

SENATE, No. 4804

STATE OF NEW JERSEY
222nd LEGISLATURE

INTRODUCED OCTOBER 15, 2026

Sponsored by:
Senator JAMES W. HOLZAPFEL
District 10 (Monmouth and Ocean)

SYNOPSIS

“Jackson’s Law”; requires mandatory minimum term of imprisonment for leaving scene of accident resulting in death and makes certain juveniles eligible for waiver for this offense.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning leaving the scene of a motor vehicle accident
2 resulting in death, designated as Jackson's Law, and amending
3 P.L.1997, c.111 and P.L.2015, c.89.

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

7
8 1. Section 1 of P.L.1997, c.111 (C.2C:11-5.1) is amended to
9 read as follows:

10 1. A motor vehicle operator who knows he is involved in an
11 accident and knowingly leaves the scene of that accident under
12 circumstances that violate the provisions of R.S.39:4-129 shall be
13 guilty of a crime of the second degree if the accident results in the
14 death of another person. A person convicted under this section shall
15 be sentenced to a mandatory minimum term of imprisonment by the
16 court. Notwithstanding the provisions of N.J.S.2C:43-6, the
17 minimum term shall be five years, during which time the defendant
18 shall not be eligible for parole.

19 If the evidence so warrants, nothing in this section shall be
20 deemed to preclude an indictment and conviction for aggravated
21 manslaughter under the provisions of N.J.S.2C:11-4, reckless
22 vehicular homicide under the provisions of N.J.S.2C:11-5 or strict
23 liability vehicular homicide under the provisions of section 1 of
24 P.L.2017, c.165 (C.2C:11-5.3).

25 Notwithstanding the provisions of N.J.S.2C:1-8 or any other
26 provisions of law, a conviction arising under this section shall not
27 merge with a conviction for aggravated manslaughter under the
28 provisions of N.J.S.2C:11-4, reckless vehicular homicide under the
29 provisions of N.J.S.2C:11-5 or strict liability vehicular homicide
30 under the provisions of section 1 of P.L.2017, c.165 (C.2C:11-5.3)
31 and a separate sentence shall be imposed upon each such
32 conviction.

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

37 For the purposes of this section, neither knowledge of the death
38 nor knowledge of the violation are elements of the offense and it
39 shall not be a defense that the operator of the motor vehicle was
40 unaware of the death or of the provisions of R.S.39:4-129.
41 (cf: P.L.2017, c.165, s.4)

42
43 2. Section 1 of P.L.2015, c.89 (C.2A:4A-26.1) is amended to
44 read as follows:

45 1. a. A prosecutor seeking waiver of jurisdiction of a juvenile
46 delinquency case by the Superior Court, Chancery Division, Family

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 Part to an appropriate court and prosecuting authority without the
2 consent of the juvenile shall file a motion within 60 days after the
3 receipt of the complaint, which time may be extended for good
4 cause shown. The motion shall be accompanied by a written
5 statement of reasons clearly setting forth the facts used in assessing
6 all factors contained in paragraph (3) of subsection c. of this
7 section, together with an explanation as to how evaluation of those
8 facts support waiver for each particular juvenile.

9 b. At a hearing, the court shall receive the evidence offered by
10 the State and by the juvenile. The State shall provide proof to
11 satisfy the requirements set forth in paragraphs (1) and (2) or
12 paragraph (4) of subsection c. of this section. The court also shall
13 review whether the State considered the factors set forth in
14 paragraph (3) of subsection c. of this section.

15 c. Except as provided in paragraph (3) of this subsection, the
16 court shall waive jurisdiction of a juvenile delinquency case without
17 the juvenile's consent and shall refer the case to the appropriate
18 court and prosecuting authority having jurisdiction if:

19 (1) The juvenile was 15 years of age or older at the time of the
20 alleged delinquent act; and

21 (2) There is probable cause to believe that the juvenile
22 committed a delinquent act which if committed by an adult would
23 constitute:

24 (a) criminal homicide, other than death by auto;

25 (b) strict liability for drug-induced deaths;

26 (c) first degree robbery;

27 (d) carjacking;

28 (e) aggravated sexual assault;

29 (f) sexual assault;

30 (g) second degree aggravated assault;

31 (h) kidnapping;

32 (i) aggravated arson;

33 (j) possession of a firearm with a purpose to use it unlawfully
34 against the person of another under subsection a. of N.J.S.2C:39-4,
35 or possession of a firearm while committing or attempting to
36 commit, including the immediate flight therefrom, aggravated
37 assault, aggravated criminal sexual contact, burglary, home
38 invasion burglary, residential burglary, or escape;

39 (k) a violation of N.J.S.2C:35-3 (Leader of a Narcotics
40 Trafficking Network);

41 (l) a violation of N.J.S.2C:35-4 (Maintaining and Operating a
42 CDS Production Facility);

43 (m) a violation of section 1 of P.L.1998, c.26 (C.2C:39-4.1)
44 (Weapons Possession while Committing certain CDS Offenses);

45 (n) an attempt or conspiracy to commit any of the crimes
46 enumerated in subparagraphs (a) through (m) of this paragraph; or

47 (o) a crime committed at a time when the juvenile previously
48 had been sentenced and confined in an adult correctional facility.

1 (3) The court may deny a motion by the prosecutor to waive
2 jurisdiction of a juvenile delinquency case if it is clearly convinced
3 that the prosecutor abused his discretion in considering the
4 following factors in deciding whether to seek a waiver:

- 5 (a) The nature and circumstances of the offense charged;
- 6 (b) Whether the offense was against a person or property,
7 allocating more weight for crimes against the person;
- 8 (c) Degree of the juvenile's culpability;
- 9 (d) Age and maturity of the juvenile;
- 10 (e) Any classification that the juvenile is eligible for special
11 education to the extent this information is provided to the
12 prosecution by the juvenile or by the court;
- 13 (f) Degree of criminal sophistication exhibited by the juvenile;
- 14 (g) Nature and extent of any prior history of delinquency of the
15 juvenile and dispositions imposed for those adjudications;
- 16 (h) If the juvenile previously served a custodial disposition in a
17 State juvenile facility operated by the Youth Justice Commission,
18 and the response of the juvenile to the programs provided at the
19 facility to the extent this information is provided to the prosecution
20 by the Youth Justice Commission;
- 21 (i) Current or prior involvement of the juvenile with child
22 welfare agencies;
- 23 (j) Evidence of mental health concerns, substance use disorder,
24 or emotional instability of the juvenile to the extent this information
25 is provided to the prosecution by the juvenile or by the court; and
- 26 (k) If there is an identifiable victim, the input of the victim or
27 victim's family.

28 (4) In addition to the provisions of paragraphs (1) and (2) of this
29 subsection and except as provided in paragraph (3) of this
30 subsection, the court shall waive jurisdiction of a juvenile
31 delinquency case without the juvenile's consent and shall refer the
32 case to the appropriate court and prosecuting authority having
33 jurisdiction if the juvenile was 17 years of age at the time of the
34 alleged delinquent act and there is probable cause to believe that the
35 juvenile committed a delinquent act which if committed by an adult
36 would constitute leaving the scene of a motor vehicle accident that
37 results in death of another person in violation of section 1 of
38 P.L.1997, c.111 (C.2C:11-5.1).

39 The Attorney General may develop for dissemination to the
40 county prosecutors those guidelines or directives deemed necessary
41 or appropriate to ensure the uniform application of this section
42 throughout the State.

43 d. An order waiving jurisdiction over a case and referring the
44 case to the appropriate court and prosecuting authority shall specify
45 the alleged act upon which the referral is based and all other
46 delinquent acts charged against the juvenile arising out of or related
47 to the same transaction.

1 e. Testimony of a juvenile at a hearing to determine referral
2 under this section shall not be admissible for any purpose in any
3 subsequent hearing to determine delinquency or guilt of any
4 offense.

5 f. Upon waiver of jurisdiction and referral to the appropriate
6 court and prosecuting authority having jurisdiction:

7 (1) The case shall proceed as if it originated in that court and
8 shall be subject to the sentencing provisions available to that court;
9 provided, however, upon conviction for any offense which is
10 subject to waiver pursuant to paragraph (2) or paragraph (4) of
11 subsection c. of this section, there shall be a presumption that the
12 juvenile shall serve any custodial sentence imposed in a State
13 juvenile facility operated by the Youth Justice Commission until the
14 juvenile reaches the age of 21, except that:

15 (a) a juvenile who has not reached the age of 21 may, in the
16 discretion of the Youth Justice Commission, be transferred to the
17 Department of Corrections in accordance with the plan established
18 pursuant to subsection e. of section 7 of P.L.1995, c.284 (C.52:17B-
19 175) and regulations adopted pursuant to that section; and

20 (b) a juvenile who has reached or exceeds the age of 21 may
21 continue to serve a sentence in a State juvenile facility operated by
22 the Youth Justice Commission in the discretion of the Youth Justice
23 Commission and if the juvenile so consents; otherwise the juvenile
24 shall serve the remainder of the custodial sentence in a State
25 correctional facility;

26 (2) If a juvenile is not convicted of an offense set forth in
27 paragraph (2) or paragraph (4) of subsection c. of this section, a
28 conviction for any other offense shall be deemed a juvenile
29 adjudication and be remanded to the Superior Court, Chancery
30 Division, Family Part for disposition, in accordance with the
31 dispositional options available to that court and all records related
32 to the act of delinquency shall be subject to the provisions of
33 section 1 of P.L.1982, c.79 (C.2A:4A-60);

34 (3) With the consent of the defense and the prosecutor, at any
35 point in the proceedings subsequent to the decision ordering waiver
36 the court may remand to the Superior Court, Chancery Division,
37 Family Part if it appears that:

38 (a) the interests of the public and the best interests of the
39 juvenile require access to programs or procedures uniquely
40 available to that court; and

41 (b) the interests of the public are no longer served by waiver.

42 g. (1) The Youth Justice Commission, in consultation with the
43 Attorney General, shall establish a program to collect, record, and
44 analyze data regarding waiver of jurisdiction of a juvenile
45 delinquency case by the Superior Court, Chancery Division, Family
46 Part to an appropriate court and prosecuting authority. In
47 furtherance of this program, the Youth Justice Commission shall, in
48 cooperation with the Administrative Office of the Courts, Attorney

1 General, and county prosecutors, collect data related to the decision
2 to seek waiver of jurisdiction of a juvenile delinquency case, which
3 shall include but not be limited to data concerning:

4 (a) youth demographics, including age, gender, race, and
5 ethnicity;

6 (b) case characteristics, including the degree of the offense
7 waived, the degree of the offense convicted, and the final court
8 resolution;

9 (c) case processing times; and

10 (d) waiver rates by race and ethnicity.

11 (2) The commission shall prepare and publish on its Internet
12 website biennial reports summarizing the data collected, recorded,
13 and analyzed pursuant to paragraph (1) of this subsection.

14 (3) The commission shall, pursuant to section 2 of P.L. 1991,
15 c.164 (C.52:14-19.1), biennially prepare and transmit to the
16 Governor and the Legislature the reports required in paragraph (2)
17 of this subsection, along with any recommendations the commission
18 may have for legislation concerning waiver of jurisdiction of
19 juvenile delinquency cases.

20 (cf: P.L.2025, c.35, s.3)

21
22 3. This act shall take effect immediately.
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24

25 STATEMENT

26
27 This bill, to be known as “Jackson’s Law,” requires a mandatory
28 minimum term of imprisonment for leaving the scene of a motor
29 vehicle accident resulting in death and makes certain juveniles
30 eligible for waiver to adult criminal court for this offense.

31 Under current law, a person who knowingly leaves the scene of a
32 motor vehicle accident resulting in the death of another person is
33 guilty of a crime of the second degree, which is punishable by
34 imprisonment of five to 10 years, a penalty of up to \$150,000, or
35 both. Under the provisions of this bill, a person would also be
36 subject to a mandatory minimum term of imprisonment of five
37 years, during which time the person would not be eligible for
38 parole.

39 In addition, under current law, juveniles 15 years of age and
40 older at the time of the alleged delinquent act who are charged with
41 certain offenses, including first degree robbery, carjacking, and
42 aggravated sexual assault, are eligible to be waived to adult
43 criminal court.

44 Under this bill, a juvenile who is 17 years of age and is charged
45 with leaving the scene of a motor vehicle accident that results in
46 death of another person is eligible to be waived to adult criminal
47 court.