

ASSEMBLY, No. 1253

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen AZZOLINA and GIBSON

1 AN ACT concerning the statute of limitations 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:14-2 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 or within two years of the
26 discovery of the offense by the victim, whichever is later.

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

32 d. A prosecution is commenced for a crime when an indictment is

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

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

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

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

15 (cf: P.L.1994, c.53, s.1)

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17 2. This act shall take effect immediately.

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STATEMENT

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22 Currently, the statute of limitations for the crime of sexual assault
23 is five years. This bill would eliminate this restriction, allowing a
24 prosecution for sexual assault to be commenced at any time.

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29 Eliminates statute of limitations for sexual assault.