

SENATE, No. 4174

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED NOVEMBER 22, 2021

Sponsored by:

Senator VIN GOPAL

District 11 (Monmouth)

Senator DECLAN J. O'SCANLON, JR.

District 13 (Monmouth)

SYNOPSIS

Eliminates statute of limitations for prosecution of human trafficking crimes.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/2/2021)

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:

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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 offense
9 set forth in N.J.S.2C:11-3, N.J.S.2C:11-4, N.J.S.2C:14-2, section 1
10 of P.L.2005, c.77 (C.2C:13-8), or sections 1 through 5 of P.L.2002,
11 c.26 (C.2C:38-1 through C.2C:38-5) may be commenced at any
12 time.

13 (2) A prosecution for any offense set forth in N.J.S.2C:17-2,
14 section 9 of P.L.1970, c.39 (C.13:1E-9), section 20 of P.L.1989,
15 c.34 (C.13:1E-48.20), section 19 of P.L.1954, c.212 (C.26:2C-19),
16 section 10 of P.L.1984, c.173 (C.34:5A-41), or section 10 of
17 P.L.1977, c.74 (C.58:10A-10) may be commenced at any time.

18 b. Except as otherwise provided in this section, prosecutions
19 for other offenses are subject to the following periods of
20 limitations:

21 (1) A prosecution for a crime must be commenced within five
22 years after it is committed;

23 (2) A prosecution for a disorderly persons offense or petty
24 disorderly persons offense must be commenced within one year
25 after it is committed;

26 (3) A prosecution for any offense set forth in N.J.S.2C:27-2,
27 N.J.S.2C:27-4, N.J.S.2C:27-6, N.J.S.2C:27-7, N.J.S.2C:29-4,
28 N.J.S.2C:30-2, N.J.S.2C:30-3, or any attempt or conspiracy to
29 commit such an offense, must be commenced within seven years
30 after the commission of the offense;

31 (4) A prosecution for an offense set forth in N.J.S.2C:14-3 or
32 N.J.S.2C:24-4, when the victim at the time of the offense is below
33 the age of 18 years, must be commenced within five years of the
34 victim's attaining the age of 18 or within two years of the discovery
35 of the offense by the victim, whichever is later;

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

37 c. An offense is committed either when every element occurs
38 or, if a legislative purpose to prohibit a continuing course of
39 conduct plainly appears, at the time when the course of conduct or
40 the defendant's complicity therein is terminated. Time starts to run
41 on the day after the offense is committed, except that when the
42 prosecution is supported by physical evidence that identifies the
43 actor by means of DNA testing or fingerprint analysis, time does
44 not start to run until the State is in possession of both the physical
45 evidence and the DNA or fingerprint evidence necessary to

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 establish the identification of the actor by means of comparison to
2 the physical evidence.

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

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

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

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

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

19

20 2. This act shall take effect immediately and shall be applicable
21 to all offenses not yet barred from prosecution under the statute of
22 limitations as of the effective date.

23

24

25 STATEMENT

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27 This bill would eliminate the statute of limitations for
28 prosecution for the crime of human trafficking.

29 Currently, under the provisions of N.J.S.2C:1-6 there is no
30 statute of limitations for prosecutions for the following crimes:
31 murder; manslaughter; sexual assault; and criminal offenses arising
32 from violations of certain environmental statutes concerning
33 widespread injury or damage.

34 Prosecution for other crimes, such as human trafficking, must be
35 commenced within five years, except for certain crimes enumerated
36 in the statute such as: (1) bribery and official misconduct offenses
37 which must be commenced within seven years; (2) criminal sexual
38 contact or endangering the welfare of a minor which must be
39 commenced within five years after the victim attains the age of 18
40 or two years after discovery, whichever is later. Prosecutions for
41 disorderly persons offenses must be commenced within one year
42 after they are committed.

43 By eliminating the statute of limitations for human trafficking
44 crimes, the prosecution for these crimes may be commenced at any
45 time rather than within five years after it is committed.