

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2712

**STATE OF NEW JERSEY**

DATED: MAY 14, 2012

The Assembly Judiciary Committee reports favorably Assembly Bill No. 2712.

This bill would upgrade the crime of “passion-provocation” manslaughter from a crime of the second degree to a crime of the first degree.

Under N.J.S.2C:11-4a., criminal homicide constitutes aggravated manslaughter if the defendant:

(1) recklessly causes death under circumstances manifesting extreme indifference to human life; or

(2) causes death while fleeing law enforcement.

Aggravated manslaughter is a crime of the first degree.

Under N.J.S.2C:11-4b., criminal homicide constitutes manslaughter if:

(1) it is committed recklessly; or

(2) *a homicide which would otherwise be murder is committed in the heat of passion resulting from a reasonable provocation.* Homicide under these circumstances is generally referred to as “passion-provocation” manslaughter.

Manslaughter is a crime of the second degree. A crime of the second degree is punishable by a term of imprisonment of five to 10 years or a fine of up to \$150,000 or both.

A crime of the first degree is ordinarily punishable by a term of imprisonment of 10 to 20 years or a fine of up to \$200,000, or both. However, a defendant who commits aggravated manslaughter pursuant to paragraph (1) of N.J.S.2C:11-4a. (recklessly causing death under circumstances manifesting extreme indifference to human life) may be sentenced to a term of imprisonment of 10 to 30 years. Under the bill, manslaughter committed pursuant to paragraph (2) of N.J.S.2C:11-4b. (“passion-provocation”) would be upgraded to the first degree crime of aggravated manslaughter and the defendant would be subject to the longer term of 10 to 30 years.