

P.L. 2021, CHAPTER 172, *approved July 12, 2021*  
Senate, No. 2503

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

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

6  
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 the person:

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 the person:

21 (1) Attempts to cause serious bodily injury to another, or causes  
22 injury purposely or knowingly or under circumstances manifesting  
23 extreme indifference to the value of human life recklessly causes  
24 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 subsection f. of N.J.S.2C:39-1, at or in the direction of another,  
32 whether or not the actor believes it to be loaded; or

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

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

39 (b) Any paid or volunteer firefighter acting in the performance  
40 of the firefighter's duties while in uniform or otherwise clearly

**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 identifiable as being engaged in the performance of the duties of a  
2 firefighter; or

3 (c) Any person engaged in emergency first-aid or medical  
4 services acting in the performance of the person's duties while in  
5 uniform or otherwise clearly identifiable as being engaged in the  
6 performance of emergency first-aid or medical services; or

7 (d) Any school board member, school administrator, teacher,  
8 school bus driver, or other employee of a public or nonpublic  
9 school or school board while clearly identifiable as being engaged  
10 in the performance of the person's duties or because of the person's  
11 status as a member or employee of a public or nonpublic school or  
12 school board or any school bus driver employed by an operator  
13 under contract to a public or nonpublic school or school board while  
14 clearly identifiable as being engaged in the performance of the  
15 person's duties or because of the person's status as a school bus  
16 driver; or

17 (e) Any employee of the Division of Child Protection and  
18 Permanency while clearly identifiable as being engaged in the  
19 performance of the employee's duties or because of the status as an  
20 employee of the division; or

21 (f) Any justice of the Supreme Court, judge of the Superior  
22 Court, judge of the Tax Court or municipal judge while clearly  
23 identifiable as being engaged in the performance of judicial duties  
24 or because of the status as a member of the judiciary; or

25 (g) Any operator of a motorbus or the operator's supervisor or  
26 any employee of a rail passenger service while clearly identifiable  
27 as being engaged in the performance of the person's duties or  
28 because of the status as an operator of a motorbus or as the  
29 operator's supervisor or as an employee of a rail passenger service;  
30 or

31 (h) Any Department of Corrections employee, county  
32 correctional police officer, juvenile correctional police officer, State  
33 juvenile facility employee, juvenile detention staff member,  
34 juvenile detention officer, probation officer or any sheriff,  
35 undersheriff, or sheriff's officer acting in the performance of the  
36 person's duties while in uniform or exhibiting evidence of the  
37 person's authority or because of the status as a Department of  
38 Corrections employee, county correctional police officer, juvenile  
39 correctional police officer, State juvenile facility employee, juvenile  
40 detention staff member, juvenile detention officer, probation  
41 officer, sheriff, undersheriff, or sheriff's officer; or

42 (i) Any employee, including any person employed under  
43 contract, of a utility company as defined in section 2 of P.L.1971,  
44 c.224 (C.2A:42-86) or a cable television company subject to the  
45 provisions of the "Cable Television Act," P.L.1972, c.186  
46 (C.48:5A-1 et seq.) while clearly identifiable as being engaged in  
47 the performance of the employee's duties in regard to connecting,  
48 disconnecting, or repairing or attempting to connect, disconnect, or

1 repair any gas, electric, or water utility, or cable television or  
2 telecommunication service; or

3 (j) Any health care worker employed by a licensed health care  
4 facility to provide direct patient care, any health care professional  
5 licensed or otherwise authorized pursuant to Title 26 or Title 45 of  
6 the Revised Statutes to practice a health care profession, except a  
7 direct care worker at a State or county psychiatric hospital or State  
8 developmental center or veterans' memorial home, while clearly  
9 identifiable as being engaged in the duties of providing direct  
10 patient care or practicing the health care profession; or

11 (k) Any direct care worker at a State or county psychiatric  
12 hospital or State developmental center or veterans' memorial home,  
13 while clearly identifiable as being engaged in the duties of  
14 providing direct patient care or practicing the health care  
15 profession, provided that the actor is not a patient or resident at the  
16 facility who is classified by the facility as having a mental illness or  
17 developmental disability; or

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

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

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

46 (9) Knowingly, under circumstances manifesting extreme  
47 indifference to the value of human life, points or displays a firearm,

1 as defined in subsection f. of N.J.S.2C:39-1, at or in the direction of  
2 a law enforcement officer; or

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

8 (11) Uses or activates a laser sighting system or device, or a  
9 system or device which, in the manner used, would cause a  
10 reasonable person to believe that it is a laser sighting system or  
11 device, against a law enforcement officer acting in the performance  
12 of the officer's duties while in uniform or exhibiting evidence of the  
13 officer's authority. As used in this paragraph, "laser sighting system  
14 or device" means any system or device that is integrated with or  
15 affixed to a firearm and emits a laser light beam that is used to  
16 assist in the sight alignment or aiming of the firearm; or

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

24 (13) Knowingly or, under circumstances manifesting extreme  
25 indifference to the value of human life, recklessly obstructs the  
26 breathing or blood circulation of a person who, with respect to the  
27 actor, meets the definition of a victim of domestic violence, as  
28 defined in subsection d. of section 3 of P.L.1991, c.261 (C.2C:25-  
29 19), by applying pressure on the throat or neck or blocking the nose  
30 or mouth of such person, thereby causing or attempting to cause  
31 bodily injury.

32 Aggravated assault under paragraphs (1) and (6) of subsection b.  
33 of this section is a crime of the second degree; under paragraphs  
34 (2), (7), (9), and (10) of subsection b. of this section is a crime of  
35 the third degree; under paragraphs (3) and (4) of subsection b. of  
36 this section is a crime of the fourth degree; and under paragraph (5)  
37 of subsection b. of this section is a crime of the third degree if the  
38 victim suffers bodily injury, otherwise it is a crime of the fourth  
39 degree. Aggravated assault under paragraph (8) of subsection b. of  
40 this section is a crime of the third degree if the victim suffers bodily  
41 injury; if the victim suffers significant bodily injury or serious  
42 bodily injury it is a crime of the second degree. Aggravated assault  
43 under paragraph (11) of subsection b. of this section is a crime of  
44 the third degree. Aggravated assault under paragraph (12) **[or (13)]**  
45 of subsection b. of this section is a crime of the third degree but the  
46 presumption of non-imprisonment set forth in subsection e. of  
47 N.J.S.2C:44-1 for a first offense of a crime of the third degree shall

1 not apply. Aggravated assault under paragraph (13) of subsection  
2 b. of this section is a crime of the second degree.

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

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

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

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

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

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

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

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

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

1 (4) Assault by auto or vessel is a crime of the third degree if the  
2 person purposely drives a vehicle in an aggressive manner directed  
3 at another vehicle and serious bodily injury results and is a crime of  
4 the fourth degree if the person purposely drives a vehicle in an  
5 aggressive manner directed at another vehicle and bodily injury  
6 results. For purposes of this paragraph, "driving a vehicle in an  
7 aggressive manner" shall include, but is not limited to,  
8 unexpectedly altering the speed of the vehicle, making improper or  
9 erratic traffic lane changes, disregarding traffic control devices,  
10 failing to yield the right of way, or following another vehicle too  
11 closely.

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

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

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

22 f. A person who commits a simple assault as defined in  
23 paragraph (1), (2), or (3) of subsection a. of this section in the  
24 presence of a child under 16 years of age at a school or community  
25 sponsored youth sports event is guilty of a crime of the fourth  
26 degree. The defendant shall be strictly liable upon proof that the  
27 offense occurred, in fact, in the presence of a child under 16 years  
28 of age. It shall not be a defense that the defendant did not know  
29 that the child was present or reasonably believed that the child was  
30 16 years of age or older. The provisions of this subsection shall not  
31 be construed to create any liability on the part of a participant in a  
32 youth sports event or to abrogate any immunity or defense available  
33 to a participant in a youth sports event. As used in this act, "school  
34 or community sponsored youth sports event" means a competition,  
35 practice, or instructional event involving one or more  
36 interscholastic sports teams or youth sports teams organized  
37 pursuant to a nonprofit or similar charter or which are member  
38 teams in a youth league organized by or affiliated with a county or  
39 municipal recreation department and shall not include collegiate,  
40 semi-professional or professional sporting events.  
41 (cf: P.L.2019, c.219, s.3)

42  
43 2. This act shall take effect immediately.  
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#### 46 STATEMENT

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48 Currently, under N.J.S. 2C:12-1b.(13), strangulation is graded as  
49 a crime of the third degree, punishable by up to five years

1 imprisonment, a fine of up to \$15,000, or both. This bill elevates  
2 strangulation, committed in the domestic violence context against a  
3 victim of domestic violence, to a crime of the second degree,  
4 punishable by up to 10 years imprisonment, a fine of up to  
5 \$150,000, or both.

6 In 2019, the New Jersey Domestic Violence Fatality Near  
7 Fatality Review Board published the 2018 Annual Report, Fatality  
8 By Strangulation. In the domestic violence context, the report  
9 declared that strangulation is one of the strongest predictors for the  
10 subsequent homicide of victims of domestic violence, and  
11 referenced research showing that victims of attempted strangulation  
12 are seven times more likely of becoming a homicide victim, when  
13 compared to victims without a strangulation history, and that non-  
14 fatal strangulation are tactics used by abusers in a coercive manner  
15 against their victims as a method of power and control.

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20 Increases strangulation assault to crime of second degree.