

[Passed Both Houses]

[First Reprint]

ASSEMBLY, No. 1943

STATE OF NEW JERSEY

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By Assemblymen CONNORS, MORAN, Corodemus, T. Smith,
Assemblywomen Farragher, J. Smith, Assemblymen Arnone,
Wolfe, Cottrell, Malone, Wisniewski, Senators Connors,
Bassano and Singer

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

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 (3) Recklessly causes bodily injury to another with a deadly
2 weapon; or
- 3 (4) Knowingly under circumstances manifesting extreme
4 indifference to the value of human life points a firearm, as defined in
5 section 2C:39-1f., at or in the direction of another, whether or not the
6 actor believes it to be loaded; or
- 7 (5) Commits a simple assault as defined in subsection a. (1), (2) or
8 (3) of this section upon:
- 9 (a) Any law enforcement officer acting in the performance of his
10 duties while in uniform or exhibiting evidence of his authority; or
- 11 (b) Any paid or volunteer fireman acting in the performance of his
12 duties while in uniform or otherwise clearly identifiable as being
13 engaged in the performance of the duties of a fireman; or
- 14 (c) Any person engaged in emergency first-aid or medical services
15 acting in the performance of his duties while in uniform or otherwise
16 clearly identifiable as being engaged in the performance of emergency
17 first-aid or medical services; or
- 18 (d) Any school board member or school administrator, teacher or
19 other employee of a school board while clearly identifiable as being
20 engaged in the performance of his duties or because of his status as a
21 member or employee of a school board; or
- 22 (e) Any employee of the Division of Youth and Family Services
23 while clearly identifiable as being engaged in the performance of his
24 duties or because of his status as an employee of the division; 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; or
- 38 (8) Causes bodily injury by knowingly or purposely starting a fire
39 or causing an explosion ¹in violation of N.J. S. 2C:17-1¹ which
40 results in ¹bodily¹ injury to any emergency services personnel
41 involved in fire suppression activities, rendering emergency medical
42 services resulting from the fire or explosion or rescue operations, or
43 rendering any necessary assistance at the scene of the fire or
44 explosion, including any ¹bodily¹ injury sustained while responding
45 to the scene of a reported fire or explosion. For purposes of this
46 subsection, "emergency services personnel" shall include, but not be

1 limited to, any paid or volunteer fireman, any person engaged in
2 emergency first-aid or medical services and any law enforcement
3 officer. ¹Notwithstanding any other provision of law to the contrary,
4 a person shall be strictly liable for a violation of this paragraph upon
5 proof of a violation of N.J.S. 2C:17-1 which resulted in bodily injury
6 to any emergency services personnel.¹

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

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

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

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

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

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35 2. This act shall take effect immediately .

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