

ASSEMBLY, No. 959

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen FELICE and ROMANO

1 AN ACT concerning death by auto or vessel and amending
2 N.J.S.2C:1-6.

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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. A prosecution for any offense set
9 forth in N.J.S.2C:11-3 [or] , N.J.S.2C:11-4 or N.J.S.2C:11-5 may be
10 commenced at any time.

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

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

15 (2) A prosecution for a disorderly persons offense or petty
16 disorderly persons offense must be commenced within one year after
17 it is committed;

18 (3) A prosecution for any offense set forth in 2C:27-2, 2C:27-4,
19 2C:27-6, 2C:27-7, 2C:29-4, 2C:30-2, 2C:30-3, or any attempt or
20 conspiracy to commit such an offense, must be commenced within
21 seven years after the commission of the offense;

22 (4) A prosecution for an offense set forth in N.J.S.2C:14-2 or
23 N.J.S.2C:14-3 or N.J.S.2C:24-4, when the victim at the time of the
24 offense is below the age of 18 years, must be commenced within five
25 years of the victim's attaining the age of 18.

26 c. An offense is committed either when every element occurs or,
27 if a legislative purpose to prohibit a continuing course of conduct
28 plainly appears, at the time when the course of conduct or the
29 defendant's complicity therein is terminated. Time starts to run on the
30 day after the offense is committed.

31 d. A prosecution is commenced for a crime when an indictment is
32 found and for a nonindictable offense when a warrant or other process

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 is issued, provided that such warrant or process is executed without
2 unreasonable delay. Nothing contained in this section, however, shall
3 be deemed to prohibit the downgrading of an indictable offense to a
4 nonindictable offense at any time if the indictable offense was filed
5 within the statute of limitations applicable to indictable offenses.

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

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

11 g. Except as otherwise provided in this code, no civil action shall
12 be brought pursuant to this code more than five years after such action
13 accrues.

14 (cf: P.L.1989, c.228, s.1)

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16 2. This act shall take effect immediately.

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STATEMENT

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21 This bill eliminates the statute of limitations for prosecuting death
22 by auto or vessel cases. Currently, the statute of limitations for death
23 by auto or vessel prosecutions is five years; however, there is no
24 statute of limitations for murder and manslaughter prosecutions. If
25 enacted, this bill would put death by auto or vessel on the same
26 footing as murder and manslaughter.

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31 Eliminates statute of limitations for death by auto or vessel.