

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 478

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 15, 2026

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 478.

This bill, as amended, provides that a person convicted of reckless vehicular homicide while drunk driving which results in the death of a parent or guardian of a minor child will be required to pay restitution to the deceased parent's or guardian's spouse or other nearest surviving relative or guardian having legal custody of the minor child. The restitution would represent financial support for the minor child taking into consideration the loss of financial contributions from the deceased parent or guardian. The sentencing court will determine the amount and duration of the restitution.

The bill provides that if a defendant who is required to pay restitution is incarcerated, the defendant shall not be required to make any restitution payments during the period of incarceration.

If the defendant defaults in the payment of restitution or any installment, other than during a period of incarceration, or an arrearage exists at the end of the duration of the restitution determined by the court, the defendant will be subject to the consequences of nonpayment set out in current law. See N.J.S.2C:46-2. These consequences include, among others, suspension of the defendant's driver's license, a term of imprisonment, or participation in a labor assistance program or enforced community service.

Finally, if the surviving parent or guardian brings a civil action against a defendant following the entry of judgment with required restitution, the judgment ordered in the civil action is to be offset by any restitution ordered pursuant to the bill to avoid double compensation for the same loss.

This bill was prefiled for introduction in the 2026-2027 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

--Change the term "financial support" to "restitution" with the restitution expressly described as serving as financial support for the vehicular homicide victim's minor child.

--Specify that restitution payments would be made to the deceased victim's spouse or other nearest surviving relative or guardian having legal custody of the minor child;

--Delete the provision requiring the court to consider specific factors in determining the amount to be paid by a defendant, including the child's financial needs and resources and the standard of living to which the child is accustomed; instead provisions of current law setting forth factors for consideration are referenced.

--Delete the requirement that the defendant make payments until the child reaches 18 or has graduated high school, or until age 21 if the child has a disability, and requiring financial support to be for a period of not less than five years; this rigid structure is replaced with a more flexible determination by the court for the restitution's duration.

--Delete the requirement that the court order the defendant make the financial support payments to the clerk of the court; and

--Delete the provision providing that an incarcerated defendant who was unable to make restitution payments would accrue those payments during the period of incarceration and then begin payments again within one year following release from incarceration; instead, no restitution payments would be required during the period of incarceration.