

SENATE, No. 481

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator NICHOLAS J. SACCO

District 32 (Bergen and Hudson)

Senator PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

SYNOPSIS

Increases statute of limitations for prosecution of vehicular homicide.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning the statute of limitations for vehicular homicide
2 and amending N.J.S.2C:1-6.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. N.J.S.2C:1-6 is amended to read as follows:

8 2C:1-6. Time Limitations. a. (1) A prosecution for any
9 offense set forth in N.J.S.2C:11-3, N.J.S.2C:11-4, N.J.S.2C:14-2 or
10 sections 1 through 5 of P.L.2002, c.26 (C.2C:38-1 through C.2C:38-
11 5) may be commenced at any time.

12 (2) A prosecution for any offense set forth in N.J.S.2C:17-2,
13 section 9 of P.L.1970, c.39 (C.13:1E-9), section 20 of
14 P.L.1989, c.34 (C.13:1E-48.20), section 19 of P.L.1954, c.212
15 (C.26:2C-19), section 10 of P.L.1984, c.173 (C.34:5A-41), or
16 section 10 of P.L.1977, c.74 (C.58:10A-10) may be commenced at
17 any time.

18 b. Except as otherwise provided in this section, prosecutions
19 for other offenses are subject to the following periods of
20 limitations:

21 (1) A prosecution for a crime must be commenced within five
22 years after it is committed;

23 (2) A prosecution for a disorderly persons offense or petty
24 disorderly persons offense must be commenced within one year
25 after it is committed;

26 (3) A prosecution for any offense set forth in N.J.S.2C:27-2,
27 N.J.S.2C:27-4, N.J.S.2C:27-6, N.J.S.2C:27-7, N.J.S.2C:29-4,
28 N.J.S.2C:30-2, N.J.S.2C:30-3, or any attempt or conspiracy to
29 commit such an offense, must be commenced within seven years
30 after the commission of the offense;

31 (4) A prosecution for an offense set forth in N.J.S.2C:14-3 or
32 N.J.S.2C:24-4, when the victim at the time of the offense is below
33 the age of 18 years, must be commenced within five years of the
34 victim's attaining the age of 18 or within two years of the discovery
35 of the offense by the victim, whichever is later;

36 (5) (Deleted by amendment, P.L.2007, c.131);

37 (6) A prosecution for vehicular homicide pursuant to
38 N.J.S.2C:11-5 must be commenced within 10 years after the
39 commission of the offense.

40 c. An offense is committed either when every element occurs
41 or, if a legislative purpose to prohibit a continuing course of
42 conduct plainly appears, at the time when the course of conduct or
43 the defendant's complicity therein is terminated. Time starts to run
44 on the day after the offense is committed, except that when the
45 prosecution is supported by physical evidence that identifies the
46 actor by means of DNA testing or fingerprint analysis, time does
47 not start to run until the State is in possession of both the physical

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.

1 evidence and the DNA or fingerprint evidence necessary to
2 establish the identification of the actor by means of comparison to
3 the physical evidence.

4 d. A prosecution is commenced for a crime when an indictment
5 is found and for a nonindictable offense when a warrant or other
6 process is issued, provided that such warrant or process is executed
7 without unreasonable delay. Nothing contained in this section,
8 however, shall be deemed to prohibit the downgrading of an offense
9 at any time if the prosecution of the greater offense was commenced
10 within the statute of limitations applicable to the greater offense.

11 e. The period of limitation does not run during any time when a
12 prosecution against the accused for the same conduct is pending in
13 this State.

14 f. The limitations in this section shall not apply to any person
15 fleeing from justice.

16 g. Except as otherwise provided in this code, **[no]** a civil
17 action shall not be brought pursuant to this code more than five
18 years after **[such]** the action accrues.

19 (cf: P.L.2007, c.131, s.1)

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21 2. This act shall take effect immediately and shall be applicable
22 to all offenses occurring on or after the effective date of this act. A
23 prosecution for an offense committed prior to the effective date of
24 P.L. , c. (pending before the Legislature as this bill) shall be
25 governed by the five-year statute of limitations as it was set forth in
26 N.J.S.2C:1-6 prior to the effective date of P.L. , c. (pending
27 before the Legislature as this bill).

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STATEMENT

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32 This bill increases the statute of limitations for vehicular
33 homicide.

34 Under current law, vehicular homicide is a crime of the first
35 degree if the defendant was driving while intoxicated on school
36 property; otherwise it is a crime of the second degree. Generally,
37 the prosecution of a first, second, third, and fourth degree crime is
38 to be commenced within five years after the crime is committed.
39 Therefore, prosecution for first and second degree vehicular
40 homicide is to be commenced within five years.

41 This bill would increase the current five-year limitation on
42 prosecuting vehicular homicide to 10 years.

43 Under the bill, this 10-year statute of limitations would only
44 apply to vehicular homicide offenses committed after the bill's
45 effective date.