

ASSEMBLY, No. 2874

STATE OF NEW JERSEY

222nd LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2026 SESSION

Sponsored by:

Assemblyman ALEX SAUICKIE

District 12 (Burlington, Middlesex, Monmouth and Ocean)

Co-Sponsored by:

Assemblyman Auth

SYNOPSIS

Clarifies spitting in law enforcement officer's food or drink constitutes aggravated assault; requires certain sanctions on restaurant employees who commit this crime.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning aggravated assault against law enforcement
2 officers, amending P.L.1997, c.182, and supplementing Title 26
3 of the Revised Statutes.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. Section 2 of P.L.1997, c.182 (C.2C:12-13) is amended to
9 read as follows:

10 2. a. A person who throws a bodily fluid at a Department of
11 Corrections employee, county correctional police officer, juvenile
12 correctional police officer, State juvenile facility employee, juvenile
13 detention staff member, probation officer, any sheriff, undersheriff
14 or sheriff's officer or any municipal, county, or State law
15 enforcement officer while in the performance of the person's duties
16 or otherwise purposely subjects **[such]** an employee to contact with
17 a bodily fluid commits an aggravated assault. If the victim suffers
18 bodily injury, this shall be a crime of the third degree. If the
19 victim's food was spit upon or beverage spit into, this shall be a
20 crime of the third degree, and, notwithstanding the provisions of
21 N.J.S.2C:43-3, the person shall be fined \$15,000. Otherwise, this
22 shall be a crime of the fourth degree. A term of imprisonment
23 imposed for this offense shall run consecutively to any term of
24 imprisonment currently being served and to any other term imposed
25 for another offense committed at the time of the assault. Nothing
26 herein shall be deemed to preclude, if the evidence so warrants, an
27 indictment and conviction for a violation or attempted violation of
28 chapter 11 of Title 2C of the New Jersey Statutes **[or]** 1, subsection
29 b. of N.J.S.2C:12-1₂, or any other provision of the criminal laws.

30 b. For the purposes of this section, a person "subjects an
31 employee to contact with a bodily fluid" if the person spits on an
32 employee's food or into an employee's beverage.

33 (cf: P.L.2019, c.219, s.4)
34

35 2. (New section) a. A restaurant employer shall immediately
36 suspend any employee that is charged with a violation of section 2
37 of P.L.1997, c.182 (C.2C:12-13). If the employee is convicted of
38 the violation of section 2 of P.L.1997, c.182 (C.2C:12-13), the
39 restaurant employer shall terminate the employee.

40 b. A restaurant employer who fails to comply with subsection
41 a. of this section shall be subject to a civil penalty in an amount not
42 to exceed \$500 for the first violation and \$1,000 for each
43 subsequent violation, collectible by the Department of Labor and
44 Workforce Development in a summary proceeding pursuant to the

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 “Penalty Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-10
2 et seq.).

3 c. The Commissioner of the Department of Labor and
4 Workforce Development shall, pursuant to the "Administrative
5 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules
6 and regulations to effectuate the purposes of P.L. , c. (C.)
7 (pending before the Legislature as this bill).

8 d. For the purposes of this section, “restaurant” shall have the
9 same meaning as defined in section 1 of P.L.1983, c.488 (C.26:3E-1).

10
11 3. This act shall take effect immediately.
12
13

14 STATEMENT 15

16 This bill clarifies that spitting on the food or into the beverage of
17 a law enforcement officer constitutes aggravated assault. The bill
18 also requires restaurants to impose certain sanctions on an employee
19 who engages in this conduct.

20 Under current law, a person who throws a bodily fluid at a law
21 enforcement officer while in the performance of the person's duties
22 or otherwise purposely subjects the officer to contact with a bodily
23 fluid commits aggravated assault. It is a crime of the third degree if
24 the officer suffers bodily injury. Otherwise, it is a crime of the
25 fourth degree. A third degree crime generally is punishable by a
26 term of imprisonment of three to five years, a fine of up to \$15,000,
27 or both. Fourth degree crimes are punishable by a term of
28 imprisonment of up to 18 months, a fine of \$10,000, or both.

29 This bill clarifies that subjecting a law enforcement officer to
30 contact with a bodily fluid includes spitting on an officer’s food or
31 into the officer’s beverage and that this is a crime of the third
32 degree. In addition to the three to five year term of imprisonment,
33 the bill provides for a mandatory fine of \$15,000.

34 The bill also requires a restaurant employer to suspend an
35 employee who is charged with aggravated assault for spitting in an
36 officer’s food or drink and fire the employee if convicted of the
37 crime. A restaurant employer who violates this provision is to be
38 civilly fined up to \$500 for the first violation and up to \$1,000 for
39 each subsequent violation. The bill defines a restaurant as “any
40 facility or part thereof in which food is prepared and provided or
41 served for consumption on the premises, but shall not include
42 mobile food establishments or any temporary food establishment
43 which operates at a fixed location for a limited period of time in
44 connection with a fair, carnival, public exhibition or similar
45 transitory gathering or charitable fund raising event.”