

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3199

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 9, 2022

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 3199.

As amended and reported by the committee, this bill establishes the “Health Care Heroes Violence Prevention Act.”

This amended bill expands the aggravating factors a court may consider pursuant to N.J.S.2C:44-1 in sentencing a defendant to include whether a defendant committed an offense against any volunteer for or employee of a health care facility while the person was engaged in professional duties.

As amended, this bill also establishes the criminal offense of threats against a health care professional, volunteer working for a health care professional or working at a health care facility, or an employee of a health care professional or health care facility. Specifically, a person is guilty of a disorderly persons offense if the person knowingly and willfully makes a threat against a covered person with the intent to intimidate, interfere with, or impede the performance of his or her official duties. Further, a person is guilty of a disorderly persons offense if that person knowingly sends, delivers, or makes for the purposes of sending or delivering a threat to intimidate, interfere with, or impede official duties of a volunteer for or employee of a health care facility. A disorderly persons offense is punishable by imprisonment of up to six months, a fine of up to \$1,000, or both.

The amended bill defines “health care facility” as health care facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), a State or county psychiatric hospital, a State developmental center, or a health care service firm registered by the Division of Consumer Affairs in the Department of Law and Public Safety pursuant to P.L.1960, c.39 (C.56:8-1 et seq.). The bill defines “health care professional” as a person licensed or certified to practice a health care profession pursuant to Title 45 or Title 52 of the Revised Statutes.

Further, this amended bill establishes additional penalties for any person who commits assault against a volunteer for or employee of a health care facility. A court may sentence a defendant to satisfactorily complete an anger management course of up to 12 hours or perform up to 30 days of community service.

Finally, the bill requires health care facilities and certain physicians to display a written notice stating the following: “It is a crime to assault a health care professional, any volunteer working for a health care professional or working at a health care facility, or any employee of a health care professional or a health care facility, while the health care professional, volunteer, or employee is performing official duties. Any person who assaults a health care professional, volunteer, or employee in violation of this prohibition shall be subject to a fine, imprisonment, or both under the New Jersey Code of Criminal Justice, N.J.S.2C:1-1 et seq.”

It is the committee’s understanding that N.J.S.2C:4-4 is applicable for the crimes established pursuant to this bill. N.J.S.2C:4-4 precludes a person who lacks capacity to understand the proceedings against him or her or to assist in his or her own defense from being tried, convicted, or sentenced for the commission of an offense so long as the incapacity endures.

COMMITTEE AMENDMENTS

The committee amended the bill to:

- (1) modify the definition of “health care facility;”
- (2) modify the definition of “health care professional;”
- (3) expand the scope of the bill to include all volunteers and employees of health care facilities;
- (4) require certain physicians to display the written notice; and
- (5) make minor technical changes.