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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

“State stiffens penalty for hit-and-run drivers,” The Press, May 5, 2007

“Law toughens penalty for hit-and-run killers,” Asbury Park Press, May 5, 2007, p.A3

RWH 4/25/08

P.L. 2007, CHAPTER 83, *approved May 4, 2007*
Assembly, No. 1038 (*First Reprint*)

1 AN ACT concerning knowingly leaving the scene of a motor vehicle
2 accident resulting in death or serious bodily injury, designating
3 the act as "Skinner's ¹and Michelle's Law" and amending
4 P.L.1997, c.111 and N.J.S.2C:44-1.

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

8
9 1. Section 1 of P.L.1997, c.111 (C.2C:11-5.1) is amended to
10 read as follows:

11 1. A motor vehicle operator who knows he is involved in an
12 accident and knowingly leaves the scene of that accident under
13 circumstances that violate the provisions of R.S.39:4-129 shall be
14 guilty of a crime of the **[third]** second degree if the accident results
15 in the death of another person. **[The presumption of**
16 **nonimprisonment set forth in N.J.S.2C:44-1 shall not apply to**
17 **persons convicted under the provisions of this section.]**

18 If the evidence so warrants, nothing in this section shall be
19 deemed to preclude an indictment and conviction for aggravated
20 manslaughter under the provisions of N.J.S.2C:11-4 or vehicular
21 homicide under the provisions of N.J.S.2C:11-5.

22 Notwithstanding the provisions of N.J.S.2C:1-8 or any other
23 provisions of law, a conviction arising under this section shall not
24 merge with a conviction for aggravated manslaughter under the
25 provisions of N.J.S.2C:11-4 or for vehicular homicide under the
26 provisions of N.J.S.2C:11-5 and a separate sentence shall be
27 imposed upon each such conviction.

28 Notwithstanding the provisions of N.J.S.2C:44-5 or any other
29 provisions of law, when the court imposes multiple sentences of
30 imprisonment for more than one offense, those sentences shall run
31 consecutively.

32 For the purposes of this section, neither knowledge of the death
33 nor knowledge of the violation are elements of the offense and it
34 shall not be a defense that the operator of the motor vehicle was
35 unaware of the death or of the provisions of R.S.39:4-129.

36 (cf: P.L.2003, c.55, s.2)

37
38 2. Section 2 of P.L. 1997, c.111 (C.2C:12-1.1) is amended to
39 read as follows:

40 2. A motor vehicle operator who knows he is involved in an
41 accident and knowingly leaves the scene of that accident under
42 circumstances that violate the provisions of R.S.39:4-129 shall be
43 guilty of a crime of the **[fourth]** third degree if the accident results
44 in serious bodily injury to another person. The presumption of

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:

¹Assembly floor amendments adopted March 16, 2006.

1 nonimprisonment set forth in N.J.S.2C:44-1 shall not apply to
2 persons convicted under the provisions of this section.

3 If the evidence so warrants, nothing in this section shall be
4 deemed to preclude an indictment and conviction for aggravated
5 assault or assault by auto under the provisions of N.J.S.2C:12-1.

6 Notwithstanding the provisions of N.J.S.2C:1-8 or any other
7 provisions of law, a conviction arising under this section shall not
8 merge with a conviction for aggravated assault or assault by auto
9 under the provisions of N.J.S.2C:12-1 and a separate sentence shall
10 be imposed upon each conviction.

11 Notwithstanding the provisions of N.J.S.2C:44-5 or any other
12 provisions of law, whenever in the case of such multiple
13 convictions the court imposes multiple sentences of imprisonment
14 for more than one offense, those sentences shall run consecutively.

15 For the purposes of this section, neither knowledge of the serious
16 bodily injury nor knowledge of the violation are elements of the
17 offense and it shall not be a defense that the driver of the motor
18 vehicle was unaware of the serious bodily injury or provisions of
19 R.S.39:4-129.

20 (cf: P.L.2003, c.55, s.3)

21

22 3. N.J.S.2C:44-1 is amended to read as follows:

23 2C:44-1. Criteria for Withholding or Imposing Sentence of
24 Imprisonment. a. In determining the appropriate sentence to be
25 imposed on a person who has been convicted of an offense, the
26 court shall consider the following aggravating circumstances:

27 (1) The nature and circumstances of the offense, and the role of
28 the actor therein, including whether or not it was committed in an
29 especially heinous, cruel, or depraved manner;

30 (2) The gravity and seriousness of harm inflicted on the victim,
31 including whether or not the defendant knew or reasonably should
32 have known that the victim of the offense was particularly
33 vulnerable or incapable of resistance due to advanced age, ill-
34 health, or extreme youth, or was for any other reason substantially
35 incapable of exercising normal physical or mental power of
36 resistance;

37 (3) The risk that the defendant will commit another offense;

38 (4) A lesser sentence will depreciate the seriousness of the
39 defendant's offense because it involved a breach of the public trust
40 under chapters 27 and 30, or the defendant took advantage of a
41 position of trust or confidence to commit the offense;

42 (5) There is a substantial likelihood that the defendant is
43 involved in organized criminal activity;

44 (6) The extent of the defendant's prior criminal record and the
45 seriousness of the offenses of which he has been convicted;

46 (7) The defendant committed the offense pursuant to an
47 agreement that he either pay or be paid for the commission of the
48 offense and the pecuniary incentive was beyond that inherent in the

1 offense itself;

2 (8) The defendant committed the offense against a police or other
3 law enforcement officer, correctional employee or fireman, acting
4 in the performance of his duties while in uniform or exhibiting
5 evidence of his authority; the defendant committed the offense
6 because of the status of the victim as a public servant; or the
7 defendant committed the offense against a sports official, athletic
8 coach or manager, acting in or immediately following the
9 performance of his duties or because of the person's status as a
10 sports official, coach or manager;

11 (9) The need for deterring the defendant and others from
12 violating the law;

13 (10) The offense involved fraudulent or deceptive practices
14 committed against any department or division of State government;

15 (11) The imposition of a fine, penalty or order of restitution
16 without also imposing a term of imprisonment would be perceived
17 by the defendant or others merely as part of the cost of doing
18 business, or as an acceptable contingent business or operating
19 expense associated with the initial decision to resort to unlawful
20 practices;

21 (12) The defendant committed the offense against a person who
22 he knew or should have known was 60 years of age or older, or
23 disabled; and

24 (13) The defendant, while in the course of committing or
25 attempting to commit the crime, including the immediate flight
26 therefrom, used or was in possession of a stolen motor vehicle.

27 b. In determining the appropriate sentence to be imposed on a
28 person who has been convicted of an offense, the court may
29 properly consider the following mitigating circumstances:

30 (1) The defendant's conduct neither caused nor threatened
31 serious harm;

32 (2) The defendant did not contemplate that his conduct would
33 cause or threaten serious harm;

34 (3) The defendant acted under a strong provocation;

35 (4) There were substantial grounds tending to excuse or justify
36 the defendant's conduct, though failing to establish a defense;

37 (5) The victim of the defendant's conduct induced or facilitated
38 its commission;

39 (6) The defendant has compensated or will compensate the
40 victim of his conduct for the damage or injury that he sustained, or
41 will participate in a program of community service;

42 (7) The defendant has no history of prior delinquency or criminal
43 activity or has led a law-abiding life for a substantial period of time
44 before the commission of the present offense;

45 (8) The defendant's conduct was the result of circumstances
46 unlikely to recur;

47 (9) The character and attitude of the defendant indicate that he is
48 unlikely to commit another offense;

- 1 (10) The defendant is particularly likely to respond affirmatively
2 to probationary treatment;
- 3 (11) The imprisonment of the defendant would entail excessive
4 hardship to himself or his dependents;
- 5 (12) The willingness of the defendant to cooperate with law
6 enforcement authorities;
- 7 (13) The conduct of a youthful defendant was substantially
8 influenced by another person more mature than the defendant.
- 9 c. (1) A plea of guilty by a defendant or failure to so plead shall
10 not be considered in withholding or imposing a sentence of
11 imprisonment.
- 12 (2) When imposing a sentence of imprisonment the court shall
13 consider the defendant's eligibility for release under the law
14 governing parole, including time credits awarded pursuant to Title
15 30 of the Revised Statutes, in determining the appropriate term of
16 imprisonment.
- 17 d. Presumption of imprisonment. The court shall deal with a
18 person who has been convicted of a crime of the first or second
19 degree by imposing a sentence of imprisonment unless, having
20 regard to the character and condition of the defendant, it is of the
21 opinion that his imprisonment would be a serious injustice which
22 overrides the need to deter such conduct by others. Notwithstanding
23 the provisions of subsection e. of this section, the court shall deal
24 with a person who has been convicted of theft of a motor vehicle or
25 of the unlawful taking of a motor vehicle and who has previously
26 been convicted of either offense by imposing a sentence of
27 imprisonment unless, having regard to the character and condition
28 of the defendant, it is of the opinion that his imprisonment would be
29 a serious injustice which overrides the need to deter such conduct
30 by others.
- 31 e. The court shall deal with a person convicted of an offense
32 other than a crime of the first or second degree, who has not
33 previously been convicted of an offense, without imposing a
34 sentence of imprisonment unless, having regard to the nature and
35 circumstances of the offense and the history, character and
36 condition of the defendant, it is of the opinion that his imprisonment
37 is necessary for the protection of the public under the criteria set
38 forth in subsection a., except that this subsection shall not apply if
39 the person is convicted of any of the following crimes of the third
40 degree: theft of a motor vehicle; unlawful taking of a motor vehicle;
41 eluding; if the person is convicted of a crime of the third degree
42 constituting use of a false government document in violation of
43 subsection c. of section 1 of P.L.1983, c.565 (C.2C:21-2.1); if the
44 person is convicted of a crime of the third degree constituting
45 distribution, manufacture or possession of an item containing
46 personal identifying information in violation of subsection b.of
47 section 6 of P.L.2003, c.184 (C.2C:21-17.3); or if the person is
48 convicted of a crime of the third or fourth degree constituting bias

1 intimidation in violation of N.J.S.2C:16-1; or if the person is
2 convicted of a crime of the third [or fourth] degree under [the
3 provisions of] section [1 or] 2 of P.L.1997, c.111 (C.[2C:11-5.1
4 or] 2C:12-1.1).

5 f. Presumptive Sentences. (1) Except for the crime of murder,
6 unless the preponderance of aggravating or mitigating factors, as set
7 forth in subsections a. and b., weighs in favor of a higher or lower
8 term within the limits provided in N.J.S.2C:43-6, when a court
9 determines that a sentence of imprisonment is warranted, it shall
10 impose sentence as follows:

11 (a) To a term of 20 years for aggravated manslaughter or
12 kidnaping pursuant to paragraph (1) of subsection c. of
13 N.J.S.2C:13-1 when the offense constitutes a crime of the first
14 degree;

15 (b) Except as provided in paragraph (a) of this subsection to a
16 term of 15 years for a crime of the first degree;

17 (c) To a term of seven years for a crime of the second degree;

18 (d) To a term of four years for a crime of the third degree; and

19 (e) To a term of nine months for a crime of the fourth degree.

20 In imposing a minimum term pursuant to 2C:43-6b., the
21 sentencing court shall specifically place on the record the
22 aggravating factors set forth in this section which justify the
23 imposition of a minimum term.

24 Unless the preponderance of mitigating factors set forth in
25 subsection b. weighs in favor of a lower term within the limits
26 authorized, sentences imposed pursuant to 2C:43-7a.(1) shall have a
27 presumptive term of life imprisonment. Unless the preponderance
28 of aggravating and mitigating factors set forth in subsections a. and
29 b. weighs in favor of a higher or lower term within the limits
30 authorized, sentences imposed pursuant to 2C:43-7a.(2) shall have a
31 presumptive term of 50 years' imprisonment; sentences imposed
32 pursuant to 2C:43-7a.(3) shall have a presumptive term of 15 years'
33 imprisonment; and sentences imposed pursuant to 2C:43-7a.(4)
34 shall have a presumptive term of seven years' imprisonment.

35 In imposing a minimum term pursuant to 2C:43-7b., the
36 sentencing court shall specifically place on the record the
37 aggravating factors set forth in this section which justify the
38 imposition of a minimum term.

39 (2) In cases of convictions for crimes of the first or second
40 degree where the court is clearly convinced that the mitigating
41 factors substantially outweigh the aggravating factors and where the
42 interest of justice demands, the court may sentence the defendant to
43 a term appropriate to a crime of one degree lower than that of the
44 crime for which he was convicted. If the court does impose
45 sentence pursuant to this paragraph, or if the court imposes a
46 noncustodial or probationary sentence upon conviction for a crime
47 of the first or second degree, such sentence shall not become final

1 for 10 days in order to permit the appeal of such sentence by the
2 prosecution.

3 g. Imposition of Noncustodial Sentences in Certain Cases. If the
4 court, in considering the aggravating factors set forth in subsection
5 a., finds the aggravating factor in paragraph a.(2) or a.(12) and does
6 not impose a custodial sentence, the court shall specifically place on
7 the record the mitigating factors which justify the imposition of a
8 noncustodial sentence.

9 h. Except as provided in section 2 of P.L.1993, c.123 (C.2C:43-
10 11), the presumption of imprisonment as provided in subsection d.
11 of this section shall not preclude the admission of a person to the
12 Intensive Supervision Program, established pursuant to the Rules
13 Governing the Courts of the State of New Jersey.
14 (cf: P.L.2003, c.184, s.4)

15

16 4. This act shall take effect immediately.

17

18

19

20

21 Skinner's and Michelle's Law; increases penalties for leaving
22 scene of motor vehicle accident resulting in death or serious bodily
23 injury.

ASSEMBLY, No. 1038

STATE OF NEW JERSEY

212th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

Sponsored by:

Assemblyman JEFF VAN DREW

District 1 (Cape May, Atlantic and Cumberland)

Assemblyman NEIL M. COHEN

District 20 (Union)

Assemblyman PETER J. BARNES, JR.

District 18 (Middlesex)

Assemblyman NELSON T. ALBANO

District 1 (Cape May, Atlantic and Cumberland)

Co-Sponsored by:

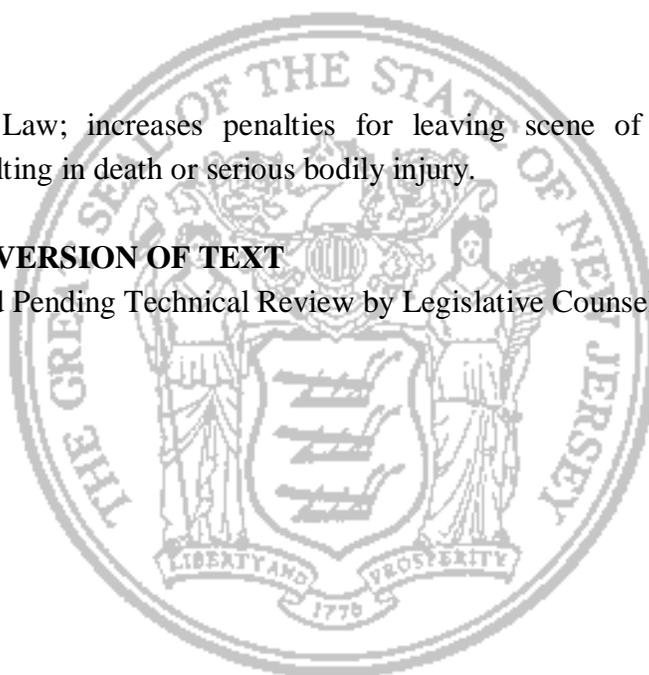
Assemblymen Egan, Scalera, Wisniewski, Mayer, Assemblywomen Greenstein, Cruz-Perez, Assemblymen Chivukula, Conners, Diegnan and Johnson

SYNOPSIS

Skinner's Law; increases penalties for leaving scene of motor vehicle accident resulting in death or serious bodily injury.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 2/28/2006)

1 AN ACT concerning knowingly leaving the scene of a motor vehicle
2 accident resulting in death or serious bodily injury, designating
3 the act as "Skinner's Law" and amending P.L.1997, c.111 and
4 N.J.S.2C:44-1.

5

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

8

9 1. Section 1 of P.L.1997, c.111 (C.2C:11-5.1) is amended to
10 read as follows:

11 1. A motor vehicle operator who knows he is involved in an
12 accident and knowingly leaves the scene of that accident under
13 circumstances that violate the provisions of R.S.39:4-129 shall be
14 guilty of a crime of the [third] second degree if the accident results
15 in the death of another person. [The presumption of
16 nonimprisonment set forth in N.J.S.2C:44-1 shall not apply to
17 persons convicted under the provisions of this section.]

18 If the evidence so warrants, nothing in this section shall be
19 deemed to preclude an indictment and conviction for aggravated
20 manslaughter under the provisions of N.J.S.2C:11-4 or vehicular
21 homicide under the provisions of N.J.S.2C:11-5.

22 Notwithstanding the provisions of N.J.S.2C:1-8 or any other
23 provisions of law, a conviction arising under this section shall not
24 merge with a conviction for aggravated manslaughter under the
25 provisions of N.J.S.2C:11-4 or for vehicular homicide under the
26 provisions of N.J.S.2C:11-5 and a separate sentence shall be
27 imposed upon each such conviction.

28 Notwithstanding the provisions of N.J.S.2C:44-5 or any other
29 provisions of law, when the court imposes multiple sentences of
30 imprisonment for more than one offense, those sentences shall run
31 consecutively.

32 For the purposes of this section, neither knowledge of the death
33 nor knowledge of the violation are elements of the offense and it
34 shall not be a defense that the operator of the motor vehicle was
35 unaware of the death or of the provisions of R.S.39:4-129.

36 (cf: P.L.2003, c.55, s.2)

37

38 2. Section 2 of P.L. 1997, c.111 (C.2C:12-1.1) is amended to
39 read as follows:

40 2. A motor vehicle operator who knows he is involved in an
41 accident and knowingly leaves the scene of that accident under
42 circumstances that violate the provisions of R.S.39:4-129 shall be
43 guilty of a crime of the [fourth] third degree if the accident results
44 in serious bodily injury to another person. The presumption of

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 nonimprisonment set forth in N.J.S.2C:44-1 shall not apply to
2 persons convicted under the provisions of this section.

3 If the evidence so warrants, nothing in this section shall be
4 deemed to preclude an indictment and conviction for aggravated
5 assault or assault by auto under the provisions of N.J.S.2C:12-1.

6 Notwithstanding the provisions of N.J.S.2C:1-8 or any other
7 provisions of law, a conviction arising under this section shall not
8 merge with a conviction for aggravated assault or assault by auto
9 under the provisions of N.J.S.2C:12-1 and a separate sentence shall
10 be imposed upon each conviction.

11 Notwithstanding the provisions of N.J.S.2C:44-5 or any other
12 provisions of law, whenever in the case of such multiple
13 convictions the court imposes multiple sentences of imprisonment
14 for more than one offense, those sentences shall run consecutively.

15 For the purposes of this section, neither knowledge of the serious
16 bodily injury nor knowledge of the violation are elements of the
17 offense and it shall not be a defense that the driver of the motor
18 vehicle was unaware of the serious bodily injury or provisions of
19 R.S.39:4-129.

20 (cf: P.L.2003, c.55, s.3)

21

22 3. N.J.S.2C:44-1 is amended to read as follows:

23 2C:44-1. Criteria for Withholding or Imposing Sentence of
24 Imprisonment. a. In determining the appropriate sentence to be
25 imposed on a person who has been convicted of an offense, the
26 court shall consider the following aggravating circumstances:

27 (1) The nature and circumstances of the offense, and the role of
28 the actor therein, including whether or not it was committed in an
29 especially heinous, cruel, or depraved manner;

30 (2) The gravity and seriousness of harm inflicted on the victim,
31 including whether or not the defendant knew or reasonably should
32 have known that the victim of the offense was particularly
33 vulnerable or incapable of resistance due to advanced age, ill-
34 health, or extreme youth, or was for any other reason substantially
35 incapable of exercising normal physical or mental power of
36 resistance;

37 (3) The risk that the defendant will commit another offense;

38 (4) A lesser sentence will depreciate the seriousness of the
39 defendant's offense because it involved a breach of the public trust
40 under chapters 27 and 30, or the defendant took advantage of a
41 position of trust or confidence to commit the offense;

42 (5) There is a substantial likelihood that the defendant is
43 involved in organized criminal activity;

44 (6) The extent of the defendant's prior criminal record and the
45 seriousness of the offenses of which he has been convicted;

46 (7) The defendant committed the offense pursuant to an
47 agreement that he either pay or be paid for the commission of the
48 offense and the pecuniary incentive was beyond that inherent in the

1 offense itself;

2 (8) The defendant committed the offense against a police or other
3 law enforcement officer, correctional employee or fireman, acting
4 in the performance of his duties while in uniform or exhibiting
5 evidence of his authority; the defendant committed the offense
6 because of the status of the victim as a public servant; or the
7 defendant committed the offense against a sports official, athletic
8 coach or manager, acting in or immediately following the
9 performance of his duties or because of the person's status as a
10 sports official, coach or manager;

11 (9) The need for deterring the defendant and others from
12 violating the law;

13 (10) The offense involved fraudulent or deceptive practices
14 committed against any department or division of State government;

15 (11) The imposition of a fine, penalty or order of restitution
16 without also imposing a term of imprisonment would be perceived
17 by the defendant or others merely as part of the cost of doing
18 business, or as an acceptable contingent business or operating
19 expense associated with the initial decision to resort to unlawful
20 practices;

21 (12) The defendant committed the offense against a person who
22 he knew or should have known was 60 years of age or older, or
23 disabled; and

24 (13) The defendant, while in the course of committing or
25 attempting to commit the crime, including the immediate flight
26 therefrom, used or was in possession of a stolen motor vehicle.

27 b. In determining the appropriate sentence to be imposed on a
28 person who has been convicted of an offense, the court may
29 properly consider the following mitigating circumstances:

30 (1) The defendant's conduct neither caused nor threatened
31 serious harm;

32 (2) The defendant did not contemplate that his conduct would
33 cause or threaten serious harm;

34 (3) The defendant acted under a strong provocation;

35 (4) There were substantial grounds tending to excuse or justify
36 the defendant's conduct, though failing to establish a defense;

37 (5) The victim of the defendant's conduct induced or facilitated
38 its commission;

39 (6) The defendant has compensated or will compensate the
40 victim of his conduct for the damage or injury that he sustained, or
41 will participate in a program of community service;

42 (7) The defendant has no history of prior delinquency or criminal
43 activity or has led a law-abiding life for a substantial period of time
44 before the commission of the present offense;

45 (8) The defendant's conduct was the result of circumstances
46 unlikely to recur;

47 (9) The character and attitude of the defendant indicate that he is
48 unlikely to commit another offense;

- 1 (10) The defendant is particularly likely to respond affirmatively
2 to probationary treatment;
- 3 (11) The imprisonment of the defendant would entail excessive
4 hardship to himself or his dependents;
- 5 (12) The willingness of the defendant to cooperate with law
6 enforcement authorities;
- 7 (13) The conduct of a youthful defendant was substantially
8 influenced by another person more mature than the defendant.
- 9 c. (1) A plea of guilty by a defendant or failure to so plead shall
10 not be considered in withholding or imposing a sentence of
11 imprisonment.
- 12 (2) When imposing a sentence of imprisonment the court shall
13 consider the defendant's eligibility for release under the law
14 governing parole, including time credits awarded pursuant to Title
15 30 of the Revised Statutes, in determining the appropriate term of
16 imprisonment.
- 17 d. Presumption of imprisonment. The court shall deal with a
18 person who has been convicted of a crime of the first or second
19 degree by imposing a sentence of imprisonment unless, having
20 regard to the character and condition of the defendant, it is of the
21 opinion that his imprisonment would be a serious injustice which
22 overrides the need to deter such conduct by others. Notwithstanding
23 the provisions of subsection e. of this section, the court shall deal
24 with a person who has been convicted of theft of a motor vehicle or
25 of the unlawful taking of a motor vehicle and who has previously
26 been convicted of either offense by imposing a sentence of
27 imprisonment unless, having regard to the character and condition
28 of the defendant, it is of the opinion that his imprisonment would be
29 a serious injustice which overrides the need to deter such conduct
30 by others.
- 31 e. The court shall deal with a person convicted of an offense
32 other than a crime of the first or second degree, who has not
33 previously been convicted of an offense, without imposing a
34 sentence of imprisonment unless, having regard to the nature and
35 circumstances of the offense and the history, character and
36 condition of the defendant, it is of the opinion that his imprisonment
37 is necessary for the protection of the public under the criteria set
38 forth in subsection a., except that this subsection shall not apply if
39 the person is convicted of any of the following crimes of the third
40 degree: theft of a motor vehicle; unlawful taking of a motor vehicle;
41 eluding; if the person is convicted of a crime of the third degree
42 constituting use of a false government document in violation of
43 subsection c. of section 1 of P.L.1983, c.565 (C.2C:21-2.1); if the
44 person is convicted of a crime of the third degree constituting
45 distribution, manufacture or possession of an item containing
46 personal identifying information in violation of subsection b.of
47 section 6 of P.L.2003, c.184 (C.2C:21-17.3); or if the person is
48 convicted of a crime of the third or fourth degree constituting bias

1 intimidation in violation of N.J.S.2C:16-1; or if the person is
2 convicted of a crime of the third [or fourth] degree under [the
3 provisions of] section [1 or] 2 of P.L.1997, c.111 (C.[2C:11-5.1 or]
4 2C:12-1.1).

5 f. Presumptive Sentences. (1) Except for the crime of murder,
6 unless the preponderance of aggravating or mitigating factors, as set
7 forth in subsections a. and b., weighs in favor of a higher or lower
8 term within the limits provided in N.J.S.2C:43-6, when a court
9 determines that a sentence of imprisonment is warranted, it shall
10 impose sentence as follows:

11 (a) To a term of 20 years for aggravated manslaughter or
12 kidnaping pursuant to paragraph (1) of subsection c. of
13 N.J.S.2C:13-1 when the offense constitutes a crime of the first
14 degree;

15 (b) Except as provided in paragraph (a) of this subsection to a
16 term of 15 years for a crime of the first degree;

17 (c) To a term of seven years for a crime of the second degree;

18 (d) To a term of four years for a crime of the third degree; and

19 (e) To a term of nine months for a crime of the fourth degree.

20 In imposing a minimum term pursuant to 2C:43-6b., the
21 sentencing court shall specifically place on the record the
22 aggravating factors set forth in this section which justify the
23 imposition of a minimum term.

24 Unless the preponderance of mitigating factors set forth in
25 subsection b. weighs in favor of a lower term within the limits
26 authorized, sentences imposed pursuant to 2C:43-7a.(1) shall have a
27 presumptive term of life imprisonment. Unless the preponderance
28 of aggravating and mitigating factors set forth in subsections a. and
29 b. weighs in favor of a higher or lower term within the limits
30 authorized, sentences imposed pursuant to 2C:43-7a.(2) shall have a
31 presumptive term of 50 years' imprisonment; sentences imposed
32 pursuant to 2C:43-7a.(3) shall have a presumptive term of 15 years'
33 imprisonment; and sentences imposed pursuant to 2C:43-7a.(4)
34 shall have a presumptive term of seven years' imprisonment.

35 In imposing a minimum term pursuant to 2C:43-7b., the
36 sentencing court shall specifically place on the record the
37 aggravating factors set forth in this section which justify the
38 imposition of a minimum term.

39 (2) In cases of convictions for crimes of the first or second
40 degree where the court is clearly convinced that the mitigating
41 factors substantially outweigh the aggravating factors and where the
42 interest of justice demands, the court may sentence the defendant to
43 a term appropriate to a crime of one degree lower than that of the
44 crime for which he was convicted. If the court does impose
45 sentence pursuant to this paragraph, or if the court imposes a
46 noncustodial or probationary sentence upon conviction for a crime
47 of the first or second degree, such sentence shall not become final

1 for 10 days in order to permit the appeal of such sentence by the
2 prosecution.

3 g. Imposition of Noncustodial Sentences in Certain Cases. If the
4 court, in considering the aggravating factors set forth in subsection
5 a., finds the aggravating factor in paragraph a.(2) or a.(12) and does
6 not impose a custodial sentence, the court shall specifically place on
7 the record the mitigating factors which justify the imposition of a
8 noncustodial sentence.

9 h. Except as provided in section 2 of P.L.1993, c.123 (C.2C:43-
10 11), the presumption of imprisonment as provided in subsection d.
11 of this section shall not preclude the admission of a person to the
12 Intensive Supervision Program, established pursuant to the Rules
13 Governing the Courts of the State of New Jersey.
14 (cf: P.L. 2003, c.184, s.4)

15

16 4. This act shall take effect immediately.

17

18

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STATEMENT

20

21 This bill upgrades the penalty for knowingly leaving the scene of
22 a motor vehicle accident resulting in death or serious bodily injury.

23 Knowingly leaving the scene of a motor vehicle accident
24 resulting in death is currently a crime of the third degree. Under the
25 provisions of this bill, it is upgraded to a crime of the second
26 degree.

27 Knowingly leaving the scene of a motor vehicle accident
28 resulting in serious bodily injury is currently a crime of the fourth
29 degree and is exempt from the presumption of nonimprisonment
30 applicable to third and fourth degree crimes. Under the provisions
31 of this bill, it is upgraded to a crime of the third degree.

32 A crime of the fourth degree is punishable by up to eighteen
33 months imprisonment, a fine of up to \$10,000 or both. A crime of
34 the third degree is punishable by three to five years imprisonment, a
35 fine of up to \$15,000 or both. A crime of the second degree is
36 punishable by five to ten years imprisonment, a fine of up to
37 \$150,000 or both.

38 This bill is named "Skinner's Law" to memorialize Larry
39 Skinner, who was killed by a driver who left the scene of the
40 accident.

41 The sponsors of this bill would also like to recognize Nicholas
42 Marvel and Michelle Margaritonda, both of whom were killed by
43 hit-and-run drivers. The sponsors extend their sincerest sympathies
44 to Donnah Marvel, mother of Nicholas, and to all the families of
45 victims of hit-and-run drivers.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1038

STATE OF NEW JERSEY

DATED: FEBRUARY 23, 2006

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 1038.

Assembly Bill No. 1038 upgrades the penalty for knowingly leaving the scene of a motor vehicle accident resulting in death or serious bodily injury.

Specifically, the bill upgrades the crime of knowingly leaving the scene of a motor vehicle accident that results in death to a crime of the second degree. Second degree crimes are punishable by five to ten years imprisonment, a fine of up to \$150,000 or both. Under current law, knowingly leaving the scene of a motor vehicle accident resulting in death is a crime of the third degree, punishable by three to five years imprisonment, a fine of up to \$15,000 or both.

The bill also upgrades the crime of knowingly leaving the scene of a motor vehicle accident resulting in serious bodily injury to a crime of the third degree. Under current law, this is a crime of the fourth degree, punishable by up to eighteen months imprisonment, a fine of up to \$10,000 or both.

The bill also makes technical corrections to the law by removing certain references to the presumption of nonimprisonment. Under the presumption, first time offenders convicted of a third or fourth degree crime generally are not subject to incarceration. But current law specifically excludes from the presumption the crimes of knowingly leaving the scene of an accident that results in death and knowingly leaving the scene of an accident resulting in serious bodily injury. Since the bill upgrades the crime of knowingly leaving the scene of an accident resulting in death to a second degree crime, to which the presumption does not apply, this language is not necessary and therefore removed.

The bill is named "Skinner's Law" to memorialize Larry Skinner who was killed by a driver who left the scene of the accident. The sponsors of this bill also would like to recognize Nicholas Marvel and Michelle Margaritonda, both of whom were killed by hit-and-run drivers. The sponsors extend their sincerest sympathies to Donnah Marvel, mother of Nicholas, and to all the families of victims of hit-and-run drivers.

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 LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

[First Reprint]
ASSEMBLY, No. 1038

STATE OF NEW JERSEY

DATED: FEBRUARY 26, 2007

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably Assembly Bill No. 1038 (1R).

This bill, named "Skinner's and Michelle's Law," upgrades the penalty for knowingly leaving the scene of a motor vehicle accident resulting in death or serious bodily injury.

Knowingly leaving the scene of a motor vehicle accident resulting in death is currently a crime of the third degree. Under the provisions of this bill, it is upgraded to a crime of the second degree.

Knowingly leaving the scene of a motor vehicle accident resulting in serious bodily injury is currently a crime of the fourth degree and is exempt from the presumption of nonimprisonment applicable to third and fourth degree crimes. Under the provisions of this bill, it is upgraded to a crime of the third degree.

A crime of the fourth degree is punishable by up to eighteen months imprisonment, a fine of up to \$10,000 or both. A crime of the third degree is punishable by three to five years imprisonment, a fine of up to \$15,000 or both. A crime of the second degree is punishable by five to ten years imprisonment, a fine of up to \$150,000 or both.

This bill is named "Skinner's and Michelle's Law" to memorialize Larry Skinner and Michelle Margaritonda, both of whom were killed by drivers who left the scene of the accident.

The sponsor also would like to recognize Nicholas Marvel, who was killed by a hit-and-run driver.

STATEMENT TO

[Corrected Copy]

ASSEMBLY, No. 1038

with Assembly Floor Amendments
(Proposed By Assemblyman VAN DREW)

ADOPTED: MARCH 16, 2006

Assembly Bill No. 1038 (CC) increases the penalties for leaving the scene of a motor vehicle accident resulting in death or serious bodily injury. The bill is named "Skinner's Law" in recognition of Larry Skinner, who was killed by a driver who left the scene of the accident.

These Assembly amendments rename the bill "Skinner's and Michelle's Law." The amendments recognize Michelle Margaritonda, who also was killed by a hit-and-run driver.

SENATE, No. 1418

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED FEBRUARY 27, 2006

Sponsored by:

Senator NICHOLAS ASSELTA

District 1 (Cape May, Atlantic and Cumberland)

Senator FRED H. MADDEN, JR.

District 4 (Camden and Gloucester)

Co-Sponsored by:

Senators Vitale, Sweeney, T.Kean and Karcher

SYNOPSIS

Skinner's Law; increases penalties for leaving scene of motor vehicle accident resulting in death or serious bodily injury.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/9/2007)

1 AN ACT concerning knowingly leaving the scene of a motor vehicle
2 accident resulting in death or serious bodily injury, designating
3 the act as "Skinner's Law" and amending P.L.1997, c.111 and
4 N.J.S.2C:44-1.

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

8
9 1. Section 1 of P.L.1997, c.111 (C.2C:11-5.1) is amended to
10 read as follows:

11 1. A motor vehicle operator who knows he is involved in an
12 accident and knowingly leaves the scene of that accident under
13 circumstances that violate the provisions of R.S.39:4-129 shall be
14 guilty of a crime of the **[third]** second degree if the accident results
15 in the death of another person. **[The presumption of**
16 **nonimprisonment set forth in N.J.S.2C:44-1 shall not apply to**
17 **persons convicted under the provisions of this section.]**

18 If the evidence so warrants, nothing in this section shall be
19 deemed to preclude an indictment and conviction for aggravated
20 manslaughter under the provisions of N.J.S.2C:11-4 or vehicular
21 homicide under the provisions of N.J.S.2C:11-5.

22 Notwithstanding the provisions of N.J.S.2C:1-8 or any other
23 provisions of law, a conviction arising under this section shall not
24 merge with a conviction for aggravated manslaughter under the
25 provisions of N.J.S.2C:11-4 or for vehicular homicide under the
26 provisions of N.J.S.2C:11-5 and a separate sentence shall be
27 imposed upon each such conviction.

28 Notwithstanding the provisions of N.J.S.2C:44-5 or any other
29 provisions of law, when the court imposes multiple sentences of
30 imprisonment for more than one offense, those sentences shall run
31 consecutively.

32 For the purposes of this section, neither knowledge of the death
33 nor knowledge of the violation are elements of the offense and it
34 shall not be a defense that the operator of the motor vehicle was
35 unaware of the death or of the provisions of R.S.39:4-129.

36 (cf: P.L.2003, c.55, s.2)

37
38 2. Section 2 of P.L. 1997, c.111 (C.2C:12-1.1) is amended to
39 read as follows:

40 2. A motor vehicle operator who knows he is involved in an
41 accident and knowingly leaves the scene of that accident under
42 circumstances that violate the provisions of R.S.39:4-129 shall be
43 guilty of a crime of the **[fourth]** third degree if the accident results
44 in serious bodily injury to another person. The presumption of
45 nonimprisonment set forth in N.J.S.2C:44-1 shall not apply to

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 persons convicted under the provisions of this section.

2 If the evidence so warrants, nothing in this section shall be
3 deemed to preclude an indictment and conviction for aggravated
4 assault or assault by auto under the provisions of N.J.S.2C:12-1.

5 Notwithstanding the provisions of N.J.S.2C:1-8 or any other
6 provisions of law, a conviction arising under this section shall not
7 merge with a conviction for aggravated assault or assault by auto
8 under the provisions of N.J.S.2C:12-1 and a separate sentence shall
9 be imposed upon each conviction.

10 Notwithstanding the provisions of N.J.S.2C:44-5 or any other
11 provisions of law, whenever in the case of such multiple
12 convictions the court imposes multiple sentences of imprisonment
13 for more than one offense, those sentences shall run consecutively.

14 For the purposes of this section, neither knowledge of the serious
15 bodily injury nor knowledge of the violation are elements of the
16 offense and it shall not be a defense that the driver of the motor
17 vehicle was unaware of the serious bodily injury or provisions of
18 R.S.39:4-129.

19 (cf: P.L.2003, c.55, s.3)

20

21 3. N.J.S.2C:44-1 is amended to read as follows:

22 2C:44-1. Criteria for Withholding or Imposing Sentence of
23 Imprisonment. a. In determining the appropriate sentence to be
24 imposed on a person who has been convicted of an offense, the
25 court shall consider the following aggravating circumstances:

26 (1) The nature and circumstances of the offense, and the role of
27 the actor therein, including whether or not it was committed in an
28 especially heinous, cruel, or depraved manner;

29 (2) The gravity and seriousness of harm inflicted on the victim,
30 including whether or not the defendant knew or reasonably should
31 have known that the victim of the offense was particularly
32 vulnerable or incapable of resistance due to advanced age, ill-
33 health, or extreme youth, or was for any other reason substantially
34 incapable of exercising normal physical or mental power of
35 resistance;

36 (3) The risk that the defendant will commit another offense;

37 (4) A lesser sentence will depreciate the seriousness of the
38 defendant's offense because it involved a breach of the public trust
39 under chapters 27 and 30, or the defendant took advantage of a
40 position of trust or confidence to commit the offense;

41 (5) There is a substantial likelihood that the defendant is
42 involved in organized criminal activity;

43 (6) The extent of the defendant's prior criminal record and the
44 seriousness of the offenses of which he has been convicted;

45 (7) The defendant committed the offense pursuant to an
46 agreement that he either pay or be paid for the commission of the
47 offense and the pecuniary incentive was beyond that inherent in the
48 offense itself;

- 1 (8) The defendant committed the offense against a police or
2 other law enforcement officer, correctional employee or fireman,
3 acting in the performance of his duties while in uniform or
4 exhibiting evidence of his authority; the defendant committed the
5 offense because of the status of the victim as a public servant; or the
6 defendant committed the offense against a sports official, athletic
7 coach or manager, acting in or immediately following the
8 performance of his duties or because of the person's status as a
9 sports official, coach or manager;
- 10 (9) The need for deterring the defendant and others from
11 violating the law;
- 12 (10) The offense involved fraudulent or deceptive practices
13 committed against any department or division of State government;
- 14 (11) The imposition of a fine, penalty or order of restitution
15 without also imposing a term of imprisonment would be perceived
16 by the defendant or others merely as part of the cost of doing
17 business, or as an acceptable contingent business or operating
18 expense associated with the initial decision to resort to unlawful
19 practices;
- 20 (12) The defendant committed the offense against a person who
21 he knew or should have known was 60 years of age or older, or
22 disabled; and
- 23 (13) The defendant, while in the course of committing or
24 attempting to commit the crime, including the immediate flight
25 therefrom, used or was in possession of a stolen motor vehicle.
- 26 b. In determining the appropriate sentence to be imposed on a
27 person who has been convicted of an offense, the court may
28 properly consider the following mitigating circumstances:
 - 29 (1) The defendant's conduct neither caused nor threatened
30 serious harm;
 - 31 (2) The defendant did not contemplate that his conduct would
32 cause or threaten serious harm;
 - 33 (3) The defendant acted under a strong provocation;
 - 34 (4) There were substantial grounds tending to excuse or justify
35 the defendant's conduct, though failing to establish a defense;
 - 36 (5) The victim of the defendant's conduct induced or facilitated
37 its commission;
 - 38 (6) The defendant has compensated or will compensate the
39 victim of his conduct for the damage or injury that he sustained, or
40 will participate in a program of community service;
 - 41 (7) The defendant has no history of prior delinquency or
42 criminal activity or has led a law-abiding life for a substantial
43 period of time before the commission of the present offense;
 - 44 (8) The defendant's conduct was the result of circumstances
45 unlikely to recur;
 - 46 (9) The character and attitude of the defendant indicate that he is
47 unlikely to commit another offense;
 - 48 (10) The defendant is particularly likely to respond affirmatively

1 to probationary treatment;

2 (11) The imprisonment of the defendant would entail excessive
3 hardship to himself or his dependents;

4 (12) The willingness of the defendant to cooperate with law
5 enforcement authorities;

6 (13) The conduct of a youthful defendant was substantially
7 influenced by another person more mature than the defendant.

8 c. (1) A plea of guilty by a defendant or failure to so plead shall
9 not be considered in withholding or imposing a sentence of
10 imprisonment.

11 (2) When imposing a sentence of imprisonment the court shall
12 consider the defendant's eligibility for release under the law
13 governing parole, including time credits awarded pursuant to Title
14 30 of the Revised Statutes, in determining the appropriate term of
15 imprisonment.

16 d. Presumption of imprisonment. The court shall deal with a
17 person who has been convicted of a crime of the first or second
18 degree by imposing a sentence of imprisonment unless, having
19 regard to the character and condition of the defendant, it is of the
20 opinion that his imprisonment would be a serious injustice which
21 overrides the need to deter such conduct by others.
22 Notwithstanding the provisions of subsection e. of this section, the
23 court shall deal with a person who has been convicted of theft of a
24 motor vehicle or of the unlawful taking of a motor vehicle and who
25 has previously been convicted of either offense by imposing a
26 sentence of imprisonment unless, having regard to the character and
27 condition of the defendant, it is of the opinion that his imprisonment
28 would be a serious injustice which overrides the need to deter such
29 conduct by others.

30 e. The court shall deal with a person convicted of an offense
31 other than a crime of the first or second degree, who has not
32 previously been convicted of an offense, without imposing a
33 sentence of imprisonment unless, having regard to the nature and
34 circumstances of the offense and the history, character and
35 condition of the defendant, it is of the opinion that his imprisonment
36 is necessary for the protection of the public under the criteria set
37 forth in subsection a., except that this subsection shall not apply if
38 the person is convicted of any of the following crimes of the third
39 degree: theft of a motor vehicle; unlawful taking of a motor vehicle;
40 eluding; if the person is convicted of a crime of the third degree
41 constituting use of a false government document in violation of
42 subsection c. of section 1 of P.L.1983, c.565 (C.2C:21-2.1); if the
43 person is convicted of a crime of the third degree constituting
44 distribution, manufacture or possession of an item containing
45 personal identifying information in violation of subsection b. of
46 section 6 of P.L.2003, c.184 (C.2C:21-17.3); or if the person is
47 convicted of a crime of the third or fourth degree constituting bias
48 intimidation in violation of N.J.S.2C:16-1; or if the person is

1 convicted of a crime of the third [or fourth] degree under [the
2 provisions of] section [1 or] 2 of P.L.1997, c.111 (C.[2C:11-5.1
3 or] 2C:12-1.1).

4 f. Presumptive Sentences. (1) Except for the crime of murder,
5 unless the preponderance of aggravating or mitigating factors, as set
6 forth in subsections a. and b., weighs in favor of a higher or lower
7 term within the limits provided in N.J.S.2C:43-6, when a court
8 determines that a sentence of imprisonment is warranted, it shall
9 impose sentence as follows:

10 (a) To a term of 20 years for aggravated manslaughter or
11 kidnaping pursuant to paragraph (1) of subsection c. of
12 N.J.S.2C:13-1 when the offense constitutes a crime of the first
13 degree;

14 (b) Except as provided in paragraph (a) of this subsection to a
15 term of 15 years for a crime of the first degree;

16 (c) To a term of seven years for a crime of the second degree;

17 (d) To a term of four years for a crime of the third degree; and

18 (e) To a term of nine months for a crime of the fourth degree.

19 In imposing a minimum term pursuant to 2C:43-6b., the
20 sentencing court shall specifically place on the record the
21 aggravating factors set forth in this section which justify the
22 imposition of a minimum term.

23 Unless the preponderance of mitigating factors set forth in
24 subsection b. weighs in favor of a lower term within the limits
25 authorized, sentences imposed pursuant to 2C:43-7a.(1) shall have a
26 presumptive term of life imprisonment. Unless the preponderance
27 of aggravating and mitigating factors set forth in subsections a. and
28 b. weighs in favor of a higher or lower term within the limits
29 authorized, sentences imposed pursuant to 2C:43-7a.(2) shall have a
30 presumptive term of 50 years' imprisonment; sentences imposed
31 pursuant to 2C:43-7a.(3) shall have a presumptive term of 15 years'
32 imprisonment; and sentences imposed pursuant to 2C:43-7a.(4)
33 shall have a presumptive term of seven years' imprisonment.

34 In imposing a minimum term pursuant to 2C:43-7b., the
35 sentencing court shall specifically place on the record the
36 aggravating factors set forth in this section which justify the
37 imposition of a minimum term.

38 (2) In cases of convictions for crimes of the first or second
39 degree where the court is clearly convinced that the mitigating
40 factors substantially outweigh the aggravating factors and where the
41 interest of justice demands, the court may sentence the defendant to
42 a term appropriate to a crime of one degree lower than that of the
43 crime for which he was convicted. If the court does impose
44 sentence pursuant to this paragraph, or if the court imposes a
45 noncustodial or probationary sentence upon conviction for a crime
46 of the first or second degree, such sentence shall not become final
47 for 10 days in order to permit the appeal of such sentence by the
48 prosecution.

1 g. Imposition of Noncustodial Sentences in Certain Cases. If the
2 court, in considering the aggravating factors set forth in subsection
3 a., finds the aggravating factor in paragraph a.(2) or a.(12) and does
4 not impose a custodial sentence, the court shall specifically place on
5 the record the mitigating factors which justify the imposition of a
6 noncustodial sentence.

7 h. Except as provided in section 2 of P.L.1993, c.123 (C.2C:43-
8 11), the presumption of imprisonment as provided in subsection d.
9 of this section shall not preclude the admission of a person to the
10 Intensive Supervision Program, established pursuant to the Rules
11 Governing the Courts of the State of New Jersey.
12 (cf: P.L. 2003, c.184, s.4)

13

14 4. This act shall take effect immediately.

15

16

17

STATEMENT

18

19 This bill named "Skinner's Law," upgrades the penalty for
20 knowingly leaving the scene of a motor vehicle accident resulting in
21 death or serious bodily injury.

22 Knowingly leaving the scene of a motor vehicle accident
23 resulting in death is currently a crime of the third degree. Under the
24 provisions of this bill, it is upgraded to a crime of the second
25 degree.

26 Knowingly leaving the scene of a motor vehicle accident
27 resulting in serious bodily injury is currently a crime of the fourth
28 degree and is exempt from the presumption of nonimprisonment
29 applicable to third and fourth degree crimes. Under the provisions
30 of this bill, it is upgraded to a crime of the third degree.

31 A crime of the fourth degree is punishable by up to eighteen
32 months imprisonment, a fine of up to \$10,000 or both. A crime of
33 the third degree is punishable by three to five years imprisonment, a
34 fine of up to \$15,000 or both. A crime of the second degree is
35 punishable by five to ten years imprisonment, a fine of up to
36 \$150,000 or both.

37 This bill is named "Skinner's Law" to memorialize Larry
38 Skinner, who was killed by a driver who left the scene of the
39 accident.

40 The sponsor would also like to recognize Nicholas Marvel and
41 Michelle Margaritonda, both of whom were killed by hit-and-run
42 drivers.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 1418

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 26, 2007

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably and with committee amendments Senate Bill No. 1418.

As amended and reported by the committee, this bill, named "Skinner's and Michelle's Law," upgrades the penalty for knowingly leaving the scene of a motor vehicle accident resulting in death or serious bodily injury.

Knowingly leaving the scene of a motor vehicle accident resulting in death is currently a crime of the third degree. Under the provisions of this bill, it is upgraded to a crime of the second degree.

Knowingly leaving the scene of a motor vehicle accident resulting in serious bodily injury is currently a crime of the fourth degree and is exempt from the presumption of nonimprisonment applicable to third and fourth degree crimes. Under the provisions of this bill, it is upgraded to a crime of the third degree.

A crime of the fourth degree is punishable by up to eighteen months imprisonment, a fine of up to \$10,000 or both. A crime of the third degree is punishable by three to five years imprisonment, a fine of up to \$15,000 or both. A crime of the second degree is punishable by five to ten years imprisonment, a fine of up to \$150,000 or both.

This bill is named "Skinner's and Michelle's Law" to memorialize Larry Skinner and Michelle Margaritonda, both of whom were killed by drivers who left the scene of the accident.

The sponsor also would like to recognize Nicholas Marvel, who was killed by a hit-and-run driver.

The committee amendments rename the bill "Skinner's and Michelle's Law."