

SENATE, No. 3706

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED APRIL 26, 2021

Sponsored by:

Senator THOMAS H. KEAN, JR.

District 21 (Morris, Somerset and Union)

SYNOPSIS

Clarifies that encouraging another person to cause bodily injury, by filming, photographing, or otherwise recording injury-causing act, is form of crime of endangering injured victim.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the criminal encouragement of persons to cause
2 bodily injury and amending P.L.2000, c.174.

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.2000, c.174 (C.2C:12-1.2) is amended to
8 read as follows:

9 1. Endangering an injured victim. a. A person is guilty of
10 endangering an injured victim if he causes bodily injury to any
11 person or solicits, aids, encourages, including by filming,
12 photographing, or otherwise recording the act causing bodily injury,
13 or attempts or agrees to aid another, who causes bodily injury to
14 any person, and leaves the scene of the injury knowing or
15 reasonably believing that the injured person is physically helpless,
16 mentally incapacitated or otherwise unable to care for himself.

17 b. As used in this section, the following definitions shall apply:

18 (1) "Physically helpless" means the condition in which a person
19 is unconscious, unable to flee, or physically unable to summon
20 assistance;

21 (2) "Mentally incapacitated" means that condition in which a
22 person is rendered temporarily or permanently incapable of
23 understanding or controlling one's conduct, or of appraising or
24 controlling one's condition, which incapacity shall include but is not
25 limited to an inability to comprehend one's own peril;

26 (3) "Bodily injury" shall have the meaning set forth in
27 N.J.S.2C:11-1.

28 c. It is an affirmative defense to prosecution for a violation of
29 this section that the defendant summoned medical treatment for the
30 victim or knew that medical treatment had been summoned by
31 another person, and protected the victim from further injury or harm
32 until emergency assistance personnel arrived. This affirmative
33 defense shall be proved by the defendant by a preponderance of the
34 evidence.

35 d. A person who violates the provisions of this section shall be
36 guilty of a crime of the third degree. Notwithstanding the
37 provisions of N.J.S.2C:1-8 or any other provision of law, a
38 conviction arising under this subsection shall not merge with a
39 conviction of the crime that rendered the person physically helpless
40 or mentally incapacitated, nor shall such other conviction merge
41 with a conviction under this section. Notwithstanding the
42 provisions of N.J.S.2C:44-5 or any other provision of law, the
43 sentence imposed pursuant to this section shall be ordered to be
44 served consecutively to that imposed for any conviction of the
45 crime that rendered the person physically helpless or mentally
46 incapacitated.

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 e. Nothing herein shall be deemed to preclude, if the evidence
2 so warrants, an indictment and conviction for murder,
3 manslaughter, assault or any other offense.
4 (cf: P.L.2000, c.174, s.1)

5
6 2. This act shall take effect immediately.
7
8

9 STATEMENT
10

11 This bill amends the existing crime of endangering an injured
12 victim to clarify that encouraging another person to cause bodily
13 injury to a victim, by filming, photographing, or otherwise
14 recording the injury-causing act, is a form of such crime. This
15 crime is graded as a crime of the third degree, ordinarily punishable
16 by a term of imprisonment of three to five years, a fine of up to
17 \$15,000, or both.

18 The current law already makes it a crime for a person to
19 “encourage” another who causes bodily injury to any person and
20 then leaves the scene of the injury knowing or believing that the
21 resulting injured person is physically helpless, mentally
22 incapacitated, or otherwise unable to care for himself.

23 The bill is intended to address recent incidents of particularly
24 heinous assaults in New York City in which bystanders recorded
25 violent attacks against Asian Americans without rendering aid or
26 calling for medical assistance.