

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1598

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 10, 1996

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No.1598.

This bill is intended to protect corrections and parole officers by designating the act of throwing bodily fluids at such persons, or otherwise subjecting the person to contact with bodily fluids, an aggravated assault.

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

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

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

The committee amendments provide that nothing in the bill precludes an indictment and conviction for murder, manslaughter or aggravated assault, or any other criminal violation, if the evidence warrants.