

P.L. 1999, CHAPTER 381, *approved January 14, 2000*
Assembly, No. 630 (*First Reprint*)

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

2

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

5

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

7 2C:12-1. Assault. a. Simple assault. A person is guilty of assault
8 if he:

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

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

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

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

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

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

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

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

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

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

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

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

39 (c) Any person engaged in emergency first-aid or medical services
40 acting in the performance of his duties while in uniform or otherwise

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SJU committee amendments adopted June 24, 1999.

1 clearly identifiable as being engaged in the performance of emergency
2 first-aid or medical services; or

3 (d) Any school board member **[or]**, school administrator, teacher,
4 school bus driver or other employee of a school board while clearly
5 identifiable as being engaged in the performance of his duties or
6 because of his status as a member or employee of a school board¹ or
7 any school bus driver employed by an operator under contract to a
8 school board while clearly identifiable as being engaged in the
9 performance of his duties or because of his status as a school bus
10 driver¹; or

11 (e) Any employee of the Division of Youth and Family Services
12 while clearly identifiable as being engaged in the performance of his
13 duties or because of his status as an employee of the division; or

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

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

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

32 (7) Attempts to cause significant bodily injury to another or causes
33 significant bodily injury purposely or knowingly or, under
34 circumstances manifesting extreme indifference to the value of human
35 life recklessly causes such significant bodily injury; ¹**[or]**¹

36 (8) Causes bodily injury by knowingly or purposely starting a fire
37 or causing an explosion in violation of N.J.S.2C:17-1 which results in
38 bodily injury to any emergency services personnel involved in fire
39 suppression activities, rendering emergency medical services resulting
40 from the fire or explosion or rescue operations, or rendering any
41 necessary assistance at the scene of the fire or explosion, including any
42 bodily injury sustained while responding to the scene of a reported fire
43 or explosion. For purposes of this subsection, "emergency services
44 personnel" shall include, but not be limited to, any paid or volunteer
45 fireman, any person engaged in emergency first-aid or medical services
46 and any law enforcement officer. Notwithstanding any other provision

1 of law to the contrary, a person shall be strictly liable for a violation
 2 of this paragraph upon proof of a violation of N.J.S.2C:17-1 which
 3 resulted in bodily injury to any emergency services personnel¹ [.]

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

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

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

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

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

29 d. A person who is employed by a facility as defined in section 2
 30 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 an
 32 institutionalized elderly person as defined in section 2 of P.L.1977,
 33 c.239 (C.52:27G-2) is guilty of a crime of the fourth degree.

34 e. A person who commits a simple assault as defined in subsection
 35 a. of this section is guilty of a crime of the fourth degree if the person
 36 acted with a purpose to intimidate an individual or group of individuals
 37 because of race, color, religion, gender, handicap, sexual orientation,
 38 or ethnicity.

39 (cf: P.L.1999, c.77, s.1)

40
 41 2. This act shall take effect immediately.

42
 43 _____
 44
 45 Upgrades simple assault against school bus drivers, motorbus
 46 operators, the operator's supervisor or any rail passenger service
 47 employees.