

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

e. A person who commits a simple assault as defined in subsection a. of this section is guilty of a crime of the fourth degree if the person acted with a purpose to intimidate an individual or group of individuals because of race, color, religion, gender, handicap, sexual orientation, or ethnicity.

(cf: P.L.1995, c.307, s.2)

2. This act shall take effect immediately .

## STATEMENT

This bill would upgrade the crime of simple assault to aggravated assault if the victim was a school bus driver, any motorbus operator, any employee of a rail passenger service or any employee of the New Jersey Transit Corporation. Specifically, this bill would amend subparagraph (d) of paragraph 5 of subsection b. of N.J.S.A.2C:12-1, the assault statute, to upgrade a simple assault against a school bus driver while clearly identifiable as being engaged in the performance of his duties or because of his status, to aggravated assault.

This bill would also add a new subparagraph (e) to paragraph 5 of subsection b. of 2C:12-1 to upgrade a simple assault against any motorbus operator, any employee of a rail passenger service or any employee of the New Jersey Transit Corporation, while clearly identifiable as being engaged in the performance of their duties or because of their status, to aggravated assault.

Aggravated assault is a crime of the third degree if the victim suffers bodily injury; otherwise it is a crime of the fourth degree. A crime of the third degree is punishable by a maximum term of imprisonment of three to five years, a maximum fine of \$7,500 or both. A crime of the fourth degree is punishable by a maximum term of imprisonment not to exceed 18 months, a maximum fine of \$7,500 or both.

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Upgrades simple assault against school bus drivers, motorbus operators, rail passenger service employees or employees of New Jersey Transit Corporation.