

SENATE, No. 1083

STATE OF NEW JERSEY

INTRODUCED MAY 9, 1996

By Senators CONNORS, BASSANO and Singer

1 AN ACT concerning aggravated 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:

34 (a) Any law enforcement officer acting in the performance of his

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 duties while in uniform or exhibiting evidence of his authority; or
- 2 (b) Any paid or volunteer fireman acting in the performance of his
- 3 duties while in uniform or otherwise clearly identifiable as being
- 4 engaged in the performance of the duties of a fireman; or
- 5 (c) Any person engaged in emergency first-aid or medical services
- 6 acting in the performance of his duties while in uniform or otherwise
- 7 clearly identifiable as being engaged in the performance of emergency
- 8 first-aid or medical services; or
- 9 (d) Any school board member or school administrator, teacher or
- 10 other employee of a school board while clearly identifiable as being
- 11 engaged in the performance of his duties or because of his status as a
- 12 member or employee of a school board; or
- 13 (e) Any employee of the Division of Youth and Family Services
- 14 while clearly identifiable as being engaged in the performance of his
- 15 duties or because of his status as an employee of the division; or
- 16 (6) Causes bodily injury to another person while fleeing or
- 17 attempting to elude a law enforcement officer in violation of
- 18 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in
- 19 violation of subsection c. of N.J.S.2C:20-10. Notwithstanding any
- 20 other provision of law to the contrary, a person shall be strictly liable
- 21 for a violation of this subsection upon proof of a violation of
- 22 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in
- 23 violation of subsection c. of N.J.S.2C:20-10 which resulted in bodily
- 24 injury to another person; [or]
- 25 (7) Attempts to cause significant bodily injury to another or causes
- 26 significant bodily injury purposely or knowingly or, under
- 27 circumstances manifesting extreme indifference to the value of human
- 28 life recklessly causes such significant bodily injury; or
- 29 (8) Causes bodily injury by knowingly or purposely starting a fire
- 30 or causing an explosion which results in injury to any emergency
- 31 services personnel involved in fire suppression activities, rendering
- 32 emergency medical services resulting from the fire or explosion or
- 33 rescue operations, or rendering any necessary assistance at the scene
- 34 of the fire or explosion, including any injury sustained while
- 35 responding to the scene of a reported fire or explosion. For purposes
- 36 of this subsection, "emergency services personnel" shall include, but
- 37 not be limited to, any paid or volunteer fireman, any person engaged
- 38 in emergency first-aid or medical services and any law enforcement
- 39 officer.
- 40 Aggravated assault under subsections b. (1) and b. (6) is a crime of
- 41 the second degree; under subsections b. (2) and b. (7) is a crime of the
- 42 third degree; under subsections b. (3) and b. (4) is a crime of the
- 43 fourth degree; and under subsection b. (5) is a crime of the third
- 44 degree if the victim suffers bodily injury, otherwise it is a crime of the
- 45 fourth degree. Aggravated assault under subsection b. (8) is a crime
- 46 of the third degree if the victim suffers bodily injury; if the victim

1 suffers serious bodily injury it is a crime of the second degree.

2 c. A person is guilty of assault by auto or vessel when the person
3 drives a vehicle or vessel recklessly and causes either serious bodily
4 injury or bodily injury to another. Assault by auto or vessel is a crime
5 of the fourth degree if serious bodily injury results and is a disorderly
6 persons offense if bodily injury results.

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

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

14 e. A person who commits a simple assault as defined in subsection
15 a. of this section is guilty of a crime of the fourth degree if the person
16 acted with a purpose to intimidate an individual or group of individuals
17 because of race, color, religion, gender, handicap, sexual orientation,
18 or ethnicity.
19 (cf: P.L.1995,c.307,s.2).

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21 2. This act shall take effect immediately .

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STATEMENT

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26 This bill amends the aggravated assault statute, N.J.S.2C:12-1 by
27 adding a new paragraph (8) to subsection b. This paragraph provides
28 a person who knowingly or purposely starts a fire or causes an
29 explosion which results in bodily injury to any emergency services
30 personnel who become involved in fire suppression activities,
31 rendering emergency medical services, rescue operations, or rendering
32 any necessary assistance at the scene of a fire or explosion shall be
33 guilty of a crime of the second degree if serious bodily injury results
34 and a crime of the third degree if bodily injury results.

35 The sponsor intends to address the injuries to emergency services
36 personnel which are natural and foreseeable consequences of arson.
37 The arsonist who causes injury to emergency services personnel should
38 be held criminally liable for consequences of his actions.

39 The purpose of this bill is to protect the intervention which saves
40 lives in arson cases by providing specific protection to the persons
41 offering that intervention under the aggravated assault statute.

42 This bill is one of a package of three bills introduced as a result of
43 efforts of the Ocean County Prosecutor's Special Arson Investigation
44 Task Force.

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3 Includes emergency services personnel injured as a result of arson

4 under the aggravated assault statute.