

ASSEMBLY, No. 2041

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman ELIANA PINTOR MARIN

District 29 (Essex)

SYNOPSIS

Upgrades crime of endangering person with a disability or elderly person.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning endangering certain persons and amending
2 P.L.2015, c.186.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 1 of P.L.2015, c.186 (C.2C:24-7.1) is amended to
8 read as follows:

9 1. a. (1) A person commits a disorderly persons offense if he
10 recklessly engages in conduct which creates a substantial risk of
11 bodily injury to another person.

12 (2) A person commits a crime of the fourth degree if he
13 knowingly engages in conduct which creates a substantial risk of
14 serious bodily injury to another person.

15 (3) A person commits a crime of the third degree if he
16 knowingly engages in conduct which creates a substantial risk of
17 death to another person.

18 b. (1) A person commits a crime of the fourth degree if he
19 recklessly engages in conduct which creates a substantial risk of
20 bodily injury to a person with a **【developmental】** disability or an
21 elderly person.

22 (2) A person commits a crime of the third degree if he
23 knowingly engages in conduct which creates a substantial risk of
24 serious bodily injury to a person with a **【developmental】** disability
25 or an elderly person.

26 (3) A person commits a crime of the second degree if he
27 knowingly engages in conduct which creates a substantial risk of
28 death to a person with a **【developmental】** disability or an elderly
29 person.

30 c. As used in this act**【**, "developmental disability"**】**;
31 "disability" has the meaning ascribed to it in subsection q. of
32 section 【3 of P.L.1977, c.82 (C.30:6D-3)】 5 of P.L.1945, c.169
33 (C.10:5-5); and

34 "elderly person" means a person who is 60 years of age or older.

35 d. Nothing in this act shall preclude an indictment and
36 conviction for any other offense defined by the laws of this State.
37 (cf: P.L.2015, c.186, s.1)

38
39 2. This act shall take effect on the 90th day following
40 enactment.

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43 STATEMENT

44
45 This bill would upgrade the crime of endangering a person with a
46 disability or a person who is elderly.

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 Currently, section 1 of P.L.2015, c.186 (C.2C:24-7.1) sets out a
2 graduated scheme of penalties for the crime of endangering another
3 person. The crime is upgraded one degree if the victim has a
4 developmental disability.

5 This bill broadens the categories of victims for which the crime
6 is upgraded, adding persons with disabilities that are not based upon
7 developmental disabilities and persons who are elderly. Thus,
8 under the bill, the crime of endangering another person would be
9 upgraded one degree if the victim has a “disability” or is elderly.
10 The term “disability” as used in the bill specifically encompasses
11 the developmental disabilities in the current statute as well as other
12 disabilities.

13 The bill uses the definition of “disability” set out in the “Law
14 Against Discrimination,” P.L.1945, c.169 (C.10:5-1 et seq.):
15 “physical disability, infirmity, malformation or disfigurement which
16 is caused by bodily injury, birth defect or illness including epilepsy
17 and other seizure disorders, and which shall include, but not be
18 limited to, any degree of paralysis, amputation, lack of physical
19 coordination, blindness or visual impediment, deafness or hearing
20 impediment, muteness or speech impediment or physical reliance on
21 a service or guide dog, wheelchair, or other remedial appliance or
22 device, or any mental, psychological or developmental disability,
23 including autism spectrum disorders, resulting from anatomical,
24 psychological, physiological or neurological conditions which
25 prevents the normal exercise of any bodily or mental functions or is
26 demonstrable, medically or psychologically, by accepted clinical or
27 laboratory diagnostic techniques. Disability shall also mean AIDS
28 or HIV infection.”

29 The bill defines “elderly person” as a person who is 60 years of
30 age or older.

31 Under the bill, it would be a crime of the fourth degree to
32 recklessly engage in conduct which creates a substantial risk of
33 bodily injury to a person with a disability or an elderly person; a
34 crime of the third degree to knowingly engage in conduct which
35 creates a substantial risk of serious bodily injury to a person with a
36 disability or an elderly person; and a crime of the second degree to
37 knowingly engage in conduct which creates a substantial risk of
38 death to a person with a disability or an elderly person.

39 A crime of the second degree is punishable by a term of
40 imprisonment of five to 10 years or a fine up to \$150,000, or both; a
41 crime of the third degree, by a term of imprisonment of three to five
42 years or a fine up to \$15,000, or both; and a crime of the fourth
43 degree, by a term of imprisonment of up to 18 months or a fine up
44 to \$10,000, or both.