

ASSEMBLY, No. 1159

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen COHEN and SULIGA

1 AN ACT concerning manslaughter and amending N.J.S.2C:11-4.

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

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6 1. N.J.S.2C:11-4 is amended to read as follows:

7 2C:11-4. Manslaughter. a. Criminal homicide constitutes
8 aggravated manslaughter when the actor recklessly causes death under
9 circumstances manifesting extreme indifference to human life.

10 b. Criminal homicide constitutes manslaughter when:

11 (1) It is committed recklessly;

12 (2) A homicide which would otherwise be murder under section
13 2C:11-3 is committed in the heat of passion resulting from a
14 reasonable provocation; [or]

15 (3) The actor causes the death of another person while fleeing or
16 attempting to elude a law enforcement officer in violation of
17 subsection b. of N.J.S.2C:29-2. Notwithstanding the provision of any
18 other law to the contrary, the actor shall be strictly liable for a
19 violation of this paragraph upon proof of a violation of subsection b.
20 of N.J.S.2C:29-2 which resulted in the death of another person; or

21 (4) The actor violated a provision of:

22 (a) The "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192
23 et seq.) or any rule or regulation promulgated thereunder; or

24 (b) A certificate of occupancy issued pursuant to the "State
25 Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et
26 seq.);

27 and such violation resulted in the death of another person.

28 c. Aggravated manslaughter is a crime of the first degree and upon
29 conviction thereof a person may, notwithstanding the provisions of
30 paragraph (1) of subsection a. of N.J.S.2C:43-6, be sentenced to an
31 ordinary term of imprisonment between 10 and 30 years. Manslaughter
32 is a crime of the second degree; however, a person convicted under

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 paragraph (3) of subsection b. of this section may, notwithstanding the
2 provisions of paragraph (2) of subsection a. of N.J.S.2C:43-6, be
3 sentenced to an ordinary term of imprisonment between five and 15
4 years.

5 (cf: P.L.1991, c.341, s.1)

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7 2. This act shall take effect immediately.

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10 STATEMENT

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12 This bill provides that a person is guilty of manslaughter, a crime of
13 the second degree, if he violates the Uniform Fire Safety Act or a
14 certificate of occupancy issued pursuant to the State Uniform
15 Construction Code Act and the violation results in the death of another
16 person.

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21 Provides that safety code violations resulting in death constitute the
22 crime of manslaughter.