

2C:11-5

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2C:11-5 (Death by auto - under the influence of liquor or drugs - mandatory prison or community service sentence - 120 days)

LAWS OF: 1983

CHAPTER: 39

Bill No.: A1380

Sponsor(s): Herman

Date Introduced: May 17, 1982

Committee: Assembly: Judiciary, Law, Public Safety and Defense

Senate: Judiciary

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

Date of Passage: Assembly: June 14, 1982

Senate: Oct. 25, 1982

Date of Approval: Jan. 26, 1983

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

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1-26-83

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ASSEMBLY, No. 1380

STATE OF NEW JERSEY

INTRODUCED MAY 17, 1982

By Assemblyman HERMAN

AN ACT concerning death by auto and amending N. J. S. 2C:11-5.

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

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

2 2C:11-5. Death by auto. a. Criminal homicide constitutes death
3 by auto when it is caused by driving a vehicle recklessly.

4 b. Death by auto is a crime of the fourth degree *and notwith-*
5 *standing the provisions of 2C:43-2, the court may not suspend the*
6 *imposition of sentence on any defendant convicted under this sec-*
7 *tion *who was operating the vehicle under the influence of an*
8 *intoxicating liquor, narcotic, hallucinogenic or habit-producing*
9 *drug* and any sentence imposed under this section shall include*
10 *either a fixed minimum term of 120 days imprisonment during which*
11 *the defendant shall be ineligible for parole ***[or a requirement]****
12 *****[**;* *provided however, that the court may require* that the de-*
13 *fendants]** **or a requirement that the defendant** perform a*
13A *community related service **for a minimum of 120 days**.*

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

1 2. This act shall take effect immediately.

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:

*—Assembly committee amendments adopted May 20, 1982.

**—Senate committee amendments adopted July 22, 1982.

ASSEMBLY. No. 1380

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9 *defendant shall be ineligible for parole or a requirement that the*
10 *defendants perform a community related service.*

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

1 2. This act shall take effect immediately.

STATEMENT

This bill would prohibit a sentencing court from suspending sentence on any person convicted of death by auto. The bill would also require that any sentence imposed for death by auto include either a mandatory minimum term of 4 months imprisonment or a requirement that the defendant perform some community-related service.

Matter printed in italics thus is new matter.

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND
DEFENSE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1380

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: MAY 20, 1982

This bill, as amended, would prohibit a sentencing court from suspending sentence on any person convicted of death by auto who was under the influence of alcohol or drugs. The bill would also require that any sentence imposed for death by auto include either a mandatory minimum term of 4 months imprisonment or a requirement that the defendant perform some community-related service.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1380

with Senate committee amendments

STATE OF NEW JERSEY

DATED: JULY 22, 1982

Assembly Bill No. 1380 would prohibit a sentencing court from suspending sentence on any person convicted of death by auto who committed the offense while under the influence of alcohol or drugs. Assembly Bill No. 1380 would also require that in those circumstances, any sentence imposed for death by auto include either a mandatory minimum term of four months imprisonment or a requirement that the defendant perform some community-related service. Sentencing for death by auto in circumstances other than when the person was under the influence of alcohol or drugs would not be affected by Assembly Bill No. 1380.