

ASSEMBLY, No. 1561

STATE OF NEW JERSEY 213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

Assemblywoman LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Assemblyman MATTHEW W. MILAM

District 1 (Cape May, Atlantic and Cumberland)

Assemblyman WAYNE P. DEANGELO

District 14 (Mercer and Middlesex)

SYNOPSIS

Creates offense of road rage and imposes criminal penalties.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 5/13/2008)

A1561 GREENSTEIN, MILAM

2

1 AN ACT concerning road rage and designated as Jessica's Law, and
2 supplementing Title 39 of the Revised Statutes and amending
3 N.J.S.2C:12-1.

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

7
8 1. (New section) a. As used in this act:

9 "Act of road rage" means two or more of the following actions
10 committed simultaneously or in immediate succession while
11 operating a motor vehicle in close proximity to another vehicle
12 during a single, continuous period:

13 (1) Excessive speeding involving any single offense for a speed
14 of 25 miles per hour or more above the speed limit;

15 (2) Following a vehicle ahead too closely pursuant to R.S.39:4-
16 89;

17 (3) Improper or erratic traffic lane changes;

18 (4) Improper overtaking or passing another vehicle off the
19 pavement or main-traveled portion of the roadway, unless in
20 conformity with R.S.39:4-85;

21 (5) Failing to yield the right of way;

22 (6) Violating official traffic control devices as defined in
23 R.S.39:1-1; or

24 (7) Audible verbal threats or insults, flashing of headlights, use
25 of demeaning gestures or other such actions directed at persons
26 driving lawfully, which, in the manner used, would cause a
27 reasonable person to believe that the action was designed to display
28 anger or to intimidate or threaten the person.

29 b. In addition to any other motor vehicle penalty, a person who
30 engages in road rage:

31 (1) For a first offense shall have his license suspended for not
32 less than 15 nor more than 30 days, be subject to a fine of not less
33 than \$500 nor more than \$1,000, or both; and

34 (2) For a second or subsequent offense within 24 months, shall
35 have his license suspended for not less than 60 nor more than 120
36 days, be subject to a fine of not less than \$1,000 nor more than
37 \$3,000, or both.

38 (3) When notified by a court of competent jurisdiction that a
39 person has been convicted of a violation of P.L. , c. (C.)
40 (pending before the Legislature as this bill), the New Jersey Motor
41 Vehicle Commission shall require the person to attend a training
42 and education class on road rage or anger management that is either
43 conducted or approved by the chief administrator, before
44 reinstatement of the person's driver's license.

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 c. The chief administrator shall promulgate rules and
2 regulations pursuant to the "Administrative Procedure Act,"
3 P.L.1968, c.410 (C.52:14B-1 et seq.), in order to establish a
4 program of training and education on road rage or anger
5 management, as prescribed by this act.

6
7 2. 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 his
36 duties while in uniform or exhibiting evidence of his authority or
37 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
47 or school board while clearly identifiable as being engaged in the
48 performance of his duties or because of his status as a member or

- 1 employee of a public or nonpublic school or school board or any
2 school bus driver employed by an operator under contract to a
3 public or nonpublic school or school board while clearly
4 identifiable as being engaged in the performance of his duties or
5 because of his status as a school bus driver; or
- 6 (e) Any employee of the Division of Youth and Family Services
7 while clearly identifiable as being engaged in the performance of
8 his duties or because of his status as an employee of the division; or
- 9 (f) Any justice of the Supreme Court, judge of the Superior
10 Court, judge of the Tax Court or municipal judge while clearly
11 identifiable as being engaged in the performance of judicial duties
12 or because of his status as a member of the judiciary; or
- 13 (g) Any operator of a motorbus or the operator's supervisor or
14 any employee of a rail passenger service while clearly identifiable
15 as being engaged in the performance of his duties or because of his
16 status as an operator of a motorbus or as the operator's supervisor or
17 as an employee of a rail passenger service; or
- 18 (h) Any Department of Corrections employee, county
19 corrections officer, juvenile corrections officer, State juvenile
20 facility employee, juvenile detention staff member, juvenile
21 detention officer, probation officer or any sheriff, undersheriff, or
22 sheriff's officer acting in the performance of his duties while in
23 uniform or exhibiting evidence of his authority; or
- 24 (i) Any employee, including any person employed under
25 contract, of a utility company as defined in section 2 of P.L.1971,
26 c.224 (C.2A:42-86) or a cable television company subject to the
27 provisions of the "Cable Television Act," P.L.1972, c.186
28 (C.48:5A-1 et seq.) while clearly identifiable as being engaged in
29 the performance of his duties in regard to connecting, disconnecting
30 or repairing or attempting to connect, disconnect or repair any gas,
31 electric or water utility, or cable television or telecommunication
32 service; or
- 33 (6) Causes bodily injury to another person while fleeing or
34 attempting to elude a law enforcement officer in violation of
35 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in
36 violation of subsection c. of N.J.S.2C:20-10. Notwithstanding any
37 other provision of law to the contrary, a person shall be strictly
38 liable for a violation of this subsection upon proof of a violation of
39 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in
40 violation of subsection c. of N.J.S.2C:20-10 which resulted in
41 bodily injury to another person; or
- 42 (7) Attempts to cause significant bodily injury to another or
43 causes significant bodily injury purposely or knowingly or, under
44 circumstances manifesting extreme indifference to the value of
45 human life recklessly causes such significant bodily injury; or
- 46 (8) Causes bodily injury by knowingly or purposely starting a
47 fire or causing an explosion in violation of N.J.S.2C:17-1 which

1 results in bodily injury to any emergency services personnel
2 involved in fire suppression activities, rendering emergency
3 medical services resulting from the fire or explosion or rescue
4 operations, or rendering any necessary assistance at the scene of the
5 fire or explosion, including any bodily injury sustained while
6 responding to the scene of a reported fire or explosion. For
7 purposes of this subsection, "emergency services personnel" shall
8 include, but not be limited to, any paid or volunteer fireman, any
9 person engaged in emergency first-aid or medical services and any
10 law enforcement officer. Notwithstanding any other provision of
11 law to the contrary, a person shall be strictly liable for a violation of
12 this paragraph upon proof of a violation of N.J.S.2C:17-1 which
13 resulted in bodily injury to any emergency services personnel; or

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

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

23 (11) Uses or activates a laser sighting system or device, or a
24 system or device which, in the manner used, would cause a
25 reasonable person to believe that it is a laser sighting system or
26 device, against a law enforcement officer acting in the performance
27 of his duties while in uniform or exhibiting evidence of his
28 authority. As used in this paragraph, "laser sighting system or
29 device" means any system or device that is integrated with or
30 affixed to a firearm and emits a laser light beam that is used to
31 assist in the sight alignment or aiming of the firearm.

32 Aggravated assault under subsections b. (1) and b. (6) is a crime
33 of the second degree; under subsections b. (2), b. (7), b. (9) and b.
34 (10) is a crime of the third degree; under subsections b. (3) and b.
35 (4) is a crime of the fourth degree; and under subsection b. (5) is a
36 crime of the third degree if the victim suffers bodily injury,
37 otherwise it is a crime of the fourth degree. Aggravated assault
38 under subsection b.(8) is a crime of the third degree if the victim
39 suffers bodily injury; if the victim suffers significant bodily injury
40 or serious bodily injury it is a crime of the second degree.
41 Aggravated assault under subsection b.(11) is a crime of the third
42 degree.

43 c. (1) A person is guilty of assault by auto or vessel when the
44 person drives a vehicle or vessel recklessly and causes either
45 serious bodily injury or bodily injury to another. Assault by auto or
46 vessel is a crime of the fourth degree if serious bodily injury results
47 and is a disorderly persons offense if bodily injury results.

1 (2) Assault by auto or vessel is a crime of the third degree if the
2 person drives the vehicle while in violation of R.S.39:4-50, **[or]**
3 section 2 of P.L.1981, c.512 (C.39:4-50.4a), or commits an act of
4 road rage as defined in section 1 of P.L. c. (C.)
5 (pending before the Legislature as this bill) and serious bodily
6 injury results and is a crime of the fourth degree if the person drives
7 the vehicle while in violation of R.S.39:4-50, **[or]** section 2 of
8 P.L.1981, c.512 (C.39:4-50.4a), or commits an act of road rage as
9 defined in section 1 of P.L. c. (C.) (pending before the
10 Legislature as this bill) and bodily injury results.

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

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

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

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

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

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

33 It shall be no defense to a prosecution for a violation of
34 subparagraph (a) or (b) of paragraph (3) of this subsection that the
35 defendant was unaware that the prohibited conduct took place while
36 on or within 1,000 feet of any school property or while driving
37 through a school crossing. Nor shall it be a defense to a prosecution
38 under subparagraph (a) or (b) of paragraph (3) of this subsection
39 that no juveniles were present on the school property or crossing
40 zone at the time of the offense or that the school was not in session.

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

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

1 P.L.1977, c.239 (C.52:27G-2) is guilty of a crime of the fourth
2 degree.

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

4 f. A person who commits a simple assault as defined in
5 paragraph (1), (2) or (3) of subsection a. of this section in the
6 presence of a child under 16 years of age at a school or community
7 sponsored youth sports event is guilty of a crime of the fourth
8 degree. The defendant shall be strictly liable upon proof that the
9 offense occurred, in fact, in the presence of a child under 16 years
10 of age. It shall not be a defense that the defendant did not know
11 that the child was present or reasonably believed that the child was
12 16 years of age or older. The provisions of this subsection shall not
13 be construed to create any liability on the part of a participant in a
14 youth sports event or to abrogate any immunity or defense available
15 to a participant in a youth sports event. As used in this act, "school
16 or community sponsored youth sports event" means a competition,
17 practice or instructional event involving one or more interscholastic
18 sports teams or youth sports teams organized pursuant to a
19 nonprofit or similar charter or which are member teams in a youth
20 league organized by or affiliated with a county or municipal
21 recreation department and shall not include collegiate, semi-
22 professional or professional sporting events.

23 (cf: P.L.2006, c.78, s.2)

24

25 3. This act shall take effect on the first day of the seventh month
26 after enactment.

27

28

29

STATEMENT

30

31 This bill would create a new motor vehicle offense to be known
32 as "road rage." The bill has been designated as "Jessica's Law"
33 after Jessica Rogers, a young woman from Hamilton, New Jersey
34 who suffered severe injuries as a victim of road rage.

35 The bill defines an "act of road rage" as two or more of the
36 following actions committed simultaneously or in immediate
37 succession while operating a motor vehicle in close proximity to
38 another vehicle during a single, continuous period:

- 39 • Excessive speeding involving any single offense for a speed
40 of 25 miles per hour or more above the speed limit;
- 41 • Following a vehicle ahead too closely pursuant to R.S.39:4-
42 89;
- 43 • Improper or erratic traffic lane changes;
- 44 • Improper overtaking or passing another vehicle off the
45 pavement or main-traveled portion of the roadway, unless in
46 conformity with R.S.39:4-85;
- 47 • Failing to yield the right of way;

- 1 • Violating official traffic control devices as defined in
2 R.S.39:1-1; or
3 • Audible verbal threats or insults, flashing of headlights, use
4 of demeaning gestures or other such actions directed at
5 persons driving lawfully, which, in the manner used, would
6 cause a reasonable person to believe that the action was
7 designed to display anger or to intimidate or threaten the
8 person.

9 The bill amends the definition of “act of road rage” to eliminate
10 the provision which would have required the actor to operate a
11 vehicle in close proximity to another vehicle during a single,
12 continuous period of driving *for not more than five consecutive*
13 *miles.*

14 The bill amends the penalty provision of the bill to provide for a
15 monetary penalty for a first offense. The penalty for a first offense
16 of road rage is a license suspension for 15 to 30 days, a fine of not
17 less than \$500 nor more than \$1,000, or both. A second or
18 subsequent offense within 24 months would result in a license
19 suspension for 60 to 120 days, a fine of \$1,000 to \$3,000, or both.

20 In addition, the bill provides that when a person is convicted of a
21 motor vehicle offense of road rage, the court would be required to
22 notify the New Jersey Motor Vehicle Commission of the
23 conviction. The commission would require the person to attend a
24 training and education class on road rage or anger management
25 which is either conducted or approved by the chief administrator,
26 before reinstatement of the person’s driver’s license. As originally
27 introduced, the bill required class attendance for only the first
28 offense.

29 The bill would also give rule making powers to the chief
30 administrator of the New Jersey Motor Vehicle Commission in
31 order to establish a program of training, and education on road rage
32 or anger management as prescribed by the bill.

33 In addition, the bill includes the offense of “act of road rage” in
34 the assault by auto statute, N.J.S.2C:12-1. Under the bill, a person
35 commits assault by auto or vessel if he drives a vehicle or vessel
36 recklessly and causes “serious bodily injury” or “bodily injury.”
37 Serious bodily injury is defined as “bodily injury which creates a
38 substantial risk of death or which causes serious, permanent
39 disfigurement, or protracted loss or impairment of the function of
40 any bodily member or organ.” Bodily injury is defined as “physical
41 pain, illness or any impairment of physical condition.”

42 Under the provisions of this bill, a person is guilty of a crime of
43 the third degree if he commits assault by auto while committing the
44 act of road rage and serious bodily injury results. A person would
45 be guilty of a crime of the fourth degree if he commits assault by
46 auto while committing the act of road rage and bodily injury results.

47 A crime of the third degree is punishable by term of
48 imprisonment from three to five years, a fine of up to \$15,000 or

A1561 GREENSTEIN, MILAM

9

- 1 both. A crime of the fourth degree is punishable by up to 18
- 2 months' imprisonment.