

# ASSEMBLY, No. 676

## STATE OF NEW JERSEY 214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

**Sponsored by:**

**Assemblywoman LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Assemblyman MATTHEW W. MILAM**

**District 1 (Cape May, Atlantic and Cumberland)**

**Assemblyman WAYNE P. DEANGELO**

**District 14 (Mercer and Middlesex)**

**SYNOPSIS**

Jessica Rogers' Law: upgrades assault by auto or vessel in situations of road rage.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



A676 GREENSTEIN, MILAM

2

1 AN ACT concerning assault by auto or vessel and designated as  
2 Jessica Rogers' Law and amending N.J.S.2C:12-1.

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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  
9 assault if he:

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 he:

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

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

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

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

41 (c) Any person engaged in emergency first-aid or medical  
42 services acting in the performance of his duties while in uniform or  
43 otherwise clearly identifiable as being engaged in the performance  
44 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 school  
3 or school board while clearly identifiable as being engaged in the  
4 performance of his duties or because of his status as a member or  
5 employee of a public or nonpublic school or school board or any  
6 school bus driver employed by an operator under contract to a  
7 public or nonpublic school or school board while clearly  
8 identifiable as being engaged in the performance of his duties or  
9 because of his status as a school bus 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  
12 his 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  
14 Court, judge of the Tax Court or municipal judge while clearly  
15 identifiable as being engaged in the performance of judicial duties  
16 or because of his status as a member of the judiciary; or
- 17 (g) Any operator of a motorbus or the operator's supervisor or  
18 any employee of a rail passenger service while clearly identifiable  
19 as being engaged in the performance of his duties or because of his  
20 status as an operator of a motorbus or as the operator's supervisor or  
21 as an employee of a rail passenger service; or
- 22 (h) Any Department of Corrections employee, county  
23 corrections officer, juvenile corrections officer, State juvenile  
24 facility employee, juvenile detention staff member, juvenile  
25 detention officer, probation officer or any sheriff, undersheriff, or  
26 sheriff's officer acting in the performance of his duties while in  
27 uniform or exhibiting evidence of his authority; or
- 28 (i) Any employee, including any person employed under  
29 contract, of a utility company as defined in section 2 of P.L.1971,  
30 c.224 (C.2A:42-86) or a cable television company subject to the  
31 provisions of the "Cable Television Act," P.L.1972, c.186  
32 (C.48:5A-1 et seq.) while clearly identifiable as being engaged in  
33 the performance of his duties in regard to connecting, disconnecting  
34 or repairing or attempting to connect, disconnect or repair any gas,  
35 electric or water utility, or cable television or telecommunication  
36 service; or
- 37 (6) Causes bodily injury to another person while fleeing or  
38 attempting to elude a law enforcement officer in violation of  
39 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in  
40 violation of subsection c. of N.J.S.2C:20-10. Notwithstanding any  
41 other provision of law to the contrary, a person shall be strictly  
42 liable for a violation of this subsection upon proof of a violation of  
43 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in  
44 violation of subsection c. of N.J.S.2C:20-10 which resulted in  
45 bodily injury to another person; or
- 46 (7) Attempts to cause significant bodily injury to another or  
47 causes significant bodily injury purposely or knowingly or, under

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

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

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

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

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

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

1 c. (1) A person is guilty of assault by auto or vessel when the  
2 person drives a vehicle or vessel recklessly and causes either  
3 serious bodily injury or bodily injury to another. Assault by auto or  
4 vessel is a crime of the fourth degree if serious bodily injury results  
5 and is a disorderly persons offense if bodily injury results.

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

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

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

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

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

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

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

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

42 (4) Assault by auto or vessel is a crime of the third degree if the  
43 defendant operates the auto or vessel recklessly, in knowing  
44 disregard of the rights or safety of others, in a manner so as to  
45 endanger, or be likely to endanger, a person or property and causes  
46 serious bodily injury to another. Assault by auto or vessel is a  
47 crime of the fourth degree if the defendant operates the auto or

1 vessel recklessly, in knowing disregard of the rights or safety of  
2 others, in a manner so as to endanger, or be likely to endanger, a  
3 person or property and causes bodily injury to another.

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

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

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

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

33 (cf: P.L.2006, c.78, s.2)

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35 2. This act shall take effect on the first day of the seventh month  
36 after enactment.

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39 STATEMENT

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41 The bill would upgrade the crime of assault by auto or vessel in  
42 cases where a person operates an auto or vessel recklessly, in  
43 knowing disregard of the rights or safety of others, in a manner so  
44 as to endanger, or be likely to endanger, a person or property and  
45 causes injury to another person.

46 Under current law, assault by auto or vessel is a fourth degree  
47 crime if the actor drives a vehicle or vessel recklessly and causes

1 serious bodily injury. “Serious bodily injury” means bodily injury  
2 which creates a substantial risk of death or which causes serious,  
3 permanent disfigurement, or protracted loss or impairment of the  
4 function of any bodily member or organ. Assault by auto or vessel  
5 is a disorderly persons offense if the actor drives a vehicle or vessel  
6 recklessly and causes bodily injury. “Bodily injury” is defined as  
7 physical pain, illness or any impairment of physical condition.

8 Under the provisions of the bill, assault by auto or vessel is  
9 upgraded from a crime of the fourth degree to a crime of the third  
10 degree if a person operates an auto or vessel recklessly, in knowing  
11 disregard of the rights or safety of others, in a manner so as to  
12 endanger, or be likely to endanger, a person or property and causes  
13 serious bodily injury. Assault by auto or vessel is upgraded from a  
14 disorderly persons offense to a crime of the fourth degree if bodily  
15 injury results.

16 A crime of the third degree is punishable by term of  
17 imprisonment of three to five years, a fine of up to \$15,000 or both.  
18 A crime of the fourth degree is punished by up to 18 months  
19 imprisonment, a fine of \$10,000, or both. A disorderly persons  
20 offense is punishable by imprisonment for up to six months, a fine  
21 of \$1,000, or both.

22 The bill is designed to address situations of road rage. It is  
23 designated “Jessica Rogers’ Law” after Jessica Rogers, a young  
24 woman from Hamilton, New Jersey who suffered severe injuries as  
25 a victim of road rage.