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P.L. 2006, CHAPTER 28, *approved June 29, 2006*

Assembly, No. 911

1 **AN ACT** concerning certain prosecutions and supplementing Title
2 52 of the Revised Statutes and Title 2B 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. a. In any matter concerning Title 39 of the Revised Statutes
9 where death or serious bodily injury has occurred, regardless of
10 whether the death or serious bodily injury is an element of the
11 offense or violation, the Superior Court shall have exclusive
12 jurisdiction over the offense or violation until such time that the
13 Superior Court transfers the matter to the municipal court. For the
14 purposes of this section, the term "serious bodily injury" shall have
15 the meaning set forth in subsection b. of N.J.S.2C:11-1.

16 b. The Attorney General may develop guidelines establishing
17 procedures to be followed for prosecutions involving violations of
18 N.J.S.2C:11-4, N.J.S.2C:11-5 or section 1 of P.L.1997, c.111
19 (C.2C:11-5.1) or criminal offenses involving serious bodily injury
20 and underlying motor vehicle offenses arising from the same
21 incident consistent with the provisions of P.L. , c. (C.)(now
22 pending before the Legislature as this bill).

23

24 2. In order to promote uniform enforcement in matters when
25 death or serious bodily injury arises out of a motor vehicle incident,
26 any guidelines developed by the Attorney General pursuant to the
27 provisions of this act may be disseminated to the county
28 prosecutors.

29

30 3. This act shall take effect immediately.

31

32

33

34

35 _____
36 Clarifies jurisdiction concerning matters involving death or
37 serious bodily injury and motor vehicles offenses arising out of
same incident.

ASSEMBLY, No. 911

STATE OF NEW JERSEY

212th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

Sponsored by:

Assemblyman REED GUSCIORA

District 15 (Mercer)

Assemblyman PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

Assemblywoman LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Co-Sponsored by:

Assemblyman Connors

SYNOPSIS

Clarifies jurisdiction concerning matters involving death or serious bodily injury and motor vehicles offenses arising out of same incident.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning certain prosecutions and supplementing Title
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20 and underlying motor vehicle offenses arising from the same
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22 pending before the Legislature as this bill).

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27 provisions of this act may be disseminated to the county
28 prosecutors.

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33 STATEMENT

34

35 The New Jersey Supreme Court has ruled that, after a defendant
36 pleads guilty in municipal court to traffic offenses, the double
37 jeopardy provisions of the State and federal constitutions bar a
38 subsequent prosecution against him in Superior Court for criminal
39 charges arising out of the same incident. [State v. Dively, 92 N.J.
40 573 (1983.)]

41 This bill was prompted by an incident in which a Trenton couple
42 was killed but the defendant had entered a guilty plea in municipal
43 court to traffic offenses prior to the resolution of the criminal
44 charges for aggravated manslaughter and death by auto. Under
45 Dively, the disposition in municipal court of the traffic offenses
46 precluded the prosecutor from bringing the defendant to trial on the
47 criminal charges. It is the intention of the sponsor that established

A911 GUSCIORA, DIEGNAN

1 guidelines may prevent this type of situation from occurring in the
2 future.

3 The bill provides that in any matter concerning a motor vehicle
4 incident where death or serious bodily injury has occurred,
5 regardless of whether death or serious bodily injury is an element of
6 the offense or violation, the Superior Court shall have exclusive
7 jurisdiction over the offense or violation until such time that the
8 Superior Court transfers the matter to the municipal court. By
9 clearly and unequivocally placing jurisdiction with regard to these
10 matters with the Superior Court, the bill would provide for one
11 court to resolve the case as opposed to two different courts, the
12 municipal and Superior Court, working at odds with each other.

13 The bill provides that the Attorney General may develop
14 guidelines on this issue and may disseminate the guidelines to the
15 county prosecutors.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 911

STATE OF NEW JERSEY

DATED: JANUARY 26, 2006

The New Jersey Supreme Court has ruled that, after a defendant pleads guilty in municipal court to traffic offenses, the double jeopardy provisions of the State and federal constitutions bar a subsequent prosecution against him in Superior Court for criminal charges arising out of the same incident. State v. Dively, 92 N.J. 573 (1983)

This bill was prompted by an incident in which a Trenton couple was killed but the defendant had entered a guilty plea in municipal court to traffic offenses prior to the resolution of the criminal charges for aggravated manslaughter and death by auto. Under Dively, the disposition in municipal court of the traffic offenses precluded the prosecutor from bringing the defendant to trial on the criminal charges. It is the intention of the sponsor that established guidelines may prevent this type of situation from occurring in the future.

The bill provides that in any matter concerning a motor vehicle incident where death or serious bodily injury has occurred, regardless of whether death or serious bodily injury is an element of the offense or violation, the Superior Court shall have *exclusive jurisdiction* over the offense or violation until such time that the Superior Court transfers the matter to the municipal court. By clearly and unequivocally placing jurisdiction with regard to these matters with the Superior Court, the bill would provide for one court to resolve the case as opposed to two different courts, the municipal and Superior Court, working at odds with each other.

The bill provides that the Attorney General may develop guidelines on this issue and may disseminate the guidelines to the county prosecutors.

This bill was pre-filed for introduction in the 2006-2007 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 911

STATE OF NEW JERSEY

DATED: MAY 11, 2006

The Senate Judiciary Committee reports favorably Assembly Bill No. 911.

The bill provides that in any matter concerning a motor vehicle incident where death or serious bodily injury has occurred, regardless of whether death or serious bodily injury is an element of the offense or violation, the Superior Court shall have *exclusive jurisdiction* over the offense or violation until such time that the Superior Court transfers the matter to the municipal court. By clearly and unequivocally placing jurisdiction with regard to these matters with the Superior Court, the bill would provide for one court to resolve the case to avoid the problems associated with two different courts, the municipal court and Superior Court, potentially working at cross purposes.

The New Jersey Supreme Court has ruled that, after a defendant pleads guilty in municipal court to traffic offenses, the double jeopardy provisions of the State and federal constitutions bar a subsequent prosecution against him in Superior Court for criminal charges arising out of the same incident. State v. Dively, 92 N.J. 573 (1983)

The bill provides that the Attorney General may develop guidelines on this issue and may disseminate the guidelines to the county prosecutors.

This bill is identical to Senate, No. 1773.

SENATE, No. 1773

STATE OF NEW JERSEY
212th LEGISLATURE

INTRODUCED MARCH 21, 2006

Sponsored by:
Senator SHIRLEY K. TURNER
District 15 (Mercer)

SYNOPSIS

Clarifies jurisdiction concerning matters involving death or serious bodily injury and motor vehicles offenses arising out of same incident.

CURRENT VERSION OF TEXT

As introduced.



S1773 TURNER

2

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20 and underlying motor vehicle offenses arising from the same
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22 pending before the Legislature as this bill).

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S1773 TURNER

1 charges arising out of the same incident. State v. Dively, 92 N.J.
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3 This bill was prompted by an incident in which a Trenton couple
4 was killed but the defendant had entered a guilty plea in municipal
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6 charges for aggravated manslaughter and death by auto. Under
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SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1773

STATE OF NEW JERSEY

DATED: MAY 11, 2006

The Senate Judiciary Committee reports favorably Senate Bill No. 1773.

The bill provides that in any matter concerning a motor vehicle incident where death or serious bodily injury has occurred, regardless of whether death or serious bodily injury is an element of the offense or violation, the Superior Court shall have *exclusive jurisdiction* over the offense or violation until such time that the Superior Court transfers the matter to the municipal court. By clearly and unequivocally placing jurisdiction with regard to these matters with the Superior Court, the bill would provide for one court to resolve the case to avoid the problems associated with two different courts, the municipal court and Superior Court, potentially working at cross purposes.

The New Jersey Supreme Court has ruled that, after a defendant pleads guilty in municipal court to traffic offenses, the double jeopardy provisions of the State and federal constitutions bar a subsequent prosecution against him in Superior Court for criminal charges arising out of the same incident. State v. Dively, 92 N.J. 573 (1983).

The bill provides that the Attorney General may develop guidelines on this issue and may disseminate the guidelines to the county prosecutors.

This bill is identical to Assembly, No. 911.