

SENATE, No. 1184

STATE OF NEW JERSEY

INTRODUCED MAY 30, 1996

By Senator BRYANT

1 AN ACT concerning 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 (f) Any commercial vendor or merchant while clearly identifiable
17 as being engaged in the performance of his employment as a
18 commercial vendor or merchant or because of his status as a
19 commercial vendor or merchant; or
20 (g) Any patron of a commercial vendor, merchant or automated
21 teller machine; or
22 (6) Causes bodily injury to another person while fleeing or
23 attempting to elude a law enforcement officer in 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. Notwithstanding any
26 other provision of law to the contrary, a person shall be strictly liable
27 for a violation of this subsection upon proof of a violation of
28 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in
29 violation of subsection c. of N.J.S.2C:20-10 which resulted in bodily
30 injury to another person; or
31 (7) Attempts to cause significant bodily injury to another or causes
32 significant bodily injury purposely or knowingly or, under
33 circumstances manifesting extreme indifference to the value of human
34 life recklessly causes such significant bodily injury.
35 Aggravated assault under subsections b. (1) and b. (6) is a crime of
36 the second degree; under subsection b. (2) and b. (7) is a crime of the
37 third degree; under subsections b. (3) and b. (4) is a crime of the
38 fourth degree; and under subsection b. (5) is a crime of the third
39 degree if the victim suffers bodily injury. Aggravated assault under
40 subsection b. (5)(f) and subsection b. (5)(g) is a crime of the second
41 degree if the victim suffers serious bodily injury. Notwithstanding the
42 provisions of any other law, a person who commits aggravated assault
43 under subsection b. (5)(f) or subsection b. (5)(g) shall be sentenced to
44 a term of imprisonment by the court which shall include a minimum
45 term of three years during which the defendant shall be ineligible for
46 parole. [otherwise it] Otherwise aggravated assault is a crime of the

1 fourth 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 would upgrade the offense of simple assault under certain
27 circumstances.

28 Currently, simple assault is generally a disorderly persons offense,
29 punishable by a term of imprisonment of up to six months or a fine of
30 up to \$1,000 or both.

31 Under the bill, a person who commits a simple assault against a
32 commercial vendor or merchant who is clearly identifiable as being
33 engaged in the performance of his employment as a vendor or
34 merchant or because of his status as a vendor or merchant, or against
35 a patron of a vendor or merchant or a patron of an automated teller
36 machine would be guilty of fourth degree aggravated assault. If the
37 victim suffers serious bodily injury, the defendant would be guilty of
38 a crime of the second degree, with a mandatory minimum term of
39 imprisonment of three years. A crime of the fourth degree is
40 punishable by a term of imprisonment of up to 18 months or a fine of
41 up to \$7,500 or both; a crime of the second degree is punishable by a
42 term of imprisonment of five to ten years or a fine of up to \$100,000
43 or both.

44 If the victim suffers bodily injury current provisions make assault
45 generally under subsection b. (5) a crime of the third degree. A crime

1 of the third degree is punishable by a term of imprisonment of three to
2 five years or a fine of up to \$7,500 or both.

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7 Upgrades assault committed against commercial vendors, merchants
8 and patrons.