ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1400

STATE OF NEW JERSEY

DATED: FEBRUARY 13, 2020

The Assembly Judiciary Committee reports favorably Assembly Bill No. 1400.

This bill would upgrade simple assault to aggravated assault if the act is committed against an armed security officer. The bill also provides that the crime of disarming a law enforcement officer would apply to armed security officers.

Under N.J.S.2C:12-1, simple assault is generally a disorderly persons offense, punishable by a term of imprisonment of up to six months, a fine of up to $1,000, or both. Under the bill, an act of simple assault committed against an armed security officer in the performance of the officer's duties while in uniform or because of his status as an armed security officer would be graded as aggravated assault. Aggravated assault under these circumstances would be a crime of the third degree if the victim suffers bodily injury; otherwise it would be a crime of the fourth degree.

The bill also amends section 1 of P.L.1996, c.14 (C.2C:12-11), concerning disarming a law enforcement officer, to add armed security officers to the provisions of the statute. Currently, the statute provides that a person who knowingly takes or attempts to exercise unlawful control over a firearm or other weapon in the possession of a law enforcement or corrections officer, when that officer is acting in the performance of his duties or exhibiting evidence of his authority, is guilty of a crime of the second degree. It is a crime of the first degree if the person violating the statute fires the firearm, uses or threatens to use the firearm or or weapon, or if the officer or another person suffers serious bodily injury.

The bill applies to armed security guards regulated by the "Security Officer Registration Act," P.L.2004, c.134 (C.45:19A-1 et seq.), and by sections 5 and 6 of P.L.2015, c.295 (C.45:19A-6.1 and 45:19A-6.2), known as "Detective Melvin Vincent Santiago's Law."

A crime of the first degree is generally punishable by a term of imprisonment of 10 to 20 years or a fine of up to $200,000, or both; a crime of the second degree, by a term of five to 10 years or a fine up to $150,000, or both; a crime of the third degree, by a term of three to five years or a fine up to $15,000, or both, and a crime of the fourth degree, by a term up to 18 months or a fine up to $10,000, or both.

This bill was pre-filed for introduction in the 2020-2021 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.