



**COMMITTEE STATEMENT:**

**ASSEMBLY:** Yes

Identical to Assembly Statement to S1516

**SENATE:** No

**FLOOR AMENDMENT STATEMENTS:** No

**LEGISLATIVE FISCAL ESTIMATE:** Yes

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

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**REPORTS:** No

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**NEWSPAPER ARTICLES:** No

# SENATE, No. 1516

## STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED SEPTEMBER 14, 2000

**Sponsored by:**

**Senator LOUIS F. KOSCO**

**District 38 (Bergen)**

**Senator DIANE ALLEN**

**District 7 (Burlington and Camden)**

**Co-Sponsored by:**

**Senators Vitale, Robertson, Inverso, Cafiero, Singer, Matheussen,  
Sinagra, Bucco, Zane and Palaia**

**SYNOPSIS**

Removes time limitation on prosecuting offenses when DNA evidence is available.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 3/9/2001)**

1 AN ACT concerning time limitations on certain prosecutions and  
2 supplementing chapter 1 of Title 2C of the New Jersey Statutes.

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

6  
7 1. Notwithstanding the provisions of N.J.S.2C:1-6 or any other law  
8 to the contrary, if the identity of the person who commits a crime is  
9 unknown when the crime is committed and physical evidence is  
10 collected which can be tested for its DNA characteristics and used to  
11 identify the person who committed the crime, a prosecution for the  
12 crime may be commenced at any time.

13  
14 2. This act shall take effect immediately.

15  
16  
17 STATEMENT

18  
19 This bill would remove time limitations on the prosecution of  
20 crimes when the person who committed the crime is unknown at the  
21 time, but DNA evidence collected at the crime scene can be used to  
22 identify the person at a later date.

23 The number of DNA profiles of criminals and suspects stored in  
24 state and federal DNA databanks is growing rapidly. This increase has  
25 overwhelmed crime labs and caused significant backlogs in the analysis  
26 of DNA evidence. This has resulted in cases where prosecuting  
27 authorities have matched DNA evidence with a DNA profile, but have  
28 been barred from bringing charges against the suspect on the grounds  
29 that the statute of limitation on the crime has expired. Under the bill,  
30 authorities would not be barred from prosecuting such crimes in this  
31 State.

32 Statutes of limitation establish a time period following the  
33 commission of a crime after which a prosecution cannot be  
34 commenced. The traditional rationale for these statutes is to protect  
35 defendants from the use of "stale" evidence against them. But this  
36 rationale has been weakened by advances in DNA technology. DNA  
37 evidence that has been properly collected from a crime scene, handled  
38 and stored can reliably identify defendants many years after a crime has  
39 been committed.

# SENATE LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### **SENATE, No. 1516**

# **STATE OF NEW JERSEY**

DATED: JANUARY 22, 2001

The Senate Law and Public Safety Committee reports favorably Senate Bill No. 1516.

This bill would remove time limitations on the prosecution of crimes when the person who committed the crime is unknown at the time, but DNA evidence collected at the crime scene can be used to identify the person at a later date.

The number of DNA profiles of criminals and suspects stored in state and federal DNA databanks is growing rapidly. This increase has overwhelmed crime labs and caused significant backlogs in the analysis of DNA evidence. This has resulted in cases in which prosecuting authorities have matched DNA evidence with a DNA profile, but have been barred from bringing charges against the suspect on the grounds that the statute of limitation on the crime has expired. Under the provisions of this bill, authorities would not be barred from prosecuting such crimes in this State.

Statutes of limitation establish a time period following the commission of a crime after which a prosecution cannot be commenced. The traditional rationale for these statutes is to protect defendants from the use of "stale" evidence against them. But this rationale has been weakened by advances in DNA technology. DNA evidence that has been properly collected, handled and stored can reliably identify defendants many years after a crime has been committed.

SENATE SUBSTITUTE FOR  
**SENATE, No. 1516**

**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

ADOPTED MARCH 26, 2001

**Sponsored by:**

**Senator LOUIS F. KOSCO**

**District 38 (Bergen)**

**Senator DIANE ALLEN**

**District 7 (Burlington and Camden)**

**Co-Sponsored by:**

**Senators Vitale, Robertson, Inverso, Cafiero, Singer, Matheussen,  
Sinagra, Bucco, Zane, Palaia, Assemblymen Holzapfel, Barnes and  
Assemblywoman Quigley**

**SYNOPSIS**

Removes time limitation on prosecuting offenses in certain cases when DNA evidence is available.

**CURRENT VERSION OF TEXT**

Substitute as adopted by the Senate.



**(Sponsorship Updated As Of: 12/18/2001)**

1 **AN ACT** concerning time limitations on certain prosecutions and  
2 amending 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, N.J.S.2C:11-4 or N.J.S.2C:14-2 may be  
10 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  
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 after  
17 it is committed;

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

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

28 (5) A prosecution for any offense set forth in paragraph (2)  
29 of subsection a. of N.J.S.2C:17-2, section 9 of P.L.1970, c.39  
30 (C.13:1E-9), section 20 of P.L.1989, c.34 (C.13:1E-48.20), section 19  
31 of P.L.1954, c.212 (C.26:2C-19), section 10 of P.L.1984, c.173  
32 (C.34:5A-41), or section 10 of P.L.1977, c.74 (C.58:10A-10) must be  
33 commenced within 10 years after the date of discovery of the offense  
34 by a local law enforcement agency, a county prosecutor, or the  
35 Department of Environmental Protection either directly by any of  
36 those entities or indirectly by notice given to any of those entities.

37 c. An offense is committed either when every element occurs or,  
38 if a legislative purpose to prohibit a continuing course of conduct  
39 plainly appears, at the time when the course of conduct or the  
40 defendant's complicity therein is terminated. Time starts to run on the  
41 day after the offense is committed, except that when the prosecution  
42 is supported by physical evidence that identifies the actor by means of  
43 DNA testing or fingerprint analysis, time does not start to run until the

**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 State is in possession of both the physical evidence and the DNA or  
2 fingerprint evidence necessary to establish the identification of the  
3 actor by means of comparison to the physical evidence.

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

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

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

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

20 (cf: P.L.1997, c.325, s.1)

21  
22 2. This act shall take effect immediately.  
23  
24

25 STATEMENT  
26

27 This Senate substitute would toll the applicable statute of  
28 limitations for the commission of a crime in certain cases until the  
29 State is in possession of DNA or fingerprint evidence taken from the  
30 suspect. Under current law, time begins to run on the day after the  
31 offense is committed. Under the provisions of this bill, an exception  
32 is made for instances where the prosecution is supported by means of  
33 DNA testing or fingerprint analysis. In those instances, time would  
34 not begin to run until the State is in possession of both the physical  
35 evidence and the DNA or fingerprint evidence necessary to establish  
36 the identification of the actor by means of comparison to the physical  
37 evidence.

38 This bill also permits the downgrading of any crime to a lesser  
39 included offense at any time if the prosecution of the greater offense  
40 was commenced within the statute of limitations applicable to the  
41 greater offense. Under current law, only an indictable offense may be  
42 downgraded to a nonindictable offense under those circumstances.



ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

SENATE SUBSTITUTE FOR

**SENATE, No. 1516**

**STATE OF NEW JERSEY**

DATED: DECEMBER 6, 2001

The Assembly Judiciary Committee reports favorably Senate Bill No. 1516 (SS).

This bill would toll the applicable statute of limitations for the commission of a crime in certain cases until the State is in possession of DNA or fingerprint evidence taken from the suspect. Under current law, time begins to run on the day after the offense is committed. Under the provisions of this bill, an exception is made for instances where the prosecution is supported by means of DNA testing or fingerprint analysis. In those instances, time would not begin to run until the State is in possession of both the physical evidence and the DNA or fingerprint evidence necessary to establish the identification of the actor by means of comparison to the physical evidence.

This bill also permits the downgrading of any crime to a lesser included offense at any time if the prosecution of the greater offense was commenced within the statute of limitations applicable to the greater offense. Under current law, only an indictable offense may be downgraded to a nonindictable offense under those circumstances.

This bill is identical to Assembly, No. 2658 (1R).

**LEGISLATIVE FISCAL ESTIMATE**  
**SENATE SUBSTITUTE FOR**  
**SENATE, No. 1516**  
**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

DATED: JANUARY 22, 2002

**SUMMARY**

**Synopsis:** Removes time limit on prosecuting offenses in certain cases when DNA evidence is available.

**Type of Impact:** Possible expenditure increase for counties, State General Fund.

**Agencies Affected:** Judiciary and State and local, law enforcement and corrections agencies.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Cost</b>	Indeterminate	Indeterminate	Indeterminate
<b>Local Cost</b>	Indeterminate	Indeterminate	Indeterminate

! Delays start of statute of limitations in certain crimes until the State is in possession of DNA or fingerprint evidence taken from suspect.

**BILL DESCRIPTION**

Senate Substitute for Senate Bill No. 1516 of 2000 would toll (or delay) the start of the statute of limitations in cases supported by physical evidence which identifies the actor by means of DNA testing or fingerprint analysis until the State is in possession of both the physical evidence and the DNA or fingerprint evidence needed to identify the actor by comparison with the physical evidence. The statute of limitations, the period following the commission of a crime in which the prosecution is required to commence, normally begins on the day after the crime is committed. The bill also permits the downgrading of any crime to a lesser included offense at any time if the prosecution for the greater offense was completed within the statute of limitations applicable to the greater offense.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

Presently, certain guilty persons may avoid standing trial in cases where DNA or fingerprint evidence is received that would establish their identities after the statute of limitations for a particular crime has expired. By extending the statute of limitations in such cases, this bill may require the conduct of trials that would not have otherwise been conducted and conceivably increase law enforcement and corrections expenditures as well. Information is not available that would allow the Office of Legislative Services to quantify such potential cost increases.

Section: *Law and Public Safety*

Analyst: *Kristen Fischer*  
*Associate Fiscal Analyst*

Approved: *Alan R. Kooney*  
*Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

# ASSEMBLY, No. 2658

## STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED JUNE 29, 2000

**Sponsored by:**

**Assemblyman JAMES W. HOLZAPFEL**

**District 10 (Monmouth and Ocean)**

**Assemblyman PETER J. BARNES, JR.**

**District 18 (Middlesex)**

**Co-Sponsored by:**

**Assemblywoman Quigley**

**SYNOPSIS**

Removes time limitation on prosecuting offenses when DNA evidence is available.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 1/30/2001)**

1 AN ACT concerning time limitations on certain prosecutions and  
2 supplementing chapter 1 of Title 2C of the New Jersey Statutes.

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

6  
7 1. Notwithstanding the provisions of N.J.S.2C:1-6 or any other law  
8 to the contrary, if the identity of the person who commits a crime is  
9 unknown when the crime is committed and physical evidence is  
10 collected which can be tested for its DNA characteristics and used to  
11 identify the person who committed the crime, a prosecution for the  
12 crime may be commenced at any time.

13  
14 2. This act shall take effect immediately.

15

16

17

STATEMENT

18

19 This bill would remove time limitations on the prosecution of  
20 crimes when the person who committed the crime is unknown at the  
21 time, but DNA evidence collected at the crime scene can be used to  
22 identify the person at a later date.

23 The number of DNA profiles of criminals and suspects stored in  
24 state and federal DNA databanks is growing rapidly. This increase has  
25 overwhelmed crime labs and caused significant backlogs in the analysis  
26 of DNA evidence. This has resulted in cases where prosecuting  
27 authorities have matched DNA evidence with a DNA profile, but have  
28 been barred from bringing charges against the suspect on the grounds  
29 that the statute of limitation on the crime has expired. Under the bill,  
30 authorities would not be barred from prosecuting such crimes in this  
31 State.

32 Statutes of limitation establish a time period following the  
33 commission of a crime after which a prosecution cannot be  
34 commenced. The traditional rationale for these statutes is to protect  
35 defendants from the use of "stale" evidence against them. But this  
36 rationale has been weakened by advances in DNA technology. DNA  
37 evidence that has been properly collected from a crime scene, handled  
38 and stored can reliably identify defendants many years after a crime has  
39 been committed.

# ASSEMBLY JUDICIARY COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 2658**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: DECEMBER 6, 2001

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 2658.

This bill as amended would toll the applicable statute of limitations for the commission of a crime in certain cases until the State is in possession of DNA or fingerprint evidence taken from the suspect. Under current law, time begins to run on the day after the offense is committed. Under the provisions of this bill, an exception is made for instances where the prosecution is supported by means of DNA testing or fingerprint analysis. In those instances, time would not begin to run until the State is in possession of both the physical evidence and the DNA or fingerprint evidence necessary to establish the identification of the actor by means of comparison to the physical evidence.

This bill also permits the downgrading of any crime to a lesser included offense at any time if the prosecution of the greater offense was commenced within the statute of limitations applicable to the greater offense. Under current law, only an indictable offense may be downgraded to a nonindictable offense under those circumstances.

As amended, this bill is identical to Senate, No. 1516 SS.

[First Reprint]

**ASSEMBLY, No. 2658**

**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

INTRODUCED JUNE 29, 2000

**Sponsored by:**

**Assemblyman JAMES W. HOLZAPFEL**

**District 10 (Monmouth and Ocean)**

**Assemblyman PETER J. BARNES, JR.**

**District 18 (Middlesex)**

**Co-Sponsored by:**

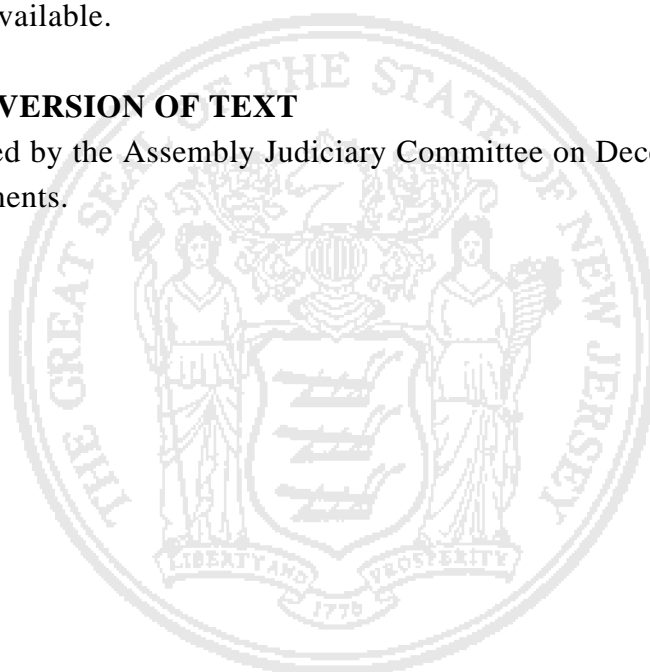
**Assemblywoman Quigley**

**SYNOPSIS**

Removes time limitation on prosecuting offenses in certain cases when DNA evidence is available.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Judiciary Committee on December 6, 2001, with amendments.



**(Sponsorship Updated As Of: 1/30/2001)**

1 AN ACT concerning time limitations on certain prosecutions and  
2 <sup>1</sup>[supplementing chapter 1 of Title 2C of the New Jersey Statutes]  
3 amending N.J.S. 2C:1-6<sup>1</sup>.

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

7  
8 <sup>1</sup>[1. Notwithstanding the provisions of N.J.S.2C:1-6 or any other  
9 law to the contrary, if the identity of the person who commits a crime  
10 is unknown when the crime is committed and physical evidence is  
11 collected which can be tested for its DNA characteristics and used to  
12 identify the person who committed the crime, a prosecution for the  
13 crime may be commenced at any time.]<sup>1</sup>

14  
15 <sup>1</sup>1. N.J.S.2C:1-6 is amended to read as follows:

16 2C:1-6. Time Limitations. a. A prosecution for any offense set  
17 forth in N.J.S.2C:11-3, N.J.S.2C:11-4 or N.J.S.2C:14-2 may be  
18 commenced at any time.

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

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

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

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

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

36 (5) A prosecution for any offense set forth in paragraph (2)  
37 of subsection a. of N.J.S.2C:17-2, section 9 of P.L.1970, c.39  
38 (C.13:1E-9), section 20 of P.L.1989, c.34 (C.13:1E-48.20), section 19  
39 of P.L.1954, c.212 (C.26:2C-19), section 10 of P.L.1984, c.173  
40 (C.34:5A-41), or section 10 of P.L.1977, c.74 (C.58:10A-10) must be  
41 commenced within 10 years after the date of discovery of the offense

**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 December 6, 2001.



1 by a local law enforcement agency, a county prosecutor, or the  
2 Department of Environmental Protection either directly by any of  
3 those entities or indirectly by notice given to any of those entities.

4 c. An offense is committed either when every element occurs or,  
5 if a legislative purpose to prohibit a continuing course of conduct  
6 plainly appears, at the time when the course of conduct or the  
7 defendant's complicity therein is terminated. Time starts to run on the  
8 day after the offense is committed , except that when the prosecution  
9 is supported by physical evidence that identifies the actor by means of  
10 DNA testing or fingerprint analysis, time does not start to run until the  
11 State is in possession of both the physical evidence and the DNA or  
12 fingerprint evidence necessary to establish the identification of the  
13 actor by means of comparison to the physical evidence.

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

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

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

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

30 (cf: P.L.1997, c.325, s.1)<sup>1</sup>

31

32 2. This act shall take effect immediately.

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

**ASSEMBLY, No. 2658**

**STATE OF NEW JERSEY**

**209th LEGISLATURE**

DATED: JANUARY 10, 2002

## SUMMARY

**Synopsis:** Removes time limit on prosecuting offenses in certain cases when DNA evidence is available.

**Type of Impact:** Possible expenditure increase for counties, State General Fund.

**Agencies Affected:** Judiciary and State and local, law enforcement and corrections agencies.

### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Cost</b>	Indeterminate	Indeterminate	Indeterminate
<b>Local Cost</b>	Indeterminate	Indeterminate	Indeterminate

! Delays start of statute of limitations in certain crimes until the State is in possession of DNA or fingerprint evidence taken from suspect.

## BILL DESCRIPTION

Assembly Bill No. 2658 (1R) of 2000 would toll (or delay) the start of the statute of limitations in cases supported by physical evidence which identifies the actor by means of DNA testing or fingerprint analysis until the State is in possession of both the physical evidence and the DNA or fingerprint evidence needed to identify the actor by comparison with the physical evidence. The statute of limitations, the period following the commission of a crime in which the prosecution is required to commence, normally begins on the day after the crime is committed. The bill also permits the downgrading of any crime to a lesser included offense at any time if the prosecution for the greater offense was completed within the statute of limitations applicable to the greater offense.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

Presently, certain guilty persons may avoid standing trial in cases where DNA or fingerprint evidence is received that would establish their identities after the statute of limitations for a particular crime has expired. By extending the statute of limitations in such cases, this bill may require the conduct of trials that would not have otherwise been conducted and conceivably increase law enforcement and corrections expenditures as well. Information is not available that would allow the Office of Legislative Services to quantify such potential cost increases.

Section: *Law and Public Safety*

Analyst: *Kristen Fischer*  
*Associate Fiscal Analyst*

Approved: *Alan R. Kooney*  
*Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

P.L. 2001, CHAPTER 308, *approved January 3, 2002*

Senate Substitute for  
Senate, No. 1516

1 AN ACT concerning time limitations on certain prosecutions and  
2 amending 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, N.J.S.2C:11-4 or N.J.S.2C:14-2 may be  
10 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  
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 after  
17 it is committed;

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

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

28 (5) A prosecution for any offense set forth in paragraph (2)  
29 of subsection a. of N.J.S.2C:17-2, section 9 of P.L.1970, c.39  
30 (C.13:1E-9), section 20 of P.L.1989, c.34 (C.13:1E-48.20), section 19  
31 of P.L.1954, c.212 (C.26:2C-19), section 10 of P.L.1984, c.173  
32 (C.34:5A-41), or section 10 of P.L.1977, c.74 (C.58:10A-10) must be  
33 commenced within 10 years after the date of discovery of the offense  
34 by a local law enforcement agency, a county prosecutor, or the  
35 Department of Environmental Protection either directly by any of  
36 those entities or indirectly by notice given to any of those entities.

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

**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 day after the offense is committed , except that when the prosecution  
2 is supported by physical evidence that identifies the actor by means of  
3 DNA testing or fingerprint analysis, time does not start to run until the  
4 State is in possession of both the physical evidence and the DNA or  
5 fingerprint evidence necessary to establish the identification of the  
6 actor by means of comparison to the physical evidence.

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

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.1997, c.325, s.1)

24  
25 2. This act shall take effect immediately.

## 26 27 28 STATEMENT

29  
30 This Senate substitute would toll the applicable statute of  
31 limitations for the commission of a crime in certain cases until the  
32 State is in possession of DNA or fingerprint evidence taken from the  
33 suspect. Under current law, time begins to run on the day after the  
34 offense is committed. Under the provisions of this bill, an exception  
35 is made for instances where the prosecution is supported by means of  
36 DNA testing or fingerprint analysis. In those instances, time would  
37 not begin to run until the State is in possession of both the physical  
38 evidence and the DNA or fingerprint evidence necessary to establish  
39 the identification of the actor by means of comparison to the physical  
40 evidence.

41 This bill also permits the downgrading of any crime to a lesser  
42 included offense at any time if the prosecution of the greater offense  
43 was commenced within the statute of limitations applicable to the  
44 greater offense. Under current law, only an indictable offense may be  
45 downgraded to a nonindictable offense under those circumstances.

SS for S1516

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3 Removes time limitation on prosecuting offenses in certain cases when

4 DNA evidence is available.

## CHAPTER 308

AN ACT concerning time limitations on certain prosecutions and amending N.J.S.2C:1-6.

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

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

Time limitations.

2C:1-6. Time Limitations. a. A prosecution for any offense set forth in N.J.S.2C:11-3, N.J.S.2C:11-4 or N.J.S.2C:14-2 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 N.J.S.2C:27-2, N.J.S.2C:27-4, N.J.S.2C:27-6, N.J.S.2C:27-7, N.J.S.2C:29-4, N.J.S.2C:30-2, N.J.S.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:14-3 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 discovery of the offense by the victim, whichever is later;

(5) A prosecution for any offense set forth in paragraph (2) of subsection a. of N.J.S.2C:17-2, section 9 of P.L.1970, c.39 (C.13:1E-9), section 20 of P.L.1989, c.34 (C.13:1E-48.20), section 19 of P.L.1954, c.212 (C.26:2C-19), section 10 of P.L.1984, c.173 (C.34:5A-41), or section 10 of P.L.1977, c.74 (C.58:10A-10) must be commenced within 10 years after the date of discovery of the offense by a local law enforcement agency, a county prosecutor, or the Department of Environmental Protection either directly by any of those entities or indirectly by notice given to any of those entities.

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, except that when the prosecution is supported by physical evidence that identifies the actor by means of DNA testing or fingerprint analysis, time does not start to run until the State is in possession of both the physical evidence and the DNA or fingerprint evidence necessary to establish the identification of the actor by means of comparison to the physical evidence.

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 offense at any time if the prosecution of the greater offense was commenced within the statute of limitations applicable to the greater offense.

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.

2. This act shall take effect immediately.

Approved January 3, 2002.