

SENATE, No. 2229

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Senator ROBERT W. SINGER

District 30 (Monmouth and Ocean)

SYNOPSIS

Requires mandatory minimum term of imprisonment for leaving scene of accident resulting in serious bodily injury.

CURRENT VERSION OF TEXT

As introduced.



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:*

6
7 1. Section 2 of P.L.1997, c.111 (C.2C:12-1.1) is amended to
8 read as follows:

9 2. 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 third degree if the accident results in serious
13 bodily injury to another person. The presumption of
14 nonimprisonment set forth in N.J.S.2C:44-1 shall not apply to
15 persons convicted under the provisions of this section.

16 A person convicted under this section for a crime of the third
17 degree shall be sentenced to a minimum term of imprisonment by
18 the court. Notwithstanding the provisions of N.J.S.2C:43-6, the
19 minimum term shall be three years, during which time the
20 defendant shall not be eligible for parole. The court may not
21 suspend or make any other non-custodial disposition of any person
22 sentenced pursuant to this section.

23 If the evidence so warrants, nothing in this section shall be
24 deemed to preclude an indictment and conviction for aggravated
25 assault or assault by auto under the provisions of N.J.S.2C:12-1.

26 Notwithstanding the provisions of N.J.S.2C:1-8 or any other
27 provisions of law, a conviction arising under this section shall not
28 merge with a conviction for aggravated assault or assault by auto
29 under the provisions of N.J.S.2C:12-1 and a separate sentence shall
30 be imposed upon each conviction.

31 Notwithstanding the provisions of N.J.S.2C:44-5 or any other
32 provisions of law, whenever in the case of such multiple
33 convictions the court imposes multiple sentences of imprisonment
34 for more than one offense, those sentences shall run consecutively.

35 For the purposes of this section, neither knowledge of the serious
36 bodily injury nor knowledge of the violation are elements of the
37 offense and it shall not be a defense that the driver of the motor
38 vehicle was unaware of the serious bodily injury or provisions of
39 R.S.39:4-129.

40 (cf: P.L.2007, c.83, s.2)

41

42 2. This act shall take effect immediately.

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 STATEMENT

2

3 This bill requires the court to impose a mandatory minimum term
4 of imprisonment for the crime of knowingly leaving the scene of a
5 motor vehicle accident resulting in serious bodily injury.

6 The minimum term of imprisonment for this third degree crime
7 would be fixed at three years, during which the defendant would not
8 be eligible for parole.