

# 2C:11-4

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2001                   **CHAPTER:** 412  
**NJSA:** 2C:11-4               (Eluding law enforcement officers)  
**BILL NO:** A2407               (Substituted for S1623)

**SPONSOR(S):** Holzapfel and LeFevre

**DATE INTRODUCED:** May 11, 2000

**COMMITTEE:**           **ASSEMBLY:** Law and Public Safety

**SENATE:** Law and Public Safety

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:**           **ASSEMBLY:** November 20, 2000

**SENATE:** January 7, 2002

**DATE OF APPROVAL:** January 8, 2002

### FOLLOWING ARE ATTACHED IF AVAILABLE:

**FINAL TEXT OF BILL** (Original version of bill enacted)

#### A2407

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

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

**SENATE:** Yes

**FLOOR AMENDMENT STATEMENTS:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

#### S1623

**SPONSORS STATEMENT:** (Begins on page 3 of original bill) Yes  
Bill and Sponsors Statement identical to A2407

**COMMITTEE STATEMENT:**                   **ASSEMBLY:** No

**SENATE:** Yes  
Identical to Assembly Statement for A2407

**FLOOR AMENDMENT STATEMENTS:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

# ASSEMBLY, No. 2407

## STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED MAY 11, 2000

**Sponsored by:**

**Assemblyman JAMES W. HOLZAPFEL**

**District 10 (Monmouth and Ocean)**

**Assemblyman KENNETH C. LEFEVRE**

**District 2 (Atlantic)**

**Co-Sponsored by:**

**Assemblyman Zecker, Senators Singer and Allen**

**SYNOPSIS**

Provides that death caused by eluding law enforcement officer is aggravated manslaughter.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 1/8/2002)**

1 AN ACT concerning eluding a law enforcement officer and amending  
2 N.J.S.2C:11-4.

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

6  
7 1. N.J.S.2C:11-4 is amended to read as follows:

8 2C:11-4. Manslaughter. a. Criminal homicide constitutes  
9 aggravated manslaughter when [the] :

10 (1) The actor recklessly causes death under circumstances  
11 manifesting extreme indifference to human life ; or

12 (2) The actor causes the death of another person while fleeing or  
13 attempting to elude a law enforcement officer in violation of  
14 subsection b. of N.J.S.2C:29-2. Notwithstanding the provision of any  
15 other law to the contrary, the actor shall be strictly liable for a  
16 violation of this paragraph upon proof of a violation of subsection b.  
17 of N.J.S.2C:29-2 which resulted in the death of another person. As  
18 used in this paragraph, "actor" shall not include a passenger in a motor  
19 vehicle.

20 b. Criminal homicide constitutes manslaughter when:

21 (1) It is committed recklessly; or

22 (2) A homicide which would otherwise be murder under section  
23 2C:11-3 is committed in the heat of passion resulting from a  
24 reasonable provocation [; or

25 (3) The actor causes the death of another person while fleeing or  
26 attempting to elude a law enforcement officer in violation of  
27 subsection b. of N.J.S.2C:29-2. Notwithstanding the provision of any  
28 other law to the contrary, the actor shall be strictly liable for a  
29 violation of this paragraph upon proof of a violation of subsection b.  
30 of N.J.S.2C:29-2 which resulted in the death of another person].

31 c. Aggravated manslaughter under paragraph (1) of subsection a.  
32 of this section is a crime of the first degree and upon conviction  
33 thereof a person may, notwithstanding the provisions of paragraph (1)  
34 of subsection a. of N.J.S.2C:43-6, be sentenced to an ordinary term of  
35 imprisonment between 10 and 30 years. Aggravated manslaughter  
36 under paragraph (2) of subsection a. of this section is a crime of the  
37 first degree. Manslaughter is a crime of the second degree [; however,  
38 a person convicted under paragraph (3) of subsection b. of this section  
39 may, notwithstanding the provisions of paragraph (2) of subsection a.  
40 of N.J.S.2C:43-6, be sentenced to an ordinary term of imprisonment  
41 between five and 15 years].

42 (cf: P.L.1991, c.341, s.1)

**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.**

1       2. This act shall take effect immediately.

2

3

4

STATEMENT

5

6       Under this bill, a person who causes the death of another while  
7 fleeing or attempting to elude a police officer in violation of  
8 N.J.S.2C:29-2 (resisting arrest; eluding officer) commits aggravated  
9 manslaughter. The bill specifies that aggravated manslaughter in this  
10 context is a crime of the first degree. First-degree crimes are  
11 punishable by a term of imprisonment of 10 to 20 years, a fine of up  
12 to \$200,000, or both. It is the sponsor's belief that the court will  
13 impose a presumptive sentence of 15 years pursuant to subsection f.  
14 of N.J.S.2C:44-1 for a violation under the bill. Persons who commit  
15 first-degree aggravated manslaughter by recklessly causing death  
16 under circumstances manifesting extreme indifference to human life are  
17 subject to an ordinary term of imprisonment of 10 to 30 years.

18       Currently, causing the death of another while fleeing or attempting  
19 to elude a police officer in violation of N.J.S.2C:29-2 (resisting arrest;  
20 eluding officer) constitutes manslaughter under N.J.S.2C:11-4.  
21 Manslaughter is a crime of the second degree. Normally, second-degree  
22 crimes are punishable by a term of imprisonment of five to 10 years, a fine  
23 of up to \$150,000, or both. However, an enhanced term of imprisonment  
24 of five to 15 years may be imposed for this crime.

25       The bill also specifies that a passenger in a motor vehicle cannot  
26 "cause" the death of another while fleeing or attempting to elude a  
27 police officer.

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 2407

# STATE OF NEW JERSEY

DATED: SEPTEMBER 21, 2000

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 2407.

Assembly Bill No. 2407 amends N.J.S.2C:11-4 to upgrade the crime of causing the death of another while fleeing or attempting to elude a police officer in violation of N.J.S.2C:29-2 from manslaughter to aggravated manslaughter.

The bill specifies that causing the death of another while fleeing or attempting to elude a police officer in violation of N.J.S.2C:29-2 is a crime of the first degree. First-degree crimes are punishable by a term of imprisonment of 10 to 20 years, a fine of up to \$200,000, or both. It is the sponsor's understanding that the court will impose, pursuant to subsection f. of N.J.S.2C:44-1, a presumptive sentence of 15 years upon a person convicted of causing the death of another while fleeing or attempting to elude a police officer.

The bill also specifies that a passenger in a motor vehicle cannot "cause" the death of another while fleeing or attempting to elude a police officer.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 2407**

**STATE OF NEW JERSEY**

DATED: MARCH 15, 2001

The Senate Law and Public Safety Committee reports favorably Assembly Bill No. 2407.

This bill amends N.J.S.2C:11-4 to upgrade the crime of causing the death of another while fleeing or attempting to elude a police officer in violation of N.J.S.2C:29-2 from manslaughter to aggravated manslaughter.

The bill specifies that causing the death of another while fleeing or attempting to elude a police officer in violation of N.J.S.2C:29-2 is a crime of the first degree. First-degree crimes are punishable by a term of imprisonment of 10 to 20 years, a fine of up to \$200,000, or both. It is the sponsor's understanding that the court will impose, pursuant to subsection f. of N.J.S.2C:44-1, a presumptive sentence of 15 years upon a person convicted of causing the death of another while fleeing or attempting to elude a police officer.

The bill also specifies that a passenger in a motor vehicle cannot "cause" the death of another while fleeing or attempting to elude a police officer.

This bill is identical to Senate Bill No. 1623, which also was released by the committee on this date.

**SENATE, No. 1623**

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

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INTRODUCED SEPTEMBER 21, 2000

**Sponsored by:**

**Senator ROBERT W. SINGER**

**District 30 (Burlington, Monmouth and Ocean)**

**Senator DIANE ALLEN**

**District 7 (Burlington and Camden)**

**SYNOPSIS**

Provides that death caused by eluding law enforcement officer is aggravated manslaughter.

**CURRENT VERSION OF TEXT**

As introduced.





1 AN ACT concerning eluding a law enforcement officer and amending  
2 N.J.S.2C:11-4.

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

6  
7 1. N.J.S.2C:11-4 is amended to read as follows:

8 2C:11-4. Manslaughter. a. Criminal homicide constitutes  
9 aggravated manslaughter when [the] :

10 (1) The actor recklessly causes death under circumstances  
11 manifesting extreme indifference to human life ; or

12 (2) The actor causes the death of another person while fleeing or  
13 attempting to elude a law enforcement officer in violation of  
14 subsection b. of N.J.S.2C:29-2. Notwithstanding the provision of any  
15 other law to the contrary, the actor shall be strictly liable for a  
16 violation of this paragraph upon proof of a violation of subsection b.  
17 of N.J.S.2C:29-2 which resulted in the death of another person. As  
18 used in this paragraph, "actor" shall not include a passenger in a motor  
19 vehicle.

20 b. Criminal homicide constitutes manslaughter when:

21 (1) It is committed recklessly; or

22 (2) A homicide which would otherwise be murder under section  
23 2C:11-3 is committed in the heat of passion resulting from a  
24 reasonable provocation [; or

25 (3) The actor causes the death of another person while fleeing or  
26 attempting to elude a law enforcement officer in violation of  
27 subsection b. of N.J.S.2C:29-2. Notwithstanding the provision of any  
28 other law to the contrary, the actor shall be strictly liable for a  
29 violation of this paragraph upon proof of a violation of subsection b.  
30 of N.J.S.2C:29-2 which resulted in the death of another person].

31 c. Aggravated manslaughter under paragraph (1) of subsection a.  
32 of this section is a crime of the first degree and upon conviction  
33 thereof a person may, notwithstanding the provisions of paragraph (1)  
34 of subsection a. of N.J.S.2C:43-6, be sentenced to an ordinary term of  
35 imprisonment between 10 and 30 years. Aggravated manslaughter  
36 under paragraph (2) of subsection a. of this section is a crime of the  
37 first degree. Manslaughter is a crime of the second degree [; however,  
38 a person convicted under paragraph (3) of subsection b. of this section  
39 may, notwithstanding the provisions of paragraph (2) of subsection a.  
40 of N.J.S.2C:43-6, be sentenced to an ordinary term of imprisonment  
41 between five and 15 years].

42 (cf: P.L.1991, c.341, s.1)

**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       2. This act shall take effect immediately.

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STATEMENT

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6       Under this bill, a person who causes the death of another while  
7 fleeing or attempting to elude a police officer in violation of  
8 N.J.S.2C:29-2 (resisting arrest; eluding officer) commits aggravated  
9 manslaughter. The bill specifies that aggravated manslaughter in this  
10 context is a crime of the first degree. First-degree crimes are  
11 punishable by a term of imprisonment of 10 to 20 years, a fine of up  
12 to \$200,000, or both. It is the sponsor's belief that the court will  
13 impose a presumptive sentence of 15 years pursuant to subsection f.  
14 of N.J.S.2C:44-1 for a violation under the bill. Persons who commit  
15 first-degree aggravated manslaughter by recklessly causing death  
16 under circumstances manifesting extreme indifference to human life are  
17 subject to an ordinary term of imprisonment of 10 to 30 years.

18       Currently, causing the death of another while fleeing or attempting  
19 to elude a police officer in violation of N.J.S.2C:29-2 (resisting arrest;  
20 eluding officer) constitutes manslaughter under N.J.S.2C:11-4.  
21 Manslaughter is a crime of the second degree. Normally, second-degree  
22 crimes are punishable by a term of imprisonment of five to 10 years, a fine  
23 of up to \$150,000, or both. However, an enhanced term of imprisonment  
24 of five to 15 years may be imposed for this crime.

25       The bill also specifies that a passenger in a motor vehicle cannot  
26 "cause" the death of another while fleeing or attempting to elude a  
27 police officer.

# SENATE LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### SENATE, No. 1623

# STATE OF NEW JERSEY

DATED: MARCH 15, 2001

The Senate Law and Public Safety Committee reports favorably Senate Bill No. 1623.

This bill amends N.J.S.2C:11-4 to upgrade the crime of causing the death of another while fleeing or attempting to elude a police officer in violation of N.J.S.2C:29-2 from manslaughter to aggravated manslaughter.

The bill specifies that causing the death of another while fleeing or attempting to elude a police officer in violation of N.J.S.2C:29-2 is a crime of the first degree. First-degree crimes are punishable by a term of imprisonment of 10 to 20 years, a fine of up to \$200,000, or both. It is the sponsor's understanding that the court will impose, pursuant to subsection f. of N.J.S.2C:44-1, a presumptive sentence of 15 years upon a person convicted of causing the death of another while fleeing or attempting to elude a police officer.

The bill also specifies that a passenger in a motor vehicle cannot "cause" the death of another while fleeing or attempting to elude a police officer.

This bill is identical to Assembly Bill No. 2407, which also was released by the committee on this date.

P.L. 2001, CHAPTER 412, *approved January 8, 2002*

Assembly, No. 2407

1 AN ACT concerning eluding a law enforcement officer and amending  
2 N.J.S.2C:11-4.

3

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

6

7 1. N.J.S.2C:11-4 is amended to read as follows:

8 2C:11-4. Manslaughter. a. Criminal homicide constitutes  
9 aggravated manslaughter when [the] :

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11 manifesting extreme indifference to human life ; or

12 (2) The actor causes the death of another person while fleeing or  
13 attempting to elude a law enforcement officer in violation of  
14 subsection b. of N.J.S.2C:29-2. Notwithstanding the provision of any  
15 other law to the contrary, the actor shall be strictly liable for a  
16 violation of this paragraph upon proof of a violation of subsection b.  
17 of N.J.S.2C:29-2 which resulted in the death of another person. As  
18 used in this paragraph, "actor" shall not include a passenger in a motor  
19 vehicle.

20 b. Criminal homicide constitutes manslaughter when:

21 (1) It is committed recklessly; or

22 (2) A homicide which would otherwise be murder under section  
23 2C:11-3 is committed in the heat of passion resulting from a  
24 reasonable provocation [; or

25 (3) The actor causes the death of another person while fleeing or  
26 attempting to elude a law enforcement officer in violation of  
27 subsection b. of N.J.S.2C:29-2. Notwithstanding the provision of any  
28 other law to the contrary, the actor shall be strictly liable for a  
29 violation of this paragraph upon proof of a violation of subsection b.  
30 of N.J.S.2C:29-2 which resulted in the death of another person].

31 c. Aggravated manslaughter under paragraph (1) of subsection a.  
32 of this section is a crime of the first degree and upon conviction  
33 thereof a person may, notwithstanding the provisions of paragraph (1)  
34 of subsection a. of N.J.S.2C:43-6, be sentenced to an ordinary term of  
35 imprisonment between 10 and 30 years. Aggravated manslaughter  
36 under paragraph (2) of subsection a. of this section is a crime of the  
37 first degree. Manslaughter is a crime of the second degree [; however,  
38 a person convicted under paragraph (3) of subsection b. of this section  
39 may, notwithstanding the provisions of paragraph (2) of subsection a.  
40 of N.J.S.2C:43-6, be sentenced to an ordinary term of imprisonment  
41 between five and 15 years].

42 (cf: P.L.1991, c.341, s.1)

**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.**

1       2. This act shall take effect immediately.

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6       Under this bill, a person who causes the death of another while  
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8 N.J.S.2C:29-2 (resisting arrest; eluding officer) commits aggravated  
9 manslaughter. The bill specifies that aggravated manslaughter in this  
10 context is a crime of the first degree. First-degree crimes are  
11 punishable by a term of imprisonment of 10 to 20 years, a fine of up  
12 to \$200,000, or both. It is the sponsor's belief that the court will  
13 impose a presumptive sentence of 15 years pursuant to subsection f.  
14 of N.J.S.2C:44-1 for a violation under the bill. Persons who commit  
15 first-degree aggravated manslaughter by recklessly causing death  
16 under circumstances manifesting extreme indifference to human life are  
17 subject to an ordinary term of imprisonment of 10 to 30 years.

18       Currently, causing the death of another while fleeing or attempting  
19 to elude a police officer in violation of N.J.S.2C:29-2 (resisting arrest;  
20 eluding officer) constitutes manslaughter under N.J.S.2C:11-4.  
21 Manslaughter is a crime of the second degree. Normally, second-degree  
22 crimes are punishable by a term of imprisonment of five to 10 years, a fine  
23 of up to \$150,000, or both. However, an enhanced term of imprisonment  
24 of five to 15 years may be imposed for this crime.

25       The bill also specifies that a passenger in a motor vehicle cannot  
26 "cause" the death of another while fleeing or attempting to elude a  
27 police officer.

28

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32       \_\_\_\_\_  
33 Provides that death caused by eluding law enforcement officer is  
aggravated manslaughter.

## CHAPTER 412

AN ACT concerning eluding a law enforcement officer and amending N.J.S.2C:11-4.

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

1. N.J.S.2C:11-4 is amended to read as follows:

Manslaughter.

2C:11-4. Manslaughter. a. Criminal homicide constitutes aggravated manslaughter when:

(1) The actor recklessly causes death under circumstances manifesting extreme indifference to human life; or

(2) The actor causes the death of another person while fleeing or attempting to elude a law enforcement officer in violation of subsection b. of N.J.S.2C:29-2. Notwithstanding the provision of any other law to the contrary, the actor shall be strictly liable for a violation of this paragraph upon proof of a violation of subsection b. of N.J.S.2C:29-2 which resulted in the death of another person. As used in this paragraph, "actor" shall not include a passenger in a motor vehicle.

b. Criminal homicide constitutes manslaughter when:

(1) It is committed recklessly; or

(2) A homicide which would otherwise be murder under section 2C:11-3 is committed in the heat of passion resulting from a reasonable provocation.

c. Aggravated manslaughter under paragraph (1) of subsection a. of this section is a crime of the first degree and upon conviction thereof a person may, notwithstanding the provisions of paragraph (1) of subsection a. of N.J.S.2C:43-6, be sentenced to an ordinary term of imprisonment between 10 and 30 years. Aggravated manslaughter under paragraph (2) of subsection a. of this section is a crime of the first degree. Manslaughter is a crime of the second degree.

2. This act shall take effect immediately.

Approved January 8, 2002.