

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, Nos. 4444 and 4471**

**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

ADOPTED JANUARY 19, 2023

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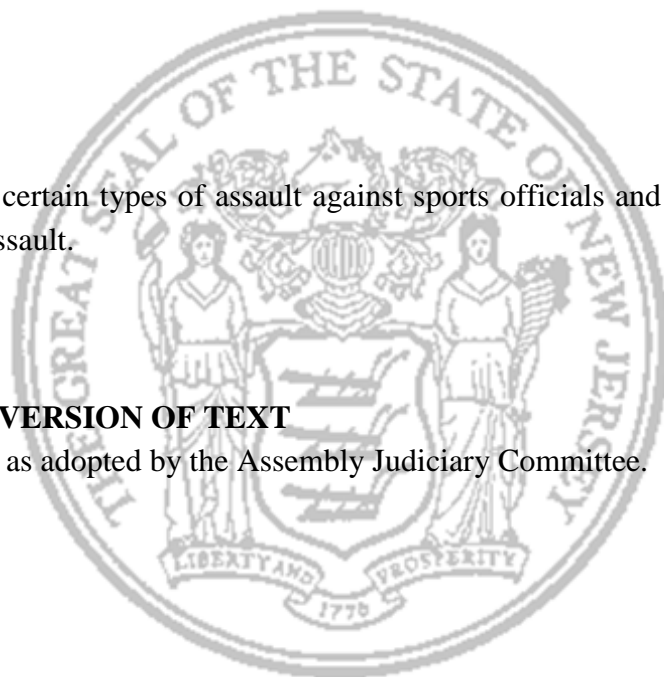
**Assemblyman Umba, Assemblywoman Matsikoudis, Assemblyman Scharfenberger, Assemblywoman McKnight, Assemblyman Rooney, Assemblywoman Jimenez and Assemblyman McKeon**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

Substitute as adopted by the Assembly Judiciary Committee.



**(Sponsorship Updated As Of: 1/26/2023)**

1 AN ACT concerning certain assaults against sports officials and  
2 participants and 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

47 (d) Any school board member, school administrator, teacher,  
48 school bus driver, or other employee of a public or nonpublic

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

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

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

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

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

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

43 (j) Any health care worker employed by a licensed health care  
44 facility to provide direct patient care, any health care professional  
45 licensed or otherwise authorized pursuant to Title 26 or Title 45 of  
46 the Revised Statutes to practice a health care profession, except a  
47 direct care worker at a State or county psychiatric hospital or State  
48 developmental center or veterans' memorial home, while clearly

1 identifiable as being engaged in the duties of providing direct  
2 patient care or practicing the health care profession; or

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

10 (l) Any sports official, player, or participant for a school or  
11 community sponsored youth sports event while clearly identifiable  
12 as being engaged in the performance of the duties as a sports  
13 official or while being engaged as a player or participant; while the  
14 official, player, or participant is traveling to or from a sports event;  
15 or because of the person's status as a sports official, player, or  
16 participant. As used in this subparagraph, "sports official" means  
17 any person who serves as a referee, umpire, timer, scorer, coach,  
18 athletic trainer, manager, or assistant for a school or community  
19 sponsored youth sports event, or serves in a similar capacity but  
20 may be known by a different title, whether the person is  
21 compensated or a volunteer.

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

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

35 (8) Causes bodily injury by knowingly or purposely starting a  
36 fire or causing an explosion in violation of N.J.S.2C:17-1 which  
37 results in bodily injury to any emergency services personnel  
38 involved in fire suppression activities, rendering emergency  
39 medical services resulting from the fire or explosion or rescue  
40 operations, or rendering any necessary assistance at the scene of the  
41 fire or explosion, including any bodily injury sustained while  
42 responding to the scene of a reported fire or explosion. For  
43 purposes of this paragraph, "emergency services personnel" shall  
44 include, but not be limited to, any paid or volunteer firefighter, any  
45 person engaged in emergency first-aid or medical services and any  
46 law enforcement officer. Notwithstanding any other provision of  
47 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  
48 injury or serious bodily injury it is a crime of the second degree.

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

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

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

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

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

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

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

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

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

45 It shall be no defense to a prosecution for a violation of  
46 subparagraph (a) or (b) of paragraph (3) of this subsection that the  
47 defendant was unaware that the prohibited conduct took place while  
48 on or within 1,000 feet of any school property or while driving

1 through a school crossing. Nor shall it be a defense to a prosecution  
2 under subparagraph (a) or (b) of paragraph (3) of this subsection  
3 that no juveniles were present on the school property or crossing  
4 zone at the time of the offense or that the school was not in session.

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

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

19 d. A person who is employed by a facility as defined in section  
20 2 of P.L.1977, c.239 (C.52:27G-2) who commits a simple assault as  
21 defined in paragraph (1) or (2) of subsection a. of this section upon  
22 an institutionalized elderly person as defined in section 2 of  
23 P.L.1977, c.239 (C.52:27G-2) is guilty of a crime of the fourth  
24 degree.

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

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

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

46

47 2. This act shall take effect on the first day of the fourth month  
48 following enactment.