

[First Reprint]

SENATE SUBSTITUTE FOR  
SENATE, Nos. 88 and 559

STATE OF NEW JERSEY

ADOPTED MAY 22, 1997

Sponsored by Senators LIPMAN, BENNETT, CAFIERO,  
Matheussen, Inverso, Sinagra, Bubba, Kosco, Baer and Sacco

1 AN ACT concerning assaults on victims of domestic violence and  
2 amending <sup>1</sup>[N.J.S.2C:12-1] N.J.S. 2C:29-9<sup>1</sup>.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

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7 <sup>1</sup>[1. N.J.S.2C:12-1 is amended to read as follows:

8 2C:12-1. Assault. a. Simple assault. A person is guilty of assault  
9 if he:

10 (1) Attempts to cause or purposely, knowingly or recklessly  
11 causes bodily injury to another; or

12 (2) Negligently causes bodily injury to another with a deadly  
13 weapon; or

14 (3) Attempts by physical menace to put another in fear of  
15 imminent serious bodily injury.

16 Simple assault is a disorderly persons offense unless committed in  
17 a fight or scuffle entered into by mutual consent, in which case it is a  
18 petty disorderly persons offense.

19 b. Aggravated assault. A person is guilty of aggravated assault if  
20 he:

21 (1) Attempts to cause serious bodily injury to another, or causes  
22 such injury purposely or knowingly or under circumstances  
23 manifesting extreme indifference to the value of human life recklessly  
24 causes such injury; or

25 (2) Attempts to cause or purposely or knowingly causes bodily  
26 injury to another with a deadly weapon; or

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Senate floor amendments adopted June 5, 1997.

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- 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)  
8 or (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 (f) Any justice of the Supreme Court, judge of the Superior Court,  
26 judge of the Tax Court or municipal judge while clearly identifiable as  
27 being engaged in the performance of judicial duties or because of his  
28 status as a member of the judiciary; or
- 29 (g) Any person eligible for protection from the assailant under the  
30 provisions of the "Prevention of Domestic Violence Act of 1991,"  
31 P.L.1991, c.261 (C.2C:25-17 et seq.) or under the provisions of  
32 P.L.1981, c.426 (C.2C:25-1 et seq.); or
- 33 (6) Causes bodily injury to another person while fleeing or  
34 attempting to elude a law enforcement officer in violation of  
35 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in  
36 violation of subsection c. of N.J.S.2C:20-10. Notwithstanding any  
37 other provision of law to the contrary, a person shall be strictly liable  
38 for a violation of this subsection upon proof of a violation of  
39 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in  
40 violation of subsection c. of N.J.S.2C:20-10 which resulted in bodily  
41 injury to another person; or
- 42 (7) Attempts to cause significant bodily injury to another or causes  
43 significant bodily injury purposely or knowingly or, under  
44 circumstances manifesting extreme indifference to the value of human  
45 life recklessly causes such significant bodily injury.

1 Aggravated assault under subsections b. (1) and b. (6) is a crime  
2 of the second degree; under subsections b. (2) and b. (7) is a crime of  
3 the third degree; under subsections b. (3) and b. (4) is a crime of the  
4 fourth degree; and under subsection b. (5) is a crime of the third  
5 degree if the victim suffers bodily injury, or if the victim is known or  
6 believed to be pregnant, otherwise it is a crime of the fourth degree.

7 c. A person is guilty of assault by auto or vessel when the person  
8 drives a vehicle or vessel recklessly and causes either serious bodily  
9 injury or bodily injury to another. Assault by auto or vessel is a crime  
10 of the fourth degree if serious bodily injury results and is a disorderly  
11 persons offense if bodily injury results.

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

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

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

24 (cf: P.L.1997, c.42)]<sup>1</sup>

25

26 1. N.J.S.2C:29-9 is amended to read as follows:

27 2C:29-9. Contempt. a. A person is guilty of a crime of the fourth  
28 degree if he purposely or knowingly disobeys a judicial order or  
29 hinders, obstructs or impedes the effectuation of a judicial order or the  
30 exercise of jurisdiction over any person, thing or controversy by a  
31 court, administrative body or investigative entity.

32 b. Except as provided below, a person is guilty of a crime of the  
33 ~~[fourth]~~ third degree if that person purposely or knowingly violates  
34 any provision in an order entered under the provisions of the  
35 "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261  
36 (C.2C:25-17 et al.) or any provision of a valid restraining order from  
37 another jurisdiction when the conduct which constitutes the violation  
38 could also constitute a crime or ~~[a]~~ the disorderly persons offense of  
39 assault. A person is guilty of a crime of the fourth degree if that person  
40 purposely or knowingly violates any provision in an order entered  
41 under the provisions of the "Prevention of Domestic Violence Act of  
42 1991," P.L.1991, c.261 (C.2C:25-17 et al.) or any provision of a valid  
43 restraining order from another jurisdiction when the conduct which  
44 constitutes the violation could also constitute a disorderly persons  
45 offense other than assault. In all other cases a person is guilty of a

1 disorderly persons offense if that person knowingly violates an order  
2 entered under the provisions of this act. Orders entered pursuant to  
3 paragraphs (3), (4), (5), (8) and (9) of subsection b. of section 13 of  
4 P.L.1991, c.261 (C.2C:25-29) shall be excluded from the provisions  
5 of this subsection.<sup>1</sup>

6 (cf. P.L. 1991, c.261)

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8 2. This act shall take effect immediately.

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13 Upgrades the crime of contempt of an order entered under the  
14 "Prevention of Domestic Violence Act of 1991" to a crime of the third  
15 degree.