

SENATE, No. 4071

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED NOVEMBER 8, 2021

Sponsored by:

Senator PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

Senator ROBERT W. SINGER

District 30 (Monmouth and Ocean)

Co-Sponsored by:

Senators Greenstein, Oroho, Turner, A.M.Bucco, Pou and O'Scanlon

SYNOPSIS

“Motorbus and Passenger Rail Service Employee Violence Prevention Act”.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/20/2021)

1 **AN ACT** concerning the prevention of violence against motorbus
2 and passenger rail service employees, designated as the
3 “Motorbus and Passenger Rail Service Employee Violence
4 Prevention Act,” amending N.J.S.2C:12-1 and P.L.1979, c.150,
5 and supplementing Title 27 and Title 48 of the Revised Statutes.

6
7 **BE IT ENACTED** *by the Senate and General Assembly of the State*
8 *of New Jersey:*

9
10 1. N.J.S.2C:12-1 is amended to read as follows:

11 2C:12-1. Assault. a. Simple assault. A person is guilty of
12 assault if the person:

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

15 (2) Negligently causes bodily injury to another with a deadly
16 weapon; or

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

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

22 b. Aggravated assault. A person is guilty of aggravated assault
23 if the person:

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

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

30 (3) Recklessly causes bodily injury to another with a deadly
31 weapon; or

32 (4) Knowingly under circumstances manifesting extreme
33 indifference to the value of human life points a firearm, as defined
34 in subsection f. of N.J.S.2C:39-1, at or in the direction of another,
35 whether or not the actor believes it to be loaded; or

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

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

42 (b) Any paid or volunteer firefighter acting in the performance
43 of the firefighter's duties while in uniform or otherwise clearly
44 identifiable as being engaged in the performance of the duties of a
45 firefighter; 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 (c) Any person engaged in emergency first-aid or medical
2 services acting in the performance of the person's duties while in
3 uniform or otherwise clearly identifiable as being engaged in the
4 performance of emergency first-aid or medical services; or

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

15 (e) Any employee of the Division of Child Protection and
16 Permanency while clearly identifiable as being engaged in the
17 performance of the employee's duties or because of the status as an
18 employee of the division; or

19 (f) Any justice of the Supreme Court, judge of the Superior
20 Court, judge of the Tax Court or municipal judge while clearly
21 identifiable as being engaged in the performance of judicial duties
22 or because of the status as a member of the judiciary; or

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

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

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

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

1 (10) Knowingly points, displays or uses an imitation firearm, as
2 defined in subsection v. of N.J.S.2C:39-1, at or in the direction of a
3 law enforcement officer with the purpose to intimidate, threaten, or
4 attempt to put the officer in fear of bodily injury or for any unlawful
5 purpose; or

6 (11) Uses or activates a laser sighting system or device, or a
7 system or device which, in the manner used, would cause a
8 reasonable person to believe that it is a laser sighting system or
9 device, against a law enforcement officer acting in the performance
10 of the officer's duties while in uniform or exhibiting evidence of the
11 officer's authority. As used in this paragraph, "laser sighting system
12 or device" means any system or device that is integrated with or
13 affixed to a firearm and emits a laser light beam that is used to
14 assist in the sight alignment or aiming of the firearm; or

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

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

30 Aggravated assault under paragraphs (1) and (6) of subsection b.
31 of this section is a crime of the second degree; under paragraphs
32 (2), (7), (9), and (10) of subsection b. of this section is a crime of
33 the third degree; under paragraphs (3) and (4) of subsection b. of
34 this section is a crime of the fourth degree; and under paragraph (5)
35 of subsection b. of this section is a crime of the third degree if the
36 victim suffers bodily injury, otherwise it is a crime of the fourth
37 degree, except that any aggravated assault under subparagraph (g)
38 of paragraph (5) of subsection b. of this section shall be a crime of
39 the third degree. Aggravated assault under paragraph (8) of
40 subsection b. of this section is a crime of the third degree if the
41 victim suffers bodily injury; if the victim suffers significant bodily
42 injury or serious bodily injury it is a crime of the second degree.
43 Aggravated assault under paragraph (11) of subsection b. of this
44 section is a crime of the third degree. Aggravated assault under
45 paragraph (12) of subsection b. of this section is a crime of the third
46 degree but the presumption of non-imprisonment set forth in
47 subsection e. of N.J.S.2C:44-1 for a first offense of a crime of the

1 third degree shall not apply. Aggravated assault under paragraph
2 (13) of subsection b. of this section is a crime of the second degree.

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

12 (2) Assault by auto or vessel is a crime of the third degree if the
13 person drives the vehicle while in violation of R.S.39:4-50 or
14 section 2 of P.L.1981, c.512 (C.39:4-50.4a) and serious bodily
15 injury results and is a crime of the fourth degree if the person drives
16 the vehicle while in violation of R.S.39:4-50 or section 2 of
17 P.L.1981, c.512 (C.39:4-50.4a) and bodily injury results.

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

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

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

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

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

34 A map or true copy of a map depicting the location and
35 boundaries of the area on or within 1,000 feet of any property used
36 for school purposes which is owned by or leased to any elementary
37 or secondary school or school board produced pursuant to section 1
38 of P.L.1987, c.101 (C.2C:35-7) may be used in a prosecution under
39 subparagraph (a) of paragraph (3) of this subsection.

40 It shall be no defense to a prosecution for a violation of
41 subparagraph (a) or (b) of paragraph (3) of this subsection that the
42 defendant was unaware that the prohibited conduct took place while
43 on or within 1,000 feet of any school property or while driving
44 through a school crossing. Nor shall it be a defense to a prosecution
45 under subparagraph (a) or (b) of paragraph (3) of this subsection
46 that no juveniles were present on the school property or crossing
47 zone at the time of the offense or that the school was not in session.

1 (4) Assault by auto or vessel is a crime of the third degree if the
2 person purposely drives a vehicle in an aggressive manner directed
3 at another vehicle and serious bodily injury results and is a crime of
4 the fourth degree if the person purposely drives a vehicle in an
5 aggressive manner directed at another vehicle and bodily injury
6 results. For purposes of this paragraph, "driving a vehicle in an
7 aggressive manner" shall include, but is not limited to,
8 unexpectedly altering the speed of the vehicle, making improper or
9 erratic traffic lane changes, disregarding traffic control devices,
10 failing to yield the right of way, or following another vehicle too
11 closely.

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

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

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

22 f. A person who commits a simple assault as defined in
23 paragraph (1), (2), or (3) of subsection a. of this section in the
24 presence of a child under 16 years of age at a school or community
25 sponsored youth sports event is guilty of a crime of the fourth
26 degree. The defendant shall be strictly liable upon proof that the
27 offense occurred, in fact, in the presence of a child under 16 years
28 of age. It shall not be a defense that the defendant did not know
29 that the child was present or reasonably believed that the child was
30 16 years of age or older. The provisions of this subsection shall not
31 be construed to create any liability on the part of a participant in a
32 youth sports event or to abrogate any immunity or defense available
33 to a participant in a youth sports event. As used in this act, "school
34 or community sponsored youth sports event" means a competition,
35 practice, or instructional event involving one or more
36 interscholastic sports teams or youth sports teams organized
37 pursuant to a nonprofit or similar charter or which are member
38 teams in a youth league organized by or affiliated with a county or
39 municipal recreation department and shall not include collegiate,
40 semi-professional or professional sporting events.

41 (cf: P.L.2021, c.172, s.1)

42

43 2. Section 5 of P.L.1979, c.150 (C.27:25-5) is amended to read
44 as follows:

45 5. In addition to the powers and duties conferred upon it
46 elsewhere in this act, the corporation may do all acts necessary and
47 reasonably incident to carrying out the objectives of this act,
48 including but not in limitation thereof the following:

- 1 a. Sue and be sued;
- 2 b. Have an official seal and alter the same at pleasure;
- 3 c. Make and alter bylaws for its organization and internal
4 management and for the conduct of its affairs and business;
- 5 d. Maintain an office at such place or places within the State as
6 it may determine;
- 7 e. Adopt, amend and repeal such rules and regulations as it
8 may deem necessary to effectuate the purposes of this act, which
9 shall have the force and effect of law; it shall publish the same and
10 file them in accordance with the "Administrative Procedure Act,"
11 P.L.1968, c.410 (C.52:14B-1 et seq.) with the Director of the Office
12 of Administrative Law;
- 13 f. Call to its assistance and avail itself of the service of such
14 employees of any federal, State, county or municipal department or
15 agency as it may require and as may be available to it for said
16 purpose;
- 17 g. Apply for, accept and expend money from any federal, State,
18 county or municipal agency or instrumentality and from any private
19 source as gifts, grants, or loans; comply with federal statutes, rules
20 and regulations, and qualify for and receive all forms of financial
21 assistance available under federal law to assure the continuance of,
22 or for the support or improvement of public transportation and as
23 may be necessary for that purpose to enter into agreements,
24 including federally required labor protective agreements;
- 25 h. Plan, design, construct, equip, operate, improve, maintain,
26 and, through the New Jersey Transportation Trust Fund Authority,
27 finance either directly or by contract with any public or private
28 entity, public transportation services, capital equipment and
29 facilities or any parts or functions thereof, and other transportation
30 projects, or any parts or functions thereof, which may be funded
31 under section 3 of the federal Urban Mass Transportation Act of
32 1964, Pub.L.88-365 (49 U.S.C. s.1602), or any successor or
33 additional federal act having substantially the same or similar
34 purposes or functions; the operation of the facilities of the
35 corporation, by the corporation or any public or private entity, may
36 include appropriate and reasonable limitations on competition in
37 order that maximum service may be provided most efficiently to the
38 public;
- 39 i. Apply for and accept, from appropriate regulatory bodies,
40 authority to operate public transportation services where necessary;
- 41 j. Purchase, lease as lessee, or otherwise acquire, own, hold,
42 improve, use and otherwise deal in and with real or personal
43 property, or any interest therein, from any public or private entity,
44 wherever situated;
- 45 k. Lease as lessor, sell or otherwise dispose of on terms which
46 the corporation may prescribe, real and personal property, including
47 tangible or intangible property and consumable goods, or any
48 interest therein, to any public or private entity, in the exercise of its

1 powers and the performance of its duties under this act. In order to
2 provide or encourage adequate and efficient public transportation
3 service, the corporation may lease or otherwise permit the use or
4 occupancy of property without cost or at a nominal rental;

5 1. Restrict the rights of persons to enter upon or construct any
6 works in or upon any property owned or leased by the corporation,
7 except under such terms as the corporation may prescribe; perform
8 or contract for the performance of all acts necessary for the
9 management, maintenance and repair of real or personal property
10 leased or otherwise used or occupied pursuant to this act; and
11 prohibit from using transportation services provided by the
12 corporation, or by a contractor of the corporation, any person who
13 assaults an operator of a motorbus or the operator's supervisor or
14 any employee of a rail passenger service while clearly identifiable
15 as being engaged in the performance of the person's duties or
16 because of the status as an operator of a motorbus or as the
17 operator's supervisor or as an employee of a rail passenger service,
18 for a term to be determined by the corporation not to exceed one
19 calendar year, unless the person used a deadly weapon during the
20 commission of the assault in which case the person may be banned
21 for life, provided that the person has the right to appeal any
22 determination made pursuant to this subsection;

23 m. Establish one or more operating divisions as deemed
24 necessary;

25 n. Set and collect fares and determine levels of service for
26 service provided by the corporation either directly or by contract
27 including, but not limited to, such reduced fare programs as deemed
28 appropriate by the corporation; revenues derived from such service
29 may be collected by the corporation and shall be available to the
30 corporation for use in furtherance of any of the purposes of this act;

31 o. Set and collect rentals, fees, charges or other payments from
32 the lease, use, occupancy or disposition of properties owned or
33 leased by the corporation; such revenues shall be available to the
34 corporation for use in furtherance of any of the purposes of this act;

35 p. Deposit corporate revenues in interest bearing accounts or in
36 the State of New Jersey Cash Management Fund established
37 pursuant to section 1 of P.L.1977, c.281 (C.52:18A-90.4);

38 q. Delegate to subordinate officers of the corporation such
39 powers and duties as the corporation shall deem necessary and
40 proper to carry out the purposes of this act;

41 r. (1) Procure and enter into contracts for any type of
42 insurance and indemnify against loss or damage to property from
43 any cause, including loss of use and occupancy, against death or
44 injury of any person, against employees' liability, against any act of
45 any member, officer, employee or servant of the corporation,
46 whether part-time, full-time, compensated or noncompensated, in
47 the performance of the duties of his office or employment or any
48 other insurable risk. In addition, the corporation may carry its own

1 liability insurance and may also establish and utilize a wholly-
2 owned insurance subsidiary or captive provided the subsidiary or
3 captive is domiciled in the United States in a state which is
4 accredited by the National Association of Insurance Commissioners
5 and which licenses and regulates wholly-owned insurance
6 subsidiaries or captives; and

7 (2) Pursuant to paragraph (1) of this subsection, the
8 corporation's chief of procurement is authorized to reach an
9 agreement to defend and indemnify a person against claims, causes
10 of action, demands, costs or judgments against that person arising
11 as a direct result of that person's contract with the corporation, upon
12 the terms and limitations the chief deems reasonable and
13 appropriate. An agreement to defend and indemnify pursuant to
14 this subsection shall not bar, reduce, limit or affect any remedies
15 which the corporation may have to enforce the corporation's
16 agreement or to assert a claim for damages to which the corporation
17 may be entitled arising out of the person's failure to perform the
18 agreement, or for the recovery of funds expended for the defense of
19 a person if the defense was undertaken in response to a claim or
20 cause of action brought against the person which is proven to have
21 arisen from gross negligence, willful misconduct, fraud, intentional
22 tort, bad faith, or criminal conduct. No one other than the person
23 who is party to the agreement with the corporation may enforce any
24 agreement for defense or indemnification between that person and
25 the corporation;

26 s. Promote the use of public transportation services, coordinate
27 ticket sales and passenger information and sell, lease or otherwise
28 contract for advertising in or on the equipment or facilities of the
29 corporation;

30 t. Adopt and maintain employee benefit programs for
31 employees of the corporation including, but not limited to, pension,
32 deferred compensation, medical disability, and death benefits, and
33 which programs may utilize insurance contracts, trust funds, and
34 any other appropriate means of providing the stipulated benefits,
35 and may involve new plans or the continuation of plans previously
36 established by entities acquired by the corporation;

37 u. Own, control, vote, and exercise any and all other rights
38 incidental to the ownership of any equity, membership interest, or
39 any shares of the capital stock of any incorporated entity acquired,
40 formed, incorporated, or established by law by the corporation
41 pursuant to the powers granted by this act. Any such corporate
42 entity may be utilized in order to enable the corporation to
43 participate with other private or public entities in any transaction,
44 memorandum of understanding, undertaking, or arrangement that
45 the corporation would have the power to conduct by itself, whether
46 or not such participation involves sharing or delegation of control
47 with or to other public or private entities regarding the ownership,
48 operation, control, and management of services, equipment, or

1 facilities. For purposes of this subsection, "corporate entity" means
2 any business entity, including but not limited to, any corporation,
3 limited liability company, joint venture, limited partnership, general
4 partnership, association of any kind, or collaborative arrangement
5 that may be jointly owned by the corporation and any other public
6 or private entities that provide public transportation services;

7 v. Enter into any and all agreements or contracts, execute any
8 and all instruments, and do and perform any and all acts or things
9 necessary, convenient or desirable for the purposes of the
10 corporation, or to carry out any power expressly or implicitly given
11 in this act;

12 w. Notwithstanding the provisions of section 17 of P.L.1979,
13 c.150 (C.27:25-17) or any other law to the contrary, (1) issue
14 operating grant anticipation notes which shall be secured and retired
15 from operating assistance grants authorized under section 9 of the
16 federal Urban Mass Transportation Act of 1964, Pub.L.88-365 (49
17 U.S.C. s.1602), or any successor or additional federal act having
18 substantially the same or similar purposes or functions and (2) issue
19 capital grant anticipation notes which shall be secured and retired
20 from capital assistance grants authorized under section 3 or section
21 9 of the federal Urban Mass Transportation Act of 1964, Pub.L.88-
22 365 (49 U.S.C. s.1602), or any successor or additional federal act
23 having substantially the same or similar purposes or functions. As
24 used in this subsection, "operating grant anticipation notes" or
25 "capital grant anticipation notes" (hereinafter referred to as "notes")
26 means credit obligations issued in anticipation of these grants. All
27 grant anticipation notes shall be authorized by a resolution or
28 resolutions of the corporation, and may be issued in one or more
29 series and shall bear the date, or dates, bear interest at the rate or
30 rates of interest per annum, be in the denomination or
31 denominations, be in the form, carry the conversion or registration
32 privileges, have the rank or priority, be executed in such manner as
33 the resolution or resolutions require. The notes may be sold at
34 public or private sale at the price or prices and in the manner that
35 the corporation determines. The notes of the corporation, the sale or
36 transfer thereof, and the income derived therefrom by the
37 purchasers of the notes, shall, at all times, be free from taxation for
38 State or local purposes, under any law of the State or any political
39 subdivision thereof. Notes may be issued under the provisions of
40 P.L.1979, c.150 (C.27:25-1 et seq.) without obtaining the consent of
41 any department, division, commission, board, bureau or agency of
42 the State, and without any other proceedings, conditions, or things
43 which are specifically required by P.L.1979, c.150 (C.27:25-
44 1 et seq.). The notes issued pursuant to P.L.1979, c.150 (C.27:25-
45 1 et seq.) shall not in any way create or constitute any indebtedness,
46 liability or obligation of the State or of any political subdivision
47 thereof or of the corporation, except as provided herein.

1 The grant anticipation notes shall be payable solely from (1) note
2 proceeds, to the extent not disbursed to the corporation, (2) grant
3 payments if, as, and when received from the federal government,
4 and (3) investment earnings on note proceeds, to the extent not
5 disbursed to the corporation. Each note shall contain on its face a
6 statement to the effect that the corporation is obligated to pay the
7 principal thereof or the interest thereon only from these grants to
8 the corporation and from the proceeds of the notes and investment
9 earnings on the proceeds of the notes, to the extent not disbursed to
10 the corporation, and that neither the faith and credit nor the taxing
11 power of the State or of any political subdivision thereof or of the
12 corporation is pledged to the payment of the principal and interest
13 on these notes. Neither the members of the corporation's board nor
14 any person executing the transactions are personally liable on those
15 notes nor are they otherwise liable for their actions. Subject to any
16 agreement with the debtholders, the corporation may invest moneys
17 of the corporation not required for immediate use, including
18 proceeds from the sale of any notes, in such obligations, securities
19 and other investments as the corporation shall deem prudent;

20 x. Enter into agreements with a public or private entity or
21 consortia thereof to provide for the development of demonstration
22 projects through the use of public-private partnerships pursuant to
23 sections 1 through 9 of P.L.1997, c.136 (C.27:1D-1 through
24 C.27:1D-9);

25 y. Enter into agreements with a public or private entity or
26 consortia thereof to provide for the development of projects through
27 the use of public-private partnerships. All building construction
28 projects under a public-private partnership agreement entered into
29 pursuant to this subsection shall contain a project labor agreement,
30 unless the federal government or a court of competent jurisdiction
31 determines that requiring such an agreement would violate federal
32 law or regulation, or including such an agreement would preclude
33 the corporation from receiving federal funding for the project.
34 Project labor agreements shall be subject to the provisions of
35 P.L.2002, c.44 (C.52:38-1 et seq.); and

36 z. To employ and retain legal counsel at the corporation's
37 discretion, including choosing representation by the Attorney
38 General.
39 (cf: P.L.2018, c.162, s.4)

40
41 3. (New section) a. The corporation shall equip each
42 motorbus, rail vehicle, and light rail vehicle with a communication
43 system that allows the operator of the motorbus or rail passenger
44 service employee to alert the corporation, New Jersey Transit
45 police, and any other appropriate law enforcement agencies when
46 the operator or employee is in distress.

47 b. The corporation shall coordinate with local law enforcement
48 and New Jersey Transit police to allow law enforcement officers or

1 transit police officers to ride along on a motorbus, rail vehicle, or
2 light rail vehicle during high volume periods or on routes where the
3 corporation anticipates the possibility for violence against the
4 operator of a motorbus or employee of a rail passenger service.

5 c. The corporation shall establish a program to assist and
6 support motorbus operators and passenger rail service employees
7 that have been a victim of assault.

8 d. The corporation shall periodically provide violence and
9 mental health training to motorbus operators and passenger rail
10 service employees, which shall include training in techniques to
11 deescalate situations and to avoid violence.

12

13 4. (New section) Any entity that provides rail passenger
14 service is hereby authorized to prohibit from using transportation
15 services provided by the entity any person who assaults an
16 employee of the rail passenger service while clearly identifiable as
17 being engaged in the performance of the person's duties or because
18 of the status as an employee of the rail passenger service, for a term
19 to be determined by the entity not to exceed one calendar year,
20 unless the person used a deadly weapon during the commission of
21 the assault in which case the person may be banned for life,
22 provided that the person has the right to appeal any determination
23 made pursuant to this section.

24

25 5. New section) a. The owner or operator of an autobus may
26 prohibit from using transportation services provided by the owner
27 or operator any person who assaults an operator of an autobus or the
28 operator's supervisor while clearly identifiable as being engaged in
29 the performance of the person's duties or because of the status as an
30 operator of an autobus or as the operator's supervisor, for a term to
31 be determined by the owner or operator of the autobus not to exceed
32 one calendar year, unless the person used a deadly weapon during
33 the commission of the assault in which case the person may be
34 banned for life, provided that the person has the right to appeal any
35 determination made pursuant to this subsection.

36 b. The owner of an autobus shall equip each autobus with a
37 communication system that allows the operator of the autobus to
38 alert the owner of the autobus and appropriate law enforcement
39 agencies when the operator is in distress.

40 c. The owner or operator of an autobus shall coordinate with
41 local law enforcement and transit police to allow law enforcement
42 officers or transit police officers to ride along on an autobus during
43 high volume periods or on routes where the owner of the autobus
44 anticipates the possibility for violence against the operator of an
45 autobus.

46 d. The owner of an autobus shall establish a program to assist
47 and support operators of autobuses that have been a victim of
48 assault.

1 e. The owner of an autobus shall periodically provide violence
2 and mental health training to autobus operators, which shall include
3 training in techniques to deescalate situations to avoid violence.

4
5 6. This act shall take effect immediately.

6
7
8 **STATEMENT**

9
10 This bill, named the “Motorbus and Passenger Rail Service
11 Employee Violence Prevention Act,” upgrades the penalty for all
12 assaults on a motorbus or autobus operator, the operator’s
13 supervisor, and a rail passenger employee to, at minimum, third
14 degree aggravated assault. A crime of the third degree is
15 punishable by three to five years imprisonment, a maximum fine of
16 \$15,000, or both.

17 The bill empowers the New Jersey Transit Corporation (NJ
18 Transit), motorbus companies, and all rail passenger service
19 providers to ban riders from their transportation services for up to
20 one year if the person commits assault on a motorbus operator, the
21 operator’s supervisor, or a rail passenger employee. If a deadly
22 weapon was used during the assault, the rider may be banned for
23 life. The bill requires that NJ Transit and motorbus companies
24 equip each bus and rail and light rail vehicle with a communication
25 system that allows the operator to alert the company or NJ Transit,
26 as appropriate, and appropriate law enforcement agencies when the
27 operator is in distress. The bill requires NJ Transit and motorbus
28 companies to coordinate with law enforcement and transit police to
29 help protect bus operators and rail employees on potentially
30 problematic routes. The bill also requires NJ Transit and motorbus
31 companies to establish an employee assistance program for bus
32 operators and rail employees that have been assaulted and to
33 provide periodic violence and mental health training to bus
34 operators and rail employees.
35 Employee Violence Prevention Act”.