

2C:2-1

LEGISLATIVE HISTORY CHECKLIST
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(Public Safety)

NJSA: 2C:2-1

LAWS OF: 1997 CHAPTER: 180

BILL NO: S187

SPONSOR(S): Lesniak & McGreevey

DATE INTRODUCED: Pre-filed

COMMITTEE: ASSEMBLY: ---

SENATE: Judiciary

AMENDED DURING PASSAGE: Yes Amendments during passage denoted
Second reprint enacted by superscript numbers

DATE OF PASSAGE: ASSEMBLY: June 26, 1997

SENATE: April 21, 1997

DATE OF APPROVAL: August 1, 1997

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes Also attached: statement adopted
3-24-97

COMMITTEE STATEMENT: ASSEMBLY: No

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBP:pp

[Passed Both Houses]

[Second Reprint]

SENATE, No. 187

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Senators LESNIAK, McGREEVEY, Baer,
Assemblymen Cohen and Suliga

1 AN ACT concerning violations of laws intended to protect the public
2 safety, amending N.J.S.2C:2-1 and supplementing Title 2C of the
3 New Jersey Statutes.

4

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

7

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

9 2C:2-1. Requirement of Voluntary Act; Omission as Basis of
10 Liability; Possession as an act. a. A person is not guilty of an offense
11 unless his liability is based on conduct which includes a voluntary act
12 or the omission to perform an act of which he is physically capable.
13 A bodily movement that is not a product of the effort or determination
14 of the actor, either conscious or habitual, is not a voluntary act within
15 the meaning of this section.

16 b. Liability for the commission of an offense may not be based on
17 an omission unaccompanied by action unless:

18 (1) The omission is expressly made sufficient by the law defining
19 the offense; or

20 (2) A duty to perform the omitted act is otherwise imposed by law,
21 including but not limited to, laws such as the "Uniform Fire Safety
22 Act," P.L.1983, c.383 (C.52:27D-192 et seq.), the "State Uniform
23 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), or
24 any other law intended to protect the public safety or any rule or
25 regulation promulgated thereunder.

26 c. Possession is an act, within the meaning of this section, if the
27 possessor knowingly procured or received the thing possessed or was
28 aware of his control thereof for a sufficient period to have been able

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SJU committee amendments adopted February 10, 1997.

² Senate floor amendments adopted March 24, 1997.

1 to terminate his possession.

2 (cf: N.J.S.2C:2-1)

3

4 2. (New section) ¹a. A person is guilty of a crime of the second
5 degree if the person knowingly violates a law intended to protect the
6 public health and safety or knowingly fails to perform a duty imposed
7 by a law intended to protect the public health and safety and recklessly
8 causes death.¹

9 ¹[a.] ¹b. ¹A person is guilty of a crime of the ¹[third] ²[fourth¹]
10 third² degree if the person knowingly violates a law intended to
11 protect the public health and safety or knowingly fails to perform a
12 duty imposed by a law intended to protect the public health and safety
13 and recklessly ¹[places another person in danger of death or] causes¹
14 serious bodily injury.

15 ²[b.] ²c. ²A person is guilty of a ¹[crime of the fourth degree]
16 ²[disorderly persons offense ¹] crime of the fourth degree² if the
17 person knowingly violates a law intended to protect the public health
18 and safety or knowingly fails to perform a duty imposed by a law
19 intended to protect the public health and safety and recklessly ¹[places
20 another person in danger of] causes significant¹ bodily injury.

21

22 3. This act shall take effect immediately.

23

24

25

26

27 Establishes criminal offense dealing with violation of public health and
28 safety statutes.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 187

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 10, 1997

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 187.

This bill would establish a new criminal offense dealing with violations of public health and safety statutes. Under this new offense, a person would be guilty of a crime if the person knowingly violated a law intended to protect public safety or health or knowingly failed to perform a duty imposed by such a statute. This bill also amends N.J.S.2C:2-1, which deals with omission of a duty as a basis for criminal liability, to include reference to the "Uniform Fire Safety Act" (N.J.S.A.52:27D-192 et seq.), the "Uniform Construction Code Act" (N.J.S.A.52:270-119 et seq.) and any other law intended to protect public health and any rules or regulations promulgated thereunder.

The committee amended the bill to provide that if a person knowingly violates a health or safety statute and thereby recklessly causes death, the person would be guilty of a crime of the second degree. If the violation causes serious bodily injury, the person would be guilty of a crime of the fourth degree. If the violation causes significant bodily injury, the person would be guilty of a disorderly persons offense.

This bill was prefiled for introduction in the 1996 session pending technical review. As reported, this bill includes the changes required by technical review which has been performed.

STATEMENT TO

[First Reprint]

SENATE, No. 187

with Senate Floor Amendments
(Proposed By Senators LESNIAK and MCGREEVEY)

ADOPTED: MARCH 24, 1997.

These floor amendments restore the offenses in subsections b. and c. of section 2 of the bill to crimes of the third and fourth degree, respectively. Because these offenses now require serious or significant bodily injury be caused (instead of placing a person in danger of the injury), the sponsors believe the higher degrees of crime are more appropriate.