

§1  
C.2C:12-1a  
and Note to  
§§ 2, 3, 6, and  
7  
§3  
C.2C:12-3.1  
§§4,5  
C.2C:12-1b  
and 2C:12-1c  
§6  
C.26:2H-5.23a  
§7  
C.45:9-22.18a

P.L. 2023, CHAPTER 48, *approved May 8, 2023*  
Assembly, No. 3199 (*Third Reprint*)

1 AN ACT concerning violence against health care professionals  
2 <sup>1</sup>**【and】** <sup>1</sup> amending <sup>1</sup>N.J.S.2C:44-1,<sup>1</sup> and supplementing  
3 <sup>1</sup>**【various parts of the statutory law】** Title 2C of the New Jersey  
4 Statutes and P.L.1971, c.136 (C.26:2H-1 et seq.)<sup>1</sup>.  
5  
6 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
7 *of New Jersey:*  
8  
9 1. (New section) This act may be known and may be cited as  
10 the “Health Care Heroes Violence Prevention Act.”  
11  
12 2. N.J.S.2C:44-1 is amended to read as follows:  
13 2C:44-1. a. In determining the appropriate sentence to be  
14 imposed on a person who has been convicted of an offense, the  
15 court shall consider the following aggravating circumstances:  
16 (1) The nature and circumstances of the offense, and the role of  
17 the actor in committing the offense, including whether or not it was  
18 committed in an especially heinous, cruel, or depraved manner;  
19 (2) The gravity and seriousness of harm inflicted on the victim,  
20 including whether or not the defendant knew or reasonably should  
21 have known that the victim of the offense was particularly  
22 vulnerable or incapable of resistance due to advanced age, ill-  
23 health, or extreme youth, or was for any other reason substantially  
24 incapable of exercising normal physical or mental power of  
25 resistance;  
26 (3) The risk that the defendant will commit another offense;

**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  
Matter enclosed in superscript numerals has been adopted as follows:  
<sup>1</sup>Assembly ALP committee amendments adopted May 9, 2022.  
<sup>2</sup>Assembly AAP committee amendments adopted June 13, 2022.  
<sup>3</sup>Senate SBA committee amendments adopted December 5, 2022.

1 (4) A lesser sentence will depreciate the seriousness of the  
2 defendant's offense because it involved a breach of the public trust  
3 under chapters 27 and 30 of this title, or the defendant took  
4 advantage of a position of trust or confidence to commit the  
5 offense;

6 (5) There is a substantial likelihood that the defendant is  
7 involved in organized criminal activity;

8 (6) The extent of the defendant's prior criminal record and the  
9 seriousness of the offenses of which the defendant has been  
10 convicted;

11 (7) The defendant committed the offense pursuant to an  
12 agreement to either pay or be paid for the commission of the  
13 offense and the pecuniary incentive was beyond that inherent in the  
14 offense itself;

15 (8) The defendant committed the offense against a police or  
16 other law enforcement officer, correctional employee or firefighter,  
17 acting in the performance of the officer, employee, or firefighter  
18 duties while in uniform or exhibiting evidence of his authority; the  
19 defendant committed the offense because of the status of the victim  
20 as a public servant; <sup>1</sup>or <sup>1</sup>the defendant committed the offense  
21 against a sports official, athletic coach or manager, acting in or  
22 immediately following the performance of the person's duties or  
23 because of the person's status as a sports official, coach or manager;  
24 or the defendant committed the offense against any <sup>1</sup>worker  
25 employed by a licensed health care facility or a <sup>1</sup>health care  
26 professional <sup>1</sup>licensed or otherwise authorized pursuant to Title 26  
27 or Title 45 of the New Jersey Statutes to practice a health care  
28 profession while clearly identifiable as being engaged in the duties  
29 of providing direct patient care, practicing the health care  
30 profession, or any other professional duties], volunteer working for  
31 a health care professional or working at a health care facility,  
32 <sup>3</sup>supportive services staff member working for a health care  
33 professional or working at a health care facility,<sup>3</sup> or employee of a  
34 health care professional or <sup>2</sup>health care<sup>2</sup> facility, while the health  
35 care professional, volunteer, <sup>3</sup>supportive services staff member,<sup>3</sup> or  
36 employee is performing official duties.

37 For the purposes of this paragraph, "health care facility" and  
38 "health care professional" mean the same as those terms are defined  
39 in subsection b. of section 3 of P.L. , c. (C. )(pending before the  
40 Legislature as this bill)<sup>1</sup>;

41 (9) The need for deterring the defendant and others from  
42 violating the law;

43 (10) The offense involved fraudulent or deceptive practices  
44 committed against any department or division of State government;

45 (11) The imposition of a fine, penalty, or order of restitution  
46 without also imposing a term of imprisonment would be perceived  
47 by the defendant or others merely as part of the cost of doing  
48 business, or as an acceptable contingent business or operating

1 expense associated with the initial decision to resort to unlawful  
2 practices;

3 (12) The defendant committed the offense against a person who  
4 the defendant knew or should have known was 60 years of age or  
5 older, or disabled;

6 (13) The defendant, while in the course of committing or  
7 attempting to commit the crime, including the immediate flight  
8 therefrom, used or was in possession of a stolen motor vehicle;

9 (14) The offense involved an act of domestic violence, as that  
10 term is defined in subsection a. of section 3 of P.L.1991, c.261  
11 (C.2C:25-19), committed in the presence of a child under 16 years  
12 of age; and

13 (15) The offense involved an act of domestic violence, as that  
14 term is defined in subsection a. of section 3 of P.L.1991, c.261  
15 (C.2C:25-19) and the defendant committed at least one act of  
16 domestic violence on more than one occasion.

17 b. In determining the appropriate sentence to be imposed on a  
18 person who has been convicted of an offense, the court may  
19 properly consider the following mitigating circumstances:

20 (1) The defendant's conduct neither caused nor threatened  
21 serious harm;

22 (2) The defendant did not contemplate that the defendant's  
23 conduct would cause or threaten serious harm;

24 (3) The defendant acted under a strong provocation;

25 (4) There were substantial grounds tending to excuse or justify  
26 the defendant's conduct, though failing to establish a defense;

27 (5) The victim of the defendant's conduct induced or facilitated  
28 its commission;

29 (6) The defendant has compensated or will compensate the  
30 victim of the defendant's conduct for the damage or injury that the  
31 victim sustained, or will participate in a program of community  
32 service;

33 (7) The defendant has no history of prior delinquency or  
34 criminal activity or has led a law-abiding life for a substantial  
35 period of time before the commission of the present offense;

36 (8) The defendant's conduct was the result of circumstances  
37 unlikely to recur;

38 (9) The character and attitude of the defendant indicate that the  
39 defendant is unlikely to commit another offense;

40 (10) The defendant is particularly likely to respond affirmatively  
41 to probationary treatment;

42 (11) The imprisonment of the defendant would entail excessive  
43 hardship to the defendant or the defendant's dependents;

44 (12) The willingness of the defendant to cooperate with law  
45 enforcement authorities;

46 (13) The conduct of a youthful defendant was substantially  
47 influenced by another person more mature than the defendant; and

48 (14) The defendant was under 26 years of age at the time of the  
49 commission of the offense.

1 c. (1) A plea of guilty by a defendant or failure to so plead  
2 shall not be considered in withholding or imposing a sentence of  
3 imprisonment.

4 (2) When imposing a sentence of imprisonment the court shall  
5 consider the defendant's eligibility for release under the law  
6 governing parole, including time credits awarded pursuant to Title  
7 30 of the Revised Statutes, in determining the appropriate term of  
8 imprisonment.

9 d. Presumption of imprisonment. The court shall deal with a  
10 person who has been convicted of a crime of the first or second  
11 degree, or a crime of the third degree where the court finds that the  
12 aggravating factor in paragraph (5), (14), or (15) of subsection a. of  
13 this section applies, by imposing a sentence of imprisonment unless,  
14 having regard to the character and condition of the defendant, it is  
15 of the opinion that the defendant's imprisonment would be a serious  
16 injustice which overrides the need to deter such conduct by others.  
17 Notwithstanding the provisions of subsection e. of this section, the  
18 court shall deal with a person who has been convicted of theft of a  
19 motor vehicle or of the unlawful taking of a motor vehicle and who  
20 has previously been convicted of either offense by imposing a  
21 sentence of imprisonment unless, having regard to the character and  
22 condition of the defendant, it is of the opinion that imprisonment  
23 would be a serious injustice which overrides the need to deter such  
24 conduct by others.

25 e. The court shall deal with a person convicted of an offense  
26 other than a crime of the first or second degree, who has not  
27 previously been convicted of an offense, without imposing a  
28 sentence of imprisonment unless, having regard to the nature and  
29 circumstances of the offense and the history, character, and  
30 condition of the defendant, it is of the opinion that imprisonment is  
31 necessary for the protection of the public under the criteria set forth  
32 in subsection a. of this section, except that this subsection shall not  
33 apply if the court finds that the aggravating factor in paragraph (5),  
34 (14) or (15) of subsection a. of this section applies or if the person  
35 is convicted of any of the following crimes of the third degree: theft  
36 of a motor vehicle; unlawful taking of a motor vehicle; eluding;  
37 strict liability vehicular homicide pursuant to section 1 of P.L.2017,  
38 c.165 (C.2C:11-5.3); if the person is convicted of a crime of the  
39 third degree constituting use of a false government document in  
40 violation of subsection c. of section 1 of P.L.1983, c.565 (C.2C:21-  
41 2.1); if the person is convicted of a crime of the third degree  
42 constituting distribution, manufacture or possession of an item  
43 containing personal identifying information in violation of  
44 subsection b. of section 6 of P.L.2003, c.184 (C.2C:21-17.3); if the  
45 person is convicted of a crime of the third or fourth degree  
46 constituting bias intimidation in violation of N.J.S.2C:16-1; if the  
47 person is convicted of a crime of the third degree under paragraph  
48 (12) of subsection b. of N.J.S.2C:12-1 or section 2 of P.L.1997,  
49 c.111 (C.2C:12-1.1); or if the person is convicted of a crime of the

1 third or fourth degree under the provisions of section 1 or 2 of  
2 P.L.2007, c.341 (C.2C:33-29 or C.2C:33-30).

3 f. Presumptive Sentences. (1) Except for the crime of murder,  
4 unless the preponderance of aggravating or mitigating factors, as set  
5 forth in subsections a. and b. of this section, weighs in favor of a  
6 higher or lower term within the limits provided in N.J.S.2C:43-6,  
7 when a court determines that a sentence of imprisonment is  
8 warranted, it shall impose sentence as follows:

9 (a) To a term of 20 years for aggravated manslaughter or  
10 kidnapping pursuant to paragraph (1) of subsection c. of  
11 N.J.S.2C:13-1 when the offense constitutes a crime of the first  
12 degree;

13 (b) Except as provided in subparagraph (a) of this paragraph to a  
14 term of 15 years for a crime of the first degree;

15 (c) To a term of seven years for a crime of the second degree;

16 (d) To a term of four years for a crime of the third degree; and

17 (e) To a term of nine months for a crime of the fourth degree.

18 In imposing a minimum term pursuant to subsection b. of  
19 N.J.S.2C:43-6, the sentencing court shall specifically place on the  
20 record the aggravating factors set forth in this section which justify  
21 the imposition of a minimum term.

22 Unless the preponderance of mitigating factors set forth in  
23 subsection b. weighs in favor of a lower term within the limits  
24 authorized, sentences imposed pursuant to paragraph (1) of  
25 subsection a. of N.J.S.2C:43-7 shall have a presumptive term of life  
26 imprisonment. Unless the preponderance of aggravating and  
27 mitigating factors set forth in subsections a. and b. of this section  
28 weighs in favor of a higher or lower term within the limits  
29 authorized, sentences imposed pursuant to paragraph (2) of  
30 subsection a. of N.J.S.2C:43-7 shall have a presumptive term of 50  
31 years' imprisonment; sentences imposed pursuant to paragraph (3)  
32 of subsection a. of N.J.S.2C:43-7 shall have a presumptive term of  
33 15 years' imprisonment; and sentences imposed pursuant to  
34 paragraph (4) of subsection a. of N.J.S.2C:43-7 shall have a  
35 presumptive term of seven years' imprisonment.

36 In imposing a minimum term pursuant to subsection b. of  
37 N.J.S.2C:43-7, the sentencing court shall specifically place on the  
38 record the aggravating factors set forth in this section which justify  
39 the imposition of a minimum term.

40 (2) In cases of convictions for crimes of the first or second  
41 degree where the court is clearly convinced that the mitigating  
42 factors substantially outweigh the aggravating factors and where the  
43 interest of justice demands, the court may sentence the defendant to  
44 a term appropriate to a crime of one degree lower than that of the  
45 crime for which the defendant was convicted. If the court does  
46 impose sentence pursuant to this paragraph, or if the court imposes  
47 a noncustodial or probationary sentence upon conviction for a crime  
48 of the first or second degree, the sentence shall not become final for

1 10 days in order to permit the appeal of the sentence by the  
2 prosecution.

3 g. Imposition of Noncustodial Sentences in Certain Cases. If  
4 the court, in considering the aggravating factors set forth in  
5 subsection a. of this section, finds the aggravating factor in  
6 paragraph (2), (5), (10), or (12) of subsection a. of this section and  
7 does not impose a custodial sentence, the court shall specifically  
8 place on the record the mitigating factors which justify the  
9 imposition of a noncustodial sentence.

10 h. Except as provided in section 2 of P.L.1993, c.123 (C.2C:43-  
11 11), the presumption of imprisonment as provided in subsection d.  
12 of this section shall not preclude the admission of a person to the  
13 Intensive Supervision Program, established pursuant to the Rules  
14 Governing the Courts of the State of New Jersey.  
15 (cf: P.L.2020, c.110, s.1)

16

17 3. (New section) a. A person commits a disorderly persons  
18 offense if the <sup>1</sup>["individual"] person<sup>1</sup> orally or in writing:

19 (1) knowingly and willfully makes a threat against any <sup>1</sup>["person  
20 employed by a health care facility, which is licensed by the  
21 Department of Health pursuant to P.L.1971, c.136 (C.26:2H-1 et  
22 seq.)"] health care professional, volunteer working for a health care  
23 professional or working at a health care facility, <sup>3</sup>supportive services  
24 staff member working for a health care professional or working at a  
25 health care facility, <sup>3</sup> or employee of a health care professional or  
26 health care facility<sup>1</sup>, with the intent to intimidate, interfere with, or  
27 impede the <sup>1</sup>health care professional, volunteer, <sup>3</sup>supportive services  
28 staff member, <sup>3</sup> or employee in the<sup>1</sup> performance of <sup>1</sup>the health care  
29 professional's, volunteer's, <sup>3</sup>supportive services staff member's, <sup>3</sup> or  
30 employee's <sup>2</sup>performance of<sup>1</sup> <sup>2</sup> official duties; or

31 (2) knowingly sends, delivers, or makes for the purpose of sending  
32 or delivering a threat prohibited pursuant to paragraph (1) of this  
33 subsection.

34 b. For <sup>1</sup>the<sup>1</sup> purposes of this section:

35 (1) "health care professional" means a person licensed <sup>1</sup>["or<sup>1</sup>  
36 certified <sup>1</sup>[", registered, or otherwise authorized"] to practice a health  
37 care profession<sup>1</sup> pursuant to <sup>3</sup>Title 26, <sup>3</sup> Title 45 <sup>3,3</sup> or Title 52 of the  
38 Revised Statutes <sup>1</sup>[", or by any principal department of the Executive  
39 Branch of State government or any entity within any department or  
40 any other entity created to license or otherwise regulate a health care  
41 profession. "Health care professional" shall include, but shall not be  
42 limited to, health care professionals regulated by the following entities:  
43 the State Board of Medical Examiners, the New Jersey Board of  
44 Nursing, the New Jersey State Board of Dentistry, the New Jersey  
45 State Board of Optometrists, the Board of Pharmacy, the State Board  
46 of Chiropractic Examiners, the Acupuncture Examining Board, the  
47 State Board of Physical Therapy Examiners, the Orthotics and  
48 Prosthetics Board of Examiners, the State Board of Psychological

1 Examiners, the State Board of Examiners of Ophthalmic Dispensers  
2 and Ophthalmic Technicians, the Audiology and Speech-Language  
3 Pathology Advisory Committee, the Occupational Therapy Advisory  
4 Council and the Certified Psychoanalysts Advisory Committee<sup>1</sup>.

5 (2) “health care facility” means a <sup>1</sup> [general or special hospital or  
6 nursing home licensed by the Department of Health pursuant to  
7 P.L.1971, c.136 (C.26:2H-1 et al.), a State or county psychiatric  
8 hospital, or a State developmental center] health care facility licensed  
9 pursuant to P.L.1971, c.136 (C.26:2H-1 <sup>2</sup> [et seq.] et al.<sup>2</sup>), a State or  
10 county psychiatric hospital, a State developmental center, or a health  
11 care service firm registered by the Division of Consumer Affairs in the  
12 Department of Law and Public Safety pursuant to P.L.1960, c.39  
13 (C.56:8-1 et seq.)<sup>1</sup>.

14  
15 4. (New section) a. In addition to any fine imposed pursuant to  
16 N.J.S.2C:43-3 or any term of imprisonment pursuant to N.J.S.2C:43-6,  
17 the court may order any defendant who commits an assault pursuant to  
18 N.J.S.2C:12-1 against any <sup>1</sup> [person employed by a health care facility,  
19 which is licensed by the Department of Health pursuant to P.L.1971,  
20 c.136 (C.26:2H-1 et seq.)] health care professional, volunteer working  
21 for a health care professional or working at a health care facility,  
22 <sup>3</sup>supportive services staff member working for a health care  
23 professional or working at a health care facility,<sup>3</sup> or employee of a  
24 health care professional or health care facility<sup>1</sup>, while <sup>1</sup>the health care  
25 professional, volunteer, <sup>3</sup>supportive services staff member,<sup>3</sup> or  
26 employee is<sup>1</sup> performing official duties <sup>2,2</sup> to satisfactorily complete  
27 an anger management course.

28 b. The court may order a defendant to participate in an anger  
29 management course of up to 12 months <sup>1</sup> duration<sup>1</sup> <sup>2</sup> pursuant to this  
30 section<sup>2</sup>.

31 c. A defendant shall pay the enrollment cost of <sup>2</sup> [the ordered] an<sup>2</sup>  
32 anger management course <sup>2</sup> ordered pursuant to this section<sup>2</sup> .

33 d. A defendant sentenced to an anger management course  
34 <sup>2</sup> pursuant to this section<sup>2</sup> shall have one year to comply with the court  
35 order. Failure to satisfactorily complete the course within one year  
36 shall constitute a violation of the order. Any defendant who fails to  
37 comply with the court order requiring an anger management course  
38 may be subject to an additional penalty of up to \$500.

39 e. The Administrative Office of the Courts shall develop and  
40 approve a list of eligible anger management courses that may provide  
41 anger management services to any person ordered to participate  
42 pursuant to this section.

43 f. The Administrative Office of the Courts shall establish  
44 standards and procedures for certification of anger management  
45 courses required pursuant to this section.

46  
47 5. (New section) a. Notwithstanding the term of imprisonment  
48 provided in N.J.S.2C:43-6 or any fine imposed pursuant to

1 N.J.S.2C:43-3, <sup>2</sup>**[any person]** a defendant<sup>2</sup> convicted of assault,  
 2 pursuant to N.J.S.2C:12-1, against any <sup>1</sup>**[person employed by a health**  
 3 **care facility, which is licensed by the Department of Health pursuant**  
 4 **to P.L.1971, c.136 (C.26:2H-1 et seq.)]** health care professional,  
 5 volunteer working for a health care professional or working at a health  
 6 care facility, <sup>3</sup>supportive services staff member working for a health  
 7 care professional or working at a health care facility,<sup>3</sup> or employee of a  
 8 health care professional or health care facility<sup>1</sup>, while <sup>1</sup>the health care  
 9 professional, volunteer, <sup>3</sup>supportive services staff member,<sup>3</sup> or  
 10 employee is<sup>1</sup> performing official duties<sup>2,2</sup> may be sentenced to  
 11 community service.

12 b. The court may order the <sup>2</sup>**[person]** defendant<sup>2</sup> to perform  
 13 community service <sup>2</sup>pursuant to this section<sup>2</sup> in lieu of part of the  
 14 <sup>2</sup>**[person's]** defendant's<sup>2</sup> period of incarceration. The court <sup>2</sup>**[shall]**  
 15 may<sup>2</sup> impose a term of community service of up to 30 days.

16 c. The Administrative Office of the Courts shall establish  
 17 standards and procedures for <sup>2</sup>the<sup>2</sup> certification of community service  
 18 <sup>2</sup>**[for any person]** organizations and providers to which a defendant  
 19 may be<sup>2</sup> sentenced pursuant to this section.

20  
 21 6. (New section) a. As used in this section, "health care facility"  
 22 means <sup>1</sup>**[a general or special hospital or nursing home licensed by the**  
 23 **Department of Health pursuant to P.L.1971, c.136 (C.26:2H-1 et al.), a**  
 24 **State or county psychiatric hospital, or a State developmental center]**  
 25 the same as defined in subsection b. of section 3 of P.L. , c. (C. )  
 26 (pending before the Legislature as this bill)<sup>1</sup>.

27 b. A health care facility shall prominently display a written notice  
 28 in a conspicuous public location that contains the following or  
 29 substantially similar statement: "It is a crime to assault a health care  
 30 <sup>1</sup>**[worker]** professional, any volunteer working for a health care  
 31 professional or working at a health care facility, <sup>3</sup>any supportive  
 32 services staff member working for a health care professional or  
 33 working at a health care facility,<sup>3</sup> or any employee of a health care  
 34 professional or <sup>2</sup>**[working at]<sup>2</sup> a health care facility while the health**  
 35 care professional, volunteer, <sup>3</sup>supportive services staff member,<sup>3</sup> or  
 36 employee is performing official duties<sup>1</sup>. Any person who assaults a  
 37 health care <sup>1</sup>**[worker]** professional, volunteer, <sup>3</sup>supportive services  
 38 staff member,<sup>3</sup> or employee in violation of this prohibition<sup>1</sup> shall be  
 39 subject to a fine, imprisonment, or both under the New Jersey Code of  
 40 Criminal Justice, N.J.S.2C:1-1 et seq."

41 c. The Commissioner of Health may adopt rules and regulations,  
 42 in accordance with the "Administrative Procedure Act," P.L.1968,  
 43 c.410 (C.52:14B-1 et seq.), as are necessary to effectuate the  
 44 provisions of this section.

45  
 46 <sup>1</sup>7. (New section) a. A physician responsible for managing a  
 47 professional physician practice shall prominently display a written



1 notice in a conspicuous public location that contains the following or  
2 substantially similar statement: “It is a crime to assault a health care  
3 professional, any volunteer working for a health care professional or  
4 working at a health care facility, <sup>3</sup>any supportive services staff  
5 member working for a health care professional or working at a health  
6 care facility,<sup>3</sup> or any employee of a health care professional or a health  
7 care facility, while the health care professional, volunteer, <sup>3</sup>supportive  
8 services staff member,<sup>3</sup> or employee is performing official duties.  
9 Any person who assaults a health care professional, volunteer,  
10 <sup>3</sup>supportive services staff member,<sup>3</sup> or employee in violation of this  
11 prohibition shall be subject to a fine, imprisonment, or both under the  
12 New Jersey Code of Criminal Justice, N.J.S.2C:1-1 et seq.”

13 b. The Board of Medical Examiners may adopt rules and  
14 regulations, in accordance with the “Administrative Procedure Act,”  
15 P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary to effectuate the  
16 provisions of this section.<sup>1</sup>

17  
18 <sup>1</sup>**[7.] 8.**<sup>1</sup> This act shall take effect immediately.

19  
20  
21  
22  
23 Establishes “Health Care Heroes Violence Prevention Act.”