

**ASSEMBLY, No. 989**

**STATE OF NEW JERSEY**  
**214th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

**Sponsored by:**

**Assemblyman GORDON M. JOHNSON**

**District 37 (Bergen)**

**SYNOPSIS**

Adds certain crimes as crimes which have bail restrictions.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning crimes with bail restrictions and amending  
2 P.L.1994, c. 144.

3

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

6

7 1. Section 1 of P.L.1994, c.144 (C.2A:162-12) is amended to  
8 read as follows:

9 1. a. As used in this section:

10 "Crime with bail restrictions" means a crime of the first or  
11 second degree charged under any of the following sections:

- |    |  |                  |
|----|--|------------------|
| 12 | (1) Murder   | 2C:11-3.         |
| 13 | (2) Manslaughter   | 2C:11-4.         |
| 14 | (3) Kidnapping   | 2C:13-1.         |
| 15 | (4) Sexual Assault   | 2C:14-2.         |
| 16 | (5) Robbery  | 2C:15-1.         |
| 17 | (6) Carjacking   | P.L.1993,        |
| 18 | c.221, s.1 (C.2C:15-2).  |                  |
| 19 | (7) Arson and Related Offenses   | 2C:17-1.         |
| 20 | (8) Causing or Risking Widespread Injury or Damage                       | 2C:17-2.         |
| 21 | (9) Burglary   | 2C:18-2.         |
| 22 | (10)Theft by Extortion   | 2C:20-5.         |
| 23 | (11)Endangering the Welfare of Children                                  | 2C:24-4.         |
| 24 | (12)Resisting Arrest; Eluding Officer                                    | 2C:29-2.         |
| 25 | (13) Escape  | 2C:29-5.         |
| 26 | (14)Corrupting or Influencing a Jury                                     | 2C:29-8.         |
| 27 | (15)Possession of Weapons for Unlawful Purposes                          | 2C:39-4.         |
| 28 | (16)Weapons Training for Illegal Activities                              | P.L.1983,        |
| 29 | c.229, s.1 (C.2C:39-14).   |                  |
| 30 | (17)Soliciting or Recruiting Gang Members                                | P.L.1999,        |
| 31 | c.160, s.1 (C.2C:33-28).   |                  |
| 32 | <u>(18)Death by Auto or Vessel</u>                                       | <u>2C:11-5.</u>  |
| 33 | <u>(19)Aggravated Assault</u>  | <u>2C:12-1b.</u> |
| 34 | <u>(20)Disarming a Law Enforcement Officer</u>                           | <u>P.L.1996,</u> |
| 35 | <u>c. 14, s.1 (C.2C:12-11).</u>  |                  |
| 36 | <u>(21)Luring or Enticing a child</u>                                    | <u>P.L.1993,</u> |
| 37 | <u>c.291, s.1 (C.2C:13-6).</u>   |                  |
| 38 | <u>(22)Terrorism</u>   | <u>P.L.2002,</u> |
| 39 | <u>c. 26, s.2 (C.2C:38-2).</u>   |                  |
| 40 | <u>(23)Producing or Possessing Chemical Weapons, Biological</u>          |                  |
| 41 | <u>Agents or Nuclear or Radiological Devices</u>                         | <u>P.L.2002,</u> |
| 42 | <u>c. 26, s.3 (C.2C:38-3).</u>   |                  |
| 43 | <u>"Crime with bail restrictions" also includes a crime of the third</u> |                  |
| 44 | <u>or fourth degree charged under any of the following sections:</u>     |                  |
| 45 | <u>Aggravated Assault</u>  | <u>2C:12-1b.</u> |

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 (3) The market value of the unencumbered equity owned by the  
2 affiant as determined in a full appraisal conducted by an appraiser  
3 licensed by the State of New Jersey; and

4 (4) A statement that the affiant is the sole owner of the  
5 unencumbered equity.

6 e. Nothing herein is intended to preclude a court from releasing  
7 a person on the person's own recognizance when the court  
8 determines that such person is deserving.

9 (cf: P.L.2007, c.46, s.1)

10  
11 2. This act shall take effect immediately.  
12  
13

14 STATEMENT  
15

16 This bill would add certain crimes within the provisions of  
17 N.J.S.A.2A:162-12 concerning crimes with bail restrictions.

18 Currently, N.J.S.A.2A:162-12 provides that a person charged  
19 with an enumerated crime of the first or second degree may only  
20 use full cash, certain surety bonds or certain bail bonds as a means  
21 of posting bail. Persons charged with these enumerated crimes  
22 cannot use the 10% cash option for posting bail.

23 The bill would add the following crimes of the first and second  
24 degree:

- 25 • death by auto or vessel (N.J.S.A.2C:11-5);  
26 • aggravated assault (N.J.S.A.2C:12-1);  
27 • disarming a law enforcement officer (N.J.S.A.2C:12-11);  
28 • luring or enticing a child (N.J.S.A.2C:13-6);  
29 • terrorism (N.J.S.A.2C:38-2); and  
30 • producing or possessing chemical weapons, biological  
31 agents or nuclear or radiological devices (N.J.S.A.2C:38-3).

32 In addition, the bill would add the following crimes if graded as a  
33 crime of the third or fourth degree:

- 34 • aggravated assault (N.J.S.A.2C:12-1b.);  
35 • reckless endangerment (paragraph (2) of subsection b. of  
36 N.J.S.A.2C:12-2);  
37 • terroristic threats (N.J.S.A.2C:12-3);  
38 • luring or enticing an adult (N.J.S.A.2C:13-7);  
39 • aggravated criminal sexual contact (N.J.S.A.2C:14-3);  
40 • computer criminal activity (N.J.S.A.2C:20-25);  
41 • booby traps in manufacturing or distribution facilities  
42 (N.J.S.A. 2C: 35-4.1);  
43 • distribution of CDS on or within 1,000 feet of school  
44 property (N.J.S.A.2C:35-7);  
45 • unlawful possession of weapons (N.J.S.A.2C:39-5); and  
46 • violation of certain regulatory firearms provisions (N.J.S.A.  
47 2C:39-10).