

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1644

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 28, 2002

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 1644.

This bill amends N.J.S.2C:11-5, the State's vehicular homicide statute. Vehicular homicide may be a crime of the second or first degree. As introduced, the bill established that driving a vehicle or vessel while knowingly fatigued constituted recklessness and the bill defined "fatigued" as being without sleep for a period in excess of 24 consecutive hours.

The committee amendments instead provide that proof that the defendant fell asleep while driving or that the defendant was driving after having been without sleep for a period in excess of 24 consecutive hours, unless justified by salutary public purpose, shall give rise to an inference that the defendant was driving recklessly. Illustrations of justified public purposes may include: emergency response workers responding to catastrophic events or their aftermath such as workers at Ground Zero; transportation personnel actively engaged in responding to transportation-related incidents including flooding, snow removal, traffic accidents and other events affecting mobility or public safety; and medical, fire or ambulance personnel responding to certain emergencies or calls for assistance. The committee amendments also provide tht proof that the defendant was driving while intoxicated in violation of R.S.39:4-50 or was operating a vessel under the influence of alcohol or drugs in violation of section 3 of P.L.1952, c.157 (C.12:7-46) shall give rise to an inference that the defendant was driving recklessly. The amendments state that nothing in this section shall be construed to in any way limit the conduct or conditions that may be found to constitute driving a vehicle or vessel recklessly.