

SENATE, No. 364

STATE OF NEW JERSEY
219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator JOSEPH P. CRYAN

District 20 (Union)

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.



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

3

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

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

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

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

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

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

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

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

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38 2. This act shall take effect immediately.

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STATEMENT

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

45 Under current law, a motor vehicle operator who is involved in

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 an accident and knowingly leaves the scene of that accident is
2 guilty of a crime of the second degree if the accident results in the
3 death of another person. A crime of the second degree is ordinarily
4 punishable by a term of imprisonment of five to 10 years or a fine
5 of up to \$150,000, or both.

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