

2C:11-5.1

LEGISLATIVE HISTORY CHECKLIST

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(Hit and run)

NJSA: 2C:11-5.1

LAWS OF: 1997 CHAPTER: 111

BILL NO: A2617

SPONSOR(S): Geist

DATE INTRODUCED: December 16, 1996

COMMITTEE: ASSEMBLY: Law & Public Safety

SENATE: Judiciary

AMENDED DURING PASSAGE: No Assembly Committee substitute enacted

DATE OF PASSAGE: ASSEMBLY: February 20, 1997

SENATE: April 21, 1997

DATE OF APPROVAL: June 4, 1997

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: ~~No~~ Yes

FOLLOWING WERE PRINTED:
REPORTS: No

HEARINGS: No

See newspaper clipping--attached:
"Hit and run bill signed..." 6-5-97, Courier Post.

KBP:pp

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LEGISLATIVE HISTORY

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 2617

STATE OF NEW JERSEY

ADOPTED JANUARY 9, 1997

Sponsored by Assemblymen GEIST, FELICE, Holzapfel and
Bateman

1 AN ACT establishing criminal penalties for motor vehicle operators
2 involved in certain hit and run accidents, and supplementing
3 chapters 11 and 12 of Title 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. A motor vehicle operator who knows he is involved in an
9 accident and knowingly leaves the scene of that accident under
10 circumstances that violate the provisions of R.S. 39:4-129 shall be
11 guilty of a crime of the third degree if the accident results in the
12 death of another person.

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

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

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

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

31
32 2. A motor vehicle operator who knows he is involved in an
33 accident and knowingly leaves the scene of that accident under
34 circumstances that violate the provisions of R.S. 39:4-129 shall be

1 guilty of a crime of the fourth degree if the accident results in serious
2 bodily injury to another person.

3 If the evidence so warrants, nothing in this section shall be deemed
4 to preclude an indictment and conviction for aggravated assault or
5 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 convictions
13 the court imposes multiple sentences of imprisonment for more than
14 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 R.S.
19 39:4-129.

20

21 3. This act shall take effect immediately.

22

23

24

25

26 Establishes criminal penalties for certain hit and run drivers.

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ASSEMBLY, No. 2617

STATE OF NEW JERSEY

INTRODUCED DECEMBER 16, 1996

By Assemblymen GEIST, FELICE, Holzapfel and Bateman

1 AN ACT establishing criminal penalties for motor vehicle operators
2 involved in certain hit and run accidents, and supplementing
3 chapters 11 and 12 of Title 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. A motor vehicle operator who knowingly is involved in an
9 accident and subsequently violates the provisions of R.S.39:4-129 by
10 leaving the scene of that accident shall be guilty of a crime of the third
11 degree if that accident resulted in the death of another person. An
12 operator convicted under this section shall be subject to a mandatory
13 minimum term of imprisonment which shall be fixed at one year,
14 during which the defendant shall be ineligible for parole.

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

19 Notwithstanding the provisions of N.J.S.2C:1-8 or any other
20 provisions of law, a conviction arising under this section shall not
21 merge with a conviction for aggravated manslaughter under the
22 provisions of N.J.S.2C:11-4 or for vehicular homicide under the
23 provisions of N.J.S.2C:11-5.

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

28 For the purposes of this section, it shall not be a defense that the
29 operator of the motor vehicle was unaware that the accident resulted
30 in the death of another person as long as the driver was aware that he
31 was involved in an accident.

32

33 2. A motor vehicle operator who knowingly is involved in an
34 accident and subsequently violates the provisions of R.S.39:4-129 by
35 leaving the scene of that accident shall be guilty of a crime of the
36 fourth degree if that accident resulted in serious bodily injury to
37 another person. An operator convicted under this section shall be

1 subject to a mandatory minimum term of imprisonment which shall be
2 fixed at 180 days, during which the defendant shall be ineligible for
3 parole.

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

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

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 convictions
13 the court imposes multiple sentences of imprisonment for more than
14 one offense, those sentences shall run consecutively.

15 For the purposes of this section, it shall not be a defense that the
16 driver of the motor vehicle was unaware that the accident resulted in
17 the death of another person as long as the driver was aware that he
18 was involved in an accident.

19

20 3. This act shall take effect immediately.

21

22

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STATEMENT

24

25 This bill establishes criminal penalties for leaving the scene of a
26 motor vehicle accident whenever that accident resulted in a death or
27 serious bodily injury to another.

28 Under the provisions of the bill, a motor vehicle operator who
29 knowingly leaves the scene of an accident which results in the death
30 of another would be guilty of a crime of the third degree and subject
31 to a mandatory one year term of imprisonment. A crime of the third
32 degree is punishable by a fine of not more than \$7,500, imprisonment
33 for a term between three and five years, or both.

34 A motor vehicle operator who knowingly leaves the scene of an
35 accident which results in serious bodily injury to another is guilty of a
36 crime of the fourth degree and subject to a mandatory 180 day term of
37 imprisonment. A crime of the fourth degree is punishable by a fine of
38 not more than \$7,500, imprisonment for a term not exceeding 18
39 months, or both.

40 The bill also specifies that there is to be no merging of convictions.
41 Consequently, if the evidence warrants, a motor vehicle operator who
42 is convicted of knowingly leaving the scene of an accident that results
43 in the death or serious bodily injury of another also may be convicted
44 of aggravated manslaughter, vehicular homicide, aggravated assault or
45 assault by auto.

46 Finally, the bill provides that in cases where an operator is

1 convicted of more than one offense and the court imposes multiple
2 sentences of imprisonment, those sentences must be served
3 consecutively, not concurrently.

4

5

6

7

8 Establishes criminal penalties for certain hit and run drivers.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 2617

STATE OF NEW JERSEY

DATED: JANUARY 9, 1997

The Assembly Law and Public Safety Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 2617.

The committee substitute for Assembly Bill No. 2617 supplements Title 2C, the New Jersey Criminal Code, to impose criminal penalties on drivers of motor vehicles who leave the scene of an accident in violation of R.S. 39:4-129 when the accident resulted in a death or serious bodily injury.

The substitute also clarifies that vehicle operators must know of their involvement in the accident and that they have left the scene of an accident. However, the substitute specifies that knowledge of the death or serious bodily injury or knowledge of the violation of R.S. 39:4-129 are not elements of the offense.

Under the substitute, violators who are convicted for multiple offenses must receive separate sentences for each offense.

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SENATE JUDICIARY COMMITTEE

STATEMENT TO _____

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 2617

STATE OF NEW JERSEY

DATED: MARCH 20, 1997

The Senate Judiciary Committee reports favorably Assembly Bill No. 2617 (ACS).

The committee substitute for Assembly Bill No. 2617 supplements Title 2C, the New Jersey Criminal Code, to impose criminal penalties on drivers of motor vehicles who leave the scene of an accident in violation of R.S.39:4-129 when the accident resulted in a death or serious bodily injury.

The substitute also clarifies that vehicle operators must know of their involvement in the accident and know that they have left the scene of an accident. However, the substitute specifies that knowledge of the death or serious bodily injury or knowledge of the violation of R.S.39:4-129 are not elements of the offense.

Under the substitute, violators who are convicted of multiple offenses must receive separate sentences for each offense.

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OFFICE OF THE GOVERNOR NEWS RELEASE

CN-004

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TRENTON, NJ 08625

RELEASE: Wednesday,
June 4, 1997

Governor Signs Bill to Criminalize Hit-and-Run

Gov. Christie Whitman today signed legislation that makes it a criminal offense to leave the scene of a motor vehicle accident when the accident results in serious bodily injury or death.

"Hit and run drivers are criminals and should be treated like criminals. The legislation I am signing today sends a clear message to hit and run drivers -- if we find and convict you, you're looking at jail time and a big time fine," the Governor said.

"There won't be any merging of convictions, either. You may also be tried for aggravated manslaughter, vehicular homicide, assault by auto, and every other applicable offense," she added.

The legislation the Governor enacted today was sponsored by Senators John Matheusen (Camden and Gloucester) and Jack Sinagra (Middlesex) and Assemblymen George Geist (Camden and Gloucester) and Nicholas Felice (Bergen). It was introduced in response to two fatal hit-and-run accidents in Gloucester County. Both accidents involved pedestrians. In one accident a 16-year-old student athlete, Mark Jagielski, was killed while walking along Tuckahoe Road in June of 1994. In the other accident John Campbell, a 50-year-old father was killed while standing along the roadside of Tuckahoe Road in December of 1996.

The families of both victims joined the Governor at the bill signing.

"Raising the awareness of this crime, and imposing such stiff penalties, at least lets the survivors know that we will not rest until we find, and punish, those who are responsible," Gov. Whitman said.

Under the provisions of the new law, hit-and-run drivers would face additional penalties including fines not to exceed \$7,500 and imprisonment for not longer than 5 years.