

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 2008

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 5, 2022

The Senate Budget and Appropriations Committee reports favorably and with committee amendments Senate Bill No. 2008 (1R).

As amended by the committee, this bill establishes the “Health Care-Heroes Violence Prevention Act.” Specifically, the bill expands the aggravating factors a court may consider pursuant to N.J.S.2C:44-1 in sentencing a defendant to include consideration of whether a defendant committed an offense against any health care professional, any volunteer working for a health care professional or working at a health care facility, any supportive services staff member working for a health care professional or working at a health care facility, or any employee of a health care professional or health care facility while the professional, volunteer, supportive services staff member, or employee was engaged in professional duties.

As amended, this bill also establishes the criminal offense of threats against a health care professional, a volunteer working for a health care professional or working at a health care facility, a supportive services staff member working for a health care professional or working at a health care facility, or an employee of a health care professional or health care facility. Specifically, a person is guilty of a disorderly persons offense if the person knowingly and willfully makes a threat against a covered health care worker with the intent to intimidate, interfere with, or impede the performance of the covered health care worker’s official duties. Further, a person is guilty of a disorderly persons offense if that person knowingly sends, delivers, or makes for the purposes of sending or delivering a threat to intimidate, interfere with, or impede the official duties of a covered health care worker. A disorderly persons offense is punishable by imprisonment for up to six months, a fine of up to \$1,000, or both.

The bill defines “health care facility” as health care facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), a State or county psychiatric hospital, a State developmental center, or a health care service firm registered by the Division of Consumer Affairs in the Department of Law and Public Safety pursuant to P.L.1960, c.39 (C.56:8-1 et seq.). As amended, the bill defines “health care

professional” as a person licensed or certified to practice a health care profession pursuant to Title 26, Title 45, or Title 52 of the Revised Statutes.

The bill additionally provides that a person who commits assault against a covered health care worker may be sentenced to an anger management course of up to 12 hours or to up to 30 days of community service. A sentence to community service may stand in lieu of part of a sentence to incarceration.

Finally, as amended, the bill requires health care facilities and certain physicians to display a written notice stating the following: “It is a crime to assault a health care professional, any volunteer working for a health care professional or working at a health care facility, any supportive services staff member working for a health care professional or working at a health care facility, or any employee of a health care professional or a health care facility, while the health care professional, volunteer, supportive services staff member, or employee is performing official duties. Any person who assaults a health care professional, volunteer, supportive services staff member, or employee in violation of this prohibition shall be subject to a fine, imprisonment, or both under the New Jersey Code of Criminal Justice, N.J.S.2C:1-1 et seq.”

As amended and reported by the committee, Senate Bill No. 2008 (2R) is identical to Assembly Bill No. 3199 (3R), which was also amended and reported by the committee on this date.

COMMITTEE AMENDMENTS

The committee amendments revise the bill to include supportive services staff members working for a health care professional or working at a health care facility, to ensure the bill captures individuals providing professional services for a health care professional or in a health care facility who might not otherwise be classified as health care professionals, volunteers, or employees, such as contractors and consultants.

The committee amendments revise the definition of “health care professional” to include individuals licensed or certified under Title 26 of the Revised Statutes.

FISCAL IMPACT:

The Office of Legislative Services (OLS) finds that local governments will incur an indeterminate amount of annual cost increases to prosecute, defend, and adjudicate individuals for the disorderly persons offense established in the bill. Disorderly persons offenses are adjudicated in municipal court. A presumption of non-incarceration usually applies to first-time offenders convicted of disorderly persons offenses. However, the bill’s expansion of the aggravating factors that the court may consider at sentencing to include the victim’s status as a health care professional, volunteer, or

supportive services staff member could result in the defendant being sentenced to county jail, resulting in increased county costs.

The Department of Corrections could incur additional costs if defendants are given prison sentences or are sentenced to longer prison terms than they otherwise would have been absent the bill's provision expanding the aggravating factors the court may consider in sentencing a defendant. The State Parole Board may also incur increased expenditures. The Administrative Office of the Courts will incur additional, indeterminate one-time costs to develop and approve a list of anger management courses and establish standards and procedures for their certification.

The State and local governments are also likely to realize an indeterminate increase in annual revenues from the collection of fines and court fees; however, their ability to collect these penalties and fees has historically been limited.