

ASSEMBLY, No. 4444

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED SEPTEMBER 15, 2022

Sponsored by:

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District 27 (Essex and Morris)

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District 37 (Bergen)

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District 28 (Essex)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/15/2022)

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 the person:

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 the person:

21 (1) Attempts to cause serious bodily injury to another, or causes
22 injury purposely or knowingly or under circumstances manifesting
23 extreme indifference to the value of human life recklessly causes
24 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 the officer's duties while in uniform or exhibiting evidence of
37 authority or because of the officer's status as a law enforcement
38 officer; or

39 (b) Any paid or volunteer firefighter acting in the performance
40 of the firefighter's duties while in uniform or otherwise clearly
41 identifiable as being engaged in the performance of the duties of a
42 firefighter; or

43 (c) Any person engaged in emergency first-aid or medical
44 services acting in the performance of the person's duties while in
45 uniform or otherwise clearly identifiable as being engaged in the
46 performance of emergency first-aid or medical services; or

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 (d) Any school board member, school administrator, teacher,
2 school bus driver, or other employee of a public or nonpublic
3 school or school board while clearly identifiable as being engaged
4 in the performance of the person's duties or because of the person's
5 status as a member or employee of a public or nonpublic school or
6 school board or any school bus driver employed by an operator
7 under contract to a public or nonpublic school or school board while
8 clearly identifiable as being engaged in the performance of the
9 person's duties or because of the person's status as a school bus
10 driver; or

11 (e) Any employee of the Division of Child Protection and
12 Permanency while clearly identifiable as being engaged in the
13 performance of the employee's duties or because of the status as an
14 employee of the division; or

15 (f) Any justice of the Supreme Court, judge of the Superior
16 Court, judge of the Tax Court or municipal judge while clearly
17 identifiable as being engaged in the performance of judicial duties
18 or because of the status as a member of the judiciary; or

19 (g) Any operator of a motorbus or the operator's supervisor or
20 any employee of a rail passenger service while clearly identifiable
21 as being engaged in the performance of the person's duties or
22 because of the status as an operator of a motorbus or as the
23 operator's supervisor or as an employee of a rail passenger service;
24 or

25 (h) Any Department of Corrections employee, county
26 correctional police officer, juvenile correctional police officer, State
27 juvenile facility employee, juvenile detention staff member,
28 juvenile detention officer, probation officer or any sheriff,
29 undersheriff, or sheriff's officer acting in the performance of the
30 person's duties while in uniform or exhibiting evidence of the
31 person's authority or because of the status as a Department of
32 Corrections employee, county correctional police officer, juvenile
33 correctional police officer, State juvenile facility employee, juvenile
34 detention staff member, juvenile detention officer, probation
35 officer, sheriff, undersheriff, or sheriff's officer; or

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

45 (j) Any health care worker employed by a licensed health care
46 facility to provide direct patient care, any health care professional
47 licensed or otherwise authorized pursuant to Title 26 or Title 45 of

1 the Revised Statutes to practice a health care profession, except a
2 direct care worker at a State or county psychiatric hospital or State
3 developmental center or veterans' memorial home, while clearly
4 identifiable as being engaged in the duties of providing direct
5 patient care or practicing the health care profession; or

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

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

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

30 (7) Attempts to cause significant bodily injury to another or
31 causes significant bodily injury purposely or knowingly or, under
32 circumstances manifesting extreme indifference to the value of
33 human life recklessly causes such significant bodily injury; or

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

1 this paragraph upon proof of a violation of N.J.S.2C:17-1 which
2 resulted in bodily injury to any emergency services personnel; or

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

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

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

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

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

36 Aggravated assault under paragraphs (1) and (6) of subsection b.
37 of this section is a crime of the second degree; under paragraphs
38 (2), (7), (9), and (10) of subsection b. of this section is a crime of
39 the third degree; under paragraphs (3) and (4) of subsection b. of
40 this section is a crime of the fourth degree; and under paragraph (5)
41 of subsection b. of this section is a crime of the third degree if the
42 victim suffers bodily injury, otherwise it is a crime of the fourth
43 degree, except that any aggravated assault under subparagraph (g)
44 of paragraph (5) of subsection b. of this section shall be a crime of
45 the third degree. Aggravated assault under paragraph (8) of
46 subsection b. of this section is a crime of the third degree if the
47 victim suffers bodily injury; if the victim suffers significant bodily

1 injury or serious bodily injury it is a crime of the second degree.
2 Aggravated assault under paragraph (11) of subsection b. of this
3 section is a crime of the third degree. Aggravated assault under
4 paragraph (12) of subsection b. of this section is a crime of the third
5 degree but the presumption of non-imprisonment set forth in
6 subsection e. of N.J.S.2C:44-1 for a first offense of a crime of the
7 third degree shall not apply. Aggravated assault under paragraph
8 (13) of subsection b. of this section is a crime of the second degree.

9 c. (1) A person is guilty of assault by auto or vessel when the
10 person drives a vehicle or vessel recklessly and causes either
11 serious bodily injury or bodily injury to another. Assault by auto or
12 vessel is a crime of the fourth degree if serious bodily injury results
13 and is a disorderly persons offense if bodily injury results. Proof
14 that the defendant was operating a hand-held wireless telephone
15 while driving a motor vehicle in violation of section 1 of P.L.2003,
16 c.310 (C.39:4-97.3) may give rise to an inference that the defendant
17 was driving recklessly.

18 (2) Assault by auto or vessel is a crime of the third degree if the
19 person drives the vehicle while in violation of R.S.39:4-50 or
20 section 2 of P.L.1981, c.512 (C.39:4-50.4a) and serious bodily
21 injury results and is a crime of the fourth degree if the person drives
22 the vehicle while in violation of R.S.39:4-50 or section 2 of
23 P.L.1981, c.512 (C.39:4-50.4a) and bodily injury results.

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

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

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

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

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

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

46 It shall be no defense to a prosecution for a violation of
47 subparagraph (a) or (b) of paragraph (3) of this subsection that the

1 defendant was unaware that the prohibited conduct took place while
2 on or within 1,000 feet of any school property or while driving
3 through a school crossing. Nor shall it be a defense to a prosecution
4 under subparagraph (a) or (b) of paragraph (3) of this subsection
5 that no juveniles were present on the school property or crossing
6 zone at the time of the offense or that the school was not in session.

7 (4) Assault by auto or vessel is a crime of the third degree if the
8 person purposely drives a vehicle in an aggressive manner directed
9 at another vehicle and serious bodily injury results and is a crime of
10 the fourth degree if the person purposely drives a vehicle in an
11 aggressive manner directed at another vehicle and bodily injury
12 results. For purposes of this paragraph, "driving a vehicle in an
13 aggressive manner" shall include, but is not limited to,
14 unexpectedly altering the speed of the vehicle, making improper or
15 erratic traffic lane changes, disregarding traffic control devices,
16 failing to yield the right of way, or following another vehicle too
17 closely.

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

21 d. A person who is employed by a facility as defined in section
22 2 of P.L.1977, c.239 (C.52:27G-2) who commits a simple assault as
23 defined in paragraph (1) or (2) of subsection a. of this section upon
24 an institutionalized elderly person as defined in section 2 of
25 P.L.1977, c.239 (C.52:27G-2) is guilty of a crime of the fourth
26 degree.

27 e. (Deleted by amendment, P.L.2001, c.443).

28 f. A person who commits a simple assault as defined in
29 paragraph (1), (2), or (3) of subsection a. of this section in the
30 presence of a child under 16 years of age at a school or community
31 sponsored youth sports event is guilty of a crime of the fourth
32 degree. The defendant shall be strictly liable upon proof that the
33 offense occurred, in fact, in the presence of a child under 16 years
34 of age. It shall not be a defense that the defendant did not know
35 that the child was present or reasonably believed that the child was
36 16 years of age or older. The provisions of this subsection shall not
37 be construed to create any liability on the part of a participant in a
38 youth sports event or to abrogate any immunity or defense available
39 to a participant in a youth sports event. As used in this act, "school
40 or community sponsored youth sports event" means a competition,
41 practice, or instructional event involving one or more
42 interscholastic sports teams or youth sports teams organized
43 pursuant to a nonprofit or similar charter or which are member
44 teams in a youth league organized by or affiliated with a county or
45 municipal recreation department and shall not include collegiate,
46 semi-professional or professional sporting events.

47 (cf: P.L.2021, c.352, s.1)

1 2. This act shall take effect immediately.

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3

4

STATEMENT

5

6 This bill upgrades simple assault committed against a sports
7 official to aggravated assault if the assault occurs while the sports
8 official is clearly identifiable as being engaged in the performance
9 of the duties of a sports official or because of the official's status as
10 a sports official. A sports official is defined in the bill as any person
11 who serves "as a referee or umpire, or serves in a similar capacity
12 but may be known by a different title, and is duly registered with or
13 a member of a local, State, regional, or national organization
14 engaged in part in providing education and training to sports
15 officials."

16 Aggravated assault against a sports official would be upgraded to
17 a crime of the third degree if the official suffers bodily injury. A
18 crime of the third degree is punishable by a term of imprisonment
19 of three to five years, a fine of up to \$15,000, or both. If no bodily
20 injury results from the assault, the assault would be upgraded to a
21 crime of the fourth degree. A crime of the fourth degree is
22 punishable by a term of imprisonment of up to 18 months, a fine of
23 up to \$10,000, or both. The upgrade to either a third or fourth
24 degree crime is consistent with current law upgrading simple assault
25 to aggravated assault if it is committed against other specified
26 officials, officers, and employees, such as law enforcement,
27 firefighters, and public and non-public school personnel.