

SENATE, No. 1655

STATE OF NEW JERSEY

INTRODUCED OCTOBER 28, 1996

By Senators SINAGRA and GORMLEY

1 AN ACT concerning certain motor vehicle accidents and supplementing
2 chapters 11 and 12 of Title 2C of the New Jersey Statutes.

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

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

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

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

23 For the purposes of this section, it shall not be a defense that the
24 operator of the motor vehicle was unaware that the accident resulted
25 in the death of another person as long as the operator was aware that
26 he was involved in an accident.

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28 2. The operator of a motor vehicle who knowingly is involved in
29 an accident and violates the provisions of R.S.39:4-129 by leaving the
30 scene of that accident shall be guilty of a crime of the fourth degree if
31 that accident resulted in serious bodily injury to another person. A
32 person convicted under this subsection shall be subject to a mandatory
33 minimum term of imprisonment which shall be fixed at 180 days,
34 during which the defendant shall be ineligible for parole.

35 Nothing in this subsection shall be deemed to preclude, if the
36 evidence so warrants, an indictment and conviction for aggravated
37 assault or assault by auto under the provisions of N.J.S.2C:12-1.

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

5 For the purposes of this section, it shall not be a defense that the
6 operator of the motor vehicle was unaware that the accident resulted
7 in serious bodily injury, or was unaware of the extent of personal
8 injury caused by the accident, as long as the operator was aware that
9 he was involved in an accident.

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11 3. This act shall take effect immediately.

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14 STATEMENT

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16 This bill establishes leaving the scene of a motor vehicle accident as
17 a crime in certain cases.

18 Under the provisions of the bill, a person who knowingly leaves the
19 scene of an accident which results in the death of another would be
20 guilty of a crime of the third degree and subject to a mandatory one
21 year term of imprisonment. A person who knowingly leaves the scene
22 of an accident which involves serious bodily injury to another is
23 guilty of a crime of the fourth degree and subject to a mandatory 180
24 day term of imprisonment.

25 The bill further specifies that there is to be no merging of
26 convictions. A person convicted of knowingly leaving the scene of an
27 accident that results in the death or serious bodily injury of another
28 also may be convicted, if the evidence so warrants, of aggravated
29 manslaughter, vehicular homicide, aggravated assault or assault by
30 auto.

31 To successfully convict a person of the crime of vehicular homicide,
32 a prosecutor must establish that the driver operated the motor vehicle
33 in a reckless manner. A prosecutor must establish the same standard
34 of reckless operation in assault by auto cases.

35 Creating this new crime will enable prosecutors to seek convictions
36 in cases where they know the driver of a vehicle involved in an
37 accident was responsible for the death or serious bodily injury of
38 another, but are unable to establish that the driver operated the vehicle
39 "recklessly."

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41 _____
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43 Establishes leaving the scene of an accident as a crime in certain cases.