

ASSEMBLY, No. 1832

STATE OF NEW JERSEY

INTRODUCED MAY 2, 1996

By Assemblyman COHEN and Assemblywoman GILL

1 AN ACT upgrading certain crimes if committed against a judge and  
2 amending N.J.S.2C:12-1 and P.L.1992, c.209.

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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. 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 assault  
9 if he:

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

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

19 b. Aggravated assault. A person is guilty of aggravated assault if  
20 he:

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

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

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

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

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

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

14 (e) Any employee of the Division of Youth and Family Services  
15 while clearly identifiable as being engaged in the performance of his  
16 duties or because of his status as an employee of the division; or

17 (f) Any justice of the Supreme Court, judge of the Superior Court,  
18 judge of the Tax Court or municipal judge while clearly identifiable  
19 as being engaged in the performance of judicial duties or because of  
20 his status as a member of the judiciary; or

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

30 (7) Attempts to cause significant bodily injury to another or causes  
31 significant bodily injury purposely or knowingly or, under  
32 circumstances manifesting extreme indifference to the value of human  
33 life recklessly causes such significant bodily injury.

34 Aggravated assault under subsections b. (1) and b. (6) is a crime of  
35 the second degree; under subsections b. (2) and b. (7) is a crime of the  
36 third degree; under subsections b. (3) and b. (4) is a crime of the  
37 fourth degree; and under subsection b. (5) is a crime of the third  
38 degree if the victim suffers bodily injury, otherwise it is a crime of the  
39 fourth degree.

40 c. A person is guilty of assault by auto or vessel when the person  
41 drives a vehicle or vessel recklessly and causes either serious bodily  
42 injury or bodily injury to another. Assault by auto or vessel is a crime  
43 of the fourth degree if serious bodily injury results and is a disorderly  
44 persons offense if bodily injury results.

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

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

6 e. A person who commits a simple assault as defined in subsection  
7 a. of this section is guilty of a crime of the fourth degree if the person  
8 acted with a purpose to intimidate an individual or group of individuals  
9 because of race, color, religion, gender, handicap, sexual orientation,  
10 or ethnicity.

11 (cf: P.L.1995, c.307, s.2)

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13 2. Section 1 of P.L. 1992, c. 209 (C. 2C:12-10) is amended to read  
14 as follows:

15 1. a. As used in this act:

16 (1) "Course of conduct" means a knowing and willful course of  
17 conduct directed at a specific person, composed of a series of acts  
18 over a period of time, however short, evidencing a continuity of  
19 purpose which alarms or annoys that person and which serves no  
20 legitimate purpose. The course of conduct must be such as to cause  
21 a reasonable person to suffer emotional distress. Constitutionally  
22 protected activity is not included within the meaning of "course of  
23 conduct."

24 (2) "Credible threat" means an explicit or implicit threat made with  
25 the intent and the apparent ability to carry out the threat, so as to  
26 cause the person who is the target of the threat to reasonably fear for  
27 that person's safety.

28 b. [ A] (1) Except as provided in paragraph (2) a person is guilty  
29 of stalking, a crime of the fourth degree, if he purposely and  
30 repeatedly follows another person and engages in a course of conduct  
31 or makes a credible threat with the intent of annoying or placing that  
32 person in reasonable fear of death or bodily injury.

33 (2) Stalking is a crime of the third degree if a person commits the  
34 crime against any justice of the Supreme Court, judge of the Superior  
35 Court, judge of the Tax Court or municipal judge because of his status  
36 as a member of the judiciary.

37 c. A person is guilty of a crime of the third degree if he commits  
38 the crime of stalking in violation of an existing court order prohibiting  
39 the behavior.

40 d. A person who commits a second or subsequent offense of  
41 stalking which involves an act of violence or a credible threat of  
42 violence against the same victim is guilty of a crime of the  
43 ~~[third]~~second degree.

44 e. This act shall not apply to conduct which occurs during  
45 organized group picketing.

46 (cf: P.L.1992, c.209, s.1)

1       3. This act shall take effect immediately.

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STATEMENT

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6       This bill would upgrade certain crimes if committed against a judge.

7       The bill would upgrade a simple assault against a judge while clearly

8       identifiable as being engaged in the performance of judicial duties or

9       because of status as a member of the judiciary to aggravated assault.

10       Aggravated assault is a crime of the third degree if the victim suffers

11       bodily injury, otherwise it is a crime of the fourth degree.

12       The bill would also upgrade the crime of stalking to a crime of the

13       third degree if committed against a judge because of his status as a

14       judge.

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19       Upgrades certain crimes if committed against judges.