

P.L. 1997, CHAPTER 180, *approved August 1, 1997*  
Senate, No. 187 (*Second Reprint*)

1 AN ACT concerning violations of laws intended to protect the public  
2 safety, amending N.J.S.2C:2-1 and supplementing Title 2C of the  
3 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. N.J.S.2C:2-1 is amended to read as follows:

9 2C:2-1. Requirement of Voluntary Act; Omission as Basis of  
10 Liability; Possession as an act. a. A person is not guilty of an offense  
11 unless his liability is based on conduct which includes a voluntary act  
12 or the omission to perform an act of which he is physically capable.  
13 A bodily movement that is not a product of the effort or determination  
14 of the actor, either conscious or habitual, is not a voluntary act within  
15 the meaning of this section.

16 b. Liability for the commission of an offense may not be based on  
17 an omission unaccompanied by action unless:

18 (1) The omission is expressly made sufficient by the law defining  
19 the offense; or

20 (2) A duty to perform the omitted act is otherwise imposed by law,  
21 including but not limited to, laws such as the "Uniform Fire Safety  
22 Act," P.L.1983, c.383 (C.52:27D-192 et seq.), the "State Uniform  
23 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), or  
24 any other law intended to protect the public safety or any rule or  
25 regulation promulgated thereunder.

26 c. Possession is an act, within the meaning of this section, if the  
27 possessor knowingly procured or received the thing possessed or was  
28 aware of his control thereof for a sufficient period to have been able  
29 to terminate his possession.

30 (cf: N.J.S.2C:2-1)

**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> Senate SJU committee amendments adopted February 10, 1997.

<sup>2</sup> Senate floor amendments adopted March 24, 1997.

1       2. (New section) <sup>1</sup>a. A person is guilty of a crime of the second  
2 degree if the person knowingly violates a law intended to protect the  
3 public health and safety or knowingly fails to perform a duty imposed  
4 by a law intended to protect the public health and safety and recklessly  
5 causes death.<sup>1</sup>

6       <sup>1</sup>[a.] b.<sup>1</sup> A person is guilty of a crime of the [~~third~~] [~~fourth~~]<sup>1</sup>  
7 third<sup>2</sup> degree if the person knowingly violates a law intended to  
8 protect the public health and safety or knowingly fails to perform a  
9 duty imposed by a law intended to protect the public health and safety  
10 and recklessly <sup>1</sup>[places another person in danger of death or] causes<sup>1</sup>  
11 serious bodily injury.

12       <sup>2</sup>[b.] c.<sup>2</sup> A person is guilty of a [~~crime of the fourth degree~~]  
13 <sup>2</sup>[~~disorderly persons offense~~ <sup>1</sup> ] crime of the fourth degree<sup>2</sup> if the  
14 person knowingly violates a law intended to protect the public health  
15 and safety or knowingly fails to perform a duty imposed by a law  
16 intended to protect the public health and safety and recklessly <sup>1</sup>[places  
17 another person in danger of] causes significant<sup>1</sup> bodily injury.

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19       3. This act shall take effect immediately.

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24       Establishes criminal offense dealing with violation of public health and  
25 safety statutes.