

ASSEMBLY, No. 1943

STATE OF NEW JERSEY

INTRODUCED MAY 6, 1996

By Assemblymen **CONNORS, MORAN, Corodemus, T. Smith,**  
Assemblywomen **Farragher, J. Smith,** Assemblymen **Arnone,**  
**Wolfe, Cottrell and Malone**

1 AN ACT concerning aggravated 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  
19 if 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), (2) or

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

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

27 (7) Attempts to cause significant bodily injury to another or causes  
28 significant bodily injury purposely or knowingly or, under  
29 circumstances manifesting extreme indifference to the value of human  
30 life recklessly causes such significant bodily injury; or

31 (8) Causes bodily injury by knowingly or purposely starting a fire  
32 or causing an explosion which results in injury to any emergency  
33 services personnel involved in fire suppression activities, rendering  
34 emergency medical services resulting from the fire or explosion or  
35 rescue operations, or rendering any necessary assistance at the scene  
36 of the fire or explosion, including any injury sustained while  
37 responding to the scene of a reported fire or explosion. For purposes  
38 of this subsection, "emergency services personnel" shall include, but  
39 not be limited to, any paid or volunteer fireman, any person engaged  
40 in emergency first-aid or medical services and any law enforcement  
41 officer.

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

1 fourth degree. Aggravated assault under subsection b. (8) is a crime  
2 of the third degree if the victim suffers bodily injury; if the victim  
3 suffers serious bodily injury it is a crime of the second degree.

4 c. A person is guilty of assault by auto or vessel when the person  
5 drives a vehicle or vessel recklessly and causes either serious bodily  
6 injury or bodily injury to another. Assault by auto or vessel is a crime  
7 of the fourth degree if serious bodily injury results and is a disorderly  
8 persons offense if bodily injury results.

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

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

16 e. A person who commits a simple assault as defined in subsection  
17 a. of this section is guilty of a crime of the fourth degree if the person  
18 acted with a purpose to intimidate an individual or group of individuals  
19 because of race, color, religion, gender, handicap, sexual orientation,  
20 or ethnicity.  
21 (cf: P.L.1995, c.307, s.2).

22  
23 2. This act shall take effect immediately .  
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## 26 STATEMENT

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28 This bill amends the aggravated assault statute, N.J.S.2C:12-1 by  
29 adding a new paragraph (8) to subsection b. This paragraph provides  
30 a person who knowingly or purposely starts a fire or causes an  
31 explosion which results in bodily injury to any emergency services  
32 personnel who become involved in fire suppression activities,  
33 rendering emergency medical services, rescue operations, or rendering  
34 any necessary assistance at the scene of a fire or explosion shall be  
35 guilty of a crime of the second degree if serious bodily injury results  
36 and a crime of the third degree if bodily injury results.

37 The sponsor intends to address the injuries to emergency services  
38 personnel which are natural and foreseeable consequences of arson.  
39 The arsonist who causes injury to emergency services personnel should  
40 be held criminally liable for consequences of his actions.

41 The purpose of this bill is to protect the intervention which saves  
42 lives in arson cases by providing specific protection to the persons  
43 offering that intervention under the aggravated assault statute.

44 This bill is one of a package of three bills introduced as a result of  
45 efforts of the Ocean County Prosecutor's Special Arson Investigation  
46 Task Force.

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3 Includes emergency services personnel injured as a result of arson

4 under the aggravated assault statute.