

2C:1-6

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2C:1-6

(Manslaughter
extend time limit
for prosecution)

LAWS OF: 1988

CHAPTER: 68

Bill No: S417

Sponsor(s): Lynch

Date Introduced: Pre-filed

Committee: Assembly: Judiciary

Senate: Judiciary

Amended during passage: Yes Amendments during passage
denoted by asterisks.

Date of Passage: Assembly: June 13, 1988

Senate: January 25, 1988

Date of Approval: July 20, 1988

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

P.L. 1988, CHAPTER 68, *approved July 20, 1988*

1988 Senate No. 417 (*First Reprint*)

AN ACT extending time limitations for certain prosecutions and amending N.J.S. 2C:1-6.

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

1. N.J.S. 2C:1-6 is amended to read as follows:

2C:1-6. Time Limitations. a. A prosecution for [murder] any offense set forth in N.J.S. 2C:11-3 or N.J.S. 2C:11-4 may be commenced at any time.

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

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

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

(3) A prosecution for any offense set forth in 2C:27-2, 2C:27-4, 2C:27-6, 2C:27-7, 2C:29-4, ¹[2C:30-1,]¹ 2C:30-2, 2C:30-3, or any attempt or conspiracy to commit such an offense, must be commenced within seven years after the commission of the offense;

(4) A prosecution for an offense set forth in N.J.S. 2C:14-2 or N.J.S. 2C:14-3, when the victim at the time of the offense is below the age of 18 years, must be commenced within two years of the victim's attaining the age of 18 years or within five years after the crime is committed, whichever date is later.

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

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.

Matter enclosed in superscript numerals has been adopted as follows:
¹ Senate SJU committee amendments adopted January 21, 1988.

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

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

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

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

(cf: P.L. 1986, c: 166, s. 1)

2. This act shall take effect immediately.

CRIMINAL JUSTICE

Criminal Investigation and Arrest

Extends the time limitations for manslaughter prosecutions.

SENATE, No. 417

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1988 SESSION

By Senator LYNCH

1 AN ACT extending time limitations for certain prosecutions and
amending N.J.S. 2C:1-6

3

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

1. N.J.S. 2C:1-6 is amended to read as follows:

7 2C:1-6. Time Limitations. a. A prosecution for [murder] any
offense set forth in N.J.S. 2C:11-3 or N.J.S. 2C:11-4 may be
9 commenced at any time.

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

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

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

(3) A prosecution for any offense set forth in 2C:27-2, 2C:27-4,
17 2C:27-6, 2C:27-7, 2C:29-4, 2C:30-1, 2C:30-2, 2C:30-3, or any
19 attempt or conspiracy to commit such an offense, must be
commenced within seven years after the commission of the offense;

(4) A prosecution for an offense set forth in N.J.S. 2C:14-2 or
21 N.J.S. 2C:14-3, when the victim at the time of the offense is below
23 the age of 18 years, must be commenced within two years of the
victim's attaining the age of 18 years or within five years after the
25 crime is committed, whichever date is later.

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

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

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

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

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

17 2. This act shall take effect immediately.

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STATEMENT

21

Presently, a prosecution for manslaughter must be brought
23 within five years of the date on which the homicide was committed.
There is presently, however, no time limitation on when a murder
25 prosecution must be brought. This difference in the statute of
limitations between murder and manslaughter has caused procedural
27 problems for prosecutors in several recent homicide investigations. In
order to alleviate these difficulties, this bill would permit a
29 prosecution for manslaughter to be brought at any time.

31

CRIMINAL JUSTICE

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Criminal Investigation and Arrest

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Extends the time limitations for manslaughter prosecutions.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 417

STATE OF NEW JERSEY

DATED: JUNE 2, 1988

The Assembly Judiciary Committee reports favorably Senate No. 417.

Senate Bill No. 417 removes the statute of limitations for prosecutions for manslaughter. Presently, a manslaughter prosecution must be brought within five years of the date on which it was committed. However, a prosecution for murder may be commenced at any time. The sponsor believes this has resulted in procedural problems for prosecutors in several recent homicide investigations.

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SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 417

STATE OF NEW JERSEY

DATED: January 21, 1988

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 417.

Presently, a prosecution for manslaughter must be brought within five years of the date on which the homicide was committed. Presently, however, a prosecution for murder may be brought at any time. According to the sponsor's statement, this difference in the statute of limitations for murder and manslaughter has caused procedural problems for prosecutors in several recent homicide investigations. In order to alleviate these difficulties, S-417 would permit a prosecution for manslaughter, like a prosecution for murder, to be brought at any time.

The committee amendments are technical in nature and delete a reference to a statute which was previously repealed.

This bill was pre-filed for introduction in the 1988 session pending technical review. As reported the bill includes the changes required by technical review which has been performed.