

2C:40-22

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2005 **CHAPTER:** 230

NJSA: 2C:40-22 ("Christopher's Law;" makes it a crime for unlicensed driver to be involved in motor vehicle accident resulting in death or serious bodily injury)

BILL NO: S2144 (Substituted for A3526)

SPONSOR(S): Kean and others

DATE INTRODUCED: December 13, 2004

COMMITTEE: **ASSEMBLY:**

SENATE: Law and Public Safety and Veterans' Affairs

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** June 30, 2005

SENATE: June 27, 2005

DATE OF APPROVAL: September 22, 2005

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (1st reprint enacted)

S2144

[SPONSOR'S STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

[SENATE:](#) [Yes](#)

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

A3526

[SPONSOR'S STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)

COMMITTEE STATEMENT: [ASSEMBLY:](#) [Yes](#)

SENATE: No

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

IS 11/9/07

P.L. 2005, CHAPTER 230, *approved September 22, 2005*
Senate, No. 2144 (*First Reprint*)

1 AN ACT concerning unlicensed drivers ¹and designated Christopher's
2 Law,¹ amending section 2 of P.L.2001, c.213 and supplementing
3 ¹[title] Title¹ 2C of the New Jersey Statutes.

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

7
8 ¹[1. (New section) P.L. ,c. (C.) shall be known and may be
9 cited as "Christopher's Law."]¹

10
11 ¹[2.] 1,¹ Section 2 of P.L.2001, c.213 (C.2C:40-22) is amended
12 to read as follows:

13 2. a. A person who, while operating a motor vehicle in violation
14 of R.S.39:3-40 ¹or while the person's driver's license is suspended or
15 revoked in any other State, the District of Columbia or the United
16 States Territories of American Samoa, Guam, Puerto Rico or the
17 Virgin Islands, or by another country,¹ or without ever having been
18 issued a driver's license by this or any other State, the District of
19 Columbia or the United States Territories of American Samoa, Guam,
20 Puerto Rico or the Virgin Islands, ¹or by another country,¹ is involved
21 in ¹[an] a motor vehicle¹ accident resulting in the death of another
22 person, shall be guilty of a crime of the third degree, in addition to any
23 other penalties applicable under R.S.39:3-40 or any other provision of
24 law. ¹[The] Upon conviction, the¹ person's driver's license ¹or
25 reciprocity privilege¹ shall be suspended for an additional period of
26 one year, in addition to any suspension applicable under R.S.39:3-40
27 ¹and shall be consecutive to any existing suspension or revocation¹. If
28 the person ¹[does] did¹ not have a driver's license at the time ¹[of]¹
29 the accident ¹occurred¹ , the person shall be disqualified from
30 obtaining a driver's license ¹in this State¹ for a period of one year.
31 The additional period of suspension ¹, revocation¹ or disqualification
32 shall commence upon the completion of any term of imprisonment.

33 b. A person who, while operating a motor vehicle in violation of
34 R.S.39:3-40 ¹or while the person's driver's license is suspended or
35 revoked in any other State, the District of Columbia or the United
36 States Territories of American Samoa, Guam, Puerto Rico or the
37 Virgin Islands , or by another country, or without ever having been
38 issued a driver's license by this or any other State, the District of
39 Columbia or the United States Territories of American Samoa, Guam,
40 Puerto Rico or the Virgin Islands, or by another country¹, is involved

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:

¹ Senate SLP committee amendments adopted June 9, 2005.

1 in ¹[an] a motor vehicle¹ accident resulting in serious bodily injury,
2 as defined in N.J.S.2C:11-1, to another person shall be guilty of a
3 crime of the fourth degree, in addition to any other penalties applicable
4 under R.S.39:3-40 ¹or any other provision of law¹. ¹[The] Upon
5 conviction, the¹ person's driver's license ¹or reciprocity privilege¹ shall
6 be suspended for an additional period of one year, in addition to any
7 suspension applicable under R.S.39:3-40 ¹, and shall be consecutive
8 to any existing suspension or revocation. If the person did not have
9 a driver's license at the time the motor vehicle accident occurred, the
10 person shall be disqualified from obtaining a driver's license in this
11 State for a period of one year¹. The additional period of suspension
12 ¹, revocation or disqualification¹ shall commence upon the completion
13 of any term of imprisonment.

14 c. The provisions of N.J.S.2C:2-3 governing the causal relationship
15 between conduct and result shall not apply in a prosecution under this
16 section. For purposes of this offense, the defendant's act of operating
17 a motor vehicle while his driver's license or reciprocity privilege has
18 been suspended or revoked or who operates a motor vehicle without
19 being licensed to do so is the cause of death or injury when:

20 (1) The operation of the motor vehicle is an antecedent but for
21 which the death or injury would not have occurred; and

22 (2) The death or injury was not:

23 (a) too remote in its occurrence as to have a just bearing on the
24 defendant's liability; or

25 (b) too dependent upon the conduct of another person which was
26 unrelated to the defendant's operation of a motor vehicle as to have a
27 just bearing on the defendant's liability.

28 d. It shall not be a defense to a prosecution under this section that
29 the decedent contributed to his own death or injury by reckless or
30 negligent conduct or operation of a motor vehicle.

31 e. Nothing in this section shall be construed to preclude or limit
32 any prosecution for homicide.

33 (cf: P.L.2001, c.213, s.2)

34

35 ¹[3.] 2.¹ This act shall take effect immediately.

36

37

38

39

40 "Christopher's Law;" makes it a crime for unlicensed driver to be
41 involved in motor vehicle accident resulting in death or serious bodily
42 injury.

SENATE, No. 2144

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED DECEMBER 13, 2004

Sponsored by:

Senator THOMAS H. KEAN, JR.

District 21 (Essex, Morris, Somerset and Union)

Senator NICHOLAS SCUTARI

District 22 (Middlesex, Somerset and Union)

Co-Sponsored by:

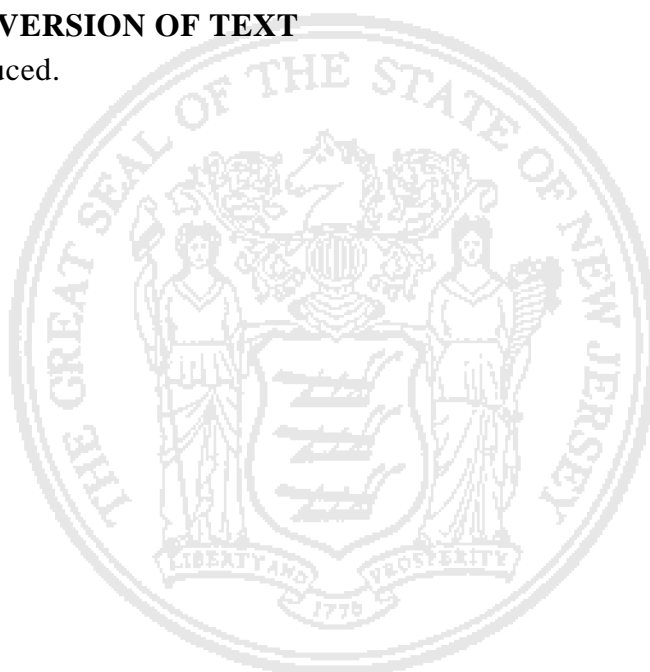
Senators Sarlo, Buono and McNamara

SYNOPSIS

"Christopher's Law;" Makes involvement in fatal accident while driving without license a third degree crime.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/10/2005)

1 AN ACT concerning unlicensed drivers, amending section 2 of
2 P.L.2001, c.213 and supplementing title 2C of the New Jersey
3 Statutes.

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

7
8 1. (New section) P.L. ,c. (C.) shall be known and may be
9 cited as "Christopher's Law."

10
11 2. Section 2 of P.L.2001, c.213 (C.2C:40-22) is amended to read
12 as follows:

13 2. a. A person who, while operating a motor vehicle in violation
14 of R.S.39:3-40 or without ever having been issued a driver's license by
15 this or any other State, the District of Columbia or the United States
16 Territories of American Samoa, Guam, Puerto Rico or the Virgin
17 Islands, is involved in an accident resulting in the death of another
18 person, shall be guilty of a crime of the third degree, in addition to any
19 other penalties applicable under R.S.39:3-40 or any other provision of
20 law. The person's driver's license shall be suspended for an additional
21 period of one year, in addition to any suspension applicable under
22 R.S.39:3-40. If the person does not have a driver's license at the time
23 of the accident, the person shall be disqualified from obtaining a
24 driver's license for a period of one year. The additional period of
25 suspension or disqualification shall commence upon the completion of
26 any term of imprisonment.

27 b. A person who, while operating a motor vehicle in violation of
28 R.S.39:3-40, is involved in an accident resulting in serious bodily
29 injury, as defined in N.J.S.2C:11-1, to another person shall be guilty
30 of a crime of the fourth degree, in addition to any other penalties
31 applicable under R.S.39:3-40. The person's driver's license shall be
32 suspended for an additional period of one year, in addition to any
33 suspension applicable under R.S.39:3-40. The additional period of
34 suspension shall commence upon the completion of any term of
35 imprisonment.

36 c. The provisions of N.J.S.2C:2-3 governing the causal relationship
37 between conduct and result shall not apply in a prosecution under this
38 section. For purposes of this offense, the defendant's act of operating
39 a motor vehicle while his driver's license or reciprocity privilege has
40 been suspended or revoked or who operates a motor vehicle without
41 being licensed to do so is the cause of death or injury when:

42 (1) The operation of the motor vehicle is an antecedent but for
43 which the death or injury would not have occurred; and

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) The death or injury was not:
2 (a) too remote in its occurrence as to have a just bearing on the
3 defendant's liability; or
4 (b) too dependent upon the conduct of another person which was
5 unrelated to the defendant's operation of a motor vehicle as to have a
6 just bearing on the defendant's liability.
7 d. It shall not be a defense to a prosecution under this section that
8 the decedent contributed to his own death or injury by reckless or
9 negligent conduct or operation of a motor vehicle.
10 e. Nothing in this section shall be construed to preclude or limit
11 any prosecution for homicide.
12 (cf: P.L.2001, c.213, s.2)
13
14 3. This act shall take effect immediately.
15
16

17 STATEMENT
18

19 This bill would make a driver who has never had a driver's license
20 who is involved in an accident that results in the death of another
21 person guilty of a crime of the third degree. Third degree crimes are
22 punishable by three to five years imprisonment, a fine of up to
23 \$15,000, or both.

24 Under current law, a person who has been prohibited from
25 obtaining a driver's license or who's driver's license has been refused,
26 suspended or revoked who is involved in an accident that results in the
27 death of another person is guilty of a crime of the third degree.

28 It is the sponsor's intention that this act be known as "Christopher's
29 Law," in memory of Christopher Williamson, a 12-year old boy who
30 died as a result of an accident involving an unlicensed driver in the
31 summer of 2004.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 2144

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 9, 2005

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably and with committee amendments Senate Bill No. 2144.

As amended and reported by the committee, Senate Bill No. 2144 establishes that a driver who has never been issued a driver's license in this State or another jurisdiction or who is the holder of a driver's license from a jurisdiction other than New Jersey whose license has been suspended or revoked by that jurisdiction who is involved in a motor vehicle accident that results in the death of another person is guilty of a crime of the third degree. Third degree crimes are punishable by three to five years imprisonment, a fine of up to \$15,000, or both. The amended bill also makes it a crime of the fourth degree for such an unlicensed person to be involved in an accident that results in serious bodily injury. Fourth degree crimes are punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both.

Under current law, a person who has been prohibited from obtaining a driver's license or who's driver's license has been refused, suspended or revoked who is involved in an accident that results in the death of another person is guilty of a crime of the third degree and is guilty of a crime of the fourth degree if the accident results in serious bodily injury to another person.

The committee amended the bill to make it a fourth degree crime for a person who has never been issued a driver's license to operate a motor vehicle involved in an accident resulting in serious bodily injury to another person. The amendments also clarify that upon conviction under the bill, a person's reciprocity privilege could also be suspended. The amendments specify that a driver's license suspension under the bill's provisions would be consecutive to any existing revocation or suspension. Finally, the amendments clarify that the provisions of the bill apply to persons from other countries who are unlicensed and to persons whose licenses are suspended or revoked in another country.

ASSEMBLY, No. 3526

STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED NOVEMBER 22, 2004

Sponsored by:

Assemblyman ERIC MUNOZ

District 21 (Essex, Morris, Somerset and Union)

Assemblyman JON M. BRAMNICK

District 21 (Essex, Morris, Somerset and Union)

Co-Sponsored by:

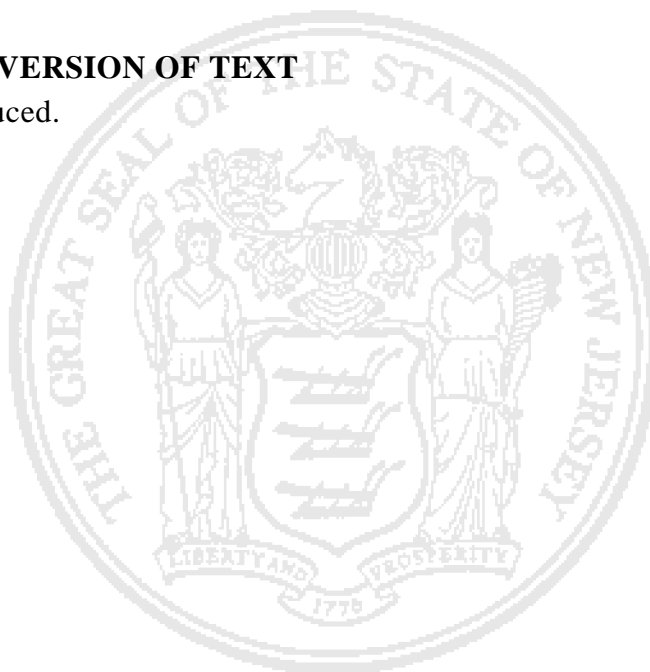
**Assemblymen Barnes, Diegnan, Vas, Azzolina, Assemblywoman Voss and
Assemblyman Scalera**

SYNOPSIS

"Christopher's Law;" Makes involvement in fatal accident while driving without license a third degree crime.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/20/2005)

1 AN ACT concerning unlicensed drivers, amending section 2 of
2 P.L.2001, c.213 and supplementing title 2C of the New Jersey
3 Statutes.

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

7
8 1. (New section) P.L. ,c. (C.) shall be known and may be
9 cited as "Christopher's Law."

10
11 2. Section 2 of P.L.2001, c.213 (C.2C:40-22) is amended to read
12 as follows:

13 2. a. A person who, while operating a motor vehicle in violation
14 of R.S.39:3-40 or without ever having been issued a driver's license by
15 this or any other State, the District of Columbia or the United States
16 Territories of American Samoa, Guam, Puerto Rico or the Virgin
17 Islands, is involved in an accident resulting in the death of another
18 person, shall be guilty of a crime of the third degree, in addition to any
19 other penalties applicable under R.S.39:3-40 or any other provision of
20 law. The person's driver's license shall be suspended for an additional
21 period of one year, in addition to any suspension applicable under
22 R.S.39:3-40. If the person does not have a driver's license at the time
23 of the accident, the person shall be disqualified from obtaining a
24 driver's license for a period of one year. The additional period of
25 suspension or disqualification shall commence upon the completion of
26 any term of imprisonment.

27 b. A person who, while operating a motor vehicle in violation of
28 R.S.39:3-40, is involved in an accident resulting in serious bodily
29 injury, as defined in N.J.S.2C:11-1, to another person shall be guilty
30 of a crime of the fourth degree, in addition to any other penalties
31 applicable under R.S.39:3-40. The person's driver's license shall be
32 suspended for an additional period of one year, in addition to any
33 suspension applicable under R.S.39:3-40. The additional period of
34 suspension shall commence upon the completion of any term of
35 imprisonment.

36 c. The provisions of N.J.S.2C:2-3 governing the causal relationship
37 between conduct and result shall not apply in a prosecution under this
38 section. For purposes of this offense, the defendant's act of operating
39 a motor vehicle while his driver's license or reciprocity privilege has
40 been suspended or revoked or who operates a motor vehicle without
41 being licensed to do so is the cause of death or injury when:

42 (1) The operation of the motor vehicle is an antecedent but for
43 which the death or injury would not have occurred; and

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) The death or injury was not:
2 (a) too remote in its occurrence as to have a just bearing on the
3 defendant's liability; or
4 (b) too dependent upon the conduct of another person which was
5 unrelated to the defendant's operation of a motor vehicle as to have a
6 just bearing on the defendant's liability.
7 d. It shall not be a defense to a prosecution under this section that
8 the decedent contributed to his own death or injury by reckless or
9 negligent conduct or operation of a motor vehicle.
10 e. Nothing in this section shall be construed to preclude or limit
11 any prosecution for homicide.
12 (cf: P.L.2001, c.213, s.2)
13
14 3. This act shall take effect immediately.
15
16

17 STATEMENT
18

19 This bill would make a driver who has never had a driver's license
20 who is involved in an accident that results in the death of another
21 person guilty of a crime of the third degree. Third degree crimes are
22 punishable by three to five years imprisonment, a fine of up to
23 \$15,000, or both.

24 Under current law, a person who has been prohibited from
25 obtaining a driver's license or who's driver's license has been refused,
26 suspended or revoked who is involved in an accident that results in the
27 death of another person is guilty of a crime of the third degree.

28 It is the sponsor's intention that this act be known as "Christopher's
29 Law," in memory of Christopher Williamson, a 12-year old boy who
30 died as a result of an accident involving an unlicensed driver in the
31 summer of 2004.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3526

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 9, 2005

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 3526.

As amended and reported by the committee, Assembly Bill No. 3526 establishes that a driver who has never been issued a driver's license in this State or another jurisdiction or who is the holder of a driver's license from a jurisdiction other than New Jersey whose license has been suspended or revoked by that jurisdiction who is involved in a motor vehicle accident that results in the death of another person is guilty of a crime of the third degree. Third degree crimes are punishable by three to five years imprisonment, a fine of up to \$15,000, or both. The amended bill also makes it a crime of the fourth degree for such an unlicensed person to be involved in an accident that results in serious bodily injury. Fourth degree crimes are punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both.

Under current law, a person who has been prohibited from obtaining a driver's license or who's driver's license has been refused, suspended or revoked who is involved in an accident that results in the death of another person is guilty of a crime of the third degree and is guilty of a crime of the fourth degree if the accident results in serious bodily injury to another person.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

1) make it a fourth degree crime for a person who has never been issued a driver's license to operate a motor vehicle involved in an accident resulting in serious bodily injury to another person;

2) clarify that upon conviction under the bill, a person's reciprocity privilege could also be suspended;

3) specify that a driver's license suspension under the bill's provisions would be consecutive to any existing revocation or suspension; and

4) clarify that the provisions of the bill apply to persons from other countries who are unlicensed and to persons whose licenses are suspended or revoked in another country.