

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2399

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 17, 1997

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 2399.

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

This bill would also add a new subparagraph (g) to paragraph 5 of subsection b. of 2C:12-1 to upgrade a simple assault against any motorbus operator or his supervisor or any employee of a rail passenger service, while clearly identifiable as being engaged in the performance of their duties or because of their status, to aggravated assault. The committee amended the bill to remove the reference to New Jersey Transit Corporation believing it to be duplicative of "rail passenger service." It also added the reference to supervisors who sometimes ride the bus to observe an operator.

Aggravated assault is a crime of the third degree if the victim suffers bodily injury; otherwise it is a crime of the fourth degree. A crime of the third degree is punishable by a maximum term of imprisonment of three to five years, a maximum fine of \$15,000 or both. A crime of the fourth degree is punishable by a maximum term of imprisonment not to exceed 18 months, a maximum fine of \$10,000 or both.

The committee also amended the bill to update the section of law to conform to the provisions of P.L.1997, c.42 and P.L.1997, c.119.