

- VEST FIRST RESPONDER -

HELP FOR HEROES

NEW JERSEY

Self-Defense Law Reference Guide

*Duty to Retreat | Castle Doctrine (Dwelling Only, With Conditions) | Self-Defense | First Responder
Protections | Police Chokehold Restrictions*

CERTIFIED TRAINER SUPPLEMENTAL DOCUMENT

Intended exclusively for VEST Certified Trainers. Not a substitute for legal counsel.

IMPORTANT: NEW JERSEY HAS A DUTY TO RETREAT IN PUBLIC

New Jersey is NOT a Stand Your Ground state. Outside of a person's own dwelling, New Jersey law imposes a statutory duty to retreat before using deadly force when the actor knows they can avoid the necessity of using such force with complete safety. New Jersey's Castle Doctrine applies only to the dwelling, and even there it comes with conditions, including a requirement to demand the intruder leave before using force in most circumstances. Multiple attempts to expand New Jersey's home defense rights (A4242 in 2024, S1874, S2270) have been proposed but not enacted as of this document's preparation.

New Jersey's self-defense laws are codified in the New Jersey Code of Criminal Justice, N.J.S.A. Title 2C, Chapter 3. The framework is statutory - unlike Maryland and Massachusetts (which rely primarily on common law). N.J.S.A. 2C:3-4 governs use of force in self-protection, including the duty to retreat and Castle Doctrine exception. New Jersey imposes a meaningful duty to retreat in public, making it one of the stricter duty-to-retreat jurisdictions in the country.

STATUTE	SUBJECT MATTER
N.J.S.A. 2C:3-4	Use of Force in Self-Protection - Core Standard; Duty to Retreat
N.J.S.A. 2C:3-4(b)(2)(b)	Duty to Retreat in Public - Complete Safety Standard
N.J.S.A. 2C:3-5	Use of Force for Protection of Other Persons
N.J.S.A. 2C:3-6	Use of Force in Defense of Premises - Castle Doctrine (Dwelling)
N.J.S.A. 2C:12-1(b)(5)	Aggravated Assault - Enhanced When Victim Is Peace Officer, Firefighter, or EMS
N.J.S.A. 2C:12-1(b)(8)	Aggravated Assault - Arson/Explosion Causing EMS Injury; Strict Liability
A4242 (2024)/S1874 (2024)	'New Jersey Right to Home Defense Law' - Proposed, Not Yet Enacted

PART I: THE NEW JERSEY SELF-DEFENSE STATUTORY FRAMEWORK**N.J.S.A. 2C:3-4 - Use of Force in Self-Protection**

"Subject to the provisions of this section and of section 2C:3-9, the use of force upon or toward another person is justifiable when the actor reasonably believes that such force is immediately necessary for the purpose of protecting himself against the use of unlawful force by such other person on the present occasion." - N.J.S.A. 2C:3-4(a)

New Jersey's core force standard uses 'reasonably believes... immediately necessary' - the 'immediately necessary on the present occasion' formulation that is operationally significant: force must be required RIGHT NOW, not anticipated for later. New Jersey courts apply an objective standard: whether a reasonable person in the same circumstances would believe force was immediately necessary.

N.J.S.A. 2C:3-4(b)(2)(b) - Duty to Retreat in Public

"The use of deadly force is not justifiable under this section unless the actor reasonably believes that such force is necessary to protect himself against death or serious bodily harm; nor is it justifiable if: ... (b) The actor knows that he can avoid the necessity of using such force with complete safety by retreating..." - N.J.S.A. 2C:3-4(b)(2)(b)

New Jersey's duty to retreat applies when the actor KNOWS they can avoid the necessity of using deadly force with complete safety by retreating. The standard is knowledge-based: the prosecution must prove the defendant KNEW safe retreat was available. If the defendant genuinely did not know a safe retreat existed, the duty does not arise. This is the same 'complete safety' standard used in Nebraska, Connecticut, Delaware, Hawaii, Maine, and Massachusetts.

KEY DISTINCTIONS:

- DEADLY FORCE: Duty to retreat if actor knows safe retreat is available with complete safety.
- NON-DEADLY FORCE: No duty to retreat before using non-deadly force in self-defense.
- KNOWLEDGE-BASED: The prosecution must prove the actor KNEW safe retreat was available.
- DWELLING: No duty to retreat in the actor's own dwelling (Castle Doctrine - see below).

FOR FIRST RESPONDERS:

New Jersey first responders in public must be aware that deadly force in public spaces requires establishing that safe retreat was not available with complete safety. The knowledge-based standard means that if a provider genuinely did not know a safe retreat existed, the duty does not arise. VEST Level I situational awareness training - helping providers observe, document, and articulate why safe retreat was not known to be available - is legally essential in New Jersey public-space incidents.

N.J.S.A. 2C:3-6 - Use of Force in Defense of Premises (Castle Doctrine)

New Jersey's Castle Doctrine is codified in N.J.S.A. 2C:3-6, which authorizes the use of force - including deadly force under specified conditions - to protect the dwelling. Key conditions include: (1) the intruder must not have had a right to be in the dwelling; (2) in most circumstances, the resident must demand the intruder leave before using force, unless such demand would be useless or dangerous; (3) deadly force against an intruder requires that the intruder have used or threatened deadly force, or that deadly force is necessary to prevent commission of a felony within the dwelling.

- Castle Doctrine applies ONLY to the dwelling - NOT to vehicles, workplaces, or other locations.
- Demand to leave: in most circumstances, the resident must first demand the intruder stop before using deadly force.
- Unlawful intruder: the Castle Doctrine does not apply to persons with a legal right to be in the dwelling.
- Deadly force requires: intruder used or threatened deadly force, OR deadly force is necessary to prevent a felony in the dwelling.

CRITICAL LIMITATION - DWELLING ONLY AND WITH CONDITIONS:

New Jersey's Castle Doctrine does NOT extend to vehicles or workplaces, and requires a demand-to-leave in most circumstances before deadly force can be used. This is a more demanding framework than most states. New Jersey has pending legislation (A4242, 2024) to expand home defense rights, but it has not been enacted as of this document's preparation. VEST trainers must address these limitations explicitly in New Jersey curriculum.

N.J.S.A. 2C:3-5 - Defense of Third Persons

N.J.S.A. 2C:3-5 authorizes force to protect a third person under the same standards as self-defense under 2C:3-4. The actor steps into the shoes of the person being defended - if the third person would be justified in using force, the actor may use force to protect them. VEST Level III partner defense training is directly supported by this statute. The same duty-to-retreat analysis applies when the third person could have safely retreated.

PART II: DUTY TO RETREAT - NEW JERSEY'S POSITION

IMPORTANT: NEW JERSEY HAS A STATUTORY DUTY TO RETREAT FOR DEADLY FORCE IN PUBLIC

In any location outside of a person's own dwelling, New Jersey imposes a duty to retreat before using deadly force when the actor KNOWS they can retreat with complete safety. The knowledge-based standard is the most important element for first responders to understand.

- PUBLIC SPACES: Retreat required if actor KNOWS safe retreat is available with complete safety.
- DWELLING: No duty to retreat against an UNLAWFUL INTRUDER (Castle Doctrine) - with demand-to-leave requirement in most cases.
- NON-DEADLY FORCE: No duty to retreat before using non-deadly force anywhere.
- KNOWLEDGE STANDARD: If the actor genuinely did not know safe retreat was available, the duty does not arise.
- Multiple legislative attempts to expand home defense rights (A4242, S1874, S2270) have not yet been enacted.

PRACTICAL IMPACT FOR FIRST RESPONDERS:

New Jersey EMS and fire providers at public scenes face a meaningful duty to retreat before using deadly force if they know safe retreat is available with complete safety. The knowledge-based standard is key: if the provider could not identify a safe exit because of the speed of the attack, the physical layout of the scene, or any other factor that made safe retreat unknown to them, the duty does not arise. VEST Level I situational awareness training - documenting scene access/egress, threat positioning, and factors limiting safe withdrawal - is legally foundational in New Jersey.

PART III: FIRST RESPONDER ASSAULT - ENHANCED CRIMINAL PROTECTIONS

N.J.S.A. 2C:12-1(b)(5) - Aggravated Assault on Peace Officer, Firefighter, or EMS

"A person is guilty of aggravated assault if the person: ... (5) Commits a simple assault... upon: (a) Any law enforcement officer acting in the performance of the officer's duties while in uniform or exhibiting evidence of authority... (b) Any paid or volunteer firefighter acting in the performance of the firefighter's duties while in uniform or otherwise clearly identifiable... (c) Any person engaged in emergency first-aid or medical services acting in the performance of the person's duties while in uniform or otherwise clearly identifiable..." - N.J.S.A. 2C:12-1(b)(5)

New Jersey elevates simple assault to AGGRAVATED ASSAULT - a 3rd degree crime (3-5 years) - when the victim is a law enforcement officer, paid or volunteer firefighter, or person engaged in emergency first-aid or

medical services who is in uniform or otherwise clearly identifiable. This elevation from simple assault (disorderly persons offense) to aggravated assault (3rd degree crime) represents a significant jump in criminal exposure for attackers.

- Simple assault becomes 3rd degree aggravated assault when victim is on-duty firefighter or EMS.
- 3rd degree crime: 3-5 years imprisonment, up to \$15,000 fine.
- 'Clearly identifiable' - uniform, marked vehicle, or visible EMS/fire identification satisfies this standard.
- Covers paid AND VOLUNTEER firefighters - important for volunteer EMS and fire agencies in New Jersey.

N.J.S.A. 2C:12-1(b)(8) - Arson/Explosion Causing EMS Injury: Strict Liability

New Jersey creates a strict liability provision: if a person knowingly starts a fire or causes an explosion in violation of the arson statute (N.J.S.A. 2C:17-1), and EMS personnel or firefighters are injured in the course of responding to that fire or explosion, the person is **STRICTLY LIABLE** for aggravated assault - regardless of whether they intended to injure the emergency responders. No intent to harm the responders is required; the arson itself triggers automatic liability for any resulting first-responder injuries.

THE STRICT LIABILITY PROVISION - UNIQUE TO NEW JERSEY:

N.J.S.A. 2C:12-1(b)(8)'s strict liability for arson-related EMS/fire injuries is one of the most significant first-responder protection provisions in this series. A person who commits arson is automatically guilty of aggravated assault for any resulting injury to emergency services personnel - no intent to injure required. This provision directly addresses the risk first responders face at arson scenes and creates automatic criminal accountability for arsonists who injure responders.

PART IV: POLICE USE OF FORCE & NECK RESTRAINT FRAMEWORK

New Jersey does NOT have a statewide statutory chokehold ban comparable to Colorado, Delaware, or Maryland. However, New Jersey has enacted significant police reform through the Attorney General's directives, and the Attorney General's Office has issued use-of-force guidelines that restrict neck restraints for all New Jersey law enforcement officers.

- NO standalone statewide statutory chokehold ban as of 2024-2025.
- New Jersey Attorney General's Use-of-Force Policy (effective December 2020) restricts all neck restraints to deadly-force situations only for all New Jersey law enforcement.
- The AG's directive applies to all law enforcement agencies in New Jersey as a matter of statewide policy.
- Individual agencies may adopt more restrictive policies.
- Multiple legislative proposals to codify the chokehold restriction into statute have been introduced but not enacted as of this document's preparation.

FIRST RESPONDERS VS. LAW ENFORCEMENT:

New Jersey's Attorney General directives and law enforcement use-of-force policies apply **ONLY** to peace officers. EMS and fire personnel are evaluated under the civilian 2C:3-4 framework in personal self-defense. There is no statutory restriction on civilian New Jersey first responders using any defensive technique in genuine life-safety self-defense.

PART V: APPLYING VEST PRINCIPLES UNDER NEW JERSEY LAW

1. Situational Awareness Is Your Legal Foundation for Deadly Force

Because New Jersey requires retreat when the actor KNOWS safe retreat is available, VEST Level I situational awareness training is critically important. Document scene access and egress factors, threat positioning relative to exits, speed of attack escalation, and any factor that made safe retreat unknown or unavailable. Every documented reason why safe retreat was not known to be available is a legal asset.

2. Non-Deadly Force Has No Retreat Requirement

New Jersey's duty to retreat applies only to DEADLY force. Non-deadly defensive responses have no retreat requirement under 2C:3-4. VEST Level I and II physical defensive technique training provides New Jersey first responders with legally unrestricted defensive options in public spaces.

3. The Strict Liability Arson Provision Creates Unique Scene Risk

N.J.S.A. 2C:12-1(b)(8)'s strict liability provision means that arsonists are automatically guilty of aggravated assault for any resulting EMS/fire injuries. VEST scene safety and fire scene awareness training is relevant to this legal framework - helping providers identify when they may be operating at a potential arson scene where this provision could apply.

4. Volunteer Firefighter Coverage Is Explicit

N.J.S.A. 2C:12-1(b)(5) explicitly covers PAID AND VOLUNTEER firefighters. New Jersey has a large volunteer fire community, and the explicit statutory coverage of volunteers is operationally significant. VEST trainers should reinforce that volunteer first responders in New Jersey have the same first-responder assault protections as career personnel.

5. De-Escalation Documents Why Safe Retreat Was Not Available

VEST Level I de-escalation curriculum is the evidentiary foundation for New Jersey self-defense claims in public spaces - documenting that alternatives to force were exhausted AND that safe retreat was not known to be available when force became necessary.

6. Partner Defense - Retreat Standards Follow the Third Person

N.J.S.A. 2C:3-5 requires the actor to 'step into the shoes' of the third person being defended. If the partner could have retreated with complete safety, the defender may need to encourage retreat rather than intervene with force. VEST Level III training should address this nuance in New Jersey - defending a partner who cannot safely retreat carries a different legal analysis than defending one who could.

LEGAL DISCLAIMER

This document is produced by VEST First Responder LLC for educational and trainer development purposes only. It does not constitute legal advice. New Jersey Statutes Annotated Title 2C are subject to legislative amendment, and individual incidents are always fact-specific. VEST Certified Trainers and their agencies should consult with a licensed attorney, their medical director, and agency legal counsel before developing or delivering formal use-of-force or defensive tactics policies.