c. (1) A person is guilty of assault by auto or vessel when the
18 person drives a vehicle or vessel recklessly and causes either
19 serious bodily injury or bodily injury to another. Assault by auto or
20 vessel is a crime of the fourth degree if serious bodily injury results
21 and is a disorderly persons offense if bodily injury results. Proof
22 that the defendant was operating a hand-held wireless telephone
23 while driving a motor vehicle in violation of section 1 of P.L.2003,
24 c.310 (C.39:4-97.3) may give rise to an inference that the defendant
25 was driving recklessly.

26 (2) Assault by auto or vessel is a crime of the third degree if the
27 person drives the vehicle while in violation of R.S.39:4-50 or
28 section 2 of P.L.1981, c.512 (C.39:4-50.4a) and serious bodily
29 injury results and is a crime of the fourth degree if the person drives
30 the vehicle while in violation of R.S.39:4-50 or section 2 of
31 P.L.1981, c.512 (C.39:4-50.4a) and bodily injury results.

32 (3) Assault by auto or vessel is a crime of the second degree if
33 serious bodily injury results from the defendant operating the auto
34 or vessel while in violation of R.S.39:4-50 or section 2 of P.L.1981,
35 c.512 (C.39:4-50.4a) while:

36 (a) on any school property used for school purposes which is
37 owned by or leased to any elementary or secondary school or school
38 board, or within 1,000 feet of such school property;

39 (b) driving through a school crossing as defined in R.S.39:1-1 if
40 the municipality, by ordinance or resolution, has designated the
41 school crossing as such; or

42 (c) driving through a school crossing as defined in R.S.39:1-1
43 knowing that juveniles are present if the municipality has not
44 designated the school crossing as such by ordinance or resolution.

45 Assault by auto or vessel is a crime of the third degree if bodily
46 injury results from the defendant operating the auto or vessel in
47 violation of this paragraph.

1 A map or true copy of a map depicting the location and
2 boundaries of the area on or within 1,000 feet of any property used
3 for school purposes which is owned by or leased to any elementary
4 or secondary school or school board produced pursuant to section 1
5 of P.L.1987, c.101 (C.2C:35-7) may be used in a prosecution under
6 subparagraph (a) of paragraph (3) of this subsection.

7 It shall be no defense to a prosecution for a violation of
8 subparagraph (a) or (b) of paragraph (3) of this subsection that the
9 defendant was unaware that the prohibited conduct took place while
10 on or within 1,000 feet of any school property or while driving
11 through a school crossing. Nor shall it be a defense to a prosecution
12 under subparagraph (a) or (b) of paragraph (3) of this subsection
13 that no juveniles were present on the school property or crossing
14 zone at the time of the offense or that the school was not in session.

15 (4) Assault by auto or vessel is a crime of the third degree if the
16 person purposely drives a vehicle in an aggressive manner directed
17 at another vehicle and serious bodily injury results and is a crime of
18 the fourth degree if the person purposely drives a vehicle in an
19 aggressive manner directed at another vehicle and bodily injury
20 results. For purposes of this paragraph, "driving a vehicle in an
21 aggressive manner" shall include, but is not limited to,
22 unexpectedly altering the speed of the vehicle, making improper or
23 erratic traffic lane changes, disregarding traffic control devices,
24 failing to yield the right of way, or following another vehicle too
25 closely.

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

29 d. A person who is employed by a facility as defined in section
30 2 of P.L.1977, c.239 (C.52:27G-2) who commits a simple assault as
31 defined in paragraph (1) or (2) of subsection a. of this section upon
32 an institutionalized elderly person as defined in section 2 of
33 P.L.1977, c.239 (C.52:27G-2) is guilty of a crime of the fourth
34 degree.

35 e. (Deleted by amendment, P.L.2001, c.443).

36 f. A person who commits a simple assault as defined in
37 paragraph (1), (2) or (3) of subsection a. of this section in the
38 presence of a child under 16 years of age at a school or community
39 sponsored youth sports event is guilty of a crime of the fourth
40 degree. The defendant shall be strictly liable upon proof that the
41 offense occurred, in fact, in the presence of a child under 16 years
42 of age. It shall not be a defense that the defendant did not know
43 that the child was present or reasonably believed that the child was
44 16 years of age or older. The provisions of this subsection shall not
45 be construed to create any liability on the part of a participant in a
46 youth sports event or to abrogate any immunity or defense available
47 to a participant in a youth sports event. As used in this act, "school
48 or community sponsored youth sports event" means a competition,

1 practice or instructional event involving one or more interscholastic
2 sports teams or youth sports teams organized pursuant to a
3 nonprofit or similar charter or which are member teams in a youth
4 league organized by or affiliated with a county or municipal
5 recreation department and shall not include collegiate, semi-
6 professional or professional sporting events.
7 (cf: P.L.2012, c.22, s.2)

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9 2. This act shall take effect immediately.

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STATEMENT

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14 Under current law, simple assault is upgraded to aggravated assault
15 if committed against a Department of Corrections employee, county
16 corrections officer, juvenile corrections officer, State juvenile
17 facility employee, juvenile detention staff member, juvenile
18 detention officer, probation officer, or any sheriff, undersheriff, or
19 sheriff's officer while clearly identifiable as being engaged in their
20 duties. This bill clarifies that simple assault is upgraded to aggravated
21 assault if committed against any of these law enforcement officers or
22 employees because of their status as a staff member, probation officer,
23 corrections employee, undersheriff, or other law enforcement officer.

24 Aggravated assault under paragraph (5) of subsection b. of
25 N.J.S.2C:12-1 is a crime of the third degree if the victim suffers bodily
26 injury; otherwise it is a crime of the fourth degree. A crime of the third
27 degree is punishable by a term of imprisonment of three to five years;
28 a fine of up to \$15,000, or both. A crime of the fourth degree is
29 punishable by a term of imprisonment for not more than 18 months, a
30 fine of up to \$10,000, or both.

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35 Upgrades simple assault to aggravated assault if committed
36 against certain law enforcement officers and employees because of
37 job status.