

[First Reprint]

SENATE SUBSTITUTE FOR  
**SENATE, No. 334**

**STATE OF NEW JERSEY**  
**211th LEGISLATURE**

ADOPTED MARCH 22, 2004

**Sponsored by:**

**Senator PAUL SARLO**

**District 36 (Bergen, Essex and Passaic)**

**Assemblyman FREDERICK SCALERA**

**District 36 (Bergen, Essex and Passaic)**

**Assemblyman BRIAN P. STACK**

**District 33 (Hudson)**

**Assemblyman JOSEPH VAS**

**District 19 (Middlesex)**

**Co-Sponsored by:**

**Assemblyman Hackett and Assemblywoman Quigley**

**SYNOPSIS**

Upgrades penalties for certain assaults committed against employees of public utilities, cable television or telecommunication services.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Law and Public Safety Committee on October 4, 2004, with amendments.

(Sponsorship Updated As Of: 11/16/2004)

1 AN ACT concerning assault and amending N.J.S.2C:12-1.

2

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

5

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  
10 causes 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  
14 imminent 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)  
33 or (3) of this section upon:

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

37 (b) Any paid or volunteer fireman acting in the performance of his  
38 duties while in uniform or otherwise clearly identifiable as being  
39 engaged in the performance of the duties of a fireman; or

40 (c) Any person engaged in emergency first-aid or medical services  
41 acting in the performance of his duties while in uniform or otherwise  
42 clearly identifiable as being engaged in the performance of emergency

**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.**

**Matter enclosed in superscript numerals has been adopted as follows:**

**<sup>1</sup> Assembly ALP committee amendments adopted October 4, 2004.**

1 first-aid or medical services; or

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

10 (e) Any employee of the Division of Youth and Family Services  
11 while clearly identifiable as being engaged in the performance of his  
12 duties or because of his status as an employee of the division; or

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

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

22 (h) Any Department of Corrections employee, county corrections  
23 officer, juvenile corrections officer, State juvenile facility employee,  
24 juvenile detention staff member, juvenile detention officer, probation  
25 officer or any sheriff, undersheriff, or sheriff's officer acting in the  
26 performance of his duties while in uniform or exhibiting evidence of  
27 his authority; or

28 (i) Any employee, including any person employed under contract,  
29 of a utility company as defined in section 2 of P.L.1971, c.224  
30 (C.2A:42-86) <sup>1</sup>or a cable television company subject to the provisions  
31 of the "Cable Television Act," P.L.1972, c.186 (C.48:5A-1 et seq.)<sup>1</sup>  
32 while clearly identifiable as being engaged in the performance of his  
33 duties in regard to connecting, disconnecting or repairing or  
34 attempting to connect, disconnect or repair any gas, electric or water  
35 utility <sup>1</sup>, or cable television or telecommunication<sup>1</sup> service; or

36 (6) Causes bodily injury to another person while fleeing or  
37 attempting to elude a law enforcement officer in violation of  
38 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in  
39 violation of subsection c. of N.J.S.2C:20-10. Notwithstanding any  
40 other provision of law to the contrary, a person shall be strictly liable  
41 for a violation of this subsection upon proof of a violation of  
42 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in  
43 violation of subsection c. of N.J.S.2C:20-10 which resulted in bodily  
44 injury to another person; or

45 (7) Attempts to cause significant bodily injury to another or causes  
46 significant bodily injury purposely or knowingly or, under

1 circumstances manifesting extreme indifference to the value of human  
2 life recklessly causes such significant bodily injury; or

3 (8) Causes bodily injury by knowingly or purposely starting a fire  
4 or causing an explosion in violation of N.J.S.2C:17-1 which results in  
5 bodily injury to any emergency services personnel involved in fire  
6 suppression activities, rendering emergency medical services resulting  
7 from the fire or explosion or rescue operations, or rendering any  
8 necessary assistance at the scene of the fire or explosion, including any  
9 bodily injury sustained while responding to the scene of a reported fire  
10 or explosion. For purposes of this subsection, "emergency services  
11 personnel" shall include, but not be limited to, any paid or volunteer  
12 fireman, any person engaged in emergency first-aid or medical services  
13 and any law enforcement officer. Notwithstanding any other provision  
14 of law to the contrary, a person shall be strictly liable for a violation  
15 of this paragraph upon proof of a violation of N.J.S.2C:17-1 which  
16 resulted in bodily injury to any emergency services personnel; or

17 (9) Knowingly, under circumstances manifesting extreme  
18 indifference to the value of human life, points or displays a firearm, as  
19 defined in subsection f. of N.J.S.2C:39-1, at or in the direction of a  
20 law enforcement officer; or

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

26 (11) Uses or activates a laser sighting system or device, or a  
27 system or device which, in the manner used, would cause a reasonable  
28 person to believe that it is a laser sighting system or device, against a  
29 law enforcement officer acting in the performance of his duties while  
30 in uniform or exhibiting evidence of his authority. As used in this  
31 paragraph, "laser sighting system or device" means any system or  
32 device that is integrated with or affixed to a firearm and emits a laser  
33 light beam that is used to assist in the sight alignment or aiming of the  
34 firearm.

35 Aggravated assault under subsections b. (1) and b. (6) is a crime  
36 of the second degree; under subsections b. (2), b. (7), b. (9) and b.  
37 (10) is a crime of the third degree; under subsections b. (3) and b. (4)  
38 is a crime of the fourth degree; and under subsection b. (5) is a crime  
39 of the third degree if the victim suffers bodily injury, otherwise it is a  
40 crime of the fourth degree. Aggravated assault under subsection b.(8)  
41 is a crime of the third degree if the victim suffers bodily injury; if the  
42 victim suffers significant bodily injury or serious bodily injury it is a  
43 crime of the second degree. Aggravated assault under subsection  
44 b.(11) is a crime of the third degree.

45 c. (1) A person is guilty of assault by auto or vessel when the  
46 person drives a vehicle or vessel recklessly and causes either serious

1   bodily injury or bodily injury to another. Assault by auto or vessel is  
2   a crime of the fourth degree if serious bodily injury results and is a  
3   disorderly persons offense if bodily injury results.

4       (2) Assault by auto or vessel is a crime of the third degree if the  
5   person drives the vehicle while in violation of R.S.39:4-50 or section  
6   2 of P.L.1981, c.512 (C.39:4-50.4a) and serious bodily injury results  
7   and is a crime of the fourth degree if the person drives the vehicle  
8   while in violation of R.S.39:4-50 or section 2 of P.L.1981, c.512  
9   (C.39:4-50.4a) and bodily injury results.

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

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

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

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

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

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

32       It shall be no defense to a prosecution for a violation of  
33   subparagraph (a) or (b) of paragraph (3) of this subsection that the  
34   defendant was unaware that the prohibited conduct took place while  
35   on or within 1,000 feet of any school property or while driving  
36   through a school crossing. Nor shall it be a defense to a prosecution  
37   under subparagraph (a) or (b) of paragraph (3) of this subsection that  
38   no juveniles were present on the school property or crossing zone at  
39   the time of the offense or that the school was not in session.

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

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

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

2 f. A person who commits a simple assault as defined in paragraph  
3 (1), (2) or (3) of subsection a. of this section in the presence of a child  
4 under 16 years of age at a school or community sponsored youth  
5 sports event is guilty of a crime of the fourth degree. The defendant  
6 shall be strictly liable upon proof that the offense occurred, in fact, in  
7 the presence of a child under 16 years of age. It shall not be a defense  
8 that the defendant did not know that the child was present or  
9 reasonably believed that the child was 16 years of age or older. The  
10 provisions of this subsection shall not be construed to create any  
11 liability on the part of a participant in a youth sports event or to  
12 abrogate any immunity or defense available to a participant in a youth  
13 sports event. As used in this act, "school or community sponsored  
14 youth sports event" means a competition, practice or instructional  
15 event involving one or more interscholastic sports teams or youth  
16 sports teams organized pursuant to a nonprofit or similar charter or  
17 which are member teams in a youth league organized by or affiliated  
18 with a county or municipal recreation department and shall not include  
19 collegiate, semi-professional or professional sporting events.

20 (cf: P.L.2003, c.218, s.1)

21

22 2. This act shall take effect immediately.