

[First Reprint]
ASSEMBLY, No. 1832

STATE OF NEW JERSEY

INTRODUCED MAY 2, 1996

By Assemblyman COHEN and Assemblywoman GILL

1 AN ACT ¹[upgrading certain crimes if committed against a judge]
2 concerning assaults on judges¹ and amending N.J.S.2C:12-1 ¹[and
3 P.L.1992, c.209]¹.

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

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8 1. N.J.S.2C:12-1 is amended to read as follows:

9 2C:12-1. Assault. a. Simple assault. A person is guilty of assault
10 if he:

11 (1) Attempts to cause or purposely, knowingly or recklessly causes
12 bodily injury to another; or

13 (2) Negligently causes bodily injury to another with a deadly
14 weapon; or

15 (3) Attempts by physical menace to put another in fear of imminent
16 serious bodily injury.

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

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

22 (1) Attempts to cause serious bodily injury to another, or causes
23 such injury purposely or knowingly or under circumstances
24 manifesting extreme indifference to the value of human life recklessly
25 causes such injury; or

26 (2) Attempts to cause or purposely or knowingly causes bodily
27 injury to another with a deadly weapon; or

28 (3) Recklessly causes bodily injury to another with a deadly
29 weapon; or

30 (4) Knowingly under circumstances manifesting extreme
31 indifference to the value of human life points a firearm, as defined in

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AJU committee amendments adopted January 23, 1997.

1 section 2C:39-1f., at or in the direction of another, whether or not the
2 actor believes it to be loaded; or

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

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

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

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

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

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

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

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

34 (7) Attempts to cause significant bodily injury to another or causes
35 significant bodily injury purposely or knowingly or, under
36 circumstances manifesting extreme indifference to the value of human
37 life recklessly causes such significant bodily injury.

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

44 c. A person is guilty of assault by auto or vessel when the person
45 drives a vehicle or vessel recklessly and causes either serious bodily
46 injury or bodily injury to another. Assault by auto or vessel is a crime

1 of the fourth degree if serious bodily injury results and is a disorderly
2 persons offense if bodily injury results.

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

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

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

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

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

19 1. a. As used in this act:

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

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

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

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

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

44 d. A person who commits a second or subsequent offense of
45 stalking which involves an act of violence or a credible threat of
46 violence against the same victim is guilty of a crime of the

1 ~~third~~second degree.

2 e. This act shall not apply to conduct which occurs during
3 organized group picketing.

4 (cf: P.L.1992, c.209, s.1)]¹

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6 ¹[3.] 2.¹ This act shall take effect immediately.

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11 Upgrades simple assaults committed against judges to aggravated
12 assault.