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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** Yes

"Victim justice law passed," 11-18-2000 The Times, p A4

"Victims get time to seek justice," 11-18-2000 The Record,pA3

"New law ends time limits on wrongful death lawsuits," 11-18-2000 New York Times, pB5

# ASSEMBLY, No. 1934

## STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED JANUARY 27, 2000

**Sponsored by:**

**Assemblyman GUY F. TALARICO**

**District 38 (Bergen)**

**Co-Sponsored by:**

**Assemblyman Felice**

**SYNOPSIS**

Eliminates statute of limitations in wrongful death cases if the cause of death was murder.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 2/25/2000)**

A1934 TALARICO

2

1 AN ACT concerning the statute of limitations in wrongful death  
2 actions in certain circumstances and amending N.J.S.2A:31-3.

3

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

6

7 1. N.J.S.2A:31-3 is amended to read as follows:

8 2A:31-3 Every action brought under this chapter shall be  
9 commenced within 2 years after the death of the decedent, and not  
10 thereafter, provided, however, that if the cause of the death of the  
11 decedent was murder, the action may be brought at any time.

12 (cf: N.J.S.2A:31-4)

13

14 2. This act shall take effect immediately and shall apply to any  
15 action filed on or after the effective date.

16

17

18

STATEMENT

19

20 Under present law, an action for wrongful death must be brought  
21 within two years of the death of the decedent. This bill would permit  
22 a wrongful death action to be brought at any time if the cause of death  
23 was murder. Eliminating the statute of limitations in this type of case  
24 will help to ensure justice for the family of a murder victim by  
25 preserving their right to sue if at some time in the future the person  
26 who committed the murder acquires substantial assets.

**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.**

[First Reprint]

**ASSEMBLY, No. 1934**

**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

INTRODUCED JANUARY 27, 2000

**Sponsored by:**

**Assemblyman GUY F. TALARICO**

**District 38 (Bergen)**

**Assemblyman JACK COLLINS**

**District 3 (Salem, Cumberland and Gloucester)**

**Co-Sponsored by:**

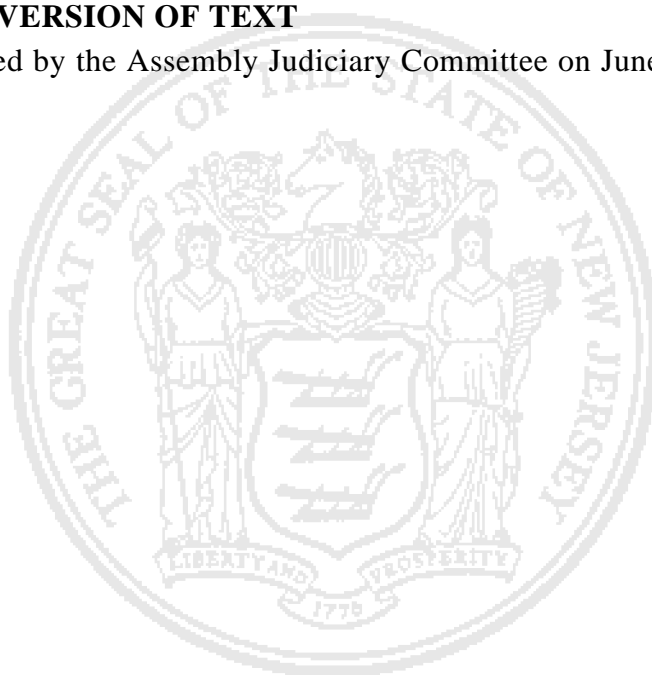
**Assemblymen Felice, Holzapfel, LeFevre and Senator Matheussen**

**SYNOPSIS**

Eliminates statute of limitations in wrongful death cases if the death resulted from murder or manslaughter.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Judiciary Committee on June 8, 2000, with amendments.



**(Sponsorship Updated As Of: 9/22/2000)**

1 AN ACT concerning the statute of limitations in wrongful death actions  
2 in certain circumstances and amending N.J.S.2A:31-3.

3

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

6

7 1. N.J.S.2A:31-3 is amended to read as follows:

8 2A:31-3 Every action brought under this chapter shall be  
9 commenced within 2 years after the death of the decedent, and not  
10 thereafter, provided, however, that if the <sup>1</sup>[cause of the] <sup>1</sup>death <sup>1</sup>[of  
11 the decedent was] resulted from<sup>1</sup> murder, <sup>1</sup>aggravated manslaughter  
12 or manslaughter<sup>1</sup> the action may be brought at any time.

13 (cf: N.J.S.2A:31-3)

14

15 2. This act shall take effect immediately and shall apply to any  
16 action filed on or after the effective date <sup>1</sup>including actions filed where  
17 the murder, aggravated manslaughter or manslaughter occurred prior  
18 to the effective date of this act<sup>1</sup>.

**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:

<sup>1</sup> Assembly AJU committee amendments adopted June 8, 2000.

# ASSEMBLY JUDICIARY COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 1934**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 8, 2000

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 1934.

Under present law, an action for wrongful death must be brought within two years of the death of the decedent. As introduced, this bill would permit a wrongful death action to be brought at any time if the cause of death was murder. The committee amended the bill to include aggravated manslaughter and manslaughter with murder. The committee did not make reference in the bill to "criminal homicide" generally as it was of the opinion that it was not appropriate to include vehicular homicide within the bill. In part, that committee discussion noted that there is no statute of limitations for bringing a criminal prosecution for murder or manslaughter. See subsection a. of N.J.S.A.2C:1-6.

The committee discussion also emphasized the difficult task that is required under the current law of a person whose loved one has been murdered to consider commencing a wrongful death action in two years time. When the focus is on a criminal investigation and possible trial or plea agreement it appears to be almost impossible to consider pursuing a civil suit during that period. While certainly any person who has lost a loved one under accidental circumstances may face difficulty going forward with an action, the committee felt that a murder or manslaughter victim's family may be particularly emotionally fragile and their attention too fragmented until the criminal matter has reached some resolution to even begin considering a civil suit. Their attention may simply be diverted with the aspects of the criminal case.

Eliminating the statute of limitations for these wrongful death suits will preserve the right of murder and manslaughter victims' families to sue at some future date. The committee also amended the effective date to make clear their intent that the bill should apply to persons who wish to bring the wrongful death action where the murder or manslaughter occurred prior to the bill's taking effect.

STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 1934**

with Senate Floor Amendments  
(Proposed By Senator MATHEUSSEN)

ADOPTED: SEPTEMBER 21, 2000

These amendments would clarify that the bill is applicable to any homicide for which a person has been convicted, found not guilty by reason of insanity or adjudicated delinquent. The amendments will make A1934(1R) identical to S1125 (1R), the Senate version of this legislation.



[Second Reprint]

**ASSEMBLY, No. 1934**

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**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

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INTRODUCED JANUARY 27, 2000

**Sponsored by:**

**Assemblyman GUY F. TALARICO**

**District 38 (Bergen)**

**Assemblyman JACK COLLINS**

**District 3 (Salem, Cumberland and Gloucester)**

**Co-Sponsored by:**

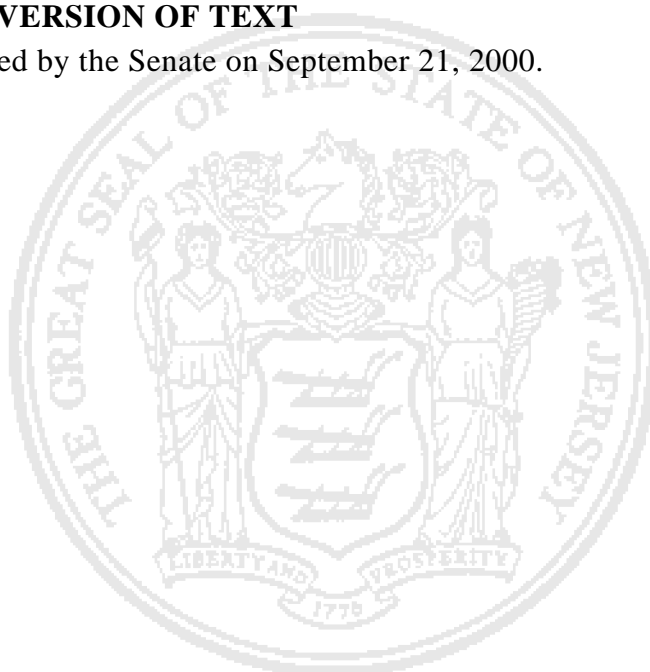
**Assemblymen Felice, Holzapfel, LeFevre and Senator Matheussen**

**SYNOPSIS**

Eliminates statute of limitations in wrongful death cases if the death resulted from murder or manslaughter.

**CURRENT VERSION OF TEXT**

As amended by the Senate on September 21, 2000.



**(Sponsorship Updated As Of: 9/22/2000)**

1 AN ACT concerning the statute of limitations in wrongful death actions  
2 in certain circumstances and amending N.J.S.2A:31-3.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. N.J.S.2A:31-3 is amended to read as follows:

8 2A:31-3 Every action brought under this chapter shall be  
9 commenced within 2 years after the death of the decedent, and not  
10 thereafter, provided, however, that if the <sup>1</sup>[cause of the] <sup>1</sup>death <sup>1</sup>[of  
11 the decedent was] resulted from<sup>1</sup> murder, <sup>1</sup>aggravated manslaughter  
12 or manslaughter <sup>1</sup><sup>2</sup>for which the defendant has been convicted, found  
13 not guilty by reason of insanity or adjudicated delinquent<sup>2</sup>, the action  
14 may be brought at any time.

15 (cf: N.J.S.2A:31-3)

16

17 2. This act shall take effect immediately and shall apply to any  
18 action filed on or after the effective date <sup>1</sup>including actions filed where  
19 the murder, aggravated manslaughter or manslaughter occurred prior  
20 to the effective date of this act<sup>1</sup>.

**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:**

<sup>1</sup> Assembly AJU committee amendments adopted June 8, 2000.

<sup>2</sup> Senate floor amendments adopted September 21, 2000.

P.L. 2000, CHAPTER 157, *approved November 17, 2000*  
Assembly, No. 1934 (*Second Reprint*)

1 AN ACT concerning the statute of limitations in wrongful death actions  
2 in certain circumstances and amending N.J.S.2A:31-3.

3

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

6

7 1. N.J.S.2A:31-3 is amended to read as follows:

8 2A:31-3 Every action brought under this chapter shall be  
9 commenced within 2 years after the death of the decedent, and not  
10 thereafter, provided, however, that if the <sup>1</sup>[cause of the] <sup>1</sup>death <sup>1</sup>[of  
11 the decedent was] resulted from <sup>1</sup>murder, <sup>1</sup>aggravated manslaughter  
12 or manslaughter <sup>1 2</sup>for which the defendant has been convicted, found  
13 not guilty by reason of insanity or adjudicated delinquent<sup>2</sup>, the action  
14 may be brought at any time.

15 (cf: N.J.S.2A:31-3)

16

17 2. This act shall take effect immediately and shall apply to any  
18 action filed on or after the effective date <sup>1</sup>including actions filed where  
19 the murder, aggravated manslaughter or manslaughter occurred prior  
20 to the effective date of this act<sup>1</sup>.

21

22

23

24

25 Eliminates statute of limitations in wrongful death cases if the death  
26 resulted from murder or manslaughter.

**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:**

<sup>1</sup> Assembly AJU committee amendments adopted June 8, 2000.

<sup>2</sup> Senate floor amendments adopted September 21, 2000.

## CHAPTER 157

**AN ACT** concerning the statute of limitations in wrongful death actions in certain circumstances and amending N.J.S.2A:31-3.

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

1. N.J.S.2A:31-3 is amended to read as follows:

Limitation of actions; exceptions.

2A:31-3 Every action brought under this chapter shall be commenced within 2 years after the death of the decedent, and not thereafter, provided, however, that if the death resulted from murder, aggravated manslaughter or manslaughter for which the defendant has been convicted, found not guilty by reason of insanity or adjudicated delinquent, the action may be brought at any time.

2. This act shall take effect immediately and shall apply to any action filed on or after the effective date including actions filed where the murder, aggravated manslaughter or manslaughter occurred prior to the effective date of this act

Approved November 17, 2000.