

[Second Reprint]

**ASSEMBLY, No. 2061**

**STATE OF NEW JERSEY**

**217th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

**Sponsored by:**

**Assemblyman REED GUSCIORA**

**District 15 (Hunterdon and Mercer)**

**Assemblyman TROY SINGLETON**

**District 7 (Burlington)**

**Assemblyman JOSEPH A. LAGANA**

**District 38 (Bergen and Passaic)**

**Assemblywoman PAMELA R. LAMPITT**

**District 6 (Burlington and Camden)**

**Assemblywoman ELIZABETH MAHER MUOIO**

**District 15 (Hunterdon and Mercer)**

**Assemblywoman MARLENE CARIDE**

**District 36 (Bergen and Passaic)**

**Assemblywoman GABRIELA M. MOSQUERA**

**District 4 (Camden and Gloucester)**

**Assemblywoman CLEOPATRA G. TUCKER**

**District 28 (Essex)**

**Senator LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Senator PAUL A. SARLO**

**District 36 (Bergen and Passaic)**

**Co-Sponsored by:**

**Assemblymen Wimberly, Coughlin, Assemblywoman Quijano,**

**Assemblyman C.A.Brown, Assemblywomen Jimenez, Vainieri Huttle,**

**Senators Allen and Beck**

**SYNOPSIS**

Provides that strangulation of victim resulting in bodily injury during commission of act of domestic violence constitutes aggravated assault.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Appropriations Committee on June 20, 2016, with amendments.

(Sponsorship Updated As Of: 10/6/2017)

1 AN ACT concerning certain assaults 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  
8 assault if he:

9 (1) Attempts to cause or purposely, knowingly or recklessly  
10 causes 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  
14 imminent serious bodily injury.

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

18 b. Aggravated assault. A person is guilty of aggravated assault  
19 if 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  
23 recklessly 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  
30 in subsection f. of N.J.S.2C:39-1, at or in the direction of another,  
31 whether or not the actor believes it to be loaded; or

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

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

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

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

**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:

<sup>1</sup>Assembly AJU committee amendments adopted February 8, 2016.

<sup>2</sup>Assembly AAP committee amendments adopted June 20, 2016.

- 1 (d) Any school board member, school administrator, teacher,  
2 school bus driver or other employee of a public or nonpublic school  
3 or school board while clearly identifiable as being engaged in the  
4 performance of his duties or because of his status as a member or  
5 employee of a public or nonpublic school or school board or any  
6 school bus driver employed by an operator under contract to a  
7 public or nonpublic school or school board while clearly  
8 identifiable as being engaged in the performance of his duties or  
9 because of his status as a school bus driver; or
- 10 (e) Any employee of the Division of Child Protection and  
11 Permanency while clearly identifiable as being engaged in the  
12 performance of his duties or because of his status as an employee of  
13 the division; or
- 14 (f) Any justice of the Supreme Court, judge of the Superior  
15 Court, judge of the Tax Court or municipal judge while clearly  
16 identifiable as being engaged in the performance of judicial duties  
17 or because of his status as a member of the judiciary; or
- 18 (g) Any operator of a motorbus or the operator's supervisor or  
19 any employee of a rail passenger service while clearly identifiable  
20 as being engaged in the performance of his duties or because of his  
21 status as an operator of a motorbus or as the operator's supervisor or  
22 as an employee of a rail passenger service; or
- 23 (h) Any Department of Corrections employee, county  
24 corrections officer, juvenile corrections officer, State juvenile  
25 facility employee, juvenile detention staff member, juvenile  
26 detention officer, probation officer or any sheriff, undersheriff, or  
27 sheriff's officer acting in the performance of his duties while in  
28 uniform or exhibiting evidence of his authority or because of his  
29 status as a Department of Corrections employee, county corrections  
30 officer, juvenile corrections officer, State juvenile facility  
31 employee, juvenile detention staff member, juvenile detention  
32 officer, probation officer, sheriff, undersheriff, or sheriff's officer;  
33 or
- 34 (i) Any employee, including any person employed under  
35 contract, of a utility company as defined in section 2 of P.L.1971,  
36 c.224 (C.2A:42-86) or a cable television company subject to the  
37 provisions of the "Cable Television Act," P.L.1972, c.186  
38 (C.48:5A-1 et seq.) while clearly identifiable as being engaged in  
39 the performance of his duties in regard to connecting, disconnecting  
40 or repairing or attempting to connect, disconnect or repair any gas,  
41 electric or water utility, or cable television or telecommunication  
42 service; or
- 43 (j) Any health care worker employed by a licensed health care  
44 facility to provide direct patient care, any health care professional  
45 licensed or otherwise authorized pursuant to Title 26 or Title 45 of  
46 the Revised Statutes to practice a health care profession, except a  
47 direct care worker at a State or county psychiatric hospital or State  
48 developmental center or veterans' memorial home, while clearly

- 1 identifiable as being engaged in the duties of providing direct  
2 patient care or practicing the health care profession; or
- 3 (k) Any direct care worker at a State or county psychiatric  
4 hospital or State developmental center or veterans' memorial home,  
5 while clearly identifiable as being engaged in the duties of  
6 providing direct patient care or practicing the health care  
7 profession, provided that the actor is not a patient or resident at the  
8 facility who is classified by the facility as having a mental illness or  
9 developmental disability; or
- 10 (6) Causes bodily injury to another person while fleeing or  
11 attempting to elude a law enforcement officer in violation of  
12 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in  
13 violation of subsection c. of N.J.S.2C:20-10. Notwithstanding any  
14 other provision of law to the contrary, a person shall be strictly  
15 liable for a violation of this paragraph upon proof of a violation of  
16 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in  
17 violation of subsection c. of N.J.S.2C:20-10 which resulted in  
18 bodily injury to another person; or
- 19 (7) Attempts to cause significant bodily injury to another or  
20 causes significant bodily injury purposely or knowingly or, under  
21 circumstances manifesting extreme indifference to the value of  
22 human life recklessly causes such significant bodily injury; or
- 23 (8) Causes bodily injury by knowingly or purposely starting a  
24 fire or causing an explosion in violation of N.J.S.2C:17-1 which  
25 results in bodily injury to any emergency services personnel  
26 involved in fire suppression activities, rendering emergency  
27 medical services resulting from the fire or explosion or rescue  
28 operations, or rendering any necessary assistance at the scene of the  
29 fire or explosion, including any bodily injury sustained while  
30 responding to the scene of a reported fire or explosion. For  
31 purposes of this paragraph, "emergency services personnel" shall  
32 include, but not be limited to, any paid or volunteer fireman, any  
33 person engaged in emergency first-aid or medical services and any  
34 law enforcement officer. Notwithstanding any other provision of  
35 law to the contrary, a person shall be strictly liable for a violation of  
36 this paragraph upon proof of a violation of N.J.S.2C:17-1 which  
37 resulted in bodily injury to any emergency services personnel; or
- 38 (9) Knowingly, under circumstances manifesting extreme  
39 indifference to the value of human life, points or displays a firearm,  
40 as defined in subsection f. of N.J.S.2C:39-1, at or in the direction of  
41 a law enforcement officer; or
- 42 (10) Knowingly points, displays or uses an imitation firearm, as  
43 defined in subsection v. of N.J.S.2C:39-1, at or in the direction of a  
44 law enforcement officer with the purpose to intimidate, threaten or  
45 attempt to put the officer in fear of bodily injury or for any unlawful  
46 purpose; or
- 47 (11) Uses or activates a laser sighting system or device, or a  
48 system or device which, in the manner used, would cause a

1 reasonable person to believe that it is a laser sighting system or  
2 device, against a law enforcement officer acting in the performance  
3 of his duties while in uniform or exhibiting evidence of his  
4 authority. As used in this paragraph, "laser sighting system or  
5 device" means any system or device that is integrated with or  
6 affixed to a firearm and emits a laser light beam that is used to  
7 assist in the sight alignment or aiming of the firearm; or

8 (12) Attempts to cause significant bodily injury or causes  
9 significant bodily injury purposely or knowingly or, under  
10 circumstances manifesting extreme indifference to the value of  
11 human life, recklessly causes significant bodily injury to a person  
12 who, with respect to the actor, meets the definition of a victim of  
13 domestic violence, as defined in subsection d. of section 3 of  
14 P.L.1991, c.261 (C.2C:25-19); or

15 (13)<sup>1</sup>Causes bodily injury to another by strangling the person in  
16 the course of committing an act Knowingly <sup>2</sup>or, under  
17 circumstances manifesting extreme indifference to the value of  
18 human life, recklessly<sup>2</sup> obstructs the breathing or blood circulation  
19 of a person who, with respect to the actor, meets the definition of a  
20 victim<sup>1</sup> of domestic violence, as defined in <sup>1</sup>subsection d. of  
21 section 3 of P.L.1991, c.261 (C.2C:25-19), <sup>1</sup>against the person **by**  
22 applying pressure on the throat or neck or blocking the nose or  
23 mouth of such person, thereby causing or attempting to cause bodily  
24 injury<sup>1</sup>.

25 Aggravated assault under paragraphs (1) and (6) of subsection b.  
26 of this section is a crime of the second degree; under paragraphs  
27 (2), (7), (9) and (10) of subsection b. of this section is a crime of the  
28 third degree; under paragraphs (3) and (4) of subsection b. of this  
29 section is a crime of the fourth degree; and under **[paragraph]**  
30 <sup>1</sup>**[paragraphs]** paragraph<sup>1</sup> (5) <sup>1</sup>**[and (13)]**<sup>1</sup> of subsection b. of this  
31 section is a crime of the third degree if the victim suffers bodily  
32 injury, otherwise it is a crime of the fourth degree. Aggravated  
33 assault under paragraph (8) of subsection b. of this section is a  
34 crime of the third degree if the victim suffers bodily injury; if the  
35 victim suffers significant bodily injury or serious bodily injury it is  
36 a crime of the second degree. Aggravated assault under paragraph  
37 (11) of subsection b. of this section is a crime of the third degree.  
38 Aggravated assault under paragraph (12) <sup>1</sup>or (13)<sup>1</sup> of subsection b.  
39 of this section is a crime of the third degree but the presumption of  
40 non-imprisonment set forth in subsection e. of N.J.S.2C:44-1 for a  
41 first offense of a crime of the third degree shall not apply.

42 c. (1) A person is guilty of assault by auto or vessel when the  
43 person drives a vehicle or vessel recklessly and causes either  
44 serious bodily injury or bodily injury to another. Assault by auto or  
45 vessel is a crime of the fourth degree if serious bodily injury results  
46 and is a disorderly persons offense if bodily injury results. Proof  
47 that the defendant was operating a hand-held wireless telephone

1 while driving a motor vehicle in violation of section 1 of P.L.2003,  
2 c.310 (C.39:4-97.3) may give rise to an inference that the defendant  
3 was driving recklessly.

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

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

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

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

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

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

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

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

40 (4) Assault by auto or vessel is a crime of the third degree if the  
41 person purposely drives a vehicle in an aggressive manner directed  
42 at another vehicle and serious bodily injury results and is a crime of  
43 the fourth degree if the person purposely drives a vehicle in an  
44 aggressive manner directed at another vehicle and bodily injury  
45 results. For purposes of this paragraph, "driving a vehicle in an  
46 aggressive manner" shall include, but is not limited to,  
47 unexpectedly altering the speed of the vehicle, making improper or  
48 erratic traffic lane changes, disregarding traffic control devices,

1 failing to yield the right of way, or following another vehicle too  
2 closely.

3 As used in this subsection, "vessel" means a means of  
4 conveyance for travel on water and propelled otherwise than by  
5 muscular power.

6 d. A person who is employed by a facility as defined in section  
7 2 of P.L.1977, c.239 (C.52:27G-2) who commits a simple assault as  
8 defined in paragraph (1) or (2) of subsection a. of this section upon  
9 an institutionalized elderly person as defined in section 2 of  
10 P.L.1977, c.239 (C.52:27G-2) is guilty of a crime of the fourth  
11 degree.

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

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

32 (cf: P.L.2015, c.100, s.1)

33

34 2. This act shall take effect immediately.