

## 2C:12-1.2

### LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2000                    **CHAPTER:** 174

**NJSA:** 2C:12-1.2               (Endangering injured victim—crime)

**BILL NO:** S968                   (Substituted for A2533)

**SPONSOR(S):** Vitale and Bennett

**DATE INTRODUCED:** February 10, 2000

**COMMITTEE:**               **ASSEMBLY:** Judiciary  
   **SENATE:** Judiciary

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**           **ASSEMBLY:** November 20, 2000  
   **SENATE:** October 2, 2000

**DATE OF APPROVAL:** January 8, 2001

#### FOLLOWING ARE ATTACHED IF AVAILABLE:

**FINAL TEXT OF BILL** (2<sup>nd</sup> reprint enacted)  
(Amendments during passage denoted by superscript numbers)

#### S968

**SPONSORS STATEMENT:** (Begins on page 3 of original bill) Yes

**COMMITTEE STATEMENT:**                   **ASSEMBLY:** Yes

**SENATE:** Yes

**FLOOR AMENDMENT STATEMENT:** Yes

**LEGISLATIVE FISCAL ESTIMATE:** No

#### A2533

**SPONSORS STATEMENT:** (Begins on page 3 of original bill) Yes  
Bill and Sponsors Statement identical to S968

**COMMITTEE STATEMENT:**                   **ASSEMBLY:** Yes  
Identical to Assembly statement to S968

**SENATE:** No

**FLOOR AMENDMENT STATEMENTS:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** Yes

#### FOLLOWING WERE PRINTED:

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

**SENATE, No. 968**

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

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INTRODUCED FEBRUARY 10, 2000

**Sponsored by:**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Senator JOHN O. BENNETT**

**District 12 (Monmouth)**

**SYNOPSIS**

Creates the offense of endangering an injured victim.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning leaving an injured victim in certain circumstances  
2 and supplementing Title 2C of the New Jersey Statutes.

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

6  
7 1. Endangering an injured victim. a. A person is guilty of  
8 endangering an injured victim if he causes bodily injury to any person  
9 or solicits, aids, encourages, or attempts or agrees to aid another, who  
10 causes bodily injury to any person, and leaves the scene of the injury  
11 knowing or reasonably believing that the injured person is physically  
12 helpless, mentally incapacitated or otherwise unable to care for  
13 himself.

14 b. As used in this section, the following definitions shall apply:

15 (1) "Physically helpless" means the condition in which a person is  
16 unconscious, unable to flee, or physically unable to summon  
17 assistance;

18 (2) "Mentally incapacitated" means that condition in which a person  
19 is rendered temporarily or permanently incapable of understanding or  
20 controlling one's conduct, or of appraising or controlling one's  
21 condition, which incapacity shall include but is not limited to an  
22 inability to comprehend one's own peril;

23 (3) "Bodily injury" shall have the meaning set forth in N.J.S.2C:11-  
24 1.

25 c. It is an affirmative defense to prosecution for a violation of this  
26 section that the defendant summoned medical treatment for the victim  
27 or knew that medical treatment had been summoned by another  
28 person, and protected the victim from further injury or harm until  
29 emergency assistance personnel arrived. This affirmative defense shall  
30 be proved by the defendant by a preponderance of the evidence.

31 d. A person who violates the provisions of this section shall be  
32 guilty of a crime of the third degree. Notwithstanding the provisions  
33 of N.J.S.2C:1-8 or any other provision of law, a conviction arising  
34 under this subsection shall not merge with a conviction of the crime  
35 that rendered the person physically helpless or mentally incapacitated,  
36 nor shall such other conviction merge with a conviction under this  
37 section. Notwithstanding the provisions of N.J.S.2C:44-5 or any other  
38 provision of law, the sentence imposed pursuant to this section shall  
39 be ordered to be served consecutively to that imposed for any  
40 conviction of the crime that rendered the person physically helpless or  
41 mentally incapacitated.

42 e. Nothing herein shall be deemed to preclude, if the evidence so  
43 warrants, an indictment and conviction for murder, manslaughter,  
44 assault or any other offense.

45  
46 2. This act shall take effect immediately.

STATEMENT

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This bill creates a new crime, endangering an injured victim. Under the provisions of the bill, a person who causes bodily injury to any person, or who solicits, aids, encourages, or attempt or agrees to aid another, who causes bodily injury to any person, and who leaves the scene of the injury knowing or reasonably believing that the injured person is physically helpless, mentally incapacitated or otherwise unable to care for himself, commits a crime of the third degree. It is an affirmative defense that the defendant summoned medical treatment for the victim and protected the victim from further injury or harm until emergency assistance personnel arrived.

# SENATE JUDICIARY COMMITTEE

## STATEMENT TO

### **SENATE, No. 968**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 22, 2000

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 968.

This bill creates a new crime, endangering an injured victim. Under the provisions of the bill, a person who causes bodily injury to any person, or who solicits, aids, encourages, or attempt or agrees to aid another, who causes bodily injury to any person, and who leaves the scene of the injury knowing or reasonably believing that the injured person is physically helpless, mentally incapacitated or otherwise unable to care for himself, commits a crime of the third degree. It is an affirmative defense that the defendant summoned medical treatment summoned medical treatment for the victim and protected the victim from further injury or harm until emergency assistance personnel arrived.

The committee amendments added the term "participant" to the bill's provisions. The amendments define "participant" to include any individual who is present at the location of a crime, aware of the criminal activity and has a nexus to any of the criminal actors.

[First Reprint]

**SENATE, No. 968**

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

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INTRODUCED FEBRUARY 10, 2000

**Sponsored by:**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Senator JOHN O. BENNETT**

**District 12 (Monmouth)**

**SYNOPSIS**

Creates the offense of endangering an injured victim.

**CURRENT VERSION OF TEXT**

As reported by the Senate Judiciary Committee on June 22, 2000, with amendments.



1 AN ACT concerning leaving an injured victim in certain circumstances  
2 and supplementing Title 2C of the New Jersey Statutes.

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

6  
7 1. Endangering an injured victim. a. A person is guilty of  
8 endangering an injured victim if he causes bodily injury to any person  
9 or solicits, aids, encourages, or attempts or agrees to aid another, who  
10 causes bodily injury to any person, <sup>1</sup>or is a participant<sup>1</sup> and leaves the  
11 scene of the injury knowing or reasonably believing that the injured  
12 person is physically helpless, mentally incapacitated or otherwise  
13 unable to care for himself.

14 b. As used in this section, the following definitions shall apply:

15 (1) "Physically helpless" means the condition in which a person is  
16 unconscious, unable to flee, or physically unable to summon  
17 assistance;

18 (2) "Mentally incapacitated" means that condition in which a person  
19 is rendered temporarily or permanently incapable of understanding or  
20 controlling one's conduct, or of appraising or controlling one's  
21 condition, which incapacity shall include but is not limited to an  
22 inability to comprehend one's own peril;

23 (3) "Bodily injury" shall have the meaning set forth in N.J.S.2C:11-  
24 1.

25 <sup>1</sup> (4) "Participant" shall include an individual who is present at the  
26 location of the crime, aware of the criminal activity, and has a nexus  
27 to any of the criminal actors.<sup>1</sup>

28 c. It is an affirmative defense to prosecution for a violation of this  
29 section that the defendant summoned medical treatment for the victim  
30 or knew that medical treatment had been summoned by another  
31 person, and protected the victim from further injury or harm until  
32 emergency assistance personnel arrived. This affirmative defense shall  
33 be proved by the defendant by a preponderance of the evidence.

34 d. A person who violates the provisions of this section shall be  
35 guilty of a crime of the third degree. Notwithstanding the provisions  
36 of N.J.S.2C:1-8 or any other provision of law, a conviction arising  
37 under this subsection shall not merge with a conviction of the crime  
38 that rendered the person physically helpless or mentally incapacitated,  
39 nor shall such other conviction merge with a conviction under this  
40 section. Notwithstanding the provisions of N.J.S.2C:44-5 or any other  
41 provision of law, the sentence imposed pursuant to this section shall  
42 be ordered to be served consecutively to that imposed for any

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and 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> Senate SJU committee amendments adopted June 22, 2000.



1 conviction of the crime that rendered the person physically helpless or  
2 mentally incapacitated.

3 e. Nothing herein shall be deemed to preclude, if the evidence so  
4 warrants, an indictment and conviction for murder, manslaughter,  
5 assault or any other offense.

6

7 2. This act shall take effect immediately.

STATEMENT TO  
[First Reprint]  
**SENATE, No. 968**

with Senate Floor Amendments  
(Proposed By Senator VITALE)

ADOPTED: SEPTEMBER 21, 2000

S968 would establish the crime of endangering an injured crime victim. By committee amendment, the word "participant" was added to the bill. The committee amendments also added a definition of "participant". These floor amendments would delete that definition and the reference to "participant". The sponsor feels that these additions were unnecessary and could cause confusion for law enforcement agencies seeking to enforce the bill's provisions.

[Second Reprint]

**SENATE, No. 968**

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

---

INTRODUCED FEBRUARY 10, 2000

**Sponsored by:**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Senator JOHN O. BENNETT**

**District 12 (Monmouth)**

**Co-Sponsored by:**

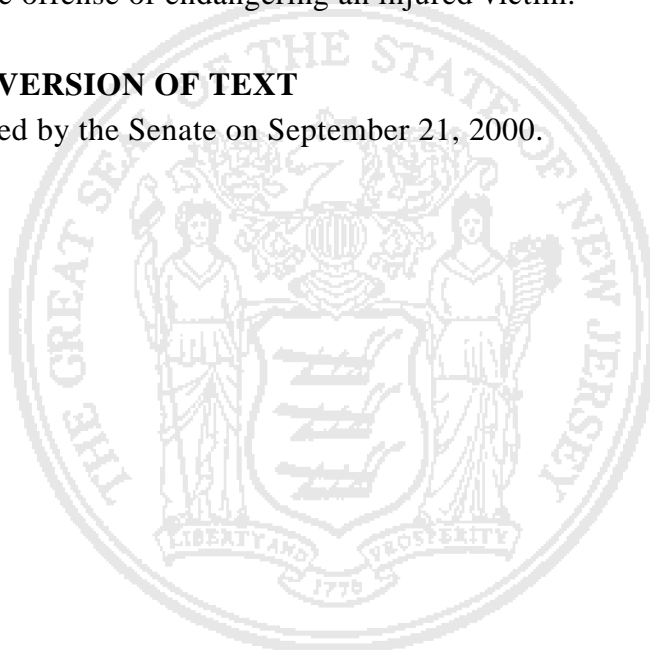
**Senators Cardinale, Baer, Allen, Assemblywoman Weinberg, Assemblymen Zisa, DeCroce, Assemblywoman Murphy, Assemblymen Garcia, Greenwald, Conners, Barnes, LeFevre and Assemblywoman Vandervalk**

**SYNOPSIS**

Creates the offense of endangering an injured victim.

**CURRENT VERSION OF TEXT**

As amended by the Senate on September 21, 2000.



**(Sponsorship Updated As Of: 11/21/2000)**

1 AN ACT concerning leaving an injured victim in certain circumstances  
2 and supplementing Title 2C of the New Jersey Statutes.

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

6  
7 1. Endangering an injured victim. a. A person is guilty of  
8 endangering an injured victim if he causes bodily injury to any person  
9 or solicits, aids, encourages, or attempts or agrees to aid another, who  
10 causes bodily injury to any person, <sup>2</sup>[<sup>1</sup>or is a participant <sup>1</sup>]<sup>2</sup> and leaves  
11 the scene of the injury knowing or reasonably believing that the injured  
12 person is physically helpless, mentally incapacitated or otherwise  
13 unable to care for himself.

14 b. As used in this section, the following definitions shall apply:

15 (1) "Physically helpless" means the condition in which a person is  
16 unconscious, unable to flee, or physically unable to summon  
17 assistance;

18 (2) "Mentally incapacitated" means that condition in which a person  
19 is rendered temporarily or permanently incapable of understanding or  
20 controlling one's conduct, or of appraising or controlling one's  
21 condition, which incapacity shall include but is not limited to an  
22 inability to comprehend one's own peril;

23 (3) "Bodily injury" shall have the meaning set forth in N.J.S.2C:11-  
24 1.

25 <sup>2</sup>[<sup>1</sup> (4) "Participant" shall include an individual who is present at  
26 the location of the crime, aware of the criminal activity, and has a  
27 nexus to any of the criminal actors. <sup>1</sup>]<sup>2</sup>

28 c. It is an affirmative defense to prosecution for a violation of this  
29 section that the defendant summoned medical treatment for the victim  
30 or knew that medical treatment had been summoned by another  
31 person, and protected the victim from further injury or harm until  
32 emergency assistance personnel arrived. This affirmative defense shall  
33 be proved by the defendant by a preponderance of the evidence.

34 d. A person who violates the provisions of this section shall be  
35 guilty of a crime of the third degree. Notwithstanding the provisions  
36 of N.J.S.2C:1-8 or any other provision of law, a conviction arising  
37 under this subsection shall not merge with a conviction of the crime  
38 that rendered the person physically helpless or mentally incapacitated,  
39 nor shall such other conviction merge with a conviction under this  
40 section. Notwithstanding the provisions of N.J.S.2C:44-5 or any other  
41 provision of law, the sentence imposed pursuant to this section shall

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<sup>1</sup> Senate SJU committee amendments adopted June 22, 2000.

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

1 be ordered to be served consecutively to that imposed for any  
2 conviction of the crime that rendered the person physically helpless or  
3 mentally incapacitated.

4 e. Nothing herein shall be deemed to preclude, if the evidence so  
5 warrants, an indictment and conviction for murder, manslaughter,  
6 assault or any other offense.

7

8 2. This act shall take effect immediately.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

[Second Reprint]

**SENATE, No. 968**

**STATE OF NEW JERSEY**

DATED: OCTOBER 16, 2000

The Assembly Judiciary Committee reports favorably Senate Bill No. 968 (2R).

This bill creates a new crime, endangering an injured victim. Under the provisions of the bill, a person who causes bodily injury to any person, or who solicits, aids, encourages, or attempts or agrees to aid another, who causes bodily injury to any person, and who leaves the scene of the injury knowing or reasonably believing that the injured person is physically helpless, mentally incapacitated or otherwise unable to care for himself, commits a crime of the third degree. It is an affirmative defense that the defendant summoned medical treatment summoned medical treatment for the victim and protected the victim from further injury or harm until emergency assistance personnel arrived.

This bill is identical to Assembly, No. 2533.

P.L. 2000, CHAPTER 174, *approved January 8, 2001*  
Senate, No. 968 (*Second Reprint*)

1 **AN ACT** concerning leaving an injured victim in certain circumstances  
2 and supplementing Title 2C of the New Jersey Statutes.

3

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

6

7 1. Endangering an injured victim. a. A person is guilty of  
8 endangering an injured victim if he causes bodily injury to any person  
9 or solicits, aids, encourages, or attempts or agrees to aid another, who  
10 causes bodily injury to any person, <sup>2</sup>[<sup>1</sup>or is a participant <sup>1</sup>]<sup>2</sup> and leaves  
11 the scene of the injury knowing or reasonably believing that the injured  
12 person is physically helpless, mentally incapacitated or otherwise  
13 unable to care for himself.

14 b. As used in this section, the following definitions shall apply:

15 (1) "Physically helpless" means the condition in which a person is  
16 unconscious, unable to flee, or physically unable to summon  
17 assistance;

18 (2) "Mentally incapacitated" means that condition in which a person  
19 is rendered temporarily or permanently incapable of understanding or  
20 controlling one's conduct, or of appraising or controlling one's  
21 condition, which incapacity shall include but is not limited to an  
22 inability to comprehend one's own peril;

23 (3) "Bodily injury" shall have the meaning set forth in N.J.S.2C:11-  
24 1.

25 <sup>2</sup>[<sup>1</sup>(4) "Participant" shall include an individual who is present at  
26 the location of the crime, aware of the criminal activity, and has a  
27 nexus to any of the criminal actors.<sup>1</sup>]<sup>2</sup>

28 c. It is an affirmative defense to prosecution for a violation of this  
29 section that the defendant summoned medical treatment for the victim  
30 or knew that medical treatment had been summoned by another  
31 person, and protected the victim from further injury or harm until  
32 emergency assistance personnel arrived. This affirmative defense shall  
33 be proved by the defendant by a preponderance of the evidence.

34 d. A person who violates the provisions of this section shall be  
35 guilty of a crime of the third degree. Notwithstanding the provisions  
36 of N.J.S.2C:1-8 or any other provision of law, a conviction arising  
37 under this subsection shall not merge with a conviction of the crime  
38 that rendered the person physically helpless or mentally incapacitated,  
39 nor shall such other conviction merge with a conviction under this

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and 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> Senate SJU committee amendments adopted June 22, 2000.

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

1 section. Notwithstanding the provisions of N.J.S.2C:44-5 or any other  
2 provision of law, the sentence imposed pursuant to this section shall  
3 be ordered to be served consecutively to that imposed for any  
4 conviction of the crime that rendered the person physically helpless or  
5 mentally incapacitated.

6 e. Nothing herein shall be deemed to preclude, if the evidence so  
7 warrants, an indictment and conviction for murder, manslaughter,  
8 assault or any other offense.

9

10 2. This act shall take effect immediately.

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15 \_\_\_\_\_  
Creates the offense of endangering an injured victim.



## CHAPTER 174

AN ACT concerning leaving an injured victim in certain circumstances and supplementing Title 2C of the New Jersey Statutes.

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

C.2C:12-1.2 Endangering an injured victim.

1. Endangering an injured victim. a. A person is guilty of endangering an injured victim if he causes bodily injury to any person or solicits, aids, encourages, or attempts or agrees to aid another, who causes bodily injury to any person, and leaves the scene of the injury knowing or reasonably believing that the injured person is physically helpless, mentally incapacitated or otherwise unable to care for himself.

b. As used in this section, the following definitions shall apply:

(1) "Physically helpless" means the condition in which a person is unconscious, unable to flee, or physically unable to summon assistance;

(2) "Mentally incapacitated" means that condition in which a person is rendered temporarily or permanently incapable of understanding or controlling one's conduct, or of appraising or controlling one's condition, which incapacity shall include but is not limited to an inability to comprehend one's own peril;

(3) "Bodily injury" shall have the meaning set forth in N.J.S.2C:11-1.

c. It is an affirmative defense to prosecution for a violation of this section that the defendant summoned medical treatment for the victim or knew that medical treatment had been summoned by another person, and protected the victim from further injury or harm until emergency assistance personnel arrived. This affirmative defense shall be proved by the defendant by a preponderance of the evidence.

d. A person who violates the provisions of this section shall be guilty of a crime of the third degree. Notwithstanding the provisions of N.J.S.2C:1-8 or any other provision of law, a conviction arising under this subsection shall not merge with a conviction of the crime that rendered the person physically helpless or mentally incapacitated, nor shall such other conviction merge with a conviction under this section. Notwithstanding the provisions of N.J.S.2C:44-5 or any other provision of law, the sentence imposed pursuant to this section shall be ordered to be served consecutively to that imposed for any conviction of the crime that rendered the person physically helpless or mentally incapacitated.

e. Nothing herein shall be deemed to preclude, if the evidence so warrants, an indictment and conviction for murder, manslaughter, assault or any other offense.

2. This act shall take effect immediately.

Approved January 8, 2001.

PO BOX 004  
TRENTON, NJ 08625

*Office of the Governor*  
**NEWS RELEASE**

CONTACT: Jayne O'Connor  
Laura Otterbourg  
609-777-2600

RELEASE: January 9, 2001

Governor Whitman today signed the following legislation:

**S-968**, sponsored by Senators Vitale (D-Middlesex) and Bennett (R-Monmouth) and Assembly Members Weinberg (D-Bergen) and Zisa (D-Bergen), creates the new third-degree offense of endangering an injured victim.

**S-1383**, sponsored by Senators Bucco (R-Morris) and Littell (R-Sussex/Hunterdon/ Morris) and Assembly Members Gregg (R-Sussex/Hunterdon/Morris) and Carroll (R-Morris), creates the Lake Hopatcong Commission and appropriates \$3 million.

**S-572**, sponsored by Senators Robertson (R-Essex/Passaic) and Codey (D-Essex) and Assembly Member O'Toole (R-Essex/Union), permits simulated voting for minors at polling places.

**S-454**, sponsored by Senators Girgenti (D-Passaic) and Kosco (R-Bergen) and Assembly Member Wisniewski (D-Middlesex), raises the maximum age for appointment for exempt firemen to age 45. Additionally, the bill removes the residency and citizenship requirements for qualification for an exempt fireman certificate.

**A-1710**, sponsored by Assembly Members Wisniewski (D-Middlesex) and Kelly (R-Bergen/Essex/Passaic) and Senators Bucco (R-Morris) and Girgenti (D-Passaic), makes a designated command structure a required element in municipal and county Emergency Operations Plans involving responses to mutual-aid fires.

**A-2271**, sponsored by Assembly Members Russo (R-Bergen/Passaic) and Zecker (R-Essex/Passaic) and Senator Bennett (R-Monmouth), clarifies certain duties of the municipal prosecutor with respect to zoning and building code violations.