

2C:1-6

**LEGISLATIVE HISTORY CHECKLIST**  
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(Sexual assault--statute of limitations)

NJSA: 2C:1-6

LAWS OF: 1996 CHAPTER: 22

BILL NO: A1253

SPONSOR(S): Azzolina and Gibson

DATE INTRODUCED: Pre-filed

COMMITTEE: ASSEMBLY: Judiciary  
SENATE: ---

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

DATE OF PASSAGE: ASSEMBLY: February 29, 1996  
SENATE: March 18, 1996

DATE OF APPROVAL: May 1, 1996

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes Also attached: statement  
with floor amendments;  
adopted 2-8-96

COMMITTEE STATEMENT: ASSEMBLY: Yes  
SENATE: No

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

See newspaper clipping--attached:  
"Filing time...lifted," 5-2-96, Asbury Park Press.

KBP:pp

[Second Reprint]  
ASSEMBLY, No. 1253

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen AZZOLINA, GIBSON, LeFevre, Asselta,  
Assemblywoman Allen, Assemblymen DeSopo and Bateman

- 1 AN ACT concerning the statute of limitations and amending  
2 N.J.S.2C:1-6.  
3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:  
6  
7 1. N.J.S.2C:1-6 is amended to read as follows:  
8 2C:1-6. Time Limitations. a. A prosecution for any offense set  
9 forth in N.J.S.2C:11-3 **[,]** <sup>2</sup>**[or<sup>1</sup>]**,<sup>2</sup> **[or]** N.J.S.2C:11-4 <sup>1</sup>**[or**  
10 **N.J.S.2C:14-2**<sup>1</sup> <sup>2</sup>**or N.J.S.2C:14-2**<sup>2</sup> may be commenced at any time.  
11 b. Except as otherwise provided in this section, prosecutions for  
12 other offenses are subject to the following periods of limitations:  
13 (1) A prosecution for a crime must be commenced within five years  
14 after it is committed;  
15 (2) A prosecution for a disorderly persons offense or petty  
16 disorderly persons offense must be commenced within one year after  
17 it is committed;  
18 (3) A prosecution for any offense set forth in 2C:27-2, 2C:27-4,  
19 2C:27-6, 2C:27-7, 2C:29-4, 2C:30-2, 2C:30-3, or any attempt or  
20 conspiracy to commit such an offense, must be commenced within  
21 seven years after the commission of the offense;  
22 (4) A prosecution for an offense set forth in **[N.J.S.2C:14-2 or]**  
23 <sup>2</sup>**[<sup>1</sup>N.J.S.2C:14-2,<sup>1</sup> ]**<sup>2</sup> N.J.S.2C:14-3 or N.J.S.2C:24-4, when the  
24 victim at the time of the offense is below the age of 18 years, must be  
25 commenced within five years of the victim's attaining the age of 18 or  
26 within two years of the discovery of the offense by the victim,  
27 whichever is later <sup>2</sup>**[<sup>1</sup>;**  
28 (5) A prosecution for an offense set forth in N.J.S. 2C:14-2, when  
29 the identity of the alleged offender is not known, must be commenced

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:

<sup>1</sup> Assembly AJU committee amendments adopted February 5, 1996.

<sup>2</sup> Assembly floor amendments adopted February 8, 1996.

1 within five years after it is committed or within two years of the  
2 discovery of the identity of the offender, whichever is later<sup>1</sup> ]<sup>2</sup>.

3 c. An offense is committed either when every element occurs or,  
4 if a legislative purpose to prohibit a continuing course of conduct  
5 plainly appears, at the time when the course of conduct or the  
6 defendant's complicity therein is terminated. Time starts to run on the  
7 day after the offense is committed.

8 d. A prosecution is commenced for a crime when an indictment is  
9 found and for a nonindictable offense when a warrant or other process  
10 is issued, provided that such warrant or process is executed without  
11 unreasonable delay. Nothing contained in this section, however, shall  
12 be deemed to prohibit the downgrading of an indictable offense to a  
13 nonindictable offense at any time if the indictable offense was filed  
14 within the statute of limitations applicable to indictable offenses.

15 e. The period of limitation does not run during any time when a  
16 prosecution against the accused for the same conduct is pending in this  
17 State.

18 f. The limitations in this section shall not apply to any person  
19 fleeing from justice.

20 g. Except as otherwise provided in this code, no civil action shall  
21 be brought pursuant to this code more than five years after such action  
22 accrues.

23 (cf: P.L.1994, c.53, s.1)

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25 2. This act shall take effect immediately <sup>2</sup>and shall be applicable  
26 to all offenses not yet barred from prosecution under the statute of  
27 limitations as of the effective date<sup>2</sup>.

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32 Eliminates statute of limitations for sexual assault.

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2 is issued, provided that such warrant or process is executed without  
3 unreasonable delay. Nothing contained in this section, however, shall  
4 be deemed to prohibit the downgrading of an indictable offense to a  
5 nonindictable offense at any time if the indictable offense was filed  
6 within the statute of limitations applicable to indictable offenses.

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16

17 2. This act shall take effect immediately.

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STATEMENT

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22 Currently, the statute of limitations for the crime of sexual assault  
23 is five years. This bill would eliminate this restriction, allowing a  
24 prosecution for sexual assault to be commenced at any time.

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29 Eliminates statute of limitations for sexual assault.

# ASSEMBLY JUDICIARY COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 1253**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: FEBRUARY 5, 1996

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 1253.

Currently, the statute of limitations for the crime of sexual assault generally is five years. When the victim at the time of the offense is below the age of 18 years the action must be commenced within five years of the victim attaining the age of 18 or within two years of the discovery of the offense by the victim, whichever is later.

In its original form, this bill would have eliminated these limitations, allowing a prosecution for sexual assault to be commenced at any time. The committee amended the bill to restore the five year statute of limitations for sexual assaults but added a new paragraph (5) to provide that if the identity of the alleged offender was unknown to the victim, the prosecution must be commenced within five years after it is committed or within two years of the discovery of the identity of the offender, whichever is later. This amendment would permit prosecution in circumstances where the identity of an offender which was unknown to the victim was discovered after five years. Scientific advances, such as DNA samples and an automated fingerprint identification system, may make reliable identification possible long after the crime has been committed.

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

# STATEMENT TO

[First Reprint]

## **ASSEMBLY, No. 1253**

with Assembly Floor Amendments  
(Proposed By Assemblyman Azzolina)

ADOPTED: FEBRUARY 8, 1996

As originally introduced, A-1253(1R) had eliminated the statute of limitations for sexual assault, allowing a prosecution for this crime to be commenced at any time. As amended in committee, this provision was substantially modified to provide that prosecutions must be commenced within five years after the crime or within two years of the discovery of the identity of the offender, whichever is later.

These amendments would restore the bill to its original form, as introduced: the statute of limitations for the crime of sexual assault would be eliminated, and prosecution could be commenced at any time.

In addition, these amendments clarify the effective date of the bill, providing that the elimination of the statute of limitations will apply to all offenses not yet barred by the statute of limitations from prosecution as of the effective date.

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## OFFICE OF THE GOVERNOR NEWS RELEASE

**CN-001**

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**TRENTON, NJ 08625**

**RELEASE: May 1, 1996**

Gov. Christie Whitman today signed legislation giving sexual assault victims an unlimited amount of time to bring action against their attackers.

**A-1253/S-452** eliminates the current 5-year statute of limitations for the prosecution of sexual assault and provides that prosecution of a first or second degree sexual assault may be commenced at any time.

"The consequences to the victim of a sexual assault do not diminish as the years pass; neither should the responsibility for committing the assault," said Gov. Whitman. "This legislation ensures that sexual offenders will be unable to evade responsibility for their actions by hiding behind a statutory deadline."

A-1253/S-452 was sponsored by Assemblymen Joseph Azzolina (R-Monmouth/Middlesex) and John Gibson (R-Atlantic/Cumberland) and Senators James Cafiero (R-Cape May/Atlantic/Cumberland) and Robert Martin (R-Essex/Morris/Passaic).