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STATE OF NEW JERSEY

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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

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 September 19, 1996.

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 (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; or

34 (8) Causes bodily injury by knowingly or purposely starting a fire
35 or causing an explosion ¹in violation of N.J. S. 2C:17-1¹ which
36 results in ¹bodily¹ injury to any emergency services personnel
37 involved in fire suppression activities, rendering emergency medical
38 services resulting from the fire or explosion or rescue operations, or
39 rendering any necessary assistance at the scene of the fire or
40 explosion, including any ¹bodily¹ injury sustained while responding
41 to the scene of a reported fire or explosion. For purposes of this
42 subsection, "emergency services personnel" shall include, but not be
43 limited to, any paid or volunteer fireman, any person engaged in
44 emergency first-aid or medical services and any law enforcement
45 officer. ¹Notwithstanding any other provision of law to the contrary,
46 a person shall be strictly liable for a violation of this paragraph upon

1 proof of a violation of N.J.S. 2C:17-1 which resulted in bodily injury
2 to any emergency services personnel.¹

3 Aggravated assault under subsections b. (1) and b. (6) is a crime of
4 the second degree; under subsections b. (2) and b. (7) is a crime of the
5 third degree; under subsections b. (3) and b. (4) is a crime of the
6 fourth degree; and under subsection b. (5) is a crime of the third
7 degree if the victim suffers bodily injury, otherwise it is a crime of the
8 fourth degree. Aggravated assault under subsection b. (8) is a crime
9 of the third degree if the victim suffers bodily injury; if the victim
10 suffers ¹significant bodily injury or¹ serious bodily injury it is a crime
11 of the second degree.

12 c. A person is guilty of assault by auto or vessel when the person
13 drives a vehicle or vessel recklessly and causes either serious bodily
14 injury or bodily injury to another. Assault by auto or vessel is a crime
15 of the fourth degree if serious bodily injury results and is a disorderly
16 persons offense if bodily injury results.

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

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

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

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

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31 2. This act shall take effect immediately .

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37 Includes emergency services personnel injured as a result of arson
under the aggravated assault statute.