

ASSEMBLY, No. 532

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman ANGELICA M. JIMENEZ

District 32 (Bergen and Hudson)

SYNOPSIS

Increases statute of limitations for prosecution of vehicular homicide.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning the statute of limitations for vehicular homicide
2 and amending N.J.S.2C:1-6.

3

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

6

7 1. N.J.S.2C:1-6 is amended to read as follows:

8 2C:1-6. Time Limitations. a. (1) A prosecution for any offense
9 set forth in N.J.S.2C:11-3, N.J.S.2C:11-4, N.J.S.2C:14-2 or sections
10 1 through 5 of P.L.2002, c.26 (C.2C:38-1 through C.2C:38-5) may
11 be commenced at any time.

12 (2) A prosecution for any offense set forth in N.J.S.2C:17-2,
13 section 9 of P.L.1970, c.39 (C.13:1E-9), section 20 of P.L.1989,
14 c.34 (C.13:1E-48.20), section 19 of P.L.1954, c.212 (C.26:2C-19),
15 section 10 of P.L.1984, c.173 (C.34:5A-41), or section 10 of
16 P.L.1977, c.74 (C.58:10A-10) may be commenced at any time.

17 b. Except as otherwise provided in this section, prosecutions
18 for other offenses are subject to the following periods of
19 limitations:

20 (1) A prosecution for a crime must be commenced within five
21 years after it is committed;

22 (2) A prosecution for a disorderly persons offense or petty
23 disorderly persons offense must be commenced within one year
24 after it is committed;

25 (3) A prosecution for any offense set forth in N.J.S.2C:27-2,
26 N.J.S.2C:27-4, N.J.S.2C:27-6, N.J.S.2C:27-7, N.J.S.2C:29-4,
27 N.J.S.2C:30-2, N.J.S.2C:30-3, or any attempt or conspiracy to
28 commit such an offense, must be commenced within seven years
29 after the commission of the offense;

30 (4) A prosecution for an offense set forth in N.J.S.2C:14-3 or
31 N.J.S.2C:24-4, when the victim at the time of the offense is below
32 the age of 18 years, must be commenced within five years of the
33 victim's attaining the age of 18 or within two years of the discovery
34 of the offense by the victim, whichever is later;

35 (5) (Deleted by amendment, P.L.2007, c.131);

36 (6) A prosecution for vehicular homicide pursuant to
37 N.J.S.2C:11-5 must be commenced within 10 years after the
38 commission of the offense.

39 c. An offense is committed either when every element occurs
40 or, if a legislative purpose to prohibit a continuing course of
41 conduct plainly appears, at the time when the course of conduct or
42 the defendant's complicity therein is terminated. Time starts to run
43 on the day after the offense is committed, except that when the
44 prosecution is supported by physical evidence that identifies the
45 actor by means of DNA testing or fingerprint analysis, time does

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 not start to run until the State is in possession of both the physical
2 evidence and the DNA or fingerprint evidence necessary to
3 establish the identification of the actor by means of comparison to
4 the physical evidence.

5 d. A prosecution is commenced for a crime when an indictment
6 is found and for a nonindictable offense when a warrant or other
7 process is issued, provided that such warrant or process is executed
8 without unreasonable delay. Nothing contained in this section,
9 however, shall be deemed to prohibit the downgrading of an offense
10 at any time if the prosecution of the greater offense was commenced
11 within the statute of limitations applicable to the greater offense.

12 e. The period of limitation does not run during any time when a
13 prosecution against the accused for the same conduct is pending in
14 this State.

15 f. The limitations in this section shall not apply to any person
16 fleeing from justice.

17 g. Except as otherwise provided in this code, **[no]** a civil
18 action shall not be brought pursuant to this code more than five
19 years after **[such]** the action accrues.

20 (cf: P.L.2007, c.131, s.1)

21
22 2. This act shall take effect immediately and shall be applicable
23 to all offenses occurring on or after the effective date of this act. A
24 prosecution for an offense committed prior to the effective date of
25 P.L. , c. (pending before the Legislature as this bill) shall be
26 governed by the five-year statute of limitations as it was set forth in
27 N.J.S.2C:1-6 prior to the effective date of P.L. , c. (pending
28 before the Legislature as this bill).

31 STATEMENT

32
33 This bill increases the statute of limitations for vehicular
34 homicide.

35 Under current law, vehicular homicide is a crime of the first
36 degree if the defendant was driving while intoxicated on school
37 property; otherwise it is a crime of the second degree. Generally,
38 the prosecution of a first, second, third, and fourth degree crime is
39 to be commenced within five years after the crime is committed.
40 Therefore, prosecution for first and second degree vehicular
41 homicide is to be commenced within five years.

42 This bill would increase the current five-year limitation on
43 prosecuting vehicular homicide to 10 years.

44 Under the bill, this 10-year statute of limitations would only
45 apply to vehicular homicide offenses committed after the bill's
46 effective date.