

ASSEMBLY, No. 4471

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED SEPTEMBER 15, 2022

Sponsored by:

Assemblywoman VICTORIA A. FLYNN

District 13 (Monmouth)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Co-Sponsored by:

Assemblyman Umba, Assemblywoman Matsikoudis, Assemblyman Scharfenberger, Assemblywoman McKnight and Assemblyman Rooney

SYNOPSIS

Increases penalties for assault and harassment against sports officials and participants under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



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

1 AN ACT concerning assault against sports officials and participants,
2 amending N.J.S.2C:12-1 and N.J.S.2C:33-4, and supplementing
3 Title 2C of the New Jersey Statutes.

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

7
8 1. N.J.S.2C:12-1 is amended to read as follows:

9 2C:12-1. Assault. a. Simple assault. A person is guilty of
10 assault if the person:

11 (1) Attempts to cause or purposely, knowingly or recklessly
12 causes bodily injury to another; or

13 (2) Negligently causes bodily injury to another with a deadly
14 weapon; or

15 (3) Attempts by physical menace to put another in fear of
16 imminent serious bodily injury.

17 Simple assault is a disorderly persons offense unless committed
18 in a fight or scuffle entered into by mutual consent, in which case it
19 is a petty disorderly persons offense.

20 b. Aggravated assault. A person is guilty of aggravated assault
21 if the person:

22 (1) Attempts to cause serious bodily injury to another, or causes
23 injury purposely or knowingly or under circumstances manifesting
24 extreme indifference to the value of human life recklessly causes
25 such injury; or

26 (2) Attempts to cause or purposely or knowingly causes bodily
27 injury to another with a deadly weapon; or

28 (3) Recklessly causes bodily injury to another with a deadly
29 weapon; or

30 (4) Knowingly under circumstances manifesting extreme
31 indifference to the value of human life points a firearm, as defined
32 in subsection f. of N.J.S.2C:39-1, at or in the direction of another,
33 whether or not the actor believes it to be loaded; or

34 (5) Commits a simple assault as defined in paragraph (1), (2), or
35 (3) of subsection a. of this section upon:

36 (a) Any law enforcement officer acting in the performance of
37 the officer's duties while in uniform or exhibiting evidence of
38 authority or because of the officer's status as a law enforcement
39 officer; or

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

44 (c) Any person engaged in emergency first-aid or medical
45 services acting in the performance of the person's duties while in

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 uniform or otherwise clearly identifiable as being engaged in the
2 performance of emergency first-aid or medical services; or

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

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

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

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

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

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

47 (j) Any health care worker employed by a licensed health care
48 facility to provide direct patient care, any health care professional

1 licensed or otherwise authorized pursuant to Title 26 or Title 45 of
2 the Revised Statutes to practice a health care profession, except a
3 direct care worker at a State or county psychiatric hospital or State
4 developmental center or veterans' memorial home, while clearly
5 identifiable as being engaged in the duties of providing direct
6 patient care or practicing the health care profession; or

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

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

23 (7) Attempts to cause significant bodily injury to another or
24 causes significant bodily injury purposely or knowingly or, under
25 circumstances manifesting extreme indifference to the value of
26 human life recklessly causes such significant bodily injury; or

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

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

46 (10) Knowingly points, displays or uses an imitation firearm, as
47 defined in subsection v. of N.J.S.2C:39-1, at or in the direction of a
48 law enforcement officer with the purpose to intimidate, threaten, or

1 attempt to put the officer in fear of bodily injury or for any unlawful
2 purpose; or

3 (11) Uses or activates a laser sighting system or device, or a
4 system or device which, in the manner used, would cause a
5 reasonable person to believe that it is a laser sighting system or
6 device, against a law enforcement officer acting in the performance
7 of the officer's duties while in uniform or exhibiting evidence of the
8 officer's authority. As used in this paragraph, "laser sighting system
9 or device" means any system or device that is integrated with or
10 affixed to a firearm and emits a laser light beam that is used to
11 assist in the sight alignment or aiming of the firearm; or

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

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

27 Aggravated assault under paragraphs (1) and (6) of subsection b.
28 of this section is a crime of the second degree; under paragraphs
29 (2), (7), (9), and (10) of subsection b. of this section is a crime of
30 the third degree; under paragraphs (3) and (4) of subsection b. of
31 this section is a crime of the fourth degree; and under paragraph (5)
32 of subsection b. of this section is a crime of the third degree if the
33 victim suffers bodily injury, otherwise it is a crime of the fourth
34 degree, except that any aggravated assault under subparagraph (g)
35 of paragraph (5) of subsection b. of this section shall be a crime of
36 the third degree. Aggravated assault under paragraph (8) of
37 subsection b. of this section is a crime of the third degree if the
38 victim suffers bodily injury; if the victim suffers significant bodily
39 injury or serious bodily injury it is a crime of the second degree.
40 Aggravated assault under paragraph (11) of subsection b. of this
41 section is a crime of the third degree. Aggravated assault under
42 paragraph (12) of subsection b. of this section is a crime of the third
43 degree but the presumption of non-imprisonment set forth in
44 subsection e. of N.J.S.2C:44-1 for a first offense of a crime of the
45 third degree shall not apply. Aggravated assault under paragraph
46 (13) of subsection b. of this section is a crime of the second degree.

47 c. (1) A person is guilty of assault by auto or vessel when the
48 person drives a vehicle or vessel recklessly and causes either

1 serious bodily injury or bodily injury to another. Assault by auto or
2 vessel is a crime of the fourth degree if serious bodily injury results
3 and is a disorderly persons offense if bodily injury results. Proof
4 that the defendant was operating a hand-held wireless telephone
5 while driving a motor vehicle in violation of section 1 of P.L.2003,
6 c.310 (C.39:4-97.3) may give rise to an inference that the defendant
7 was driving recklessly.

8 (2) Assault by auto or vessel is a crime of the third degree if the
9 person drives the vehicle while in violation of R.S.39:4-50 or
10 section 2 of P.L.1981, c.512 (C.39:4-50.4a) and serious bodily
11 injury results and is a crime of the fourth degree if the person drives
12 the vehicle while in violation of R.S.39:4-50 or section 2 of
13 P.L.1981, c.512 (C.39:4-50.4a) and bodily injury results.

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

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

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

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

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

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

36 It shall be no defense to a prosecution for a violation of
37 subparagraph (a) or (b) of paragraph (3) of this subsection that the
38 defendant was unaware that the prohibited conduct took place while
39 on or within 1,000 feet of any school property or while driving
40 through a school crossing. Nor shall it be a defense to a prosecution
41 under subparagraph (a) or (b) of paragraph (3) of this subsection
42 that no juveniles were present on the school property or crossing
43 zone at the time of the offense or that the school was not in session.

44 (4) Assault by auto or vessel is a crime of the third degree if the
45 person purposely drives a vehicle in an aggressive manner directed
46 at another vehicle and serious bodily injury results and is a crime of
47 the fourth degree if the person purposely drives a vehicle in an
48 aggressive manner directed at another vehicle and bodily injury

1 results. For purposes of this paragraph, "driving a vehicle in an
2 aggressive manner" shall include, but is not limited to,
3 unexpectedly altering the speed of the vehicle, making improper or
4 erratic traffic lane changes, disregarding traffic control devices,
5 failing to yield the right of way, or following another vehicle too
6 closely.

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

10 d. A person who is employed by a facility as defined in section
11 2 of P.L.1977, c.239 (C.52:27G-2) who commits a simple assault as
12 defined in paragraph (1) or (2) of subsection a. of this section upon
13 an institutionalized elderly person as defined in section 2 of
14 P.L.1977, c.239 (C.52:27G-2) is guilty of a crime of the fourth
15 degree.

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

17 f. A person who commits a simple assault as defined in
18 paragraph (1), (2), or (3) of subsection a. of this section in the
19 presence of a **[child] minor** under **[16 years of] the age of 18** at a
20 school or community sponsored youth sports event is guilty of a
21 crime of the fourth degree. The defendant shall be strictly liable
22 upon proof that the offense occurred, in fact, in the presence of a
23 **[child] minor** under **[16 years of] the age of 18**. It shall not be a
24 defense that the defendant did not know that the **[child] minor** was
25 present or reasonably believed that the **[child] minor** was **[16] 18**
26 years of age or older. The provisions of this subsection shall not be
27 construed to create any liability on the part of a participant in a
28 youth sports event or to abrogate any immunity or defense available
29 to a participant in a youth sports event. As used in this **[act]**
30 section, "school or community sponsored youth sports event" means
31 a competition, practice, or instructional event involving one or more
32 interscholastic sports teams or youth sports teams organized
33 pursuant to a nonprofit or similar charter or which are member
34 teams in a youth league organized by or affiliated with a county or
35 municipal recreation department and shall not include collegiate,
36 semi-professional or professional sporting events.

37 g. (1) A person who commits a simple assault as defined in
38 subsection a. of this section, or threatens to do so, against:

39 (a) a sports official for a school or community sponsored youth
40 sports event while clearly identifiable as being engaged in the
41 performance of the duties of a sports official; while the official is
42 traveling to or from a sports event; or because of the official's
43 status as a sports official; or

44 (b) a player or participant in a school or community sponsored
45 youth sports event,

46 is guilty of a crime of the fourth degree and is subject to the
47 penalties set forth in section 2 of P.L. , c. (C.) pending

1 before the Legislature as this bill). If the victim is a minor under the
2 age of 18, the actor is guilty of a crime of the third degree and is
3 subject to the penalties set forth in section 2 of P.L. , c. (C.)
4 pending before the Legislature as this bill).

5 (2) A person who commits an aggravated assault as defined in
6 paragraph (1), (2), (3), or (4) of subsection b. of this section against
7 a sports official, player, or participant as set forth in paragraph (1)
8 of this subsection is guilty of a crime of the third degree and is
9 subject to the penalties set forth in section 2 of P.L. , c. (C.)
10 pending before the Legislature as this bill).

11 (3) As used in this section, "sports official" means any person
12 who serves as a referee, umpire, timer, scorer, coach, athletic
13 trainer, manager, or assistant for a school or community sponsored
14 youth sports event, or serves in a similar capacity but may be
15 known by a different title, whether the person is compensated or a
16 volunteer.

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

18
19 2. (New section) a. Notwithstanding the provisions of any other
20 law and in addition to any other disposition ordered by the court, a
21 person convicted of a crime of the fourth degree as set forth in
22 subsection g. of N.J.S.2C:12-1 shall be sentenced to:

23 (1) a fine of not less than \$1,000 for a first offense, \$5,000 for a
24 second offense, and \$10,000 for a third or subsequent offense;

25 (2) exclusion from all school or community sponsored youth
26 sports events for a period of not less than one year and up to four
27 years; and

28 (3) participation in anger management training for a period of
29 not less than 20 hours, subject to the discretion of the anger
30 management training facilitator.

31 b. Notwithstanding the provisions of any other law and in
32 addition to any other disposition ordered by the court, a person
33 convicted of a crime of the third degree as set forth in subsection g.
34 of this section shall, notwithstanding the provisions of any other
35 law, be sentenced to:

36 (1) a fine of not less than \$2,500 for a first offense, \$10,000 for a
37 second offense, and \$15,000 for a third or subsequent offense;

38 (2) exclusion from all school or community sponsored youth
39 sports events for a period of not less than two years and up to five
40 years; and

41 (3) participation in anger management training for a period of
42 not less than 50 hours, subject to the discretion of the anger
43 management training facilitator.

44
45 3. N.J.S.2C:33-4 is amended to read as follows:

46 2C:33-4. Harassment.

1 Except as provided in subsection e. and f. of this section, a
2 person commits a petty disorderly persons offense if, with purpose
3 to harass another, he:

4 a. Makes, or causes to be made, one or more communications
5 anonymously or at extremely inconvenient hours, or in offensively
6 coarse language, or any other manner likely to cause annoyance or
7 alarm;

8 b. Subjects another to striking, kicking, shoving, or other
9 offensive touching, or threatens to do so; or

10 c. Engages in any other course of alarming conduct or of
11 repeatedly committed acts with purpose to alarm or seriously annoy
12 such other person.

13 A communication under subsection a. may be deemed to have
14 been made either at the place where it originated or at the place
15 where it was received.

16 d. (Deleted by amendment, P.L.2001, c.443).

17 e. A person commits a crime of the fourth degree if, in
18 committing an offense under this section, he was serving a term of
19 imprisonment or was on parole or probation as the result of a
20 conviction of any indictable offense under the laws of this State,
21 any other state or the United States or he knowingly directs such
22 action to a current or former judge that relates to the performance of
23 the judge's public duties.

24 f. A person commits a crime of the fourth degree if the person
25 commits an offense under this section against a sports official, as
26 defined in paragraph (3) of subsection g. of N.J.S.2C:12-1:

27 (1) while the sports official is engaged in conducting,
28 supervising, refereeing, or officiating at a sanctioned
29 interscholastic, recreational, private, or collegiate sports event;

30 (2) in the immediate vicinity of a sports event, if the harassment
31 arises out of the sports official's performance in the sports event; or

32 (3) while the player is engaged in a sports event, and prior to
33 and after the event.

34 (cf: P.L.2021, c.327, s.1)

35
36 4. This act shall take effect on the first day of the fourth month
37 following enactment.

40 STATEMENT

41
42 This bill would increase the penalties for assault and harassment
43 against sports officials and participants under certain circumstances.

44 SIMPLE ASSAULT. Under current law, a person who commits
45 "simple assault" is guilty of a disorderly persons offense. A
46 disorderly persons offense is punishable by a term of imprisonment
47 of up to six months or a fine of up to \$1,000, or both. Current law
48 provides that a person is guilty of a simple assault if the person:

1 (1) attempts to cause or purposely, knowingly or recklessly
2 causes bodily injury to another; or

3 (2) negligently causes bodily injury to another with a deadly
4 weapon; or

5 (3) attempts by physical menace to put another in fear of
6 imminent serious bodily injury.

7 Under the bill, a person who commits simple assault, or
8 threatens to do so, against a sports official for a school or
9 community sponsored youth sports event while clearly identifiable
10 as being engaged in the performance of the duties of a sports
11 official; traveling to or from a sports event; or because of the
12 official's status as a sports official; or against a player or
13 participant in a school or community sponsored youth sports event,
14 is guilty of a crime of the fourth degree. A crime of the fourth
15 degree is punishable by a term of imprisonment of up to 18 months,
16 a fine of up to \$10,000, or both.

17 The bill defines "sports official" as any person who serves as a
18 referee, umpire, timer, scorer, coach, athletic trainer, manager, or
19 assistant for a school or community sponsored youth sports event,
20 or serves in a similar capacity but may be known by a different title,
21 whether the person is compensated or a volunteer.

22 **SIMPLE ASSAULT AGAINST A MINOR.** If the simple assault
23 is committed against a minor under the age of 18, the person is
24 guilty of a crime of the third degree, with additional sentencing
25 provisions as set out in the bill. A crime of the third degree is
26 punishable by a term of imprisonment of five to 10 years, a fine of
27 up to \$15,000, or both. Under the bill, a person convicted of this
28 third degree crime is to be sentenced to:

29 (1) a fine of not less than \$2,500 for a first offense, \$10,000 for a
30 second offense, and \$15,000 for a third or subsequent offense;

31 (2) exclusion from all school or community sponsored youth
32 sports events for a period of not less than two years and up to five
33 years; and

34 (3) participation in anger management training of a period of not
35 less than 50 hours, subject to the discretion of the anger
36 management training facilitator

37 The bill provides that a person sentenced to a crime of the fourth
38 degree for assault against a sports official or participant is to be
39 sentenced to:

40 (1) a fine of not less than \$1,000 for a first offense, \$5,000 for a
41 second offense, and \$10,000 for a third or subsequent offense;

42 (2) exclusion from all school or community sponsored youth
43 sports events for a period of not less than one year and up to four
44 years; and

45 (3) participation in anger management training of a period of not
46 less than 20 hours, subject to the discretion of the anger
47 management training facilitator.

1 AGGRAVATED ASSAULT. The bill provides that a person who
2 commits an aggravated assault against a sports official, player, or
3 participant is guilty of a crime of the third degree and is subject to
4 the additional penalties set forth in the bill. Current law provides
5 that a person is guilty of aggravated assault if the person:

6 (1) attempts to cause serious bodily injury to another, or causes
7 injury purposely or knowingly or under circumstances manifesting
8 extreme indifference to the value of human life recklessly causes
9 such injury; or

10 (2) attempts to cause or purposely or knowingly causes bodily
11 injury to another with a deadly weapon; or

12 (3) recklessly causes bodily injury to another with a deadly
13 weapon; or

14 (4) knowingly under circumstances manifesting extreme
15 indifference to the value of human life points a firearm at or in the
16 direction of another, whether or not the person believes it to be
17 loaded.

18 A person also is guilty of aggravated assault under current law if
19 the person commits a simple assault against certain persons, such as
20 law enforcement officers, teachers, health care workers, and others.

21 HARASSMENT. In addition, the bill increases the penalties for
22 harassment if committed against a sports official or participant.
23 Currently, harassment is a petty disorderly persons offense,
24 punishable by a term of imprisonment of up to 30 days, a fine of up
25 to \$500, or both. Under the bill, it would be a crime of the fourth
26 degree to commit harassment against a sports official:

27 (1) while the sports official is engaged in conducting,
28 supervising, refereeing, or officiating at a sanctioned
29 interscholastic, recreational, private, or collegiate sports event;

30 (2) in the immediate vicinity of a sports event, if the harassment
31 arises out of the sports official's performance in the sports event; or

32 (3) while the player is engaged in a sports event, and prior to
33 and after the event.