

2C:1-6

LEGISLATIVE HISTORY CHECKLIST
Compiled by the NJ State Law Library

(Sexual assault--minor--extend
statute of limitations to
"reasonable" time)

NJSA: 2C:1-6

LAWS OF: 1994 CHAPTER: 53

BILL NO: S156

SPONSOR(S): Cafiero and Sinagra

DATE INTRODUCED: Pre-filed

COMMITTEE: ASSEMBLY: Judiciary

SENATE: Judiciary

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

DATE OF PASSAGE: ASSEMBLY: May 16, 1994

SENATE: March 15, 1994

DATE OF APPROVAL: June 24, 1994

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: ~~Yes~~ ^{NO} (Missing)

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG:pp

DEPOSITORY COPY
Do Not Remove From Libran

Legislative History Checklist
(Compiled by the Office of Legislative Services Library)

Synopsis: Amends statute of limitations applicable to sexual assaults when the victim is a minor.

Bill No.: S156

P.L. 1994, c. 63

Identical to: A1739
Substituted for: A1739
Combined with:
Last Session Bill No.: S1523 (1R)

See Above Bill(s) for Additional History

NJSA: 2C:1-6

Sponsor(s): Cafiero/Sinagra+2

Date Introduced: 01/18/94

Committee Reference:

Statement:

Public Hearing:

Assembly:

Judiciary, Law and Public Safety

Yes

No

Senate:

Judiciary

Yes

No

Sponsor Statement: Yes

Fiscal Note: No

Dates of Passage:

Assembly:

05/16/94 (72-0)

Senate:

03/15/94 (34-0)

Amended During Passage: Yes

Governor's Action:

Veto: No

Date of Veto:

Date of Approval: 06/24/94

Message on Signing:

Additional Information:

1 **AN ACT** concerning the statute of limitations in criminal cases in
2 certain circumstances and amending N.J.S.2C:1-6.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the
5 *State of New Jersey*:

6 1. N.J.S.2C:1-6 is amended to read as follows:

7 2C:1-6. Time Limitations. a. A prosecution for any offense
8 set forth in N.J.S.2C:11-3 or N.J.S.2C:11-4 may be commenced
9 at any time.

10 b. Except as otherwise provided in this section, prosecutions
11 for other offenses are subject to the following periods of
12 limitations:

13 (1) A prosecution for a crime must be commenced within five
14 years 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
17 after it is committed;

18 (3) A prosecution for any offense set forth in 2C:27-2,
19 2C:27-4, 2C:27-6, 2C:27-7, 2C:29-4, 2C:30-2, 2C:30-3, or any
20 attempt or conspiracy to commit such an offense, must be
21 commenced within seven years after the commission of the
22 offense;

23 (4) A prosecution for an offense set forth in N.J.S.2C:14-2 or
24 N.J.S.2C:14-3 or N.J.S.2C:24-4, when the victim at the time of
25 the offense is below the age of 18 years, must be commenced
26 within five years of the victim's attaining the age of 18 or within
27 two years of the ¹[reasonable]¹ discovery of the offense by the
28 victim, whichever is later.

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

34 d. A prosecution is commenced for a crime when an
35 indictment is found and for a nonindictable offense when a
36 warrant or other process is issued, provided that such warrant or
37 process is executed without unreasonable delay. Nothing
38 contained in this section, however, shall be deemed to prohibit
39 the downgrading of an indictable offense to a nonindictable
40 offense at any time if the indictable offense was filed within the
41 statute of limitations applicable to indictable offenses.

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:
¹ Senate SJU committee amendments adopted March 10, 1994.

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

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

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

9 (cf: P.L.1989, c.228, s.1)

10 2. This act shall take effect immediately.

11

12

13

14

15 Amends statute of limitations applicable to sexual assaults when
16 the victim is a minor.

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1994 SESSION

By Senators CAFIERO and SINAGRA

1 AN ACT concerning the statute of limitations in criminal cases in
2 certain circumstances and amending N.J.S.2C:1-6.

3
4 BE IT ENACTED by the Senate and General Assembly of the
5 State of New Jersey:

6 1. N.J.S.2C:1-6 is amended to read as follows:

7 2C:1-6. Time Limitations. a. A prosecution for any offense
8 set forth in N.J.S.2C:11-3 or N.J.S.2C:11-4 may be commenced
9 at any time.

10 b. Except as otherwise provided in this section, prosecutions
11 for other offenses are subject to the following periods of
12 limitations:

13 (1) A prosecution for a crime must be commenced within five
14 years 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
17 after it is committed;

18 (3) A prosecution for any offense set forth in 2C:27-2,
19 2C:27-4, 2C:27-6, 2C:27-7, 2C:29-4, 2C:30-2, 2C:30-3, or any
20 attempt or conspiracy to commit such an offense, must be
21 commenced within seven years after the commission of the
22 offense;

23 (4) A prosecution for an offense set forth in N.J.S.2C:14-2 or
24 N.J.S.2C:14-3 or N.J.S.2C:24-4, when the victim at the time of
25 the offense is below the age of 18 years, must be commenced
26 within five years of the victim's attaining the age of 18 or within
27 two years of the ¹[reasonable]¹ discovery of the offense by the
28 victim, whichever is later.

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

34 d. A prosecution is commenced for a crime when an
35 indictment is found and for a nonindictable offense when a
36 warrant or other process is issued, provided that such warrant or
37 process is executed without unreasonable delay. Nothing
38 contained in this section, however, shall be deemed to prohibit
39 the downgrading of an indictable offense to a nonindictable
40 offense at any time if the indictable offense was filed within the
41 statute of limitations applicable to indictable offenses.

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:
Senate SJU committee amendments adopted March 10, 1994.

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

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

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

9 (cf: P.L.1989, c.228, s.1)

10 2. This act shall take effect immediately.

11

12

13

14

15 Amends statute of limitations applicable to sexual assaults when
16 the victim is a minor.

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel
PRE-FILED FOR INTRODUCTION IN THE 1994 SESSION

By Senators CAFIERO and SINAGRA

1 AN ACT concerning the statute of limitations in criminal cases in
2 certain circumstances and amending N.J.S.2C:1-6.

3

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

6 1. N.J.S.2C:1-6 is amended to read as follows:

7 2C:1-6. Time Limitations. a. A prosecution for any offense
8 set forth in N.J.S.2C:11-3 or N.J.S.2C:11-4 may be commenced
9 at any time.

10 b. Except as otherwise provided in this section, prosecutions
11 for other offenses are subject to the following periods of
12 limitations:

13 (1) A prosecution for a crime must be commenced within five
14 years 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
17 after it is committed;

18 (3) A prosecution for any offense set forth in 2C:27-2,
19 2C:27-4, 2C:27-6, 2C:27-7, 2C:29-4, 2C:30-2, 2C:30-3, or any
20 attempt or conspiracy to commit such an offense, must be
21 commenced within seven years after the commission of the
22 offense;

23 (4) A prosecution for an offense set forth in N.J.S.2C:14-2 or
24 N.J.S.2C:14-3 or N.J.S.2C:24-4, when the victim at the time of
25 the offense is below the age of 18 years, must be commenced
26 within five years of the victim's attaining the age of 18 or within
27 two years of the reasonable discovery of the offense by the
28 victim, whichever is later.

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

34 d. A prosecution is commenced for a crime when an
35 indictment is found and for a nonindictable offense when a
36 warrant or other process is issued, provided that such warrant or
37 process is executed without unreasonable delay. Nothing
38 contained in this section, however, shall be deemed to prohibit
39 the downgrading of an indictable offense to a nonindictable
40 offense at any time if the indictable offense was filed within the
41 statute of limitations applicable to indictable offenses.

42 e. The period of limitation does not run during any time when

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 a prosecution against the accused for the same conduct is pending
2 in this State.

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

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

8 (cf: P.L.1989, c.228, s.1)

9 2. This act shall take effect immediately.

10

11

12 STATEMENT

13

14 Under present law, if the victim of a sexual assault is less than
15 18 years of age, a prosecution can be instituted up to five years
16 after the victim's eighteenth birthday. The bill would amend
17 that statute of limitations to provide that a prosecution can be
18 instituted up to five years after the victim's eighteenth birthday
19 or up to two years after the reasonable discovery of the offense
20 by the victim, whichever is later.

21

22

23

24

25 Amends statute of limitations applicable to sexual assaults when
26 the victim is a minor.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 156

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 10, 1994

The Senate Judiciary Committee reports favorably and with Senate committee amendments Senate Bill No. 156.

Under present law, if the victim of a sexual assault is less than 18 years of ages, a prosecution can be instituted up to five years after the victim's eighteenth birthday. This bill would amend that statute of limitations to provide that a prosecution can be instituted up to five years after the victim's eighteenth birthday or up to two years after the discovery of the offense by the victim, whichever is later.

The committee adopted an amendment which deletes the word "reasonable" from before the word "discovery" as set forth in the proposed amendatory language.

This bill was pre-filed for introduction in the 1994 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

756
:XX XXXX
SR XXXX
TR XXXX
JL-677
CX 77
C124

SENATE JUDICIARY COMMITTEE

AMENDMENTS

to

SENATE, No.156

(Sponsored by Senators Cafiero and Sinagra)

ADOPTED
MAR 10 1994

REPLACE SECTION 1 TO READ:

1. N.J.S.2C:1-6 is amended to read as follows:

2C:1-6. Time Limitations. a. A prosecution for any offense set forth in N.J.S.2C:11-3 or N.J.S.2C:11-4 may be commenced at any time.

b. Except as otherwise provided in this section, prosecutions for other offenses are subject to the following periods of limitations:

(1) A prosecution for a crime must be commenced within five years after it is committed;

(2) A prosecution for a disorderly persons offense or petty disorderly persons offense must be commenced within one year after it is committed;

(3) A prosecution for any offense set forth in 2C:27-2, 2C:27-4, 2C:27-6, 2C:27-7, 2C:29-4, 2C:30-2, 2C:30-3, or any attempt or conspiracy to commit such an offense, must be commenced within seven years after the commission of the offense;

(4) A prosecution for an offense set forth in N.J.S.2C:14-2 or N.J.S.2C:14-3 or N.J.S.2C:24-4, when the victim at the time of the offense is below the age of 18 years, must be commenced within five years of the victim's attaining the age of 18 or within two years of the ¹[reasonable]¹ discovery of the offense by the victim, whichever is later.

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

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

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

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

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

(cf: P.L.1989, c.229, s.1)

**ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY
COMMITTEE**

STATEMENT TO

**[FIRST REPRINT]
SENATE, No. 156**

STATE OF NEW JERSEY

DATED: MAY 6, 1984

The Assembly Judiciary, Law and Public Safety Committee reports favorably Senate Bill No. 156 [1R].

Under present law, if the victim of a sexual assault is less than 18 years of age, a prosecution can be instituted up to five years after the victim's eighteenth birthday. This bill would amend N.J.S.2C:1-6 to change that statute of limitations to provide that a prosecution can be instituted up to five years after the victim's eighteenth birthday or up to two years after the discovery of the offense by the victim, whichever is later.

This bill is identical to Assembly Bill No. 1739.