

**LEAVING THE SCENE OF AN ACCIDENT**  
**RESULTING IN SERIOUS BODILY INJURY**  
**(N.J.S.A. 2C:12-1.1)**

The indictment charges the defendant with the offense of leaving the scene of an accident resulting in serious bodily injury to another as follows:

**(Read pertinent count of indictment)**

The defendant is accused of violating a section of our state statutes that reads as follows:

A motor vehicle operator who knows that he is involved in an accident and knowingly leaves the scene of that accident . . . shall be guilty of a crime. . . if the accident results in serious bodily injury to another person.

In order for you to find the defendant guilty of this offense, you must find that the State has proved beyond a reasonable doubt each of the following elements:

1. that the defendant was operating a motor vehicle and was involved in an accident while operating that motor vehicle;
2. that the defendant knew that (he/she) was involved in an accident;
3. that the defendant knowingly and unlawfully left the scene of that accident; and
4. that the accident resulted in serious bodily injury to another person.

The first element that the State must prove beyond a reasonable doubt is that the defendant was operating a motor vehicle and was involved in an accident while operating the motor vehicle. A motor vehicle is any vehicle propelled otherwise than by muscular power, except such vehicles as run only upon rails or tracks and motorized bicycles.<sup>1</sup>

The second element that the State must prove beyond a reasonable doubt is that the defendant knew that (he/she) was involved in an accident.

A person knows that (he/she) was involved in an accident if (he/she) is aware that (he/she) was involved in an accident or is aware of a probability that (he/she) was involved in an accident.

The third element that the State must prove beyond a reasonable doubt is that the

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<sup>1</sup> N.J.S.A. 39:1-1.

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defendant knowingly and unlawfully left the scene of the accident.

A motorist knowingly leaves the scene of an accident if (he/she) is aware that (he/she) is leaving the scene of an accident or is aware of a high probability that (he/she) is leaving the scene of an accident.

To determine whether the State has proved beyond a reasonable doubt that the defendant unlawfully left the scene of an accident, you must understand the obligations that New Jersey law places on a motorist who is involved in an accident.

A motorist who knows that (he/she) has been involved in an accident must:

- (1) immediately stop (his/her) vehicle at the scene of the accident; or
- (2) immediately stop (his/her) vehicle as close to the scene of the accident as possible and forthwith return to the scene of the accident.<sup>2</sup>

A motorist who fails to stop under these circumstances unlawfully leaves the scene of an accident. However, the State need not prove that the defendant knew of (his/her) legal obligation to stop at or near the scene of the accident.

The fourth element that the State must prove beyond a reasonable doubt is that the accident resulted in serious bodily injury to another person.

Serious bodily injury means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of any bodily member or organ.<sup>3</sup>

The State need not prove that defendant knew that the accident had resulted in serious bodily injury.

If you find that the State has proved each element of the offense beyond a reasonable doubt, then you must find the defendant guilty.

If you find that the State has failed to prove any element of the offense beyond a reasonable doubt, then you must find the defendant not guilty.

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<sup>2</sup> If the sufficiency of the defendant's stay at the scene of the accident becomes an issue, please refer to N.J.S.A. 39:4-129(c), which specifies how long a motorist must remain at the scene of an accident.

<sup>3</sup> When appropriate, the jury should be instructed on causation. N.J.S.A. 2C:2-3.