ASSEMBLY, No. 2112

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

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SYNOPSIS

Provides that leaving scene of motor vehicle accident is crime of first degree if accident results in death of another person.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

AN ACT concerning certain motor vehicle accidents and amending P.L.1997, c.111.

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

1. Section 1 of P.L.1997, c.111 (C.2C:11-5.1) is amended to read as follows:

1. A motor vehicle operator who knows he is involved in an accident and knowingly leaves the scene of that accident under circumstances that violate the provisions of R.S.39:4-129 shall be guilty of a crime of the **[**second**]** first degree if the accident results in the death of another person.

If the evidence so warrants, nothing in this section shall be deemed to preclude an indictment and conviction for aggravated manslaughter under the provisions of N.J.S.2C:11-4, reckless vehicular homicide under the provisions of N.J.S.2C:11-5 or strict liability vehicular homicide under the provisions of section 1 of P.L.2017, c.165 (C.2C:11-5.3).

Notwithstanding the provisions of N.J.S.2C:1-8 or any other provisions of law, a conviction arising under this section shall not merge with a conviction for aggravated manslaughter under the provisions of N.J.S.2C:11-4, reckless vehicular homicide under the provisions of N.J.S.2C:11-5 or strict liability vehicular homicide under the provisions of section 1 of P.L.2017, c.165 (C.2C:11-5.3) and a separate sentence shall be imposed upon each such conviction.

Notwithstanding the provisions of N.J.S.2C:44-5 or any other provisions of law, when the court imposes multiple sentences of imprisonment for more than one offense, those sentences shall run consecutively.

For the purposes of this section, neither knowledge of the death nor knowledge of the violation are elements of the offense and it shall not be a defense that the operator of the motor vehicle was unaware of the death or of the provisions of R.S.39:4-129.

(cf: P.L.2017, c.165, s.4)

2. This act shall take effect immediately.

STATEMENT

This bill upgrades the penalties for knowingly leaving the scene of a motor vehicle accident resulting in the death of another person.

Under current law, a motor vehicle operator who is involved in an accident and knowingly leaves the scene of that accident is guilty of a crime of the second degree if the accident results in the

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.

death of another person. A crime of the second degree is ordinarily punishable by a term of imprisonment of five to 10 years or a fine of up to $150,000, or both.

This bill upgrades the offense for leaving the scene of the accident when the accident results in another person's death to a crime of the first degree. A crime of the first degree is ordinarily punishable by a term of imprisonment of 10 to 20 years or a fine of up to $200,000, or both.