

ASSEMBLY, No. 1598

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 29, 1996

By Assemblyman ZISA

1 AN ACT concerning certain acts of inmates and parolees and
2 supplementing chapter 12 of Title 2C of the New Jersey Statutes.

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

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7 1. As used in this act:

8 "Bodily fluid" means saliva, blood, urine, feces, seminal fluid or any
9 other bodily fluid.

10 "Department of Corrections employee" means any corrections
11 officer, parole officer or other employee of the New Jersey
12 Department of Corrections and any person under contract to provide
13 services to the department.

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15 2. A person who throws a bodily fluid at a Department of
16 Corrections employee or otherwise purposely subjects such employee
17 to contact with a bodily fluid commits an aggravated assault. If the
18 victim suffers bodily injury, this shall be a crime of the third degree.
19 Otherwise, this shall be a crime of the fourth degree, in which case the
20 offender shall serve a minimum term of imprisonment of 12 months.
21 A term of imprisonment imposed for this offense shall run
22 consecutively to any term of imprisonment currently being served and
23 to any other term imposed for another offense committed at the time
24 of the assault.

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26 3. This act shall take effect immediately.

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STATEMENT

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31 This bill is intended to protect the health and well-being of
32 corrections and parole officers by designating the act of throwing
33 bodily fluids at such officers an aggravated assault. The need to
34 impose tough sanctions for this vile and disgusting act takes on greater
35 urgency in an era when such fluids can may serve as the medium for
36 the transmission of life-threatening diseases.

1 Under this bill, the act of throwing bodily fluids at a Department
2 of Corrections employee would be a crime of the third degree if the
3 victim suffers bodily injury. A crime of the third degree is punishable
4 by a prison term of three to five years, a fine of up to \$7,500, or both.
5 If no bodily injury occurred, this act would be a crime of the fourth
6 degree, punishable by a prison term of up to 18 months, a fine of up
7 to \$7,500, or both. However, in this instance the bill provides that
8 the offender serve a mandatory 12 month prison sentence.

9 The bill further requires that any prison term imposed for throwing
10 a bodily fluid be served consecutively with any prison term currently
11 being served by the offender or with any term imposed for another
12 offense occurring at the time of the assault.

13 The bill defines bodily fluid as saliva, blood, urine, feces, seminal
14 fluid or any other bodily fluid. Department of Corrections employee
15 is defined as any corrections officer, parole officer or other employee
16 of the New Jersey Department of Corrections and any person under
17 contract to provide services to the department.

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23 Makes throwing bodily fluid at corrections officer an aggravated
assault.