

SENATE, No. 187

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Senators LESNIAK and McGREEVEY

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 liability;
10 possession as an act

11 a. A person is not guilty of an offense unless his liability is based
12 on conduct which includes a voluntary act or the omission to perform
13 an act of which he is physically capable. A bodily movement that is
14 not a product of the effort or determination of the actor, either
15 conscious or habitual, is not a voluntary act within the meaning of this
16 section.

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

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

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

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

31 (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.

1 2. (New section) a. A person is guilty of a crime of the third
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 places another person in danger of death or serious bodily injury.

6 b. A person is guilty of a crime of the fourth degree if the person
7 knowingly violates a law intended to protect the public health and
8 safety or knowingly fails to perform a duty imposed by a law intended
9 to protect the public health and safety and recklessly places another
10 person in danger of bodily injury.

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12 3. This act shall take effect immediately.

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STATEMENT

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17 This bill creates a new offense. Under this new offense, a person
18 would be guilty of a crime if the person knowingly violated a law
19 intended to protect public safety or health or knowingly failed to
20 perform a duty imposed by such a statute. This offense would be
21 graded as a crime of the third degree if the offense recklessly placed
22 another person in danger of death or serious bodily injury. If the
23 offense recklessly placed another person in danger of bodily injury, the
24 offense would be graded as a crime of the fourth degree. The bill also
25 amends N.J.S.2C:2-1, which deals with omission of a duty as a basis
26 for criminal liability, to include reference to the "Uniform Fire Safety
27 Act" (N.J.S.A.52:27D-192 et seq.), the "Uniform Construction Code
28 Act" (N.J.S.A.52:270-119 et seq.) and any other law intended to
29 protect public health and any rules or regulations promulgated
30 thereunder.

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