

SENATE, No. 1462

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED OCTOBER 22, 1998

Sponsored by:

Senator WAYNE R. BRYANT

District 5 (Camden and Gloucester)

SYNOPSIS

Upgrades simple assault against school bus drivers, motorbus operators, the operator's supervisor or any rail passenger service employees.

CURRENT VERSION OF TEXT

As introduced.



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

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

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

43 (d) Any school board member **[or]**, school administrator, teacher,

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.

1 school bus driver or other employee of a school board while clearly
2 identifiable as being engaged in the performance of his duties or
3 because of his status as a member or employee of a school board; or

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

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

11 (g) Any operator of a motorbus or the operator's supervisor or any
12 employee of a rail passenger service while clearly identifiable as being
13 engaged in the performance of his duties or because of his status as an
14 operator of a motorbus or as the operator's supervisor or as an
15 employee of a rail passenger service; or

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

25 (7) Attempts to cause significant bodily injury to another or causes
26 significant bodily injury purposely or knowingly or, under
27 circumstances manifesting extreme indifference to the value of human
28 life recklessly causes such significant bodily injury ; or

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

43 Aggravated assault under subsections b. (1) and b. (6) is a crime of
44 the second degree; under subsections b. (2) and b. (7) is a crime of the
45 third degree; under subsections b. (3) and b. (4) is a crime of the
46 fourth degree; and under subsection b. (5) is a crime of the third

1 degree if the victim suffers bodily injury, otherwise it is a crime of the
2 fourth degree. Aggravated assault under subsection b.(8) is a crime of
3 the third degree if the victim suffers bodily injury; if the victim suffers
4 significant bodily injury or serious bodily injury it is a crime of the
5 second degree.

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

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

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

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

23 (cf: P.L.1997, c.119, s.1)

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25 2. This act shall take effect immediately.

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STATEMENT

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30 This bill would upgrade the crime of simple assault to aggravated
31 assault if the victim was a school bus driver, any motorbus operator
32 or his supervisor, or any employee of a rail passenger service.
33 Specifically, this bill would amend subparagraph (d) of paragraph 5 of
34 subsection b. of N.J.S.A.2C:12-1, the assault statute, to upgrade a
35 simple assault against a school bus driver while clearly identifiable as
36 being engaged in the performance of his duties or because of his
37 status, to aggravated assault.

38 This bill would also add a new subparagraph (g) to paragraph 5 of
39 subsection b. of 2C:12-1 to upgrade a simple assault against any
40 motorbus operator or his supervisor or any employee of a rail
41 passenger service, while clearly identifiable as being engaged in the
42 performance of their duties or because of their status, to aggravated
43 assault.

44 Aggravated assault is a crime of the third degree if the victim
45 suffers bodily injury; otherwise it is a crime of the fourth degree. A
46 crime of the third degree is punishable by a maximum term of

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1 imprisonment of three to five years, a maximum fine of \$15,000 or
2 both. A crime of the fourth degree is punishable by a maximum term
3 of imprisonment not to exceed 18 months, a maximum fine of \$10,000
4 or both.