

[First Reprint]
SENATE, No. 187

STATE OF NEW JERSEY

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
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:

¹ Senate SJU committee amendments adopted February 10, 1997.

1 2. (New section) ¹a. 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.¹

6 ¹[a.] b.¹ A person is guilty of a crime of the ¹[third]fourth¹ degree
7 if the person knowingly violates a law intended to protect the public
8 health and safety or knowingly fails to perform a duty imposed by a
9 law intended to protect the public health and safety and recklessly
10 ¹[places another person in danger of death or] causes¹ serious bodily
11 injury.

12 b. A person is guilty of a ¹[crime of the fourth degree] disorderly
13 persons offense ¹ if the person knowingly violates a law intended to
14 protect the public health and safety or knowingly fails to perform a
15 duty imposed by a law intended to protect the public health and safety
16 and recklessly ¹[places another person in danger of] causes significant¹
17 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.