

ADMINISTRATIVE OFFICE OF THE COURTS  
STATE OF NEW JERSEY

January 24, 2000

**To: Assignment Judges**

**From: David P. Anderson, Jr.**

**Subject: P.L. 1999, c.429 (A-2335) - Makes throwing bodily fluid at a county correction officer, juvenile detention officer, any sheriff, undersheriff or any sheriff's officer, or any law enforcement officer an aggravated assault**

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On January 18, 2000, Governor Whitman signed A-2335 into law as P.L. 1999, c.429. The new law was effective January 18, 2000. Attached is a copy of the law for your information.

The new law amends *N.J.S.A. 2C:12-13* to provide that a person who throws bodily fluids at a county corrections officer, any sheriff, undersheriff, or sheriff's officer, juvenile corrections officer, juvenile detention staff member, or municipal, county or State law enforcement officer while that officer or staff member is performing his or her duties, or purposely subjects such an officer to contact with a bodily fluid, commits aggravated assault.

Currently, section 2 of P.L.1997, c.182 (*N.J.S.A. 2C:12-13*) provides that persons commit aggravated assault if they throw bodily fluids at a Department of Corrections employee while that employee is performing his or her duties or purposely subject such an employee to contact with a bodily fluid. *Bodily fluid* is defined in section 1 of P.L.1997, c.182 (*N.J.S.A. 2C:12-12*) as saliva, blood, urine, feces, seminal fluid or any other bodily fluid. Under the new law, aggravated assault is a crime of the third degree if the victim suffers bodily injury. Otherwise, it is a crime of the fourth degree.

Kindly advise your trial court judges and appropriate staff of this new law. Please contact Joseph Barraco, Assistant Director, AOC Criminal Division at 609-633-2756 if you have any questions regarding Chapter 429.

/dp

attachment

c: Richard J. Williams

Criminal Division Presiding Judges

Theodore J. Fetter

Directors

Assistant Directors

Clerks of the Court

Trial Court Administrators

## Criminal Division Managers

**P.L. 1999, c.429**  
**Approved January 18, 2000**

[First Reprint]  
ASSEMBLY, No. 2335

STATE OF NEW JERSEY  
208th LEGISLATURE

INTRODUCED JULY 30, 1998

Sponsored by:

Assemblywoman MARY T. PREVITE  
District 6 (Camden)  
Assemblyman CHARLES "KEN" ZISA  
District 37 (Bergen)

Co-Sponsored by:

Assemblymen Greenwald, Luongo and Corodemus

**SYNOPSIS**

Makes throwing bodily fluid at a county correction officer, juvenile detention officer, any sheriff, undersheriff or sheriff's officer or any law enforcement officer an aggravated assault.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Law and Public Safety Committee on September 14, 1998, with amendments.

(Sponsorship Updated As Of: 12/18/1998)

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, <sup>1</sup>[juvenile detention officer] juvenile corrections officer, juvenile detention staff member<sup>1</sup>, 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.1997, c.182, s.2)

2. This act shall take effect immediately.

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 September 14, 1998.