

ASSEMBLY, No. 4442

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED MAY 14, 2015

Sponsored by:

Assemblyman DAVID P. RIBLE
District 30 (Monmouth and Ocean)
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District 30 (Monmouth and Ocean)

SYNOPSIS

Makes it crime of the fourth degree to recklessly engage in conduct which creates substantial risk of serious injury to another.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/15/2015)

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

3

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

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

8 2C:12-2. a. A person who purposely or knowingly does any act,
9 including putting up a false light, which results in the loss or
10 destruction of a vessel commits a crime of the third degree.

11 b. A person commits a crime of the fourth degree if he:

12 (1) Manufactures or sells a golf ball containing acid or corrosive
13 fluid substance; or

14 (2) Purposely or knowingly offers, gives or entices any person
15 to take or accept any treat, candy, gift, food, drink or other
16 substance that is intended to be consumed which is poisonous,
17 intoxicating, anesthetizing, tranquilizing, disorienting, deleterious
18 or harmful to the health or welfare of such person, without the
19 knowledge of the other person as to the identity and effect of the
20 substance, except that it is a crime of the third degree if the actor
21 violates the provisions of this paragraph with the purpose to commit
22 or facilitate the commission of another criminal offense.

23 Notwithstanding the term of imprisonment provided under
24 N.J.S.2C:43-6, and the provisions of subsection e. of N.J.S.2C:44-1,
25 if a person is convicted of a crime of the fourth degree under
26 paragraph (2) of this subsection, the sentence imposed shall include
27 a fixed minimum sentence of not less than six months during which
28 the defendant shall not be eligible for parole. If a person is
29 convicted of a crime of the third degree under paragraph (2) of this
30 subsection, the sentence imposed shall include a fixed minimum
31 sentence of not less than eighteen months during which the
32 defendant shall not be eligible for parole. The court may not
33 suspend or make any other noncustodial disposition of that person.
34 Notwithstanding the provisions of N.J.S.2C:1-8 or any other
35 provision of law, a conviction arising under this subsection shall not
36 merge with a conviction for any offense that the defendant intended
37 to commit or facilitate, when the defendant violated the provisions
38 of this section, nor shall any such other conviction merge with a
39 conviction under this section. Notwithstanding the provisions of
40 N.J.S.2C:44-5 or any other provision of law, the sentence for a
41 crime of the third degree imposed pursuant to this paragraph shall
42 be ordered to be served consecutively to that imposed for a
43 conviction of the offense that the defendant intended to commit or
44 facilitate when the defendant violated the provisions of this
45 subsection.

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. (1) A person commits a crime of the fourth degree if he
2 recklessly engages in conduct which creates a substantial risk of
3 serious injury to another person.

4 (2) Nothing in this subsection shall preclude an indictment and
5 conviction for any other offense defined by the laws of this State.

6 (cf: P.L.1999, c.335)

7

8 2. This act shall take effect immediately.

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STATEMENT

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13 This bill would make it a crime of the fourth degree to recklessly
14 engage in conduct which creates a substantial risk of serious injury
15 to another person. The bill specifies that it would not preclude an
16 indictment and conviction for any other offense defined by the laws
17 of this State.

18 A crime of the fourth degree is punishable by a term of
19 imprisonment of up to 18 months or a fine up to \$10,000, or both.