

Signed into Law

ASSEMBLY, No. 192

STATE OF NEW JERSEY

211th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

Sponsored by:

Assemblywoman MARY T. PREVITE

District 6 (Camden)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Co-Sponsored by:

Assemblyman O'Toole

SYNOPSIS

Makes throwing bodily fluid at State juvenile facility employee or **probation officer** an aggravated assault.

CURRENT VERSION OF TEXT

Withdrawn.

AN ACT concerning criminal penalties and amending P.L.1997,
c.182.

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

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

2. A person who throws a bodily fluid at a Department of
Corrections employee, county corrections officer, juvenile

corrections officer, State juvenile facility employee, juvenile detention staff member, probation officer, any sheriff, undersheriff or sheriff's officer or any municipal, county or State law enforcement officer while in the performance of his duties or otherwise purposely subjects such employee to contact with a bodily fluid commits an aggravated assault. If the victim suffers bodily injury, this shall be a crime of the third degree. Otherwise, this shall be a crime of the fourth degree. A term of imprisonment imposed for this offense shall run consecutively to any term of imprisonment currently being served and to any other term imposed for another offense committed at the time of the assault. Nothing herein shall be deemed to preclude, if the evidence so warrants, an indictment and conviction for a violation or attempted violation of chapter 11 of Title 2C of the New Jersey Statutes or subsection b. of N.J.S.2C:12-1 or any other provision of the criminal laws.

(cf: P.L.1999, c.429, s.1)

2. This act shall take effect immediately.

STATEMENT

This bill establishes that throwing a bodily fluid at a probation officer or State juvenile facility employee while in the performance of his duties or purposely subjecting such an officer or employee to contact with a bodily fluid constitutes aggravated assault.

Under current law, it is an aggravated assault to throw a bodily fluid at or subject to contact with a bodily fluid a State corrections employee, county corrections officer, juvenile corrections officer, juvenile detention staff member, sheriff, undersheriff or sheriff's officer, or any other municipal, county or State law enforcement officer.

If the victim suffers bodily injury, the aggravated assault is a crime of the third degree. Third-degree crimes are punishable by a fine of up to \$15,000, a term of imprisonment of three-to-five years, or both. If no bodily injury is incurred, it is a crime of the fourth degree. Fourth-degree crimes are punishable by a fine of up to \$10,000, a term of imprisonment of up to 18 months, or both.