

STATEMENT TO
[First Reprint]
SENATE, No. 1644

with Senate Floor Amendments
(Proposed By Senator SWEENEY)

ADOPTED: NOVEMBER 14, 2002

Under the provisions of N.J.S.2C:11-5, criminal homicide constitutes vehicular homicide when it is caused by driving a vehicle or vessel recklessly. As amended by the Senate Judiciary Committee, this bill had provided 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, would give rise to an inference that the defendant was driving recklessly.

These floor amendments remove the language concerning "salutary public purpose." The floor amendments also change the word "shall" to "may" in the provision of the bill concerning the inference.

Thus, as amended, this portion of the bill provides that: "Proof that the defendant fell asleep while driving or was driving after having been without sleep for a period in excess of 24 consecutive hours may give rise to an inference that the defendant was driving recklessly."