

ASSEMBLY, No. 3301

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED FEBRUARY 4, 2003

Sponsored by:

Assemblywoman LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

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District 37 (Bergen)

SYNOPSIS

Permits court, upon request of prosecutor, to examine reliability of the obligor or person posting cash bail, relationship to defendant, value and sufficiency of security offered and whether funds used to post bail or secure bond were acquired lawfully.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/16/2003)

1 AN ACT concerning bail sufficiency hearings and supplementing Title
2 2A 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. When a person charged with an offense posts cash bail or
8 secures a bail bond, the court may, upon the request of the prosecutor,
9 conduct an inquiry to determine the reliability of the obligor or person
10 posting cash bail, the value and sufficiency of any security offered, the
11 relationship of the obligor or person posting cash bail to the defendant
12 and the defendant's interest in ensuring that the bail is not forfeited,
13 and whether the funds used to post the cash bail or secure the bail
14 bond were acquired as a result of criminal or unlawful conduct. The
15 court may examine, under oath or otherwise, any person who may
16 possess relevant information, and may inquire into any matter
17 appropriate to its determination, including, but not limited to, the
18 following:

19 a. The character, background and reputation of the person posting
20 cash bail;

21 b. The relationship of the person posting cash bail or securing a
22 bail bond to the defendant;

23 c. The source of any money posted as cash bail and whether any
24 such money constitutes the fruits of criminal or unlawful conduct;

25 d. The character, background and reputation of any person who
26 has indemnified or agreed to indemnify and obligor on the bond;

27 e. The character, background and reputation of any obligor, or, in
28 the case of a surety bond, the qualifications of the surety and its
29 executing agent;

30 f. The source of any money or property deposited by any obligor
31 as security and whether such money or property constitutes the fruits
32 of criminal or unlawful conduct; and

33 g. The source of any money or property delivered or agreed to be
34 delivered by any obligor as indemnification on the bond and whether
35 such money or property constitutes the fruits of criminal or unlawful
36 conduct.

37 At the conclusion of the inquiry, the court shall issue an order either
38 approving or disapproving the bail.

39
40 2. The procedure to determine the sufficiency of bail shall be
41 governed by rules adopted by the Supreme Court.

42
43 3. This act shall take effect immediately.

1 STATEMENT

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3 This bill establishes a procedure by which a court may, upon the
4 request of the prosecutor, inquire into the sufficiency of bail posted by
5 a person charged with a crime. The court would determine the
6 reliability of the obligor or person posting cash bail, the value and
7 sufficiency of any security offered, the relationship of the obligor or
8 person posting cash bail to the defendant and the defendant's interest
9 in ensuring that the bail is not forfeited, and whether the funds used to
10 post the cash bail or secure the bail bond were acquired as a result of
11 criminal or unlawful conduct. The bill requires the court to issue an
12 order at the conclusion of the inquiry either approving or disapproving
13 the bail.

14 The purpose of the bill is to clarify that the court has the authority
15 to reject cash bail or a bail bond that is acquired by means of criminal
16 or unlawful conduct. Additionally, the bill would ensure that the court
17 has the authority to reject certain sureties who do not properly assume
18 the responsibility to produce the defendant in court as required.

19 Finally, the bill provides that the hearing procedures will be
20 governed by rules adopted by the Supreme Court.