

SENATE, No. 356

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Senator BUBBA

1 AN ACT concerning assaults on judges 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) and (2)

**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 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 justice of the Supreme Court, judge of the Superior Court,  
16 judge of the Tax Court or municipal judge while clearly identifiable as  
17 being engaged in the performance of judicial duties or because of his  
18 status as a member of the judiciary; or

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

28 Aggravated assault under subsection b. (1) and b. (6) is a crime of  
29 the second degree; under subsection b. (2) is a crime of the third  
30 degree; under subsection b. (3) and b. (4) is a crime of the fourth  
31 degree; and under subsection b. (5) is a crime of the third degree if the  
32 victim suffers bodily injury, otherwise it is a crime of the fourth  
33 degree.

34 c. A person is guilty of assault by auto or vessel when the person  
35 drives a vehicle or vessel recklessly and causes either serious bodily  
36 injury or bodily injury to another. Assault by auto or vessel is a crime  
37 of the fourth degree if serious bodily injury results and is a disorderly  
38 persons offense if bodily injury results.

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

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

46 e. A person who commits a simple assault as defined in subsection

1 a. of this section is guilty of a crime of the fourth degree if the person  
2 acted, at least in part, with ill will, hatred or bias toward, and with a  
3 purpose to intimidate, an individual or group of individuals because of  
4 race, color, religion, sexual orientation, or ethnicity.

5 (cf: P.L.1993, c.219, s.2)

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7 2. This act shall take effect immediately.

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10 STATEMENT

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12 This bill provides that a simple assault committed against a judge  
13 while clearly identifiable as being engaged in the performance of  
14 judicial duties or because of status as a member of the judiciary shall  
15 be upgraded to aggravated assault. The statute provides that the  
16 crime of assault on a judge would be graded under subsection b. (5)  
17 as a crime of the third degree if the victim suffers bodily injury,  
18 otherwise it is a crime of the fourth degree. The statute presently  
19 upgrades simple assaults in a similar manner for law enforcement  
20 officials, firemen, any person engaged in emergency first-aid or  
21 medical services and any school board member or school  
22 administrator.

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27 Upgrades simple assaults committed against judges to aggravated  
28 assault.