

**SENATE, No. 3873**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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INTRODUCED JUNE 3, 2021

**Sponsored by:**

**Senator ROBERT W. SINGER**

**District 30 (Monmouth and Ocean)**

**SYNOPSIS**

Establishes as aggravated assault pointing laser lighting device beam at first responder.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning laser lighting devices and amending  
2 N.J.S.2C:12-1.

3

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

6

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 the person:

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

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

21 (1) Attempts to cause serious bodily injury to another, or causes  
22 injury purposely or knowingly or under circumstances manifesting  
23 extreme indifference to the value of human life recklessly causes  
24 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  
31 in subsection f. of N.J.S.2C:39-1, at or in the direction of another,  
32 whether or not the actor believes it to be loaded; or

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

35 (a) Any law enforcement officer acting in the performance of  
36 the officer's duties while in uniform or exhibiting evidence of  
37 authority or because of the officer's status as a law enforcement  
38 officer; or

39 (b) Any paid or volunteer firefighter acting in the performance  
40 of the firefighter's duties while in uniform or otherwise clearly  
41 identifiable as being engaged in the performance of the duties of a  
42 firefighter; or

43 (c) Any person engaged in emergency first-aid or medical  
44 services acting in the performance of the person's duties while in  
45 uniform or otherwise clearly identifiable as being engaged in the  
46 performance of emergency first-aid or medical services; 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.

1 (d) Any school board member, school administrator, teacher,  
2 school bus driver, or other employee of a public or nonpublic  
3 school or school board while clearly identifiable as being engaged  
4 in the performance of the person's duties or because of the person's  
5 status as a member or employee of a public or nonpublic school or  
6 school board or any school bus driver employed by an operator  
7 under contract to a public or nonpublic school or school board while  
8 clearly identifiable as being engaged in the performance of the  
9 person's duties or because of the person's status as a school bus  
10 driver; or

11 (e) Any employee of the Division of Child Protection and  
12 Permanency while clearly identifiable as being engaged in the  
13 performance of the employee's duties or because of the status as an  
14 employee of the division; or

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

19 (g) Any operator of a motorbus or the operator's supervisor or  
20 any employee of a rail passenger service while clearly identifiable  
21 as being engaged in the performance of the person's duties or  
22 because of the status as an operator of a motorbus or as the  
23 operator's supervisor or as an employee of a rail passenger service;  
24 or

25 (h) Any Department of Corrections employee, county  
26 correctional police officer, juvenile correctional police officer, State  
27 juvenile facility employee, juvenile detention staff member,  
28 juvenile detention officer, probation officer or any sheriff,  
29 undersheriff, or sheriff's officer acting in the performance of the  
30 person's duties while in uniform or exhibiting evidence of the  
31 person's authority or because of the status as a Department of  
32 Corrections employee, county correctional police officer, juvenile  
33 correctional police officer, State juvenile facility employee, juvenile  
34 detention staff member, juvenile detention officer, probation  
35 officer, sheriff, undersheriff, or sheriff's officer; or

36 (i) Any employee, including any person employed under  
37 contract, of a utility company as defined in section 2 of P.L.1971,  
38 c.224 (C.2A:42-86) or a cable television company subject to the  
39 provisions of the "Cable Television Act," P.L.1972, c.186  
40 (C.48:5A-1 et seq.) while clearly identifiable as being engaged in  
41 the performance of the employee's duties in regard to connecting,  
42 disconnecting, or repairing or attempting to connect, disconnect, or  
43 repair any gas, electric, or water utility, or cable television or  
44 telecommunication service; or

45 (j) Any health care worker employed by a licensed health care  
46 facility to provide direct patient care, any health care professional  
47 licensed or otherwise authorized pursuant to Title 26 or Title 45 of

- 1 the Revised Statutes to practice a health care profession, except a  
2 direct care worker at a State or county psychiatric hospital or State  
3 developmental center or veterans' memorial home, while clearly  
4 identifiable as being engaged in the duties of providing direct  
5 patient care or practicing the health care profession; or
- 6 (k) Any direct care worker at a State or county psychiatric  
7 hospital or State developmental center or veterans' memorial home,  
8 while clearly identifiable as being engaged in the duties of  
9 providing direct patient care or practicing the health care  
10 profession, provided that the actor is not a patient or resident at the  
11 facility who is classified by the facility as having a mental illness or  
12 developmental disability; or
- 13 (6) Causes bodily injury to another person while fleeing or  
14 attempting to elude a law enforcement officer in violation of  
15 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in  
16 violation of subsection c. of N.J.S.2C:20-10. Notwithstanding any  
17 other provision of law to the contrary, a person shall be strictly  
18 liable for a violation of this paragraph upon proof of a violation of  
19 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in  
20 violation of subsection c. of N.J.S.2C:20-10 which resulted in  
21 bodily injury to another person; or
- 22 (7) Attempts to cause significant bodily injury to another or  
23 causes significant bodily injury purposely or knowingly or, under  
24 circumstances manifesting extreme indifference to the value of  
25 human life recklessly causes such significant bodily injury; or
- 26 (8) Causes bodily injury by knowingly or purposely starting a  
27 fire or causing an explosion in violation of N.J.S.2C:17-1 which  
28 results in bodily injury to any emergency services personnel  
29 involved in fire suppression activities, rendering emergency  
30 medical services resulting from the fire or explosion or rescue  
31 operations, or rendering any necessary assistance at the scene of the  
32 fire or explosion, including any bodily injury sustained while  
33 responding to the scene of a reported fire or explosion. For  
34 purposes of this paragraph, "emergency services personnel" shall  
35 include, but not be limited to, any paid or volunteer firefighter, any  
36 person engaged in emergency first-aid or medical services and any  
37 law enforcement officer. Notwithstanding any other provision of  
38 law to the contrary, a person shall be strictly liable for a violation of  
39 this paragraph upon proof of a violation of N.J.S.2C:17-1 which  
40 resulted in bodily injury to any emergency services personnel; or
- 41 (9) Knowingly, under circumstances manifesting extreme  
42 indifference to the value of human life, points or displays a firearm,  
43 as defined in subsection f. of N.J.S.2C:39-1, at or in the direction of  
44 a law enforcement officer; or
- 45 (10) Knowingly points, displays or uses an imitation firearm, as  
46 defined in subsection v. of N.J.S.2C:39-1, at or in the direction of a  
47 law enforcement officer with the purpose to intimidate, threaten, or

1 attempt to put the officer in fear of bodily injury or for any unlawful  
2 purpose; or

3 (11) **【**Uses or activates a laser sighting system or device, or a  
4 system or device which, in the manner used, would cause a  
5 reasonable person to believe that it is a laser sighting system or  
6 device, against a law enforcement officer acting in the performance  
7 of the officer's duties while in uniform or exhibiting evidence of the  
8 officer's authority. As used in this paragraph, "laser sighting system  
9 or device" means any system or device that is integrated with or  
10 affixed to a firearm and emits a laser light beam that is used to  
11 assist in the sight alignment or aiming of the firearm; or**】 Deleted**  
12 by amendment, P.L. , c. ) (pending before the Legislature as  
13 this bill)

14 (12) Attempts to cause significant bodily injury or causes  
15 significant bodily injury purposely or knowingly or, under  
16 circumstances manifesting extreme indifference to the value of  
17 human life, recklessly causes significant bodily injury to a person  
18 who, with respect to the actor, meets the definition of a victim of  
19 domestic violence, as defined in subsection d. of section 3 of  
20 P.L.1991, c.261 (C.2C:25-19); or

21 (13) Knowingly or, under circumstances manifesting extreme  
22 indifference to the value of human life, recklessly obstructs the  
23 breathing or blood circulation of a person who, with respect to the  
24 actor, meets the definition of a victim of domestic violence, as  
25 defined in subsection d. of section 3 of P.L.1991, c.261 (C.2C:25-  
26 19), by applying pressure on the throat or neck or blocking the nose  
27 or mouth of such person, thereby causing or attempting to cause  
28 bodily injury; or

29 (14) Shines, points, or focuses a laser lighting device beam,  
30 directly or indirectly, upon a first responder who is clearly  
31 identifiable as being engaged in the performance of the first  
32 responder's duties or because of the person's status as a first  
33 responder. As used in this paragraph "first responder" means a law  
34 enforcement officer, paid or volunteer firefighter, or paid or  
35 volunteer member of a duly incorporated first aid, emergency,  
36 ambulance, or rescue squad association, who, in the course of  
37 employment, is dispatched to the scene of a motor vehicle accident  
38 or other emergency situation for the purpose of providing medical  
39 care or other assistance; and "laser lighting device" means a device  
40 which emits a laser beam that is designed to be used by the operator  
41 as a pointer or highlighter to indicate, mark, or identify a specific  
42 position, place, item, or object, and includes a laser sighting system  
43 or device.

44 Aggravated assault under paragraphs (1) and (6) of subsection b.  
45 of this section is a crime of the second degree; under paragraphs  
46 (2), (7), (9), and (10) of subsection b. of this section is a crime of  
47 the third degree; under paragraphs (3) and (4) of subsection b. of  
48 this section is a crime of the fourth degree; and under paragraph (5)

1 of subsection b. of this section is a crime of the third degree if the  
2 victim suffers bodily injury, otherwise it is a crime of the fourth  
3 degree. Aggravated assault under paragraph (8) of subsection b. of  
4 this section is a crime of the third degree if the victim suffers bodily  
5 injury; if the victim suffers significant bodily injury or serious  
6 bodily injury it is a crime of the second degree. Aggravated assault  
7 under paragraph **[(11)]** (14) of subsection b. of this section is a  
8 crime of the third degree. Aggravated assault under paragraph (12)  
9 or (13) of subsection b. of this section is a crime of the third degree  
10 but the presumption of non-imprisonment set forth in subsection e.  
11 of N.J.S.2C:44-1 for a first offense of a crime of the third degree  
12 shall not apply.

13 c. (1) A person is guilty of assault by auto or vessel when the  
14 person drives a vehicle or vessel recklessly and causes either  
15 serious bodily injury or bodily injury to another. Assault by auto or  
16 vessel is a crime of the fourth degree if serious bodily injury results  
17 and is a disorderly persons offense if bodily injury results. Proof  
18 that the defendant was operating a hand-held wireless telephone  
19 while driving a motor vehicle in violation of section 1 of P.L.2003,  
20 c.310 (C.39:4-97.3) may give rise to an inference that the defendant  
21 was driving recklessly.

22 (2) Assault by auto or vessel is a crime of the third degree if the  
23 person drives the vehicle while in violation of R.S.39:4-50 or  
24 section 2 of P.L.1981, c.512 (C.39:4-50.4a) and serious bodily  
25 injury results and is a crime of the fourth degree if the person drives  
26 the vehicle while in violation of R.S.39:4-50 or section 2 of  
27 P.L.1981, c.512 (C.39:4-50.4a) and bodily injury results.

28 (3) Assault by auto or vessel is a crime of the second degree if  
29 serious bodily injury results from the defendant operating the auto  
30 or vessel while in violation of R.S.39:4-50 or section 2 of P.L.1981,  
31 c.512 (C.39:4-50.4a) while:

32 (a) on any school property used for school purposes which is  
33 owned by or leased to any elementary or secondary school or school  
34 board, or within 1,000 feet of such school property;

35 (b) driving through a school crossing as defined in R.S.39:1-1 if  
36 the municipality, by ordinance or resolution, has designated the  
37 school crossing as such; or

38 (c) driving through a school crossing as defined in R.S.39:1-1  
39 knowing that juveniles are present if the municipality has not  
40 designated the school crossing as such by ordinance or resolution.

41 Assault by auto or vessel is a crime of the third degree if bodily  
42 injury results from the defendant operating the auto or vessel in  
43 violation of this paragraph.

44 A map or true copy of a map depicting the location and  
45 boundaries of the area on or within 1,000 feet of any property used  
46 for school purposes which is owned by or leased to any elementary  
47 or secondary school or school board produced pursuant to section 1

1 of P.L.1987, c.101 (C.2C:35-7) may be used in a prosecution under  
2 subparagraph (a) of paragraph (3) of this subsection.

3 It shall be no defense to a prosecution for a violation of  
4 subparagraph (a) or (b) of paragraph (3) of this subsection that the  
5 defendant was unaware that the prohibited conduct took place while  
6 on or within 1,000 feet of any school property or while driving  
7 through a school crossing. Nor shall it be a defense to a prosecution  
8 under subparagraph (a) or (b) of paragraph (3) of this subsection  
9 that no juveniles were present on the school property or crossing  
10 zone at the time of the offense or that the school was not in session.

11 (4) Assault by auto or vessel is a crime of the third degree if the  
12 person purposely drives a vehicle in an aggressive manner directed  
13 at another vehicle and serious bodily injury results and is a crime of  
14 the fourth degree if the person purposely drives a vehicle in an  
15 aggressive manner directed at another vehicle and bodily injury  
16 results. For purposes of this paragraph, "driving a vehicle in an  
17 aggressive manner" shall include, but is not limited to,  
18 unexpectedly altering the speed of the vehicle, making improper or  
19 erratic traffic lane changes, disregarding traffic control devices,  
20 failing to yield the right of way, or following another vehicle too  
21 closely.

22 As used in this subsection, "vessel" means a means of  
23 conveyance for travel on water and propelled otherwise than by  
24 muscular power.

25 d. A person who is employed by a facility as defined in section  
26 2 of P.L.1977, c.239 (C.52:27G-2) who commits a simple assault as  
27 defined in paragraph (1) or (2) of subsection a. of this section upon  
28 an institutionalized elderly person as defined in section 2 of  
29 P.L.1977, c.239 (C.52:27G-2) is guilty of a crime of the fourth  
30 degree.

31 e. (Deleted by amendment, P.L.2001, c.443).

32 f. A person who commits a simple assault as defined in  
33 paragraph (1), (2), or (3) of subsection a. of this section in the  
34 presence of a child under 16 years of age at a school or community  
35 sponsored youth sports event is guilty of a crime of the fourth  
36 degree. The defendant shall be strictly liable upon proof that the  
37 offense occurred, in fact, in the presence of a child under 16 years  
38 of age. It shall not be a defense that the defendant did not know  
39 that the child was present or reasonably believed that the child was  
40 16 years of age or older. The provisions of this subsection shall not  
41 be construed to create any liability on the part of a participant in a  
42 youth sports event or to abrogate any immunity or defense available  
43 to a participant in a youth sports event. As used in this act, "school  
44 or community sponsored youth sports event" means a competition,  
45 practice, or instructional event involving one or more  
46 interscholastic sports teams or youth sports teams organized  
47 pursuant to a nonprofit or similar charter or which are member  
48 teams in a youth league organized by or affiliated with a county or

1 municipal recreation department and shall not include collegiate,  
2 semi-professional or professional sporting events.  
3 (cf: P.L.2019, c.219, s.3)  
4

5 2. This act shall take effect immediately.  
6  
7

8 STATEMENT  
9

10 This bill establishes as aggravated assault shining a laser pointer  
11 at a first responder.

12 The bill specifically prohibits a person from shining, pointing, or  
13 focusing a laser lighting device beam, directly or indirectly, upon a  
14 first responder while the first responder is clearly identifiable as  
15 being engaged in the performance of his or her duties or because of  
16 his or her status as a first responder. First responders include law  
17 enforcement officers, paid and volunteer firefighters, and paid and  
18 volunteer members of duly incorporated first aid, emergency,  
19 ambulance, or rescue squads, who, in the course of employment, are  
20 dispatched to the scene of a motor vehicle accident or other  
21 emergency situation to provide medical care or other assistance.

22 A violation of the bill's provisions constitutes aggravated assault  
23 of the third degree. Third degree crimes are punishable by three to  
24 five years imprisonment, a fine of \$15,000, or both.

25 The bill defines a "laser lighting device" as a device which emits  
26 a laser beam that is designed to be used by the operator as a pointer  
27 or highlighter to indicate, mark, or identify a specific position,  
28 place, item, or object, including a laser sighting system or device.