

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 2617

STATE OF NEW JERSEY

ADOPTED JANUARY 9, 1997

Sponsored by Assemblymen GEIST, FELICE, Holzapfel,
Bateman, O'Toole, Talarico, Senators Matheussen, Sinagra,
Gormley and Scott

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 knows he is involved in an
9 accident and knowingly leaves the scene of that accident under
10 circumstances that violate the provisions of R.S. 39:4-129 shall be
11 guilty of a crime of the third degree if the accident results in the death
12 of another person.

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

17 Notwithstanding the provisions of N.J.S.2C:1-8 or any other
18 provisions of law, a conviction arising under this section shall not
19 merge with a conviction for aggravated manslaughter under the
20 provisions of N.J.S.2C:11-4 or for vehicular homicide under the
21 provisions of N.J.S.2C:11-5 and a separate sentence shall be imposed
22 upon each such conviction.

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

27 For the purposes of this section, neither knowledge of the death
28 nor knowledge of the violation are elements of the offense and it shall
29 not be a defense that the operator of the motor vehicle was unaware
30 of the death or of the provisions of R.S. 39:4-129.

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32 2. A motor vehicle operator who knows he is involved in an
33 accident and knowingly leaves the scene of that accident under

1 circumstances that violate the provisions of R.S. 39:4-129 shall be
2 guilty of a crime of the fourth degree if the accident results in serious
3 bodily injury to another person.

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 and a separate sentence shall
11 be imposed upon each conviction.

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

16 For the purposes of this section, neither knowledge of the serious
17 bodily injury nor knowledge of the violation are elements of the
18 offense and it shall not be a defense that the driver of the motor
19 vehicle was unaware of the serious bodily injury or provisions of R.S.
20 39:4-129.

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22 3. This act shall take effect immediately.

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27 Establishes criminal penalties for certain hit and run drivers.