

2C:1-6

3/4/87

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2C:1-6

(Sexual assault-- victim under 13--
amend statute of limitations)

CHAPTER 166

Laws Of: 1986

BILL NO: S1481

Sponsor(s): Zane

Date Introduced: January 21, 1986

Committee: **Assembly:** Judiciary

Senate: Law, Public Safety, Defense and Corrections

Amended during passage: Yes Amendments during passage denoted
by asterisks

Date of Passage: **Assembly:** October 20, 1986

Senate: April 7, 1986

Date of Approval: December 3, 1986

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: **Assembly** Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: Yes

Following were printed:

Reports: No

Hearings: No

12-3-86

[OFFICIAL COPY REPRINT]

SENATE, No. 1481

STATE OF NEW JERSEY

INTRODUCED JANUARY 21, 1986

By Senator ZANE

Referred to Committee on Law, Public Safety and Defense

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

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

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

2 2C:1-6. Time Limitations. a. A prosecution for murder may be
 3 commenced at any time.

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

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

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

11 (3) A prosecution for any offense set forth in 2C:27-2, 2C:27-4,
 12 2C:27-6, 2C:27-7, 2C:29-4, 2C:30-1, 2C:30-2, 2C:30-3, or any
 13 attempt or conspiracy to commit such an offense, must be com-
 14 menced within seven years after the commission of the offense~~].~~;

15 (4) *A prosecution for an offense set forth in N. J. S. 2C:14-2 or*
 16 *N. J. S. 2C:14-3, *~~[where the victim is less than 13 years old at the~~*
 17 *time the offense was committed, shall be commenced before the*
 18 *victim reaches the age of majority plus two years.]** *when the*
 18A *victim at the time of the offense is below the age of 18 years, must*
 18B *be commenced within two years of the victim's attaining the age of*
 18C *18 years or within five years after the crime is committed, which-*
 18D *ever date is later.**

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 printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Senate committee amendments adopted March 6, 1986.**

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

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

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

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

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

1 2. This act shall take effect immediately.

Permits prosecution for certain sexual crimes when victim is under
18 to be commenced until victim reaches age of majority plus two
years or within five years of crime, whichever is later.

SENATE, No. 1481
STATE OF NEW JERSEY

INTRODUCED JANUARY 21, 1986

By Senator ZANE

Referred to Committee on Law, Public Safety and Defense

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

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2 *of New Jersey:*

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5 other offenses are subject to the following periods of limitations:

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

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

11 (3) A prosecution for any offense set forth in 2C:27-2, 2C:27-4,
12 2C:27-6, 2C:27-7, 2C:29-4, 2C:30-1, 2C:30-2, 2C:30-3, or any
13 attempt or conspiracy to commit such an offense, must be com-
14 menced within seven years after the commission of the offense~~];~~;

15 (4) *A prosecution for an offense set forth in N. J. S. 2C:14-2 or*
16 *N. J. S. 2C:14-3, where the victim is less than 13 years old at the*
17 *time the offense was committed, shall be commenced before the*
18 *victim reaches the age of majority plus two years.*

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

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is not enacted and is intended to be omitted in the law.
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 33 a prosecution against the accused for the same conduct is pending
 34 in this State.

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

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

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STATEMENT

This bill amends existing law to allow a prosecution for aggravated sexual assault, sexual assault (N. J. S. 2C:14-2), aggravated criminal sexual contact or criminal sexual contact (N. J. S. 2C:14-3), where the victim is less than 13 years of age, to be commenced up to the time the victim reaches the age of majority plus two years. Present law requires prosecution of these crimes to be commenced within five years after commission. Unfortunately some of the victims of these heinous crimes are so young, that they are unable to understand the nature of the crimes perpetrated against them within that time. This bill enables the victim to mature and understand the criminal nature of the actions prior to prosecution.

CRIME — INVESTIGATION, ARREST, PROSECUTION

Sex. Assault, cert., pros. time ext

Permits prosecution for certain sexual assaults when victim is less than 13 to be commenced up to the time the victim reaches age of majority plus two years.

SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO

SENATE, No. 1481

with Senate committee amendments

STATE OF NEW JERSEY

DATED: MARCH 6, 1986

The Senate Law, Public Safety and Defense Committee favorably reports Senate Bill No. 1481 with committee amendments.

Under present law, in most cases, a prosecution for a crime must be commenced within five years after the crime was committed.

This bill, as amended, would establish a special statute of limitations for aggravated sexual assault (a crime of the first degree); sexual assault (a crime of the second degree); aggravated sexual contact (a crime of the third degree); and criminal sexual contact (a crime of the fourth degree) if the victim of the crime was less than 18 years old at the time the offense was committed. In these circumstances, the bill, as amended, would permit a prosecution for any of the above listed crimes to be commenced at any time within two years of the victim's reaching the age of 18 years, or within five years after the crime is committed, whichever date is later.

Prior to being amended, the bill permitted prosecution for any of the above listed crimes when the victim was less than 13 years of age to be commenced at any time before the victim reached the age of majority plus two years.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1481

STATE OF NEW JERSEY

DATED: JULY 31, 1986

The Assembly Judiciary Committee reports favorably Senate Bill No. 1481.

Under present law, in most cases, a prosecution for a crime must be commenced within five years after the crime was committed.

This bill would establish a special statute of limitations for aggravated sexual assault, sexual assault, aggravated sexual contact, and criminal sexual contact if the victim of the crime was less than 18 years old at the time the offense was committed. In these circumstances, the bill would permit a prosecution for any of the above listed crimes to be commenced at any time within two years of the victim's reaching the age of 18 years, or within five years after the crime is committed, whichever date is later.



OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001

Contact: JOHN SAMERJAN
609-292-8956 OR 292-6000 EXT. 207

TRENTON, N.J. 08625

Release: THURS., DEC. 4, 1986

Governor Thomas H. Kean today signed the following legislation:

S-1481, sponsored by Senator Raymond Zane, D-Gloucester, creates a special statute of limitations for the prosecution of aggravated sexual assault, sexual assault, aggravated criminal sexual contact or criminal sexual contact offenses, in cases where the victim is below the age of eighteen.

Under current law, prosecution for most crimes must be commenced within five years after the crime is committed. This legislation provides that the prosecution must commence within two years of the victim's attaining the age of eighteen, or within five years after the crime is committed whichever date is later.

"This legislation is designed to address a problem encountered in prosecuting cases involving sexual assault on a minor. In some cases, young victims are not able to understand the nature of a sexual offense, or are afraid to reveal the incident at the time. This bill allows victims the time to understand the effects of the criminal conduct and decide whether to file a complaint," Governor Kean said.

The legislation is effective immediately.

- more -

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DEC 7 1986

185 W. State Street
Trenton, N. J.

S-1481, S-1557

Page 2

December 4, 1986

S-1557, sponsored by Senator Leanna Brown, R-Morris and Assemblyman Robert Martin, R-Morris, revises certain portions of the existing weights and measures law which has not been substantially amended since 1911.

The legislation recognizes modern packaging practices and marketing systems, technological improvements in weighing and measuring systems as well as national standards and regulations.

The legislation is effective immediately.

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