

SENATE, No. 1268

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

SYNOPSIS

Eliminates statute of limitations for kidnapping and increases statute of limitations for other serious crimes to 10 years.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the statute of limitations and amending
2 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
9 offense set forth in N.J.S.2C:11-3, N.J.S.2C:11-4, N.J.S.2C:13-1,
10 N.J.S.2C:14-2 or sections 1 through 5 of P.L.2002, c.26 (C.2C:38-1
11 through C.2C:38-5) may 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]** 10 years of
33 the victim's attaining the age of 18 or within two years of the
34 discovery of the offense by the victim, whichever is later;

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

36 (6) A prosecution for any offense set forth in subsection b. of
37 N.J.S.2C:12-1, N.J.S.2C:15-1, P.L.1993, c.221, s.1 (C.2C:15-2),
38 N.J.S.2C:17-1, N.J.S.2C:17-2, N.J.S.2C:18-2, N.J.S.2C:20-5,
39 N.J.S.2C:24-4, N.J.S.2C:29-8, N.J.S.2C:39-4 or section 1 of
40 P.L.1983, c.229 (C.2C:39-14) must be commenced within 10 years
41 after it is committed.

42 c. An offense is committed either when every element occurs
43 or, if a legislative purpose to prohibit a continuing course of
44 conduct plainly appears, at the time when the course of conduct or
45 the defendant's complicity therein is terminated. Time starts to run

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 on the day after the offense is committed, except that when the
2 prosecution is supported by physical evidence that identifies the
3 actor by means of DNA testing or fingerprint analysis, time does
4 not start to run until the State is in possession of both the physical
5 evidence and the DNA or fingerprint evidence necessary to
6 establish the identification of the actor by means of comparison to
7 the physical evidence.

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

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

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

20 g. Except as otherwise provided in this code, no civil action
21 shall be brought pursuant to this code more than five years after
22 such action accrues.

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

24
25 2. This act shall take effect immediately and shall be applicable
26 to all offenses not yet barred from prosecution under the statute of
27 limitations as of the effective date.

30 STATEMENT

31
32 N.J.S.2C:1-6 sets forth the statute of limitations for prosecutions
33 of various crimes. Under N.J.S.2C:1-6, there is no statute of
34 limitations for prosecutions for murder, manslaughter or sexual
35 assault. Prosecutions for other crimes must be commenced within
36 five years after the crimes are committed, with the following
37 exceptions:

38 • Prosecutions for bribery, official misconduct, and related
39 crime (within seven years after the commission of the offense);

40 • Prosecutions for criminal sexual contact or endangering
41 the welfare of children when the victim at the time of the offense
42 was under age 18 (within five years of the victim reaching 18 or
43 within two years of the discovery of the offense by the victim,
44 whichever is later); and

45 • Prosecutions for certain environmental crimes (within 10
46 years after the discovery of the offense by law enforcement or the
47 Department of Environmental Protection).

48 Under this bill, the statute of limitations on prosecutions for the

1 following crimes would be increased from the current five years to
2 10 years: aggravated assault (N.J.S.2C:12-1b.); robbery
3 (N.J.S.2C:15-1); carjacking (N.J.S.2C:15-2); arson (N.J.S.2C:17-1);
4 causing or risking widespread injury or damage (N.J.S.2C:17-2);
5 burglary (N.J.S.2C:18-2); theft by extortion (N.J.S.2C:20-5);
6 endangering the welfare of a child (N.J.S.2C:24-4); corrupting or
7 influencing a jury (N.J.S.2C:29-8); possession of weapons for
8 unlawful purposes (N.J.S.2C:39-4), and weapons training for illegal
9 activities (N.J.S.2C:39-14).

10 In addition, the bill also increases the statute of limitations for
11 prosecutions for criminal sexual contact or endangering the welfare
12 of a child when the victim was under age 18. This bill would
13 authorize such prosecutions up to 10 years after the victim reaches
14 age 18 or within two years of discovery of the offense by the
15 victim, whichever is later.