SENATE, No. 1171

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

Sponsored by:
Senator NILSA CRUZ-PEREZ
District 5 (Camden and Gloucester)

SYNOPSIS

Upgrades crime of manslaughter to aggravated manslaughter under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning manslaughter and amending N.J.S.2C:11-4.

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

1. N.J.S.2C:11-4 is amended to read as follows:

2C:11-4. Manslaughter. a. Criminal homicide constitutes aggravated manslaughter when:

(1) The actor recklessly causes death under circumstances manifesting extreme indifference to human life; **[**or**]**

(2) The actor causes the death of another person while fleeing or attempting to elude a law enforcement officer in violation of subsection b. of N.J.S.2C:29-2. Notwithstanding the provision of any other law to the contrary, the actor shall be strictly liable for a violation of this paragraph upon proof of a violation of subsection b. of N.J.S.2C:29-2 which resulted in the death of another person. As used in this paragraph, "actor" shall not include a passenger in a motor vehicle; or

(3) A homicide which would otherwise be murder under N.J.S.2C:11-3 is committed in the heat of passion resulting from a reasonable provocation.

b. Criminal homicide constitutes manslaughter when:

(1) It is committed recklessly**[**; or**]** .

(2) **[**A homicide which would otherwise be murder under section 2C:11-3 is committed in the heat of passion resulting from a reasonable provocation**]** (Deleted by amendment, P.L. , c. (pending before the Legislature as this bill).

c. Aggravated manslaughter under paragraph (1) or (3) of subsection a. of this section is a crime of the first degree and upon conviction thereof a person may, notwithstanding the provisions of paragraph (1) of subsection a. of N.J.S.2C:43-6, be sentenced to an ordinary term of imprisonment between 10 and 30 years. Aggravated manslaughter under paragraph (2) of subsection a. of this section is a crime of the first degree. Manslaughter is a crime of the second degree.

(cf: P.L.2001, c.412)

2. This act shall take effect immediately and shall apply to all offenses committed on or after the effective date.

STATEMENT

This bill would upgrade a homicide committed in the heat of passion resulting from a reasonable provocation to aggravated

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.

manslaughter, a crime of the first degree. A crime of the first degree is punishable by 10 to 20 years' imprisonment, a $200,000 fine, or both, except that a person convicted of aggravated manslaughter when it is committed in the heat of passion resulting from reasonable provocation may be sentenced to an ordinary term of imprisonment between 10 and 30 years.

Currently, a homicide committed in the heat of passion resulting from a reasonable provocation constitutes manslaughter. Manslaughter is a crime of the second degree, which is punishable by five to 10 years' imprisonment, a $150,000 fine, or both.