

ASSEMBLY, No. 2399

STATE OF NEW JERSEY

INTRODUCED OCTOBER 7, 1996

By Assemblymen **ROBERTS, ROCCO, Pascrell,**
Assemblywoman **Quigley** and Assemblyman **Greenwald**

1 AN ACT concerning 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 if
19 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
33 (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,
11 school bus driver or other employee of a school board while clearly
12 identifiable as being engaged in the performance of his duties or
13 because of his status as a 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 operator of a motorbus, any employee of a rail passenger
18 service or any employee of the New Jersey Transit Corporation while
19 clearly identifiable as being engaged in the performance of his duties
20 or because of his status as an operator of a motorbus, an employee of
21 a rail passenger service or an employee of the New Jersey Transit
22 Authority; or
- 23 (6) Causes bodily injury to another person while fleeing or
24 attempting to elude a law enforcement officer in violation of
25 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in
26 violation of subsection c. of N.J.S.2C:20-10. Notwithstanding any
27 other provision of law to the contrary, a person shall be strictly liable
28 for a violation of this subsection upon proof of a violation of
29 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in
30 violation of subsection c. of N.J.S.2C:20-10 which resulted in bodily
31 injury to another person; or
- 32 (7) Attempts to cause significant bodily injury to another or causes
33 significant bodily injury purposely or knowingly or, under
34 circumstances manifesting extreme indifference to the value of human
35 life recklessly causes such significant bodily injury.
- 36 Aggravated assault under subsections b. (1) and b. (6) is a crime of
37 the second degree; under subsections b. (2) and b. (7) is a crime of the
38 third degree; under subsections b. (3) and b. (4) is a crime of the
39 fourth degree; and under subsection b. (5) is a crime of the third
40 degree if the victim suffers bodily injury, otherwise it is a crime of the
41 fourth degree.
- 42 c. A person is guilty of assault by auto or vessel when the person
43 drives a vehicle or vessel recklessly and causes either serious bodily
44 injury or bodily injury to another. Assault by auto or vessel is a crime
45 of the fourth degree if serious bodily injury results and is a disorderly
46 persons offense if bodily injury results.

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

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

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

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

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15 2. This act shall take effect immediately .

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18 STATEMENT

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20 This bill would upgrade the crime of simple assault to aggravated
21 assault if the victim was a school bus driver, any motorbus operator,
22 any employee of a rail passenger service or any employee of the New
23 Jersey Transit Corporation. Specifically, this bill would amend
24 subparagraph (d) of paragraph 5 of subsection b. of N.J.S.A.2C:12-1,
25 the assault statute, to upgrade a simple assault against a school bus
26 driver while clearly identifiable as being engaged in the performance
27 of his duties or because of his status, to aggravated assault.

28 This bill would also add a new subparagraph (e) to paragraph 5 of
29 subsection b. of 2C:12-1 to upgrade a simple assault against any
30 motorbus operator, any employee of a rail passenger service or any
31 employee of the New Jersey Transit Corporation, while clearly
32 identifiable as being engaged in the performance of their duties or
33 because of their status, to aggravated assault.

34 Aggravated assault is a crime of the third degree if the victim
35 suffers bodily injury; otherwise it is a crime of the fourth degree. A
36 crime of the third degree is punishable by a maximum term of
37 imprisonment of three to five years, a maximum fine of \$7,500 or
38 both. A crime of the fourth degree is punishable by a maximum term
39 of imprisonment not to exceed 18 months, a maximum fine of \$7,500
40 or both.

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44 Upgrades simple assault against school bus drivers, motorbus
45 operators, rail passenger service employees or employees of New
46 Jersey Transit Corporation.