

ASSEMBLY, No. 1703

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman JOHN J. BURZICHELLI

District 3 (Cumberland, Gloucester and Salem)

SYNOPSIS

Upgrades certain types of assault against sports officials to aggravated assault.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning certain assaults against sports officials, and
2 amending N.J.S.2C:12-1.

3

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 subsection f. of N.J.S.2C:39-1, at or in the direction of another,
32 whether or not the actor believes it to be loaded; or

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

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

45 (d) Any school board member, school administrator, teacher,
46 school bus driver or other employee of a public or nonpublic school
47 or school board while clearly identifiable as being engaged in the

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 performance of his duties or because of his status as a member or
2 employee of a public or nonpublic school or school board or any
3 school bus driver employed by an operator under contract to a
4 public or nonpublic school or school board while clearly
5 identifiable as being engaged in the performance of his duties or
6 because of his status as a school bus driver; or

7 (e) Any employee of the Division of Child Protection and
8 Permanency while clearly identifiable as being engaged in the
9 performance of his duties or because of his status as an employee of
10 the division; or

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

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

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

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

40 (j) Any health care worker employed by a licensed health care
41 facility to provide direct patient care, any health care professional
42 licensed or otherwise authorized pursuant to Title 26 or Title 45 of
43 the Revised Statutes to practice a health care profession, except a
44 direct care worker at a State or county psychiatric hospital or State
45 developmental center or veterans' memorial home, while clearly
46 identifiable as being engaged in the duties of providing direct
47 patient care or practicing the health care profession; or

1 (k) Any direct care worker at a State or county psychiatric
2 hospital or State developmental center or veterans' memorial home,
3 while clearly identifiable as being engaged in the duties of
4 providing direct patient care or practicing the health care
5 profession, provided that the actor is not a patient or resident at the
6 facility who is classified by the facility as having a mental illness or
7 developmental disability; or

8 (l) Any sports official while clearly identifiable as being
9 engaged in the performance of the duties of a sports official or
10 because of the official's status as a sports official. As used in this
11 subparagraph, "sports official" means any person who serves as a
12 referee or umpire, or serves in a similar capacity but may be known
13 by a different title, and is duly registered with or a member of a
14 local, State, regional, or national organization engaged in part in
15 providing education and training to sports officials.

16 (6) Causes bodily injury to another person while fleeing or
17 attempting to elude a law enforcement officer in violation of
18 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in
19 violation of subsection c. of N.J.S.2C:20-10. Notwithstanding any
20 other provision of law to the contrary, a person shall be strictly
21 liable for a violation of this paragraph upon proof of a violation of
22 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in
23 violation of subsection c. of N.J.S.2C:20-10 which resulted in
24 bodily injury to another person; or

25 (7) Attempts to cause significant bodily injury to another or
26 causes significant bodily injury purposely or knowingly or, under
27 circumstances manifesting extreme indifference to the value of
28 human life recklessly causes such significant bodily injury; or

29 (8) Causes bodily injury by knowingly or purposely starting a
30 fire or causing an explosion in violation of N.J.S.2C:17-1 which
31 results in bodily injury to any emergency services personnel
32 involved in fire suppression activities, rendering emergency
33 medical services resulting from the fire or explosion or rescue
34 operations, or rendering any necessary assistance at the scene of the
35 fire or explosion, including any bodily injury sustained while
36 responding to the scene of a reported fire or explosion. For
37 purposes of this paragraph, "emergency services personnel" shall
38 include, but not be limited to, any paid or volunteer fireman, any
39 person engaged in emergency first-aid or medical services and any
40 law enforcement officer. Notwithstanding any other provision of
41 law to the contrary, a person shall be strictly liable for a violation of
42 this paragraph upon proof of a violation of N.J.S.2C:17-1 which
43 resulted in bodily injury to any emergency services personnel; or

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

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

6 (11) Uses or activates a laser sighting system or device, or a
7 system or device which, in the manner used, would cause a
8 reasonable person to believe that it is a laser sighting system or
9 device, against a law enforcement officer acting in the performance
10 of his duties while in uniform or exhibiting evidence of his
11 authority. As used in this paragraph, "laser sighting system or
12 device" means any system or device that is integrated with or
13 affixed to a firearm and emits a laser light beam that is used to
14 assist in the sight alignment or aiming of the firearm; or

15 (12) Attempts to cause significant bodily injury or causes
16 significant bodily injury purposely or knowingly or, under
17 circumstances manifesting extreme indifference to the value of
18 human life, recklessly causes significant bodily injury to a person
19 who, with respect to the actor, meets the definition of a victim of
20 domestic violence, as defined in subsection d. of section 3 of
21 P.L.1991, c.261 (C.2C:25-19); or

22 (13) Knowingly or, under circumstances manifesting extreme
23 indifference to the value of human life, recklessly obstructs the
24 breathing or blood circulation of a person who, with respect to the
25 actor, meets the definition of a victim of domestic violence, as
26 defined in subsection d. of section 3 of P.L.1991, c.261 (C.2C:25-
27 19), by applying pressure on the throat or neck or blocking the nose
28 or mouth of such person, thereby causing or attempting to cause
29 bodily injury.

30 Aggravated assault under paragraphs (1) and (6) of subsection b.
31 of this section is a crime of the second degree; under paragraphs
32 (2), (7), (9) and (10) of subsection b. of this section is a crime of the
33 third degree; under paragraphs (3) and (4) of subsection b. of this
34 section is a crime of the fourth degree; and under paragraph (5) of
35 subsection b. of this section is a crime of the third degree if the
36 victim suffers bodily injury, otherwise it is a crime of the fourth
37 degree. Aggravated assault under paragraph (8) of subsection b. of
38 this section is a crime of the third degree if the victim suffers bodily
39 injury; if the victim suffers significant bodily injury or serious
40 bodily injury it is a crime of the second degree. Aggravated assault
41 under paragraph (11) of subsection b. of this section is a crime of
42 the third degree. Aggravated assault under paragraph (12) or (13)
43 of subsection b. of this section is a crime of the third degree but the
44 presumption of non-imprisonment set forth in subsection e. of
45 N.J.S.2C:44-1 for a first offense of a crime of the third degree shall
46 not apply.

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

1 serious bodily injury or bodily injury to another. Assault by auto or
2 vessel is a crime of the fourth degree if serious bodily injury results
3 and is a disorderly persons offense if bodily injury results. Proof
4 that the defendant was operating a hand-held wireless telephone
5 while driving a motor vehicle in violation of section 1 of P.L.2003,
6 c.310 (C.39:4-97.3) may give rise to an inference that the defendant
7 was driving recklessly.

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

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

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

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

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

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

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

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

44 (4) Assault by auto or vessel is a crime of the third degree if the
45 person purposely drives a vehicle in an aggressive manner directed
46 at another vehicle and serious bodily injury results and is a crime of
47 the fourth degree if the person purposely drives a vehicle in an
48 aggressive manner directed at another vehicle and bodily injury

1 results. For purposes of this paragraph, "driving a vehicle in an
2 aggressive manner" shall include, but is not limited to,
3 unexpectedly altering the speed of the vehicle, making improper or
4 erratic traffic lane changes, disregarding traffic control devices,
5 failing to yield the right of way, or following another vehicle too
6 closely.

7 As used in this subsection, "vessel" means a means of
8 conveyance for travel on water and propelled otherwise than by
9 muscular power.

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

16 e. (Deleted by amendment, P.L.2001, c.443)【.】

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

36 (cf: P.L.2017, c.240, s.1)

37
38 2. This act shall take effect immediately.
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41 STATEMENT

42
43 This bill would upgrade any simple assault committed against a
44 sports official to an aggravated assault, if the assault occurs while
45 the sports official is clearly identifiable as being engaged in the
46 performance of the duties of a sports official or because of the
47 official's status as a sports official. A sports official is defined
48 under the bill as any person who serves "as a referee or umpire, or

1 serves in a similar capacity but may be known by a different title,
2 and is duly registered with or a member of a local, State, regional,
3 or national organization engaged in part in providing education and
4 training to sports officials.”

5 Any such assault against a sports official would be upgraded to a
6 crime of the third degree, if the official suffers bodily injury. A
7 crime of the third degree is potentially punishable by a term of
8 imprisonment of three to five years, a fine of up to \$15,000, or both.
9 If no bodily injury results from the assault, the act would be
10 upgraded to a crime of the fourth degree. A crime of the fourth
11 degree could be punishable by a term of imprisonment of up to 18
12 months, a fine of up to \$10,000, or both. The upgrade to either a
13 third degree or fourth degree crime is consistent with the current
14 law’s upgrading of simple assaults against other specified officials,
15 officers, and employees, such as law enforcement, firefighters, and
16 public and non-public school personnel. See N.J.S.2C:12-1,
17 subsection b., paragraph (5).