

ASSEMBLY, No. 2617

STATE OF NEW JERSEY

INTRODUCED DECEMBER 16, 1996

By Assemblymen GEIST, FELICE, Holzapfel and Bateman

1 AN ACT establishing criminal penalties for motor vehicle operators
2 involved in certain hit and run accidents, and supplementing
3 chapters 11 and 12 of Title 2C of the New Jersey Statutes.

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5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

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8 1. A motor vehicle operator who knowingly is involved in an
9 accident and subsequently violates the provisions of R.S.39:4-129 by
10 leaving the scene of that accident shall be guilty of a crime of the third
11 degree if that accident resulted in the death of another person. An
12 operator convicted under this section shall be subject to a mandatory
13 minimum term of imprisonment which shall be fixed at one year,
14 during which the defendant shall be ineligible for parole.

15 If the evidence so warrants, nothing in this section shall be deemed
16 to preclude an indictment and conviction for aggravated manslaughter
17 under the provisions of N.J.S.2C:11-4 or vehicular homicide under the
18 provisions of N.J.S.2C:11-5.

19 Notwithstanding the provisions of N.J.S.2C:1-8 or any other
20 provisions of law, a conviction arising under this section shall not
21 merge with a conviction for aggravated manslaughter under the
22 provisions of N.J.S.2C:11-4 or for vehicular homicide under the
23 provisions of N.J.S.2C:11-5.

24 Notwithstanding the provisions of N.J.S.2C:44-5 or any other
25 provisions of law, when the court imposes multiple sentences of
26 imprisonment for more than one offense, those sentences shall run
27 consecutively.

28 For the purposes of this section, it shall not be a defense that the
29 operator of the motor vehicle was unaware that the accident resulted
30 in the death of another person as long as the driver was aware that he
31 was involved in an accident.

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33 2. A motor vehicle operator who knowingly is involved in an
34 accident and subsequently violates the provisions of R.S.39:4-129 by
35 leaving the scene of that accident shall be guilty of a crime of the
36 fourth degree if that accident resulted in serious bodily injury to
37 another person. An operator convicted under this section shall be

1 subject to a mandatory minimum term of imprisonment which shall be
2 fixed at 180 days, during which the defendant shall be ineligible for
3 parole.

4 If the evidence so warrants, nothing in this section shall be deemed
5 to preclude an indictment and conviction for aggravated assault or
6 assault by auto under the provisions of N.J.S.2C:12-1.

7 Notwithstanding the provisions of N.J.S.2C:1-8 or any other
8 provisions of law, a conviction arising under this section shall not
9 merge with a conviction for aggravated assault or assault by auto
10 under the provisions of N.J.S.2C:12-1.

11 Notwithstanding the provisions of N.J.S.2C:44-5 or any other
12 provisions of law, whenever in the case of such multiple convictions
13 the court imposes multiple sentences of imprisonment for more than
14 one offense, those sentences shall run consecutively.

15 For the purposes of this section, it shall not be a defense that the
16 driver of the motor vehicle was unaware that the accident resulted in
17 the death of another person as long as the driver was aware that he
18 was involved in an accident.

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20 3. This act shall take effect immediately.

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STATEMENT

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25 This bill establishes criminal penalties for leaving the scene of a
26 motor vehicle accident whenever that accident resulted in a death or
27 serious bodily injury to another.

28 Under the provisions of the bill, a motor vehicle operator who
29 knowingly leaves the scene of an accident which results in the death
30 of another would be guilty of a crime of the third degree and subject
31 to a mandatory one year term of imprisonment. A crime of the third
32 degree is punishable by a fine of not more than \$7,500, imprisonment
33 for a term between three and five years, or both.

34 A motor vehicle operator who knowingly leaves the scene of an
35 accident which results in serious bodily injury to another is guilty of a
36 crime of the fourth degree and subject to a mandatory 180 day term of
37 imprisonment. A crime of the fourth degree is punishable by a fine of
38 not more than \$7,500, imprisonment for a term not exceeding 18
39 months, or both.

40 The bill also specifies that there is to be no merging of convictions.
41 Consequently, if the evidence warrants, a motor vehicle operator who
42 is convicted of knowingly leaving the scene of an accident that results
43 in the death or serious bodily injury of another also may be convicted
44 of aggravated manslaughter, vehicular homicide, aggravated assault or
45 assault by auto.

46 Finally, the bill provides that in cases where an operator is

1 convicted of more than one offense and the court imposes multiple
2 sentences of imprisonment, those sentences must be served
3 consecutively, not concurrently.

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8 Establishes criminal penalties for certain hit and run drivers.