

2C:11-2.1

LEGISLATIVE HISTORY CHECKLIST

(Assault--Upgrade to homicide if victim dies--
elapsed time no bar to prosecution)

NJSA 2C:11-2.1

LAWS OF 1979

CHAPTER 363

Bill No. A1723

Sponsor(s) Gormley and others

Date Introduced October 16, 1978

Committee: Assembly Judiciary, Law, Public Safety & Defense

Senate Law, Public Safety & Defense

Amended during passage ~~Yes~~ No

Date of Passage: Assembly May 10, 1979

Senate Jan. 3, 1980

Date of approval Feb. 1, 1980

Following statements are attached if available:

Sponsor statement Yes (Below)

Committee Statement: Assembly ~~Yes~~ No

Senate Yes

Fiscal Note ~~Yes~~ No

Veto message ~~Yes~~ No

Message on signing Yes

Following were printed:

Reports ~~Yes~~ No

Hearings ~~Yes~~ No

Sponsor's statement:

This bill addresses a problem raised in a recent Supreme Court opinion in the case of State v. Young, which called for legislative action on the common law rule which barred prosecutions for murder if the victim died after a year and day had elapsed from the time of the assault.

State v. Young, 77 NJ 245

9/1/78

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ASSEMBLY, No. 1723

STATE OF NEW JERSEY

INTRODUCED OCTOBER 16, 1978

By Assemblymen GORMLEY, EDWARDS, KERN, HERMAN,
DOWD and DOYLE

Referred to Committee on Judiciary, Law, Public Safety
and Defense

AN ACT concerning the offense of criminal homicide.

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

1 1. The length of time which has elapsed between the initial
2 assault and the death of the victim shall not be a bar to prosecution
3 of the actor for criminal homicide.

1 2. This act shall take effect immediately.

STATEMENT

This bill addresses a problem raised in a recent Supreme Court opinion in the case of *State v. Young*, which called for legislative action on the common law rule which barred prosecutions for murder if the victim died after a year and a day had elapsed from the time of the assault.

SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1723

STATE OF NEW JERSEY

DATED: NOVEMBER 19, 1979

This bill would abrogate the common law rule barring prosecution for criminal homicide in cases where the victim dies more than a year and a day from the date in which the injury causing the death was inflicted.

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

FEBRUARY 1, 1980

PATRICK SWEENEY

Governor Brendan Byrne has signed the following bills:

S-1115, sponsored by Senator Wayne Dumont, Jr. (R-Warren), which reduces the minimum period of time that must elapse before a road test may be scheduled for a holder of an examination permit of an omnibus or school bus endorsement from 20 days to 10 days. The present mandatory waiting period of 20 days for any holder of an examination permit for a basic driver's license is left intact.

S-1387, sponsored by Senator John Ewing (R-Somerset), which prescribes the resident requirements for an individual to be eligible to pay a resident's tuition at a public institution of higher education.

The bill continues the presumption that a student must be a resident of the State for 12 months prior to enrollment in order to be eligible to pay New Jersey resident tuition. However, the bill also adds flexibility, permitting such persons to demonstrate domicile according to rules and regulations to be established by the Board of Higher Education.

The bill will be effective for September 1980.

S-3308, sponsored by Senator James Cafiero (R-Cape May), which provides legislative ratification for the sale of a 2.22 acre parcel of land declared surplus by the Department of Defense located in the city of Ocean City.

A-1723, sponsored by Assemblyman William L. Gormley (R-Atlantic) which abolishes the common law "year-and-a-day" rule which used to bar prosecution for homicide if the victim died after a year and a day had passed after the assault.

-more-

This rule developed centuries ago in the earliest days of common law, when the state of medical science was so primitive that the courts were reluctant to find criminal cause when the death did not proximately follow the assault.

A second reason for the rule was the early practice which precluded testimony by expert witnesses in common law trials. Courts were thus deprived of access to the medical knowledge, however meagre, which existed at the time.

The year and a day rule has been extensively criticized as outdated in light of the advances in medical science in this century, and its abolition is consistent with modern legal trend. New York has legislatively abolished the rule and Pennsylvania discarded it by judicial action. California and Washington have expanded the rule to three years and a day.

A-3624, sponsored by Assemblyman Martin Herman (D-Gloucester) which will reduce the cost of publishing a notice of a sale at a public auction.

Under current practice, an extensive written technical description of the premises, known as a metes and bounds description was included in the published notice.

This bill would require the notice to include either a diagram of the premises or a statement indicating the municipality, tax lot and block and, where appropriate, the street and street number, the dimensions of the premises and the number of feet to the nearest cross street.

The notice would be required to state that the diagram or statement is not the legal description and to indicate where the legal description can be obtained. The bill is effective in 30 days.

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