

2C:11-5

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 2C:11-5 and 2C:12-1

(Vessels--assault
or death--crime)

LAWS OF: 1991

CHAPTER: 237

Bill No: S1319

Sponsor(s): Jackman

Date Introduced: Pre-filed

Committee: Assembly: Judiciary

Senate: Judiciary

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

Date of Passage: Assembly: June 30, 1991

Senate: April 30, 1990

Date of Approval: August 2, 1991

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

KBG/SLJ

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Senator JACKMAN

1 AN ACT concerning assault and death by vessel and amending
2 N.J.S.2C:11-5 and N.J.S.2C:12-1.

3

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

6 1. N.J.S.2C:11-5 is amended to read as follows:

7 2C:11-5. Death by auto or vessel. a. Criminal homicide
8 constitutes death by auto or vessel when it is caused by driving a
9 vehicle or vessel recklessly.

10 b. Death by auto or vessel is a crime of the third degree and,
11 notwithstanding the provisions of 2C:43-2, the court may not
12 suspend the imposition of sentence on any defendant convicted
13 under this section, who was operating the ¹[vehicle] auto or
14 vessel¹ under the influence of an intoxicating liquor, narcotic,
15 hallucinogenic or habit-producing drug, or with a blood alcohol
16 concentration of 0.10% or more by weight of alcohol in his blood
17 and any sentence imposed under this section shall include either a
18 fixed minimum term of 270 days imprisonment, during which the
19 defendant shall be ineligible for parole, or a requirement that the
20 defendant perform a community related service for a minimum of
21 270 days.

22 c. For good cause shown, the court may, in accepting a plea of
23 guilty under this section, order that such plea not be evidential in
24 any civil proceeding.

25 d. Nothing herein shall be deemed to preclude, if the evidence
26 so warrants, an indictment and conviction for manslaughter under
27 the provisions of N.J.S.2C:11-4. If an indictment for
28 manslaughter is brought in a case involving the operation of a
29 motor vehicle or vessel, death by auto or vessel shall be
30 considered a lesser-included offense.

31 As used in this section, ¹["vessel" means a vessel temporarily
32 or permanently equipped with a motor, or a vessel which is 12
33 feet or greater in length, and shall not be deemed to include a
34 vessel propelled wholly by sails or by muscular power] "auto or
35 vessel" means all means of conveyance propelled otherwise than
36 by muscular power¹.

37 (cf: P.L.1989, c.211, s.1)

38 2. N.J.S.2C:12-1 is amended to read as follows:

39 2C:12-1. Assault. a. Simple assault. A person is guilty of

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 March 29, 1990.

1 assault if he:

2 (1) Attempts to cause or purposely, knowingly or recklessly
3 causes bodily injury to another; or

4 (2) Negligently causes bodily injury to another with a deadly
5 weapon; or

6 (3) Attempts by physical menace to put another in fear of
7 imminent serious bodily injury.

8 Simple assault is a disorderly persons offense unless committed
9 in a fight or scuffle entered into by mutual consent, in which case
10 it is a petty disorderly persons offense.

11 b. Aggravated assault. A person is guilty of aggravated
12 assault if he:

13 (1) Attempts to cause serious bodily injury to another, or
14 causes such injury purposely or knowingly or under circumstances
15 manifesting extreme indifference to the value of human life
16 recklessly causes such injury; or

17 (2) Attempts to cause or purposely or knowingly causes bodily
18 injury to another with a deadly weapon; or

19 (3) Recklessly causes bodily injury to another with a deadly
20 weapon; or

21 (4) Knowingly under circumstances manifesting extreme
22 indifference to the value of human life points a firearm, as
23 defined in section 2C:39-1f., at or in the direction of another,
24 whether or not the actor believes it to be loaded; or

25 (5) Commits a simple assault as defined in subsection a. (1) and
26 (2) of this section upon

27 (a) Any law enforcement officer acting in the performance of
28 his duties while in uniform or exhibiting evidence of his authority;
29 or

30 (b) Any paid or volunteer fireman acting in the performance of
31 his duties while in uniform or otherwise clearly identifiable as
32 being engaged in the performance of the duties of a fireman; or

33 (c) Any person engaged in emergency first-aid or medical
34 services acting in the performance of his duties while in uniform
35 or otherwise clearly identifiable as being engaged in the
36 performance of emergency first-aid or medical services; or

37 (d) Any school board member or school administrator, teacher
38 or other employee of a school board while clearly identifiable as
39 being engaged in the performance of his duties or because of his
40 status as a member or employee of a school board.

41 Aggravated assault under subsection b. (1) is a crime of the
42 second degree; under subsection b. (2) is a crime of the third
43 degree; under subsection b. (3) and b. (4) is a crime of the fourth
44 degree; and under subsection b. (5) is a crime of the third degree
45 if the victim suffers bodily injury, otherwise it is a crime of the
46 fourth degree.

47 c. A person is guilty of assault by auto or vessel when the
48 person drives a vehicle or vessel recklessly and causes either
49 serious bodily injury or bodily injury to another. Assault by auto

1 or vessel is a crime of the fourth degree if serious bodily injury
2 results and is a disorderly persons offense if bodily injury results.

3 As used in this section, ¹["vessel" means a vessel temporarily
4 or permanently equipped with a motor, or a vessel which is 12
5 feet or greater in length, and shall not be deemed to include a
6 vessel propelled wholly by sails or by muscular power] "auto or
7 vessel" means all means of conveyance propelled otherwise than
8 by muscular power¹.

9 d. A person who is employed by a facility as defined in section
10 2 of P.L.1977, c.239 (C.52:27G-2) who commits a simple assault
11 as defined in paragraph (1) or (2) of subsection a. of this section
12 upon an institutionalized elderly person as defined in section 2 of
13 P.L.1977, c.239 (C.52:27G-2) is guilty of a crime of the fourth
14 degree.

15 (cf: P.L.1985, c.444, s.1)

16 3. This act shall take effect immediately.

17

18

19 CRIMINAL JUSTICE

20

21 Creates crimes and offenses for assault and death by vessel.

1 As used in this section, "vessel" means a vessel temporarily or
2 permanently equipped with a motor, or a vessel which is 12 feet
3 or greater in length, and shall not be deemed to include a vessel
4 propelled wholly by sails or by muscular power.

5 d. A person who is employed by a facility as defined in section
6 2 of P.L.1977, c.239 (C.52:27G-2) who commits a simple assault
7 as defined in paragraph (1) or (2) of subsection a. of this section
8 upon an institutionalized elderly person as defined in section 2 of
9 P.L.1977, c.239 (C.52:27G-2) is guilty of a crime of the fourth
10 degree.

11 (cf: P.L.1985, c.444, s.1)

12 3. This act shall take effect immediately.

13

14

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STATEMENT

16

17 This bill amends the death by auto statute to create an
18 additional crime of death by vessel. Vessel is defined as a power
19 vessel, one equipped with a motor, or a vessel which is 12 feet or
20 greater in length. A person who operates a vessel recklessly and
21 causes the death of another would be guilty of a crime of the
22 third degree. A third degree crime is punishable by imprisonment
23 from 3 to 5 years, a fine up to \$7,500.00, or both. A disorderly
24 persons offense is punishable by imprisonment up to 6 months, a
25 fine up to \$1,000.00, or both.

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28

CRIMINAL JUSTICE

29

30 Creates crimes and offenses for assault and death by vessel.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1319

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 29, 1990

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 1319.

This bill would expand the present statutes criminalizing death by auto and assault by auto to included offenses committed by means of a vessel. The committee adopted amendments clarifying that the words "auto and vessel" as used in both the assault and death by auto statutes to mean all means of conveyance except those propelled by muscular power.

This bill was prefiled for introduction in the 1990 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY
COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 1319

STATE OF NEW JERSEY

DATED: JUNE 6, 1991

The Assembly Judiciary, Law and Public Committee reports favorably Senate Bill No. 1319 (1R).

This bill would expand the present statutes criminalizing death by auto and assault by auto to included offenses committed by means of a vessel. The bill defines the words "auto and vessel" as used in both the assault and death by auto statutes to mean all means of conveyance except those propelled by muscular power. Death by auto or vessel is a crime of the third degree. Assault by auto or vessel may be a crime of the fourth degree if serious bodily injury results or a disorderly persons offense if bodily injury results.

This bill is identical to the Assembly Committee Substitute for Assembly Bill Nos. 4931 and 4323.