

[Passed Both Houses]

[Fourth Reprint]

ASSEMBLY, No. 1888

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**STATE OF NEW JERSEY**

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INTRODUCED MAY 6, 1996

By Assemblymen WEINGARTEN and O'TOOLE

1 AN ACT concerning certain immunities for law enforcement officers  
2 and amending R.S.39:4-91 and N.J.S.59:5-2.

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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. R.S.39:4-91 is amended to read as follows:

8 39:4-91. a. The driver of a vehicle upon a highway shall yield the  
9 right of way to any authorized emergency vehicle when it is operated  
10 on official business, or in the exercise of the driver's profession or  
11 calling, in response to an emergency call or in the pursuit of an actual  
12 or suspected violator of the law and when an audible signal by bell,  
13 siren, exhaust whistle or other means is sounded from the authorized  
14 emergency vehicle and when the authorized emergency vehicle, except  
15 a police vehicle, is equipped with at least one lighted lamp displaying  
16 a red light visible under normal atmospheric conditions from a distance  
17 of at least five hundred feet to the front of the vehicle.

18 b. **[This]** <sup>1</sup>**[Except as provided in N.J.S.59:5-2, this]** This<sup>1</sup> section  
19 shall not relieve the driver of any authorized emergency vehicle from  
20 the duty to drive with due regard for the safety of all persons, nor shall  
21 it protect the driver from the consequences of his reckless disregard  
22 for the safety of others. <sup>1</sup>Nothing in this section shall be construed to  
23 limit any immunity or defense otherwise provided by law.<sup>1</sup>

24 (cf: P.L.1951, c.23, s.49)

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Assembly ALP committee amendments adopted June 3, 1996.

<sup>2</sup> Senate floor amendments adopted December 11, 1997.

<sup>3</sup> Senate floor amendments adopted December 18, 1997.

<sup>4</sup> Assembly amendments adopted in accordance with Governor's recommendations January 12, 1998.

1 2. N.J.S.59:5-2 is amended to read as follows:

2 59:5-2. Parole or escape of prisoner; injuries between prisoners  
3 <sup>1</sup>: pursuit for law enforcement purposes<sup>1</sup>.

4 Neither a public entity nor a public employee is liable for:

5 a. An injury resulting from the parole or release of a prisoner or  
6 from the terms and conditions of his parole or release or from the  
7 revocation of his parole or release[.];

8 b. any injury caused by:

9 (1) an escaping or escaped prisoner;

10 (2) an escaping or escaped person; or

11 (3) a person resisting arrest <sup>1</sup>or evading arrest<sup>1</sup> ;

12 (4) a prisoner to any other prisoner ; or

13 c. any injury resulting from or caused by a law enforcement  
14 officer's <sup>1</sup>[ motor vehicle]<sup>1</sup> pursuit of a <sup>1</sup>[ fleeing suspect] person<sup>1</sup>.

15 (cf: N.J.S. 59:5-2)

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17 <sup>4</sup>[<sup>2</sup>3. (New section) Notwithstanding the provisions of  
18 <sup>3</sup>N.J.S.59:3-14 or<sup>3</sup> any other law, a public entity <sup>3</sup>or public employee<sup>3</sup>  
19 shall not be liable for any injury <sup>3</sup>which occurs during the course of a  
20 law enforcement officer's pursuit<sup>3</sup> to any <sup>3</sup>[person] third party<sup>3</sup> who  
21 <sup>3</sup>, at the time of that injury, <sup>3</sup> was in the course of committing or  
22 attempting to commit a crime under Title 2C of the New Jersey  
23 Statutes, including the immediate flight therefrom.<sup>2</sup>]<sup>4</sup>

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25 <sup>2</sup>[3.] <sup>4</sup>[ 4.<sup>2</sup> ] 3.<sup>4</sup> This act shall take effect immediately.

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30 Limits law enforcement officers' liability for injuries occurring during  
31 pursuits.