

SENATE, No. 559

STATE OF NEW JERSEY

INTRODUCED JANUARY 29, 1996

By Senator BENNETT

1 AN ACT concerning assaults on victims of domestic violence and
2 amending N.J.S.2C:12-1.

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

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7 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 causes
11 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 imminent
15 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

27 (3) Recklessly causes bodily injury to another with a deadly
28 weapon; or

29 (4) Knowingly under circumstances manifesting extreme
30 indifference to the value of human life points a firearm, as defined in
31 section 2C:39-1f., at or in the direction of another, whether or not the
32 actor believes it to be loaded; or

33 (5) Commits a simple assault as defined in subsection a. (1), (2) or
34 (3) of this section upon:

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.

- 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 or
11 other employee of a school board while clearly identifiable as being
12 engaged in the performance of his duties or because of his status as a
13 member or employee of a school board; or
- 14 (e) Any person protected from the assailant under the provisions
15 of "the Prevention of Domestic Violence Act of 1991," P.L.1991,
16 c.261 (C.2C:25-17 et seq.) or under the provisions of P.L.1981, c.426
17 (C.2C:25-1 et seq.); or
- 18 (6) Causes bodily injury to another person while fleeing or
19 attempting to elude a law enforcement officer in violation of
20 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in
21 violation of subsection c. of N.J.S.2C:20-10. Notwithstanding any
22 other provision of law to the contrary, a person shall be strictly liable
23 for a violation of this subsection upon proof of a violation of
24 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in
25 violation of subsection c. of N.J.S.2C:20-10 which resulted in bodily
26 injury to another person.
- 27 Aggravated assault under subsections b. (1) and b. (6) is a crime of
28 the second degree; under subsection b. (2) is a crime of the third
29 degree; under subsections b. (3) and b. (4) is a crime of the fourth
30 degree; and under subsection b. (5) is a crime of the third degree if the
31 victim suffers bodily injury, or if the victim is known or believed to be
32 pregnant, otherwise it is a crime of the fourth degree.
- 33 c. A person is guilty of assault by auto or vessel when the person
34 drives a vehicle or vessel recklessly and causes either serious bodily
35 injury or bodily injury to another. Assault by auto or vessel is a crime
36 of the fourth degree if serious bodily injury results and is a disorderly
37 persons offense if bodily injury results.
- 38 As used in this section, "vessel" means a means of conveyance for
39 travel on water and propelled otherwise than by muscular power.
- 40 d. A person who is employed by a facility as defined in section 2
41 of P.L.1977, c.239 (C.52:27G-2) who commits a simple assault as
42 defined in paragraph (1) or (2) of subsection a. of this section upon an
43 institutionalized elderly person as defined in section 2 of P.L.1977,
44 c.239 (C.52:27G-2) is guilty of a crime of the fourth degree.
- 45 e. A person who commits a simple assault as defined in subsection
46 a. of this section is guilty of a crime of the fourth degree if the person

1 acted, at least in part, with ill will, hatred or bias toward, and with a
2 purpose to intimidate, an individual or group of individuals because of
3 race, color, religion, sexual orientation, or ethnicity.

4 (cf: P.1995, c.6, s.1)

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6 2. This act shall take effect immediately.

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9 STATEMENT

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11 In New Jersey in 1993, there were 66,248 reported incidents of
12 domestic violence, a 27% increase from the 53,321 reported offenses
13 in 1992, and women were the victims in 83% of these cases. The
14 number of domestic violence complaints that had prior court orders
15 issued against the offender increased from 12,051 in 1992 to 15,631
16 in 1993, a 30% increase. The frequency is therefore more than one act
17 of domestic violence every eight minutes.

18 Presently, when prosecutors and victims of domestic violence seek
19 to use the criminal statutes to punish perpetrators, the structure of the
20 assault laws create a problem. There is a gap in procedure and
21 punishment between simple assault and aggravated assault; these
22 offenses are distinguished essentially by the nature of the injury
23 intended. In instances in which the gap between a simple assault and
24 an aggravated assault was too great to tolerate, the Legislature has
25 enacted special categories of victims, and has enhanced simple assault
26 based on the circumstances regardless of the injuries.

27 This bill would expand the categories of persons protected by
28 amending N.J.S.A.2C:12-1 to provide that a simple assault committed
29 against a person protected from the assailant by the "Prevention of
30 Domestic Violence Act," shall be upgraded to aggravated assault.

31 Under the bill, an aggravated assault committed against this
32 category of persons is a crime of the third degree if the victim suffers
33 bodily injury, or if the victim is known or believed to be pregnant,
34 otherwise it is a crime of the fourth degree.

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39 Upgrades simple assault committed against domestic violence victims
40 to aggravated assault.