

ASSEMBLY, No. 1870

STATE OF NEW JERSEY

INTRODUCED MAY 2, 1996

By Assemblyman AUGUSTINE

1 AN ACT creating the offense of unintentional vehicular homicide and  
2 supplementing chapter 11 of Title 2C of the New Jersey Statutes.

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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. a. A person is guilty of unintentional vehicular homicide when  
8 he causes the death of another by driving a vehicle or vessel  
9 negligently.

10 b. Unintentional vehicular homicide is a disorderly persons offense.

11 c. For purposes of this section, negligent driving shall include, but  
12 not be limited to, the commission of the violations of speeding, passing  
13 a red light, careless driving, passing a stop sign, and making an illegal  
14 turn.

15 d. For good cause shown, the court may, in accepting a plea of  
16 guilty under this section, order that such plea not be evidential in any  
17 civil proceeding.

18 e. In addition to the penalties provided for a disorderly persons  
19 offense, a person violating this section shall have his driver's license  
20 suspended or revoked for a period of not less than 120 days. A person  
21 violating this section for a second or subsequent time shall have his  
22 driver's license suspended or revoked for not less than six months.

23 As used in this section, "vehicle or vessel" means all means of  
24 conveyance propelled otherwise than by muscular power.

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26 2. This act shall take effect on the first day of the sixth month after  
27 enactment.

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STATEMENT

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32 This bill would create a new criminal offense of unintentional  
33 vehicular homicide. A person would commit unintentional vehicular  
34 homicide if he operates a motor vehicle negligently and that operation  
35 results in the death of another. Negligent operation of a motor vehicle  
36 would include committing a hazardous moving violation such as  
37 speeding, passing a red light, careless driving, passing a stop sign, or

1 making an illegal turn. Unintentional vehicular homicide would be a  
2 disorderly persons offense.

3 Currently, under R.S.39:4-97, a person convicted of careless  
4 driving is subject to a fine of \$50 to \$200, up to 15 days  
5 imprisonment, or both. This penalty is inappropriate when careless  
6 driving has resulted in a death. However, if the driver did not operate  
7 the vehicle recklessly, he may not be charged with death by auto.  
8 Under the provisions of this bill, a driver whose negligence in the  
9 operation of a vehicle resulted in death could be convicted of  
10 unintentional vehicular homicide, which would impose penalties of up  
11 to six months in prison, up to a \$1,000 fine, or both, and a driver's  
12 license suspension or revocation, if he was negligent in the operation  
13 of his vehicle, and it resulted in death. Second and subsequent  
14 violators would be subject to a driver's license revocation for no less  
15 than six months, in addition to the penalties for a disorderly persons  
16 offense.

17 According to a recent study, more than half of the fatal accidents  
18 in New Jersey in 1995 involved violations of traffic laws or driver  
19 inattention. Such carelessness on the roadways warrants a higher  
20 penalty than is currently imposed. Increased penalties will hopefully  
21 serve as a deterrent to driving carelessly and causing fatal mistakes.  
22 Further, it is the sponsor's intent that in addition to the penalties  
23 provided in this bill, the Division of Motor Vehicles assign an  
24 appropriate number of penalty points to violators to reflect the  
25 seriousness of the offense.

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30 Creates new offense of unintentional vehicular homicide.