

ASSEMBLY, No. 1158

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen COHEN and SULIGA

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) and (2)

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 of this section upon:

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

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

7 (c) Any person engaged in emergency first-aid or medical services
8 acting in the performance of his duties while in uniform or otherwise
9 clearly identifiable as being engaged in the performance of emergency
10 first-aid or medical services; or

11 (d) Any school board member or school administrator, teacher or
12 other employee of a school board while clearly identifiable as being
13 engaged in the performance of his duties or because of his status as a
14 member or employee of a school board; or

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

24 (7) Causes bodily injury to another person by violating a provision
25 of the "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et
26 seq.) or any rule or regulation promulgated thereunder, or a certificate
27 of occupancy issued pursuant to the "State Uniform Construction
28 Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.).

29 Aggravated assault under subsections b. (1) and b. (6) is a crime of
30 the second degree; under subsection b. (2) and b. (7) is a crime of the
31 third degree; under subsections b. (3) and b. (4) is a crime of the
32 fourth degree; and under subsection b. (5) is a crime of the third
33 degree if the victim suffers bodily injury, otherwise it is a crime of the
34 fourth degree.

35 c. A person is guilty of assault by auto or vessel when the person
36 drives a vehicle or vessel recklessly and causes either serious bodily
37 injury or bodily injury to another. Assault by auto or vessel is a crime
38 of the fourth degree if serious bodily injury results and is a disorderly
39 persons offense if bodily injury results.

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

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

1 e. A person who commits a simple assault as defined in subsection
2 a. of this section is guilty of a crime of the fourth degree if the person
3 acted, at least in part, with ill will, hatred or bias toward, and with a
4 purpose to intimidate, an individual or group of individuals because of
5 race, color, religion, sexual orientation, or ethnicity.
6 (cf: P.L.1993, c.219, s.2)

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8 2. This act shall take effect immediately.

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STATEMENT

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13 This bill provides that a person is guilty of the third degree crime
14 of aggravated assault if he violates the Uniform Fire Safety Act or a
15 certificate of occupancy issued pursuant to the State Uniform
16 Construction Code Act and the violation results in bodily injury to
17 another person.

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22 Provides that safety code violations resulting in bodily injury constitute
23 the crime of aggravated assault.