

Released on: June 26, 2006

BUONO/SMITH BILL TO REMOVE STATUTE OF LIMITATIONS ON ENVIRONMENTAL CRIMES THROUGH SENATE

TRENTON - The statute of limitations for criminal offenses arising from violations of certain environmental laws and crimes causing widespread injury or damage would be eliminated under a bill sponsored by Senators Barbara Buono and Bob Smith and passed today by the Senate.

"The nature of environmental crimes and violations can lead them to have a widespread and long-term effect on both the community as a whole and individual people that can make it difficult to prosecute known offenders under the statute of limitations," said Senator Buono, D-Middlesex. "Given that there are cases where the health effects and environmental damage is not noticeable until years after the crime has occurred or where it can take years just to figure out who is responsible, prosecutors need to have sufficient time to investigate these crimes and hold the perpetrators accountable for their actions."

Bill S-1712 would eliminate the statute of limitations for violations of the "Solid Waste Management Act," the "Comprehensive Regulated Medical Waste Management Act," the "Air Pollution Control Act (1954)," the asbestos law, and the "Water Pollution Control Act," as well as N.J.S.CC:17-2, which outlines the crime of causing or risking widespread injury or damage. Under current law, prosecution for violations of the above statutes must be commenced within ten years after the date of discovery of the offense. Prosecutions for violations of N.J.S.2C:17-2, other than the hazardous discharge, hazardous waste, and toxic pollutant provisions, must be commenced within five years after the offense.

"No two ways about it - polluters can't be allowed to get away with environmental crimes simply because they beat the clock," added Senator Smith, D-Middlesex and Somerset and Chair of the Committee. "Environmental crimes shouldn't be a game of chance where the perpetrators can play the odds and hope that the statute of limitations runs out before they can be charged with the crime they've committed. Our residents deserve better protection than that."

This bill was introduced as a response to the problems surrounding the W. R. Grace industrial site asbestos contamination and remediation in Hamilton Township in Mercer County. It is impossible to prosecute W. R. Grace for environmental violations that may have happened in the early 1990s because the 10-year statute of limitations has expired. This bill would leave open the possibility of prosecution at other contaminated sites even after the passage of many years.

The bill passed by a vote of 37-0 and goes to the Assembly for their consideration.

