

[Third Reprint]  
**SENATE, No. 946**

**STATE OF NEW JERSEY**  
**216th LEGISLATURE**

INTRODUCED JANUARY 27, 2014

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**Senators Stack, Beck, Assemblyman O'Scanlon and Assemblywoman Pinkin**

**SYNOPSIS**

Implements constitutional amendment authorizing denial of pretrial release; establishes speedy trial time frames; reforms bail proceedings; adds non-monetary bail alternatives; and authorizes Judiciary to revise fees for these and other court-related programs.

**CURRENT VERSION OF TEXT**

As amended by the Senate on July 31, 2014.

(Sponsorship Updated As Of: 8/5/2014)

1 AN ACT concerning court administration, supplementing Titles 2A  
2 and 2B of the New Jersey Statutes, and amending P.L.1995,  
3 c.325.

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

7  
8 <sup>3</sup>1. (New section) For any crime committed on or after the  
9 effective date of this section:

10 a. Subject to excludable time as set forth in subsection b. of  
11 this section:

12 (1) (a) A defendant who has been charged with a crime and for  
13 whom pretrial detention is ordered pursuant to sections 5 and 6 of  
14 P.L. , c. (C. ) (pending before the Legislature as this bill)  
15 shall not remain detained in jail for more than 90 days on that  
16 charge prior to the return of an indictment. If the defendant is not  
17 indicted within the specified 90 days, the defendant shall be  
18 released from jail upon motion of the defendant or on the court's  
19 own motion. Notwithstanding the court's previous findings for  
20 ordering the defendant's pretrial detention, the court shall release  
21 the defendant on the defendant's own recognizance or set  
22 appropriate non-monetary conditions for the defendant's release.

23 (b) If the defendant is charged or indicted on another matter, the  
24 time calculations set forth in subparagraph (a) of this paragraph for  
25 each matter shall run independently.

26 (2) (a) Except as otherwise provided in this paragraph, a  
27 defendant who has been indicted and for whom pretrial detention is  
28 ordered pursuant to sections 5 and 6 of P.L. , c. (C. )  
29 (pending before the Legislature as this bill) shall not remain  
30 detained in jail for more than 180 days on that charge following the  
31 return or unsealing of the indictment, whichever is later, before  
32 commencement of the trial. The 180-day time period shall  
33 commence to run from the date the indictment is returned, or the  
34 defendant, if a juvenile, has been waived to adult court. In the  
35 event a defendant's trial does not begin within the specified 180  
36 days, the defendant shall be released from jail upon motion of the  
37 defendant or the court's own motion, unless the court finds that  
38 <sup>2</sup>[an injustice would follow] a substantial and unjustifiable risk to  
39 the safety of any other person or the community or obstruction of  
40 the criminal justice process would result<sup>2</sup> from <sup>2</sup>[strict compliance  
41 with]<sup>2</sup> the defendant's release<sup>2</sup>]. If the court finds, in the  
42 extraordinary case, that there has been a significant showing that an  
43 injustice would follow from strict compliance with the defendant's

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SBA committee amendments adopted June 5, 2014.

<sup>2</sup>Senate floor amendments adopted June 12, 2014.

<sup>3</sup>Senate floor amendments adopted July 31, 2014.

1 release]<sup>2</sup> from custody, <sup>2</sup>so that no appropriate conditions for the  
2 defendant's release could reasonably address that risk. If the court  
3 so finds,<sup>2</sup> the court may allocate an additional period of time in  
4 which the defendant's trial shall commence before the defendant is  
5 released. Notwithstanding the court's previous findings for ordering  
6 the defendant's pretrial detention, the court shall release the  
7 defendant on the defendant's own recognizance or set appropriate  
8 non-monetary conditions for the defendant's release to  
9 <sup>2</sup>[reasonable] reasonably<sup>2</sup> assure <sup>2</sup>the<sup>2</sup> defendant's appearance in  
10 court.

11 (b) (i) For the purposes of this paragraph, a trial is considered to  
12 have commenced when the court determines that the parties are  
13 present and directs them to proceed to voir dire or to opening  
14 argument, or to the hearing of any motions that had been reserved  
15 for the time of trial.

16 (ii) The return of a superseding indictment against a defendant  
17 shall extend the time for the trial to commence.

18 (iii) If an indictment is dismissed without prejudice upon motion  
19 of the defendant for any reason, and a subsequent indictment is  
20 returned, the time for trial shall begin running from the date of the  
21 return of the subsequent indictment.

22 (iv) A trial ordered after a mistrial or upon a motion for a new  
23 trial shall commence within 120 days of the entry of the order of the  
24 court. A trial ordered upon the reversal of a judgment by any  
25 appellate court shall commence within 120 days of the service of  
26 that court's trial mandate.

27 (c) If the defendant is indicted on another matter, the time  
28 calculations set forth in this paragraph for each matter shall run  
29 independently.

30 b. (1) The following periods shall be excluded in computing  
31 the time in which a case shall be indicted or tried:

32 (a) The time resulting from an examination and hearing on  
33 competency and the period during which the defendant is  
34 incompetent to stand trial or incapacitated;

35 (b) The time from the filing to the disposition of a defendant's  
36 application for supervisory treatment pursuant to N.J.S.2C:36A-1 or  
37 N.J.S.2C:43-12 et seq., special probation pursuant to N.J.S.2C:35-  
38 14, <sup>2</sup>[regular] drug or alcohol treatment as a condition of<sup>2</sup>  
39 probation <sup>2</sup>[drug court]<sup>2</sup> pursuant to N.J.S.2C:45-1, or other  
40 pretrial treatment or supervisory program;

41 (c) The time from the filing to the final disposition of a motion  
42 made before trial by the prosecutor or the defendant;

43 (d) The time resulting from a continuance granted, in the court's  
44 discretion, at the defendant's request or at the request of both  
45 parties;

46 (e) The time resulting from the detention of a defendant in  
47 another jurisdiction provided the prosecutor has been diligent and  
48 has made reasonable efforts to obtain the defendant's presence;

1       (f) The time resulting from exceptional circumstances  
 2 including, but not limited to, a natural disaster, the unavoidable  
 3 unavailability of a defendant, material witness or other evidence,  
 4 when there is a reasonable expectation that the defendant, witness  
 5 or evidence will become available in the near future;

6       (g) On motion of the prosecutor, the delay resulting when the  
 7 court finds that the case is complex due to the number of defendants  
 8 or the nature of the prosecution;

9       (h) The time resulting from a severance of codefendants when  
 10 that severance permits only one trial to commence within the time  
 11 period for trial set forth in this section;

12       (i) <sup>2</sup>**[(k)]** The time resulting from a defendant being joined for trial  
 13 with a codefendant for whom the time for trial has not run and there  
 14 is good cause for not granting a severance;

15       (j) <sup>2</sup>**[(l)]** The time resulting from a defendant's failure to appear for  
 16 a court proceeding;

17       <sup>2</sup>**[(k)]** (j) <sup>2</sup> The time resulting from a disqualification or recusal  
 18 of a judge;

19       <sup>2</sup>**[(l)]** (k) <sup>2</sup> The time for other periods of delay not specifically  
 20 enumerated if the court finds good cause for the delay;

21       <sup>2</sup>(l) The time resulting from a failure by the defendant to provide  
 22 timely and complete discovery;<sup>2</sup> and

23       (m) Any other time otherwise required by statute.

24       (2) <sup>2</sup>**[(k)]** The prosecutor shall be responsible for calculating  
 25 excludable time pursuant to the provisions of this subsection.

26       (3) <sup>2</sup>**[(l)]** The failure by the prosecutor to provide timely and complete  
 27 discovery shall not be considered excludable time unless the  
 28 discovery only became available after the time set for discovery.

29       c. The Supreme Court may adopt Rules of Court necessary to  
 30 implement the provisions of this section.<sup>1</sup> <sup>3</sup>

31  
 32       <sup>1</sup>**[(1.)** <sup>3</sup>**[(2.)** <sup>1</sup> 1.<sup>3</sup> (New section) The provisions of <sup>1</sup>sections  
 33 <sup>3</sup>**[(2.)** <sup>1</sup> 1<sup>3</sup> through 11 of<sup>1</sup> P.L. , c. (C. ) (pending before the  
 34 Legislature as this bill) shall be liberally construed to effectuate the  
 35 purpose of <sup>1</sup>primarily<sup>1</sup> relying upon <sup>1</sup>**[(contempt of court**  
 36 **proceedings or criminal sanctions]** <sup>2</sup>**[(conditions of release**<sup>1</sup> instead  
 37 **of]** <sup>3</sup>pretrial release by non-monetary<sup>3</sup> means <sup>3</sup>**[(other than**<sup>2</sup>  
 38 **financial loss** <sup>2</sup>, such as conditions of release,<sup>2</sup> <sup>3</sup>**)]**<sup>3</sup> to <sup>1</sup>**[(ensure]**  
 39 **reasonably assure**<sup>1</sup> <sup>3</sup>**[(the]** an eligible<sup>3</sup> defendant's<sup>2</sup> appearance  
 40 <sup>2</sup>**[(of the defendant, that the defendant will not pose a danger to]** in  
 41 court when required, the protection of the safety of<sup>2</sup> any <sup>2</sup>other<sup>2</sup>  
 42 person or the community, <sup>2</sup>that the <sup>3</sup>eligible<sup>3</sup> defendant will not  
 43 obstruct or attempt to obstruct the criminal justice process,<sup>2</sup> and that  
 44 the <sup>3</sup>eligible<sup>3</sup> defendant will comply with all conditions of <sup>1</sup>**[(bail]**  
 45 release<sup>1</sup> <sup>2</sup>, while authorizing the court <sup>3</sup>, upon motion of a  
 46 prosecutor,<sup>3</sup> to order pretrial detention of the <sup>3</sup>eligible<sup>3</sup> defendant

1 when it finds clear and convincing evidence that no condition or  
 2 combination of conditions can reasonably assure the effectuation of  
 3 these goals<sup>2</sup>. Monetary bail <sup>2</sup>~~shall~~ <sup>2</sup>may be set <sup>3</sup>for an eligible  
 4 defendant<sup>3</sup> <sup>1</sup>only <sup>3</sup>~~after~~ <sup>2</sup>~~a~~ <sup>2</sup>the defendant's commitment to jail  
 5 and<sup>1</sup><sup>3</sup> when it is determined that no other conditions of release will  
 6 reasonably assure the <sup>3</sup>eligible<sup>3</sup> defendant's appearance in court  
 7 <sup>1</sup>~~and that the defendant does not present a danger to any person or~~  
 8 the community<sup>1</sup> <sup>2</sup>when required<sup>2</sup>.

9 <sup>1</sup>For the purposes of sections <sup>3</sup>~~2~~ <sup>1</sup>3 through 11 of P.L. \_\_\_\_\_,  
 10 c. (C. \_\_\_\_\_) (pending before the Legislature as this bill), “  
 11 <sup>3</sup>eligible<sup>3</sup> defendant” shall mean a person <sup>3</sup>~~who is arrested on~~  
 12 warrant<sup>3</sup> for whom a complaint-warrant is issued<sup>3</sup> for an initial  
 13 charge involving an indictable offense or a disorderly persons  
 14 offense unless otherwise provided in sections <sup>3</sup>~~2~~ <sup>1</sup>3 through 11 of  
 15 P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (pending before the Legislature as this bill).<sup>1</sup>

17 <sup>1</sup>~~2.~~(New section) Upon the appearance before a court of a  
 18 defendant charged with an offense, the court shall issue an order  
 19 that the defendant be:

- 20 a. released on conditions including the execution of a bail bond  
 21 pursuant to subsection b. of section 3 of P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_)  
 22 (pending before the Legislature as this bill);  
 23 b. released on his own personal recognizance; or  
 24 c. detained pursuant to section 4 of P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_)  
 25 (pending before the Legislature as this bill).<sup>1</sup>

27 <sup>3</sup>~~13.~~ <sup>2</sup>3 (New section) <sup>3</sup>~~For any~~ <sup>3</sup>a. An eligible<sup>3</sup> defendant  
 28 <sup>3</sup>~~committed to jail, the~~ <sup>3</sup>, following the issuance of a complaint-  
 29 warrant pursuant to the conditions set forth under subsection c. of  
 30 this section, shall be temporarily detained to allow the Pretrial  
 31 Services Program to prepare a risk assessment with  
 32 recommendations on conditions of release pursuant to section 11 of  
 33 P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (pending before the Legislature as this bill)  
 34 and for the court to issue a pretrial release decision.

35 b. (1) Except as otherwise provided under sections 4 and 5 of  
 36 P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (pending before the Legislature as this bill),  
 37 the<sup>3</sup> court <sup>3</sup>, pursuant to section 3 of P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (pending  
 38 before the Legislature as this bill),<sup>3</sup> shall make a pretrial release  
 39 decision for the <sup>3</sup>eligible<sup>3</sup> defendant without unnecessary delay, but  
 40 in no case later than 48 hours after the <sup>3</sup>eligible<sup>3</sup> defendant's  
 41 commitment to jail. <sup>3</sup>The court shall consider the Pretrial Services  
 42 Program's risk assessment and recommendations on conditions of  
 43 release before making any pretrial release decision for the eligible  
 44 defendant.

45 (2)<sup>3</sup> After considering <sup>3</sup>all<sup>3</sup> the <sup>3</sup>~~defendant's~~<sup>3</sup> circumstances  
 46 <sup>3</sup>~~and~~ <sup>3</sup>, <sup>3</sup>the Pretrial Services Program's risk assessment and

1 <sup>3</sup>**[recommendation]** recommendations<sup>3</sup> on conditions of release  
2 <sup>3</sup>**[completed pursuant to section 11 of P.L. , c. (C. )**  
3 **(pending before the Legislature as this bill)]**, and any information  
4 that may be provided by a prosecutor or the eligible defendant<sup>3</sup>, the  
5 court shall order that the <sup>3</sup>eligible<sup>3</sup> defendant be:

6 <sup>3</sup>**[a.]** (a)<sup>3</sup> released on the <sup>3</sup>eligible<sup>3</sup> defendant's own  
7 recognizance or on execution of an unsecured appearance bond; or  
8 <sup>3</sup>**[b.]** (b)<sup>3</sup> released on a non-monetary condition or conditions,  
9 with the condition or conditions being the least restrictive condition  
10 or combination of conditions that the court determines will  
11 reasonably assure the <sup>3</sup>eligible<sup>3</sup> <sup>2</sup>defendant's<sup>2</sup> appearance <sup>2</sup>[of the  
12 defendant as] in court when<sup>2</sup> required <sup>2</sup>[by the court, or] , the  
13 protection of<sup>2</sup> the safety of any other person <sup>2</sup>[and of] or<sup>2</sup> the  
14 community, or <sup>2</sup>[both] that the <sup>3</sup>eligible<sup>3</sup> defendant will not  
15 obstruct or attempt to obstruct the criminal justice process<sup>2</sup> ; or

16 <sup>3</sup>**[c.]** (c)<sup>3</sup> released on monetary bail, other than an unsecured  
17 appearance bond, to reasonably assure the <sup>3</sup>eligible<sup>3</sup> <sup>2</sup>defendant's<sup>2</sup>  
18 appearance <sup>2</sup>[of the defendant as] in court when<sup>2</sup> required <sup>2</sup>[by the  
19 court]<sup>2</sup> , or a combination of monetary bail and non-monetary  
20 conditions, to reasonably assure the <sup>3</sup>eligible<sup>3</sup> <sup>2</sup>defendant's<sup>2</sup>  
21 appearance <sup>2</sup>[of the defendant as] in court when<sup>2</sup> required <sup>2</sup>[by the  
22 court, or] , the protection of<sup>2</sup> the safety of any other person <sup>2</sup>[and  
23 of] or<sup>2</sup> the community, or <sup>2</sup>[both] that the <sup>3</sup>eligible<sup>3</sup> defendant will  
24 not obstruct or attempt to obstruct the criminal justice process<sup>2</sup> ; or

25 <sup>3</sup>**[d.]** (d) detained in jail,<sup>3</sup> upon motion of the prosecutor,  
26 <sup>3</sup>**[detained in jail]<sup>3</sup> pending a pretrial detention hearing pursuant to  
27 sections <sup>3</sup>[5] <sup>4</sup> and <sup>3</sup>[6] <sup>5</sup> of P.L. , c. (C. ) (pending  
28 before the Legislature as this bill).<sup>1</sup>**

29 <sup>3</sup>**c.** A law enforcement officer shall not apply for a complaint-  
30 warrant except in accordance with guidelines issued by the Attorney  
31 General, and a court may not issue a complaint-warrant except as  
32 may be authorized by the Rules of Court.

33 **d.** (1) A defendant who is charged on a complaint-summons  
34 shall be released from custody and shall not be subject to the  
35 provisions of sections 1 through 11 of P.L. , c. (C. )  
36 (pending before the Legislature as this bill).

37 (2) (a) If a defendant who was released from custody after  
38 being charged on a complaint-summons pursuant to paragraph (1)  
39 of this subsection is subsequently arrested on a warrant for failure  
40 to appear in court when required, that defendant shall be eligible for  
41 release on personal recognizance or release on bail by sufficient  
42 sureties at the discretion of the court. If monetary bail was not set  
43 when an arrest warrant for the defendant was issued, the defendant  
44 shall have monetary bail set without unnecessary delay, but in no  
45 case later than 12 hours after arrest. Pursuant to the Rules of Court,

1 if the defendant is unable to post monetary bail, the defendant shall  
 2 have that bail reviewed promptly and may file an application with  
 3 the court seeking a bail reduction, which shall be heard in an  
 4 expedited manner.

5 (b) If the defendant fails to post the required monetary bail set  
 6 by the court pursuant to this paragraph, the defendant may not be  
 7 detained on the charge or charges contained in the complaint-  
 8 summons beyond the maximum term of incarceration or term of  
 9 probation supervision for the offense or offenses charged.<sup>3</sup>

10

11 <sup>1</sup>[3.] <sup>3</sup>[4.1] 3. (New section) <sup>1</sup>[a.] Except as <sup>3</sup>otherwise<sup>3</sup>  
 12 provided under <sup>1</sup>[section 4] sections <sup>3</sup>[5] 4<sup>3</sup> and <sup>3</sup>[6<sup>1</sup>] 5<sup>3</sup> of  
 13 P.L. , c. (C. ) (pending before the Legislature as this bill)  
 14 <sup>1</sup>[.] concerning<sup>1</sup> a <sup>1</sup>hearing on <sup>3</sup>[the]<sup>3</sup> pretrial detention <sup>3</sup>[of a  
 15 defendant]<sup>3 2 2 3</sup> <sup>3</sup>[for any defendant who is committed to jail and] a  
 16 court shall make, pursuant to this section, a pretrial release decision  
 17 for an eligible defendant without unnecessary delay, but<sup>3</sup> in no case  
 18 later than 48 hours after <sup>3</sup>[that] the eligible defendant's<sup>3</sup>  
 19 commitment <sup>3</sup>[:] to jail.<sup>3</sup>

20

a. The<sup>1</sup> court shall order the pretrial release of <sup>1</sup>[a] the<sup>1</sup>  
 21 <sup>3</sup>eligible<sup>3</sup> defendant on personal recognizance <sup>1</sup>or on the execution  
 22 of an unsecured appearance bond<sup>1</sup> when, after considering all the  
 23 circumstances <sup>3</sup>[and] ,<sup>3</sup> the Pretrial Services Program's risk  
 24 assessment<sup>1 3</sup> and recommendations on conditions of release  
 25 prepared pursuant to section 11 of P.L. , c. (C. ) (pending  
 26 before the Legislature as this bill)<sup>3</sup> , <sup>3</sup>and any information that may  
 27 be provided by a prosecutor or the eligible defendant,<sup>3</sup> the court  
 28 <sup>3</sup>[determines] finds<sup>3</sup> that <sup>2</sup>[a defendant will appear <sup>1</sup>in court<sup>1</sup> as]  
 29 the release would reasonably assure the <sup>3</sup>eligible<sup>3</sup> defendant's  
 30 appearance in court when<sup>2</sup> required <sup>1</sup>[either before or after  
 31 conviction and the defendant] , <sup>2</sup>[and<sup>1</sup> will not pose a danger to]  
 32 the protection of the safety of<sup>2</sup> any <sup>1</sup>other<sup>1</sup> person or the community  
 33 <sup>1</sup>[, or obstruct or attempt to obstruct justice, and that the defendant  
 34 will comply with all conditions of release]<sup>1 2</sup>, and that the <sup>3</sup>eligible<sup>3</sup>  
 35 defendant will not obstruct or attempt to obstruct the criminal  
 36 justice process<sup>2</sup>.

37

b. <sup>1</sup>[Except as provided under section 4 of P.L. ,  
 38 c. (C. ) (pending before the Legislature as this bill), if] (1) If<sup>1</sup>  
 39 <sup>2</sup>[a] the<sup>2</sup> court <sup>2</sup>[determines] does not <sup>3</sup>[determine] find<sup>3</sup> , after  
 40 consideration,<sup>2</sup> that the release described in subsection a. of this  
 41 section will <sup>2</sup>[not]<sup>2</sup> reasonably <sup>1</sup>[ensure the appearance of the  
 42 person] assure <sup>2</sup>[that]<sup>2</sup> the <sup>2</sup>[defendant will appear] <sup>3</sup>eligible<sup>3</sup>  
 43 defendant's appearance<sup>2</sup> in court<sup>1 2</sup> [as] when<sup>2</sup> required <sup>1 1 2</sup>[or  
 44 will <sup>1</sup>[endanger the safety of] not pose a danger to<sup>1</sup>] the protection  
 45 of the safety of<sup>2</sup> any other person or the community, <sup>1</sup>[or will not

1 prevent the person from obstructing or attempting to obstruct the  
2 criminal justice process,<sup>1</sup> <sup>2</sup>and that the <sup>3</sup>eligible<sup>3</sup> defendant will  
3 not obstruct or attempt to obstruct the criminal justice process,<sup>2</sup> the  
4 court may order the pretrial release of the <sup>1</sup>[person] <sup>3</sup>eligible<sup>3</sup>  
5 defendant subject to <sup>3</sup>[one or more of]<sup>3</sup> the following <sup>3</sup>[non-  
6 monetary conditions<sup>1</sup>]<sup>3</sup> :

7 <sup>1</sup>[(1) subject to the condition that] (a)<sup>1</sup> the <sup>1</sup>[person] <sup>3</sup>eligible<sup>3</sup>  
8 defendant shall<sup>1</sup> not commit any <sup>1</sup>[crime] offense<sup>1</sup> during the  
9 period of release <sup>1</sup>[and] ;

10 (b) the <sup>3</sup>eligible<sup>3</sup> defendant shall<sup>1</sup> avoid all contact with an  
11 alleged victim of the crime <sup>1</sup>;<sup>1</sup> <sup>3</sup>[and]<sup>3</sup>

12 <sup>1</sup>(c) the <sup>3</sup>eligible<sup>3</sup> defendant shall avoid all contact<sup>1</sup> with  
13 <sup>1</sup>[potential] all<sup>1</sup> witnesses <sup>3</sup>who may testify concerning the offense  
14 that are<sup>3</sup> <sup>1</sup>named in the document authorizing the <sup>3</sup>eligible<sup>3</sup>  
15 defendant's release<sup>1</sup> <sup>3</sup>[who may testify concerning the offense]<sup>3</sup> <sup>1</sup>;  
16 or]<sup>3</sup> or in a subsequent court order; and

17 (d) any one or more non-monetary conditions as set forth in  
18 paragraph (2) of this subsection<sup>3</sup> .<sup>1</sup>

19 (2) <sup>1</sup>[(subject to)] The <sup>3</sup>non-monetary<sup>3</sup> condition or conditions of  
20 a pretrial release ordered by the court pursuant to this <sup>3</sup>[subsection]  
21 paragraph<sup>3</sup> shall be<sup>1</sup> the least restrictive condition, or combination  
22 of conditions, that the court determines will reasonably <sup>1</sup>[ensure]  
23 assure<sup>1</sup> the <sup>3</sup>eligible<sup>3</sup> <sup>2</sup>defendant's<sup>2</sup> appearance <sup>2</sup>[of the <sup>1</sup>[person]  
24 defendant<sup>1</sup> as] in court when<sup>2</sup> required <sup>1</sup>[and] <sup>2</sup>[or<sup>1</sup>] , the  
25 protection of<sup>2</sup> the safety of any other person <sup>2</sup>[and] or<sup>2</sup> the  
26 community, <sup>2</sup>[or both] and that the <sup>3</sup>eligible<sup>3</sup> defendant will not  
27 obstruct or attempt to obstruct the criminal justice process<sup>2</sup> .<sup>1</sup> which  
28 may include <sup>1</sup>[the condition]<sup>1</sup> that the <sup>1</sup>[person] <sup>3</sup>eligible<sup>3</sup>  
29 defendant<sup>1</sup>:

30 (a) remain in the custody of a designated person, who agrees to  
31 assume supervision and to report any violation of a release  
32 condition to the court, if the designated person is <sup>2</sup>[reasonably]<sup>2</sup>  
33 able to <sup>1</sup>[ensure to] <sup>2</sup>reasonably<sup>2</sup> assure<sup>1</sup> the court that the  
34 <sup>3</sup>eligible<sup>3</sup> defendant will appear <sup>3</sup>[as] in court when<sup>3</sup> required  
35 <sup>2</sup>[and] ,<sup>2</sup> will not pose a danger to the safety of any other person or  
36 the community <sup>2</sup>, and will not obstruct or attempt to obstruct the  
37 criminal justice process<sup>2</sup> ;

38 (b) maintain employment, or, if unemployed, actively seek  
39 employment;

40 (c) maintain or commence an educational program;

41 (d) abide by specified restrictions on personal associations,  
42 place of abode, or travel;

43 (e) report on a regular basis to a designated law enforcement  
44 agency, <sup>1</sup>or other agency, or<sup>1</sup> pretrial services <sup>1</sup>[agency, or other  
45 agency] program<sup>1</sup>;



- 1 (f) comply with a specified curfew;
- 2 (g) refrain from possessing a firearm, destructive device, or  
3 other dangerous weapon;
- 4 (h) refrain from excessive use of alcohol, or any use of a  
5 narcotic drug or other controlled substance without a prescription  
6 by a licensed medical practitioner;
- 7 (i) undergo available medical, psychological, or psychiatric  
8 treatment, including treatment for drug or alcohol dependency, and  
9 remain in a specified institution if required for that purpose;
- 10 (j) return to custody for specified hours following release for  
11 employment, schooling, or other limited purposes;
- 12 (k) be placed in a pretrial home supervision capacity with or  
13 without the use of an approved electronic monitoring device. The  
14 court may order the eligible defendant to pay all or a portion of the  
15 costs of the electronic monitoring, but the court may waive the  
16 payment for an eligible defendant who is indigent and who has  
17 demonstrated to the court an inability to pay all or a portion of the  
18 costs; or
- 19 (l)<sup>3</sup> satisfy any other condition that is <sup>1</sup> [reasonably]<sup>1</sup> necessary  
20 to <sup>1</sup> [ensure] <sup>2</sup> [reasonable] reasonably<sup>2</sup> assure<sup>1</sup> the <sup>3</sup> eligible<sup>3</sup>  
21 defendant's<sup>2</sup> appearance <sup>2</sup> [of the <sup>1</sup> [person] defendant<sup>1</sup> as] in  
22 court when<sup>2</sup> required <sup>1</sup> [and to ensure] <sup>2</sup> [or<sup>1</sup>] , the protection of<sup>2</sup>  
23 the safety of any other person <sup>2</sup> [and] or<sup>2</sup> the community <sup>1</sup>, <sup>2</sup> [or  
24 both<sup>1</sup>] and that the <sup>3</sup> eligible<sup>3</sup> defendant will not obstruct or attempt  
25 to obstruct the criminal justice process<sup>2 3</sup>]; or
- 26 (l) be placed in a pretrial home supervision capacity with or  
27 without the use of an approved electronic monitoring device. The  
28 court may order the defendant to pay all or a portion of the<sup>1</sup> costs  
29 [attributable to] of<sup>1</sup> the electronic monitoring <sup>1</sup> [of an offender  
30 shall be borne by the Pretrial Services Unit in the county in which  
31 the defendant resides]<sup>1 2</sup>, and the court may waive the payment for  
32 a defendant who is indigent and who has demonstrated to the court  
33 an inability to pay all or a portion of the costs<sup>2 3</sup>].
- 34 c. <sup>1</sup> [Except as provided under section 4 of P.L. ,
- 35 c. (C. ) (pending before the Legislature as this bill), if] (1) If  
36 the court <sup>2</sup> [determines] does not <sup>3</sup> [determine] find<sup>3</sup> , after  
37 consideration,<sup>2</sup> that the release described in subsection a. or b. of  
38 this section will <sup>2</sup> [not]<sup>2</sup> reasonably assure <sup>2</sup> [that]<sup>2</sup> the <sup>2</sup> [defendant  
39 will appear] <sup>3</sup> eligible<sup>3</sup> defendant's appearance<sup>2</sup> in court <sup>2</sup> [as]  
40 when<sup>2</sup> required, the court may order the pretrial release of the  
41 <sup>3</sup> eligible<sup>3</sup> defendant on monetary bail, other than an unsecured  
42 appearance bond. The court may only impose <sup>3</sup> [a financial  
43 condition set forth in] monetary bail pursuant to<sup>3</sup> this subsection to  
44 reasonably assure the <sup>3</sup> eligible<sup>3</sup> defendant's appearance. The court  
45 shall not impose the <sup>3</sup> [condition] monetary bail<sup>3</sup> to reasonably  
46 assure the <sup>2</sup> protection of the<sup>2</sup> safety of any other person or <sup>2</sup> [of]<sup>2</sup>

1 the community<sup>2</sup> or that the<sup>3</sup> eligible<sup>3</sup> defendant will not obstruct or  
 2 attempt to obstruct the criminal justice process<sup>2</sup> , or<sup>3</sup> impose the  
 3 condition<sup>3</sup> for the purpose of preventing the release of the  
 4 eligible<sup>3</sup> defendant.

5 (2) <sup>3</sup>If the eligible defendant is unable to post the monetary bail  
 6 imposed by the court pursuant to this subsection, and for that reason  
 7 remains detained in jail, the provisions of section 8 of P.L. \_\_\_\_\_,  
 8 c. (C. \_\_\_\_\_) (pending before the Legislature as this bill) shall apply  
 9 to the eligible defendant.<sup>3</sup> <sup>2</sup>If a defendant is unable to initially post  
 10 monetary bail after being set by the court, nothing in sections 2  
 11 through 11 of P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (pending before the Legislature  
 12 as this bill) shall preclude, at any time thereafter, a defendant from  
 13 posting the monetary bail previously set by the court to secure  
 14 pretrial release from jail.

15 (3) <sup>2</sup> <sup>3</sup>Nothing in sections 2 through 11 of P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_)  
 16 (pending before the Legislature as this bill) shall preclude the court  
 17 from modifying the amount of monetary bail set pursuant to this  
 18 subsection, whether or not this modification is done in combination  
 19 with a court's ordering of one or more non-monetary conditions for  
 20 pretrial release as set forth in subsection d. of this section.<sup>3</sup>

21 d. <sup>3</sup>(1) <sup>3</sup>If<sup>1</sup> the court<sup>2</sup> determines<sup>2</sup> does not<sup>3</sup> determine<sup>3</sup> find<sup>3</sup> ,  
 22 after consideration,<sup>2</sup> that the<sup>1</sup> conditions under<sup>1</sup> release described  
 23 in<sup>1</sup> subsection<sup>1</sup> a.,<sup>1</sup> b.,<sup>1</sup> or<sup>1</sup> c.<sup>1</sup> will<sup>2</sup> not<sup>2</sup> reasonably<sup>1</sup> ensure the  
 24 appearance of the person<sup>1</sup> assure<sup>2</sup> that<sup>2</sup> the<sup>2</sup> defendant will  
 25 appear<sup>3</sup> eligible<sup>3</sup> defendant's appearance<sup>2</sup> in court<sup>1</sup> as<sup>2</sup> when<sup>2</sup>  
 26 required<sup>1</sup> , <sup>1</sup> <sup>2</sup>or<sup>2</sup> <sup>1</sup> will endanger<sup>1</sup> the protection of<sup>2</sup> the safety  
 27 of any other person or the community,<sup>1</sup> or will not prevent the  
 28 person from obstructing or attempting to obstruct the criminal  
 29 justice process,<sup>1</sup> <sup>2</sup>and that the<sup>3</sup> eligible<sup>3</sup> defendant will not  
 30 obstruct or attempt to obstruct the criminal justice process,<sup>2</sup> the  
 31 court may<sup>1</sup> set bail for the offense charged in accordance with  
 32 current statutory law and court rule<sup>1</sup> order the pretrial release of the  
 33 eligible<sup>3</sup> defendant using a combination of<sup>3</sup> monetary bail and<sup>3</sup>  
 34 non-monetary conditions as set forth in<sup>3</sup> subsections<sup>3</sup> subsection<sup>3</sup>  
 35 b. of this section,<sup>3</sup> and<sup>3</sup> monetary bail as set forth in subsection<sup>3</sup> c.  
 36 of this section<sup>1</sup> .

37 <sup>3</sup>(2) If the eligible defendant is unable to post the monetary bail  
 38 imposed by the court in combination with non-monetary conditions  
 39 pursuant to this subsection, and for that reason remains detained in  
 40 jail, the provisions of section 8 of P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (pending  
 41 before the Legislature as this bill) shall apply to the eligible  
 42 defendant.<sup>3</sup>

43 <sup>1</sup>d. The court may at any time amend an order made pursuant to  
 44 this section to impose additional or different conditions of release.

1 The court may not impose a financial condition that results in the  
2 pretrial detention of the person.<sup>1</sup>

3 <sup>2</sup>e. For purposes of the court's consideration for pretrial release  
4 described in <sup>3</sup>[subsections a., b., and d. of]<sup>3</sup> this section, with  
5 respect to whether the particular <sup>3</sup>[form] method<sup>3</sup> of release will  
6 reasonably assure that the <sup>3</sup>eligible<sup>3</sup> defendant will not obstruct or  
7 attempt to obstruct the criminal justice process, this reasonable  
8 assurance may be deemed to exist if the prosecutor does not provide  
9 the court with information relevant to the risk of whether the  
10 <sup>3</sup>eligible<sup>3</sup> defendant will obstruct or attempt to obstruct the criminal  
11 justice process.<sup>2</sup>

12  
13 <sup>1</sup>[4.] <sup>3</sup>[5.1] 4.<sup>3</sup> (New section) a. <sup>3</sup>(1)<sup>3</sup> The court may order <sup>3</sup>,  
14 before trial,<sup>3</sup> the detention of <sup>3</sup>[a] an eligible<sup>3</sup> defendant <sup>1</sup>charged  
15 with <sup>3</sup>[a] any<sup>3</sup> crime<sup>1 2</sup>, or <sup>3</sup>[an] any<sup>3</sup> offense involving domestic  
16 violence as defined in subsection a. of section 3 of P.L.1991, c.261  
17 (C.2C:25-19),<sup>2</sup> <sup>3</sup>[before trial] enumerated in subsection a. of  
18 section 5 of P.L. , c. (C. ) (pending before the Legislature as  
19 this bill),<sup>3</sup> if <sup>2</sup>[,] <sup>3</sup>[a] the<sup>3</sup> prosecutor seeks the pretrial detention of  
20 the <sup>3</sup>eligible<sup>3</sup> defendant under section <sup>3</sup>[6] 5<sup>3</sup> of  
21 P.L. , c. (C. ) (pending before the Legislature as this bill)  
22 <sup>3</sup>[,]<sup>3</sup> and<sup>2</sup> after a hearing pursuant to <sup>1</sup>[the]<sup>1</sup> <sup>2</sup>that<sup>2</sup> section <sup>1</sup>[5]  
23 <sup>2</sup>[6.1 of P.L. , c. (C. ) (pending before the Legislature as  
24 this bill),]<sup>2</sup> the court <sup>1</sup>[is clearly convinced] finds clear and  
25 convincing evidence<sup>1</sup> that no amount of <sup>1</sup>[sureties] monetary bail<sup>1</sup>,  
26 non-monetary conditions of pretrial release or combination of  
27 <sup>1</sup>[sureties] monetary bail<sup>1</sup> and conditions would <sup>1</sup>[ensure]  
28 reasonably assure<sup>1</sup> the <sup>3</sup>eligible<sup>3</sup> defendant's appearance <sup>2</sup>[as] in  
29 court when<sup>2</sup> required, <sup>2</sup>[protect] the protection of<sup>2</sup> the safety of any  
30 <sup>1</sup>other<sup>1</sup> person or <sup>2</sup>[of]<sup>2</sup> the community, <sup>2</sup>[or prevent] and that<sup>2</sup> the  
31 <sup>3</sup>eligible<sup>3</sup> defendant <sup>2</sup>[from obstructing or attempting] will not  
32 obstruct or attempt<sup>2</sup> to obstruct the criminal justice process. <sup>1</sup>The  
33 court may also order the pretrial detention of <sup>3</sup>[a] an eligible<sup>3</sup>  
34 defendant when <sup>2</sup>[a] the prosecutor moves for a pretrial detention  
35 hearing and the<sup>2</sup> <sup>3</sup>eligible<sup>3</sup> defendant fails to rebut a presumption of  
36 pretrial detention that may be established for the crimes enumerated  
37 under subsection b. of section <sup>3</sup>[6] 5<sup>3</sup> of P.L. , c. (C. )  
38 (pending before the Legislature as this bill).<sup>1</sup>

39 <sup>3</sup>(2) For purposes of ordering the pretrial detention of an eligible  
40 defendant pursuant to this section and section 5 of P.L. , c. (C. )  
41 (pending before the Legislature as this bill) or pursuant to section  
42 10 of P.L. , c. (C. ) (pending before the Legislature as this  
43 bill), when determining whether no amount of monetary bail, non-  
44 monetary conditions or combination of monetary bail and  
45 conditions would reasonably assure the eligible defendant's

1 appearance in court when required, the protection of the safety of  
 2 any other person or the community, or that the eligible defendant  
 3 will not obstruct or attempt to obstruct the criminal justice process,  
 4 the court may consider the amount of monetary bail only with  
 5 respect to whether it will, by itself or in combination with non-  
 6 monetary conditions, reasonably assure the eligible defendant's  
 7 appearance in court when required.<sup>3</sup>

8 b. <sup>2</sup>**[Except <sup>1</sup>**[where] for]** Regarding the pretrial detention  
 9 hearing moved for by the prosecutor, except for<sup>2</sup> when<sup>1</sup> <sup>3</sup>**[a]** an  
 10 eligible<sup>3</sup> defendant <sup>2</sup>is<sup>2</sup> charged with a crime <sup>2</sup>[is subject to a  
 11 hearing upon the motion of the prosecutor <sup>1</sup>[or upon the court's  
 12 own motion]<sup>1</sup> as]<sup>2</sup> set forth under <sup>1</sup>**[paragraphs (1) and (2) of]<sup>1</sup>**  
 13 <sup>2</sup>**paragraph (1) <sup>3</sup>or (2)<sup>3</sup> of<sup>2</sup> <sup>3</sup>[subsection a. <sup>2</sup>or]<sup>3</sup> subsection b.<sup>2</sup> of**  
 14 section <sup>1</sup>**[5] <sup>3</sup>[6.1] 5<sup>3</sup> of P.L. , c. (C. )** (pending before the  
 15 Legislature as this bill), there shall be a rebuttable presumption that  
 16 some amount of <sup>1</sup>**[sureties] monetary bail<sup>1</sup>, non-monetary**  
 17 conditions of pretrial release or combination of <sup>1</sup>**[sureties]**  
 18 monetary bail<sup>1</sup> and conditions would <sup>1</sup>**[ensure] reasonably assure<sup>1</sup>**  
 19 the <sup>3</sup>eligible<sup>3</sup> defendant's appearance <sup>2</sup>[as] in court when<sup>2</sup> required,  
 20 <sup>2</sup>**[protect] the protection of<sup>2</sup> the safety of <sup>1</sup>any other person or**  
 21 <sup>2</sup>**[of<sup>1</sup>]<sup>2</sup> the community, and <sup>2</sup>[prevent] that<sup>2</sup> the <sup>3</sup>eligible<sup>3</sup>**  
 22 defendant <sup>2</sup>[from obstructing or attempting] will not obstruct or  
 23 attempt<sup>2</sup> to obstruct the criminal justice process.**

24 c. <sup>3</sup>**[A] An eligible<sup>3</sup> defendant <sup>1</sup>[shall have the right to] may<sup>1</sup>**  
 25 appeal an order of <sup>1</sup>pretrial<sup>1</sup> detention <sup>1</sup>[before trial to the Appellate  
 26 Division of the Superior Court, which may make a determination as  
 27 to whether an amount of sureties, non-monetary conditions of  
 28 pretrial release or combination of sureties and conditions would  
 29 assure the defendant's appearance as required, protect the safety of  
 30 any person or of the community, or prevent the defendant from  
 31 obstructing or attempting to obstruct the criminal justice process.  
 32 An appeal filed under this subsection] pursuant to the Rules of  
 33 Court. The appeal<sup>1</sup> shall be heard <sup>1</sup>[and decided no later than 30  
 34 days following the initial order of detention] in an expedited  
 35 manner. The <sup>3</sup>eligible<sup>3</sup> defendant shall be detained pending the  
 36 disposition of the appeal<sup>1</sup>.

37 <sup>3</sup>d. If the court does not order the pretrial detention of an eligible  
 38 defendant at the conclusion of the pretrial detention hearing under  
 39 this section and section 5 of P.L. , c. (C. ) (pending before  
 40 the Legislature as this bill), the court shall order the release of the  
 41 eligible defendant pursuant to section 3 of P.L. , c. (C. )  
 42 (pending before the Legislature as this bill).<sup>3</sup>

44 <sup>1</sup>**[5.] <sup>3</sup>[6.1] 5.<sup>3</sup>** (New section) a. <sup>1</sup>A prosecutor may file a  
 45 motion with the court at any time <sup>3</sup>[subject to the limitations set

1 forth in subsection d. of this section<sup>3</sup> , including any time before  
2 or after <sup>3</sup>[a] an eligible<sup>3</sup> defendant's release pursuant to section  
3 <sup>3</sup>[4] 3<sup>3</sup> of P.L. , c. (C. ) (pending before the Legislature as  
4 this bill), seeking the pretrial detention of <sup>3</sup>[any] an eligible<sup>3</sup>  
5 defendant for:

6 (1) any crime of the first or second degree enumerated under  
7 subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2);

8 (2) any crime for which the <sup>2</sup>[maximum sentence is] <sup>3</sup>eligible<sup>3</sup>  
9 defendant would be subject to an ordinary or extended term of<sup>2</sup> life  
10 imprisonment;

11 (3) any crime if the <sup>3</sup>eligible<sup>3</sup> defendant has been convicted of  
12 two or more offenses under paragraph (1) or (2) of this subsection;

13 (4) any crime <sup>2</sup>[involving a] enumerated under paragraph (2) of  
14 subsection b. of section 2 of P.L.1994, c.133 (C.2C:7-2) or crime  
15 involving human trafficking pursuant to section 1 of P.L.2005, c.77  
16 (C.2C:13-8) or P.L.2013, c.51 (C.52:17B-237 et al.) when the<sup>2</sup>  
17 victim <sup>2</sup>[who]<sup>2</sup> is a minor <sup>2</sup>, or the crime of endangering the  
18 welfare of a child under N.J.S.2C:24-4<sup>2</sup> ;

19 (5) any crime enumerated under subsection c. of N.J.S.2C:43-6;  
20 <sup>2</sup>[or]<sup>2</sup>

21 (6) <sup>2</sup>any crime or offense involving domestic violence as defined  
22 in subsection a. of section 3 of P.L.1991, c.261 (C.2C:25-19); or

23 (7)<sup>2</sup> any other crime for which the prosecutor believes there is a  
24 serious risk that:

25 (a) the <sup>3</sup>eligible<sup>3</sup> defendant will not appear in court as required;

26 (b) the <sup>3</sup>eligible<sup>3</sup> defendant will pose a danger to any other  
27 person or the community; or

28 (c) the <sup>3</sup>eligible<sup>3</sup> defendant will obstruct or attempt to obstruct  
29 justice, or threaten, injure, or intimidate, or attempt to threaten,  
30 injure or intimidate, a prospective witness or juror.

31 b. When a motion for pretrial detention is filed pursuant to  
32 subsection a. of this section, there shall be a rebuttable presumption  
33 that the <sup>3</sup>eligible<sup>3</sup> defendant shall be detained pending trial because  
34 no amount of monetary bail, non-monetary condition or  
35 combination of monetary bail and conditions would reasonably  
36 assure <sup>3</sup>the eligible defendant's appearance in court when required,  
37 the protection of<sup>3</sup> the safety of any other person or the community,  
38 <sup>3</sup>and that the eligible defendant will not obstruct or attempt to  
39 obstruct the criminal justice process,<sup>3</sup> if the court finds probable  
40 cause that the <sup>3</sup>eligible<sup>3</sup> defendant:

41 (1) committed murder pursuant to N.J.S.2C:11-3; or

42 (2) committed any crime for which the <sup>2</sup>[maximum sentence is]  
43 <sup>3</sup>eligible<sup>3</sup> defendant would be subject to an ordinary or extended  
44 term of<sup>2</sup> life imprisonment.

1 c.<sup>1</sup> A court shall hold a hearing to determine whether any  
2 <sup>1</sup>**【condition】** amount of monetary bail or non-monetary conditions<sup>1</sup>  
3 or combination of <sup>1</sup>monetary bail and<sup>1</sup> conditions <sup>1</sup>, including  
4 those<sup>1</sup> set forth under subsection b. of section <sup>1</sup>**【3】** <sup>3</sup>**【4.1】** <sup>3</sup> of  
5 P.L. , c. (C. ) (pending before the Legislature as this bill)  
6 will <sup>1</sup>**【ensure】** reasonably assure<sup>1</sup> the <sup>3</sup>eligible<sup>3</sup> defendant's  
7 appearance <sup>2</sup>**【as】** in court when<sup>2</sup> required, <sup>2</sup>**【protect】** the protection  
8 of<sup>2</sup> the safety of any <sup>1</sup>other<sup>1</sup> person or <sup>2</sup>**【of】**<sup>2</sup> the community, <sup>2</sup>**【or**  
9 prevent<sup>2</sup>】 and that<sup>2</sup> the <sup>3</sup>eligible<sup>3</sup> defendant <sup>2</sup>**【from obstructing or**  
10 attempting<sup>2</sup>】 will not obstruct or attempt<sup>2</sup> to obstruct the criminal  
11 justice process <sup>1</sup>**【**:

12 (1) Upon motion of the prosecutor in a case that involves:

13 (a) a crime enumerated under subsection d. of section 2 of  
14 P.L.1997, c.117 (C.2C:43-7.2);

15 (b) an offense for which the maximum sentence is life  
16 imprisonment;

17 (c) any indictable offense if the defendant has been convicted of  
18 two or more offenses under paragraph (1) or (2) of this subsection.

19 (d) any indictable offense where the victim is a minor; or

20 (e) any indictable offense enumerated under subsection c. of  
21 N.J.S.2C:43-6.

22 (2) Upon motion of the prosecutor or upon the court's own  
23 motion, in a case that involves a serious risk:

24 (a) that the defendant will flee;

25 (b) that the defendant will pose a danger to any person or the  
26 community; or

27 (c) that the defendant will obstruct or attempt to obstruct justice,  
28 or threaten, injure, or intimidate, or attempt to threaten, injure or  
29 intimidate, a prospective witness or juror.

30 b. The <sup>2</sup>**【** <sup>2</sup>**】**

31 d. <sup>3</sup>**【1】** Except as otherwise provided in this subsection, the  
32 pretrial detention<sup>1</sup> hearing shall be held <sup>1</sup>**【immediately upon】** no  
33 later than<sup>1</sup> the <sup>3</sup>eligible<sup>3</sup> defendant's first appearance unless the  
34 <sup>3</sup>eligible<sup>3</sup> defendant, or the prosecutor, seeks a continuance. <sup>1</sup>If a  
35 prosecutor files a motion for pretrial detention after the <sup>3</sup>eligible<sup>3</sup>  
36 defendant's first appearance has taken place or if <sup>3</sup>**【there is】**<sup>3</sup> no  
37 first appearance <sup>3</sup>is required<sup>3</sup> , the court shall schedule the pretrial  
38 detention hearing to take place within three working days of the  
39 date on which the prosecutor's motion was filed, unless the  
40 prosecutor or the <sup>3</sup>eligible<sup>3</sup> defendant seeks a continuance.<sup>1</sup> Except  
41 for good cause, a continuance on motion of the <sup>3</sup>eligible<sup>3</sup> defendant  
42 may not exceed five days, not including any intermediate Saturday,  
43 Sunday, or legal holiday. Except for good cause, a continuance on  
44 motion of the prosecutor may not exceed three days, not including  
45 any intermediate Saturday, Sunday, or legal holiday.

1 <sup>1</sup>During a <sup>3</sup>(2)<sup>3</sup> Upon the filing of a motion by the prosecutor  
 2 seeking the pretrial detention of the <sup>3</sup>eligible<sup>3</sup> defendant and during  
 3 any<sup>1</sup> continuance <sup>1</sup>that may be granted by the court<sup>1</sup>, the <sup>3</sup>eligible<sup>3</sup>  
 4 defendant shall be detained <sup>1</sup>[, and the] in jail <sup>3</sup>, unless the eligible  
 5 defendant was previously released from custody before trial, in  
 6 which case the court shall issue a notice to appear to compel the  
 7 appearance of the eligible defendant at the detention hearing<sup>3</sup> .  
 8 The<sup>1</sup> court, on motion of the prosecutor or sua sponte, may order  
 9 that, while in custody, <sup>3</sup>[a] an eligible<sup>3</sup> defendant who appears to  
 10 be a drug dependent person receive an assessment to determine  
 11 whether that <sup>3</sup>eligible<sup>3</sup> defendant is drug dependent. <sup>3</sup>[<sup>1</sup>If the  
 12 defendant was previously released <sup>2</sup>from custody before trial<sup>2</sup> , the  
 13 court shall issue a notice to appear to compel the appearance of the  
 14 defendant at the detention hearing.<sup>1</sup>]<sup>3</sup>

15 <sup>1</sup>[c.] e. (1)<sup>1</sup> At the <sup>1</sup>pretrial detention<sup>1</sup> hearing, the <sup>3</sup>eligible<sup>3</sup>  
 16 defendant has the right to be represented by counsel, and, if  
 17 financially unable to obtain adequate representation, to have  
 18 counsel appointed. The <sup>3</sup>eligible<sup>3</sup> defendant shall be afforded an  
 19 opportunity to testify, to present witnesses, to cross-examine  
 20 witnesses who appear at the hearing, and to present information by  
 21 proffer or otherwise. The rules concerning admissibility of evidence  
 22 in criminal trials shall not apply to the presentation and  
 23 consideration of information at the hearing. <sup>1</sup>[The facts the court  
 24 uses to support a]

25 (2) In pretrial detention proceedings for which there is no  
 26 indictment, the prosecutor shall establish probable cause that the  
 27 <sup>3</sup>eligible<sup>3</sup> defendant committed the predicate offense. A  
 28 presumption of pretrial detention as provided in subsection b. of  
 29 this section may be rebutted by proof provided by the <sup>3</sup>eligible<sup>3</sup>  
 30 defendant, the prosecutor, or from other materials submitted to the  
 31 court. The standard of proof for a rebuttal of the presumption of  
 32 pretrial detention shall be a preponderance of the evidence. If proof  
 33 cannot be established to rebut the presumption, the court may order  
 34 the <sup>3</sup>eligible<sup>3</sup> defendant's pretrial detention. If the presumption is  
 35 rebutted by sufficient proof, the prosecutor shall have the  
 36 opportunity to establish that the grounds for pretrial detention exist  
 37 pursuant to this section.

38 (3) Except when <sup>3</sup>[a] an eligible<sup>3</sup> defendant has failed to rebut a  
 39 presumption of pretrial detention <sup>3</sup>pursuant to subsection b. of this  
 40 section<sup>3</sup> , the court's<sup>1</sup> finding <sup>1</sup>to support an order of pretrial  
 41 detention<sup>1</sup> pursuant to section <sup>1</sup>[4] <sup>3</sup>[5<sup>1</sup>] <sup>4</sup> of  
 42 P.L. , c. (C. ) (pending before the Legislature as this bill)  
 43 that no <sup>1</sup>[condition] amount of monetary bail, non-monetary  
 44 conditions<sup>1</sup> or combination of <sup>1</sup>monetary bail and<sup>1</sup> conditions will  
 45 reasonably <sup>1</sup>[ensure] assure<sup>1</sup> the <sup>3</sup>eligible<sup>3</sup> defendant's appearance  
 46 <sup>2</sup>[as] in court when<sup>2</sup> required, <sup>2</sup>[protect] the protection of<sup>2</sup> the

1 safety of any <sup>1</sup>other<sup>1</sup> person or <sup>2</sup>**[of]**<sup>2</sup> the community, <sup>2</sup>**[or prevent]**  
 2 and that<sup>2</sup> the <sup>3</sup>eligible<sup>3</sup> defendant <sup>2</sup>**[from obstructing or attempting]**  
 3 will not obstruct or attempt<sup>2</sup> to obstruct the criminal justice process  
 4 shall be supported by clear and convincing evidence. <sup>1</sup>**[The**  
 5 defendant may be detained pending completion of the hearing. <sup>1</sup>**]**<sup>1</sup>

6 <sup>1</sup>**[d.] f.**<sup>1</sup> The hearing may be reopened, before or after a  
 7 determination by the court, at any time before trial, if the court  
 8 finds that information exists that was not known to the <sup>1</sup>**[movant]**  
 9 prosecutor or the <sup>3</sup>eligible<sup>3</sup> defendant<sup>1</sup> at the time of the hearing  
 10 and that has a material bearing on the issue <sup>3</sup>of<sup>3</sup> whether there are  
 11 conditions of release that will reasonably <sup>1</sup>**[ensure]** assure<sup>1</sup> the  
 12 <sup>3</sup>eligible<sup>3</sup> defendant's appearance <sup>2</sup>**[as]** in court when<sup>2</sup> required,  
 13 <sup>2</sup>**[protect]** the protection of<sup>2</sup> the safety of any <sup>1</sup>other<sup>1</sup> person or  
 14 <sup>2</sup>**[of]**<sup>2</sup> the community, or <sup>2</sup>**[prevent]** that<sup>2</sup> the <sup>3</sup>eligible<sup>3</sup> defendant  
 15 <sup>2</sup>**[from obstructing or attempting]** will not obstruct or attempt<sup>2</sup> to  
 16 obstruct the criminal justice process.

17  
 18 <sup>1</sup>**[6.]** <sup>3</sup>**[7.]** <sup>6.</sup><sup>3</sup> (New section) In determining <sup>1</sup>in a pretrial  
 19 detention hearing<sup>1</sup> whether no amount of <sup>1</sup>**[sureties]** monetary  
 20 bail<sup>1</sup>, non-monetary conditions <sup>1</sup>**[of pretrial release,]**<sup>1</sup> or  
 21 combination of <sup>1</sup>**[sureties]** monetary bail<sup>1</sup> and conditions would  
 22 <sup>1</sup>**[ensure]** reasonably assure<sup>1</sup> the <sup>3</sup>eligible<sup>3</sup> defendant's appearance  
 23 <sup>2</sup>**[as]** in court when<sup>2</sup> required, <sup>2</sup>**[protect]** the protection of<sup>2</sup> the  
 24 safety of any <sup>1</sup>other<sup>1</sup> person or <sup>2</sup>**[of]**<sup>2</sup> the community, or <sup>2</sup>**[prevent]**  
 25 that<sup>2</sup> the <sup>3</sup>eligible<sup>3</sup> defendant <sup>2</sup>**[from obstructing or attempting]** will  
 26 not obstruct or attempt<sup>2</sup> to obstruct the criminal justice process, the  
 27 court <sup>1</sup>**[shall]** may<sup>1</sup> take into account <sup>1</sup>**[the available]**<sup>1</sup> information  
 28 concerning:

29 a. The nature and <sup>3</sup>**[circumstance]** circumstances<sup>3</sup> of the  
 30 offense charged <sup>3</sup>**[,** including whether the offense is a crime <sup>2</sup>or  
 31 offense<sup>2</sup> enumerated under <sup>1</sup>**[subsection d. of section 2 of P.L.1997,**  
 32 c.117 (C.2C:43-7.2), is an indictable offense where the victim is a  
 33 minor, or involves a firearm, explosive, or destructive device]  
 34 paragraphs (1) through <sup>2</sup>**[(5)]** <sup>(6)</sup><sup>2</sup> of subsection a. of section 6 of  
 35 P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the Legislature as this  
 36 bill)<sup>1</sup><sup>3</sup>;

37 b. The weight of the evidence against the <sup>3</sup>eligible<sup>3</sup> defendant,  
 38 except that the court may consider the admissibility of any evidence  
 39 sought to be excluded;

40 c. The history and characteristics of the <sup>3</sup>eligible<sup>3</sup> defendant,  
 41 including:

42 (1) the <sup>3</sup>eligible<sup>3</sup> defendant's character, physical and mental  
 43 condition, family ties, employment, financial resources, length of  
 44 residence in the community, community ties, past conduct, history



1 relating to drug or alcohol abuse, criminal history, and record  
2 concerning appearance at court proceedings; and

3 (2) whether, at the time of the current offense or arrest, the  
4 <sup>3</sup>eligible<sup>3</sup> defendant was on probation, parole, or on other release  
5 pending trial, sentencing, appeal, or completion of sentence for an  
6 offense under federal <sup>1</sup>["or State"]<sup>1</sup> law <sup>1</sup>, or the law of this or any  
7 other state<sup>1</sup>;

8 d. The nature and seriousness of the danger to any <sup>1</sup>other<sup>1</sup>  
9 person or the community that would be posed by the <sup>1</sup>["person's"]  
10 <sup>3</sup>eligible<sup>3</sup> defendant's<sup>1</sup> release <sup>3</sup>, if applicable<sup>3</sup> ;

11 e. <sup>2</sup>The nature and seriousness of the risk of obstructing or  
12 attempting to obstruct the criminal justice process that would be  
13 posed by the <sup>3</sup>eligible<sup>3</sup> defendant's release <sup>3</sup>, if applicable<sup>3</sup> ; and

14 f.<sup>2</sup> The release recommendation of the pretrial services  
15 <sup>1</sup>["agency"] program<sup>1</sup> obtained using a <sup>1</sup>["validated"]<sup>1</sup> risk assessment  
16 instrument under section <sup>1</sup>["9"] <sup>11</sup> of P.L. , c. (C. ) (pending  
17 before the Legislature as this bill).

18  
19 <sup>1</sup>["7.(New section) a. If a defendant is released on personal  
20 recognizance or released on conditions pursuant to section 3 of  
21 P.L. , c. (C. ) (pending before the Legislature as this bill),  
22 the court shall:

23 (1) include a written statement that sets forth all the conditions  
24 to which the release is subject, in a manner sufficiently clear and  
25 specific to serve as a guide for the defendant's conduct; and

26 (2) advise the defendant of:

27 (a) the penalties for violating a condition of release, including  
28 the penalties for committing an offense while on pretrial release;  
29 and

30 (b) the consequences of violating a condition of release,  
31 including the immediate issuance of a warrant for the person's  
32 arrest.

33 b. If the court disapproves a recommendation made in a  
34 validated risk assessment instrument when setting release  
35 conditions, the release order shall include a written explanation.]<sup>1</sup>  
36

37 <sup>3</sup>["8."] <sup>7</sup>.<sup>3</sup> (New section) a. In a <sup>1</sup>pretrial<sup>1</sup> detention order issued  
38 pursuant to <sup>1</sup>["section 4"] sections <sup>3</sup>["5"] <sup>4</sup> and <sup>3</sup>["6"] <sup>5</sup> of P.L. ,  
39 c. (C. ) (pending before the Legislature as this bill), the court  
40 shall:

41 (1) include written findings of fact and a written statement of  
42 the reasons for the detention; and

43 (2) direct that the <sup>1</sup>["person"] <sup>3</sup>eligible<sup>3</sup> defendant<sup>1</sup> be afforded  
44 reasonable opportunity for private consultation with counsel.

45 b. The court may, by subsequent order, permit the temporary  
46 release of the <sup>1</sup>["person"] <sup>3</sup>eligible<sup>3</sup> defendant<sup>1</sup> subject to appropriate

1 restrictive conditions, which may include but shall not be limited to  
2 <sup>1</sup>[State] pretrial<sup>1</sup> supervision, to the extent that the court  
3 determines <sup>3</sup>[such] the<sup>3</sup> release to be necessary for preparation of  
4 the <sup>1</sup>[person's] <sup>3</sup>eligible<sup>3</sup> defendant's<sup>1</sup> defense or for another  
5 compelling reason.

6  
7 <sup>3</sup>8. (New section) a. Concerning an eligible defendant subject to  
8 pretrial detention as ordered by a court pursuant to sections 4 and 5  
9 of P.L. , c. (C. ) (pending before the Legislature as this bill)  
10 or an eligible defendant who is detained in jail due to the inability  
11 to post the monetary bail imposed by the court pursuant to  
12 subsection c. or d. of section 3 of P.L. , c. (C. ) (pending  
13 before the Legislature as this bill):

14 (1) (a) The eligible defendant shall not remain detained in jail  
15 for more than 90 days, not counting excludable time for reasonable  
16 delays as set forth in subsection b. of this section, prior to the return  
17 of an indictment. If the eligible defendant is not indicted within  
18 that period of time, the eligible defendant shall be released from jail  
19 unless, on motion of the prosecutor, the court finds that a  
20 substantial and unjustifiable risk to the safety of any other person or  
21 the community or the obstruction of the criminal justice process  
22 would result from the eligible defendant's release from custody, so  
23 that no appropriate conditions for the eligible defendant's release  
24 could reasonably address that risk, and also finds that the failure to  
25 indict the eligible defendant in accordance with the time  
26 requirement set forth in this subparagraph was not due to  
27 unreasonable delay by the prosecutor. If the court finds that a  
28 substantial and unjustifiable risk to the safety of any other person or  
29 the community or the obstruction of the criminal justice process  
30 would result, and also finds that the failure to indict the eligible  
31 defendant in accordance with the time requirement set forth in this  
32 subparagraph was not due to unreasonable delay by the prosecutor,  
33 the court may allocate an additional period of time, not to exceed 45  
34 days, in which the return of an indictment shall occur.  
35 Notwithstanding the court's previous findings for ordering the  
36 eligible defendant's pretrial detention, or if the court currently does  
37 not find a substantial and unjustifiable risk or finds unreasonable  
38 delay by the prosecutor as described in this subparagraph, the court  
39 shall order the release of the eligible defendant pursuant to section 3  
40 of P.L. , c. (C. ) (pending before the Legislature as this bill).

41 (b) If the eligible defendant is charged or indicted on another  
42 matter resulting in the eligible defendant's pretrial detention, the  
43 time calculations set forth in subparagraph (a) of this paragraph for  
44 each matter shall run independently.

45 (2) (a) An eligible defendant who has been indicted shall not  
46 remain detained in jail for more than 180 days on that charge  
47 following the return or unsealing of the indictment, whichever is  
48 later, not counting excludable time for reasonable delays as set forth

1 in subsection b. of this section, before commencement of the trial.  
2 If the trial does not commence within that period of time, the  
3 eligible defendant shall be released from jail unless, on motion of  
4 the prosecutor, the court finds that a substantial and unjustifiable  
5 risk to the safety of any other person or the community or the  
6 obstruction of the criminal justice process would result from the  
7 eligible defendant's release from custody, so that no appropriate  
8 conditions for the eligible defendant's release could reasonably  
9 address that risk, and also finds that the failure to commence trial in  
10 accordance with the time requirement set forth in this subparagraph  
11 was not due to unreasonable delay by the prosecutor. If the court  
12 finds that a substantial and unjustifiable risk to the safety of any  
13 other person or the community or the obstruction of the criminal  
14 justice process would result, and also finds that the failure to  
15 commence trial in accordance with the time requirement set forth in  
16 this subparagraph was not due to unreasonable delay by the  
17 prosecutor, the court may allocate an additional period of time in  
18 which the eligible defendant's trial shall commence.  
19 Notwithstanding the court's previous findings for ordering the  
20 eligible defendant's pretrial detention, or if the court currently does  
21 not find a substantial and unjustifiable risk or finds unreasonable  
22 delay by the prosecutor as described in this subparagraph, the court  
23 shall order the release of the eligible defendant pursuant to section 3  
24 of P.L. , c. (C. ) (pending before the Legislature as this bill).  
25 Notwithstanding any other provision of this section, an eligible  
26 defendant shall be released from jail pursuant to section 3 of  
27 P.L. , c. (C. ) (pending before the Legislature as this bill)  
28 after a release hearing if, two years after the court's issuance of the  
29 pretrial detention order for the eligible defendant, excluding any  
30 delays attributable to the eligible defendant, the prosecutor is not  
31 ready to proceed to voir dire or to opening argument, or to the  
32 hearing of any motions that had been reserved for the time of trial.

33 (b) (i) For the purposes of this paragraph, a trial is considered  
34 to have commenced when the court determines that the parties are  
35 present and directs them to proceed to voir dire or to opening  
36 argument, or to the hearing of any motions that had been reserved  
37 for the time of trial.

38 (ii) The return of a superseding indictment against the eligible  
39 defendant shall extend the time for the trial to commence.

40 (iii) If an indictment is dismissed without prejudice upon motion  
41 of the eligible defendant for any reason, and a subsequent  
42 indictment is returned, the time for trial shall begin running from  
43 the date of the return of the subsequent indictment.

44 (iv) A trial ordered after a mistrial or upon a motion for a new  
45 trial shall commence within 120 days of the entry of the order of the  
46 court. A trial ordered upon the reversal of a judgment by any  
47 appellate court shall commence within 120 days of the service of  
48 that court's trial mandate.

1       (c) If the eligible defendant is indicted on another matter  
2 resulting in the eligible defendant's pretrial detention, the time  
3 calculations set forth in this paragraph for each matter shall run  
4 independently.

5       b. (1) The following periods shall be excluded in computing  
6 the time in which a case shall be indicted or tried:

7       (a) The time resulting from an examination and hearing on  
8 competency and the period during which the eligible defendant is  
9 incompetent to stand trial or incapacitated;

10       (b) The time from the filing to the disposition of an eligible  
11 defendant's application for supervisory treatment pursuant to  
12 N.J.S.2C:36A-1 or N.J.S.2C:43-12 et seq., special probation  
13 pursuant to N.J.S.2C:35-14, drug or alcohol treatment as a condition  
14 of probation pursuant to N.J.S.2C:45-1, or other pretrial treatment  
15 or supervisory program;

16       (c) The time from the filing to the final disposition of a motion  
17 made before trial by the prosecutor or the eligible defendant;

18       (d) The time resulting from a continuance granted, in the court's  
19 discretion, at the eligible defendant's request or at the request of  
20 both the eligible defendant and the prosecutor;

21       (e) The time resulting from the detention of an eligible  
22 defendant in another jurisdiction provided the prosecutor has been  
23 diligent and has made reasonable efforts to obtain the eligible  
24 defendant's presence;

25       (f) The time resulting from exceptional circumstances  
26 including, but not limited to, a natural disaster, the unavoidable  
27 unavailability of an eligible defendant, material witness or other  
28 evidence, when there is a reasonable expectation that the eligible  
29 defendant, witness or evidence will become available in the near  
30 future;

31       (g) On motion of the prosecutor, the delay resulting when the  
32 court finds that the case is complex due to the number of defendants  
33 or the nature of the prosecution;

34       (h) The time resulting from a severance of codefendants when  
35 that severance permits only one trial to commence within the time  
36 period for trial set forth in this section;

37       (i) The time resulting from an eligible defendant's failure to  
38 appear for a court proceeding;

39       (j) The time resulting from a disqualification or recusal of a  
40 judge;

41       (k) The time resulting from a failure by the eligible defendant to  
42 provide timely and complete discovery;

43       (l) The time for other periods of delay not specifically  
44 enumerated if the court finds good cause for the delay; and

45       (m) Any other time otherwise required by statute.

46       (2) The failure by the prosecutor to provide timely and complete  
47 discovery shall not be considered excludable time unless the  
48 discovery only became available after the time set for discovery.<sup>3</sup>

1 <sup>1</sup>9. (New section) a. <sup>2</sup>(1)<sup>2</sup> If <sup>3</sup>[a] an eligible<sup>3</sup> defendant is  
 2 released <sup>2</sup>from jail pursuant to section <sup>3</sup>[1] 3 or 8<sup>3</sup> of P.L. ,  
 3 c. (C. ) (pending before the Legislature as this bill), <sup>3</sup>[or after  
 4 a pretrial release hearing<sup>2</sup> pursuant to section 4 of  
 5 P.L. , c. (C. ) (pending before the Legislature as this bill),  
 6 or after a pretrial detention hearing pursuant to sections 5 and 6 of  
 7 P.L. , c. (C. ) (pending before the Legislature as this bill),]<sup>3</sup>  
 8 the court shall, in the document authorizing the <sup>3</sup>eligible<sup>3</sup>  
 9 defendant's release, notify the <sup>3</sup>eligible<sup>3</sup> defendant of:

10 <sup>2</sup>[(1)] (a)<sup>2</sup> all the conditions, if any, to which the release is  
 11 subject, in a manner sufficiently clear and specific to serve as a  
 12 guide for the <sup>3</sup>eligible<sup>3</sup> defendant's conduct; and

13 <sup>2</sup>[(2)] (b)<sup>2</sup> the penalties for <sup>3</sup>and other consequences of<sup>3</sup>  
 14 violating a condition of release, <sup>3</sup>[including the penalties for  
 15 committing an offense while on pretrial release, and the  
 16 consequences of violating a condition of release,]<sup>3</sup> which may  
 17 include the immediate issuance of a warrant for the <sup>3</sup>eligible<sup>3</sup>  
 18 defendant's arrest.

19 <sup>2</sup>[b.] The failure of the court to notify the <sup>3</sup>eligible<sup>3</sup> defendant of  
 20 any penalty or consequence for violating a condition of release as  
 21 required by this subparagraph shall not preclude any remedy  
 22 authorized under the law for any violation committed by the  
 23 <sup>3</sup>eligible<sup>3</sup> defendant.

24 (2)<sup>2</sup> If the court <sup>3</sup>[disapproves] enters an order that is contrary  
 25 to<sup>3</sup> a recommendation made in a risk assessment when <sup>3</sup>determining  
 26 a method of release or<sup>3</sup> setting release conditions, the court shall  
 27 provide an explanation in the document <sup>3</sup>[authorizing] that  
 28 authorizes<sup>3</sup> the <sup>3</sup>eligible<sup>3</sup> defendant's release.<sup>1</sup>

29 <sup>2</sup>b. Notwithstanding any law to the contrary, <sup>3</sup>[a] an eligible<sup>3</sup>  
 30 defendant who is released from jail on personal recognizance or  
 31 subject only to non-monetary conditions pursuant to section <sup>3</sup>[1] 3  
 32 or 8<sup>3</sup> of P.L. , c. (C. ) (pending before the Legislature as this  
 33 bill) <sup>3</sup>[after remaining detained in jail, or after a pretrial release  
 34 hearing pursuant to section 4 of P.L. , c. (C. ) (pending  
 35 before the Legislature as this bill), or after a pretrial detention  
 36 hearing pursuant to sections 5 and 6 of P.L. , c. (C. )  
 37 (pending before the Legislature as this bill),]<sup>3</sup> shall not be assessed  
 38 any fee or other monetary assessment related to processing the  
 39 <sup>3</sup>eligible<sup>3</sup> defendant's release.<sup>2</sup>

41 <sup>1</sup>[9.] 10.<sup>1</sup> (New section) <sup>1</sup>[a. When] Upon motion of a  
 42 prosecutor, when<sup>1</sup> <sup>3</sup>[a] an eligible<sup>3</sup> defendant <sup>2</sup>[charged with a  
 43 crime enumerated in <sup>1</sup>[paragraph] paragraphs<sup>1</sup> (1) <sup>1</sup>through (5)<sup>1</sup> of  
 44 subsection a. of section <sup>1</sup>[5] 6<sup>1</sup> of P.L. , c. (C. ) (pending  
 45 before the Legislature as this bill)]<sup>2</sup> is released from custody before

1 trial <sup>3</sup>pursuant to section 3 or 8 of P.L. , c. (C. ) (pending  
 2 before the Legislature as this bill)<sup>3</sup>, the court, upon a finding that  
 3 the <sup>3</sup>eligible<sup>3</sup> defendant while on release has <sup>1</sup>【willfully】<sup>1</sup> violated  
 4 a restraining order or condition of release <sup>2</sup>【designed to protect any  
 5 <sup>1</sup>other<sup>1</sup> person or the safety of the community】<sup>2</sup>, or upon a finding  
 6 of probable cause to believe that the <sup>3</sup>eligible<sup>3</sup> defendant has  
 7 committed a new crime <sup>1</sup>【of the first or second degree】<sup>1</sup> while on  
 8 release, may <sup>2</sup>【<sup>1</sup>modify the defendant’s condition of release, or<sup>1</sup>】<sup>2</sup>  
 9 <sup>3</sup>not<sup>3</sup> revoke the <sup>3</sup>eligible<sup>3</sup> defendant’s release and order that the  
 10 <sup>3</sup>eligible<sup>3</sup> defendant be detained pending trial <sup>3</sup>【provided that】  
 11 unless<sup>3</sup> the court <sup>1</sup>【is clearly convinced】<sup>2</sup>, <sup>3</sup>after<sup>3</sup> considering all  
 12 relevant circumstances including but not limited to the nature and  
 13 seriousness of the violation or criminal act committed,<sup>2</sup> finds clear  
 14 and convincing evidence<sup>1</sup> that no <sup>1</sup>【condition】 monetary bail, non-  
 15 monetary conditions of release<sup>1</sup> or combination of <sup>1</sup>monetary bail  
 16 and<sup>1</sup> conditions <sup>1</sup>【that the defendant is likely to abide by】<sup>1</sup> would  
 17 reasonably <sup>1</sup>【protect】 assure<sup>1</sup> <sup>2</sup>the <sup>3</sup>eligible<sup>3</sup> defendant’s  
 18 appearance in court when required, the protection of<sup>2</sup> the safety of  
 19 <sup>1</sup>any other person or <sup>2</sup>【of<sup>1</sup>】<sup>2</sup> the community <sup>1</sup>【or any person】<sup>1 2</sup>, or  
 20 that the <sup>3</sup>eligible<sup>3</sup> defendant will not obstruct or attempt to obstruct  
 21 the criminal justice process<sup>2</sup>.

22 <sup>1</sup>【b. In addition to revocation of release as authorized by this  
 23 section, a violation of a condition of pretrial release imposed  
 24 pursuant to subsection b. of section 3 of P.L. , c. (C. )  
 25 (pending before the Legislature as this bill) or any other law, may  
 26 subject the defendant to civil contempt, criminal contempt,  
 27 forfeiture of bail, or any combination of these sanctions and any  
 28 other sanctions authorized by law.】<sup>1</sup>

29  
 30 <sup>1</sup>【10.】 11.<sup>1</sup> (New section) a. The Administrative Director of the  
 31 <sup>1</sup>【Administrative Office of the】<sup>1</sup> Courts shall establish and  
 32 maintain a <sup>1</sup>Statewide<sup>1</sup> Pretrial Services <sup>1</sup>【Unit in each county】  
 33 Program<sup>1</sup> which shall provide pretrial <sup>1</sup>【release investigation】<sup>1</sup>  
 34 services to effectuate the purposes of <sup>1</sup>sections <sup>3</sup>【2】<sup>1 3</sup> through 11  
 35 of<sup>1</sup> P.L. , c. (C. ) (pending before the Legislature as this  
 36 bill).

37 b. <sup>1</sup>【The Pretrial Services Unit established under this section  
 38 shall be supervised by a Chief Pretrial Services Officer appointed  
 39 by the Administrative Director of the Administrative Office of the  
 40 Courts.

41 c.】<sup>1</sup> The Pretrial Services <sup>1</sup>【Unit】 Program<sup>1</sup> shall <sup>1</sup>, <sup>3</sup>【within 48  
 42 hours of a defendant’s commitment to jail,<sup>1</sup>】 after an eligible  
 43 defendant is temporarily detained pursuant to subsection a. of  
 44 section 2 of P.L. , c. (C. ) (pending before the Legislature as  
 45 this bill) following the issuance of a complaint-warrant,<sup>3</sup> conduct

1 1 [ , prior to a bail hearing or first appearance, an ] a risk<sup>1</sup> assessment  
 2 1 [of all criminal defendants]<sup>1</sup> 3 on that eligible defendant<sup>3</sup> for the  
 3 purpose of making recommendations to the court concerning 1 [the]  
 4 an<sup>1</sup> appropriate 1 [disposition] pretrial release 3 [determination]<sup>1</sup>  
 5 decision<sup>3</sup>, including whether the 3 eligible<sup>3</sup> defendant shall be:  
 6 released on 1 [his] the 3 eligible<sup>3</sup> defendant's<sup>1</sup> own personal  
 7 recognizance 1 or on execution of an unsecured appearance bond<sup>1</sup>;  
 8 released 1 on a non-monetary condition or conditions as set forth  
 9 under subsection b. of section 3 [4] 3<sup>3</sup> of P.L. , c. (C. )  
 10 (pending before the Legislature as this bill); released<sup>1</sup> 3 [upon  
 11 execution of a ] on monetary<sup>3</sup> bail 3 [bond]<sup>3</sup> 1, other than an  
 12 unsecured appearance bond<sup>1</sup>; released on a 1 [condition or]<sup>1</sup>  
 13 combination of 1 monetary bail and non-monetary<sup>1</sup> conditions set  
 14 forth under 1 [subsection b. of]<sup>1</sup> section 1 [3] 3 [4] 3<sup>3</sup> of P.L. ,  
 15 c. (C. ) (pending before the Legislature as this bill); or any  
 16 other conditions necessary to effectuate the purposes of 1 sections  
 17 3 [2] 1<sup>3</sup> through 11 of<sup>1</sup> P.L. , c. (C. ) (pending before the  
 18 Legislature as this bill). 3 The risk assessment shall be completed  
 19 and presented to the court so that the court can, without unnecessary  
 20 delay, but in no case later than 48 hours after the eligible  
 21 defendant's commitment to jail, make a pretrial release decision on  
 22 the eligible defendant pursuant to section 3 of P.L. , c. (C. )  
 23 (pending before the Legislature as this bill).<sup>3</sup>

24 1 [d.] c.<sup>1</sup> The pretrial 3 risk<sup>3</sup> assessment shall be conducted using  
 25 a 1 [validated]<sup>1</sup> risk assessment instrument 1 [and shall] 3 [which  
 26 may<sup>1</sup> include an examination of the factors set forth in 1 [section 5]  
 27 sections 4 and 7<sup>1</sup> of P.L. , c. (C. ) (pending before the  
 28 Legislature as this bill)] approved by the Administrative Director of  
 29 the Courts that meets the requirements of this subsection.

30 (1) The approved risk assessment instrument shall be objective,  
 31 standardized, and developed based on analysis of empirical data and  
 32 risk factors relevant to the risk of failure to appear in court when  
 33 required and the danger to the community while on pretrial release<sup>3</sup>.

34 2 The risk assessment instrument shall not be required to include  
 35 factors specifically pertaining to the risk 3 [that the defendant will  
 36 obstruct or attempt] for obstructing or attempting<sup>3</sup> to obstruct the  
 37 criminal justice process.<sup>2</sup>

38 3 (2) The approved risk assessment instrument shall gather  
 39 demographic information about the eligible defendant including, but  
 40 not limited to, race, ethnicity, gender, financial resources, and  
 41 socio-economic status. Recommendations for pretrial release shall  
 42 not be discriminatory based on race, ethnicity, gender, or socio-  
 43 economic status.<sup>3</sup>

44 1 [e.] d.<sup>1</sup> In addition to the pretrial 3 risk<sup>3</sup> assessments made  
 45 pursuant to this section, the Pretrial Services 1 [Unit] Program<sup>1</sup>

1 shall monitor <sup>2</sup>**each defendant** appropriate <sup>3</sup>eligible<sup>3</sup> defendants<sup>2</sup>  
 2 released <sup>2</sup>on conditions as ordered by the court<sup>2</sup> <sup>3</sup>**pursuant to**  
 3 <sup>1</sup>**subsection b. of**<sup>1</sup> section <sup>1</sup>**[3]** <sup>2</sup>1 or<sup>2</sup> 4<sup>1</sup> of P.L. , c. (C. )  
 4 (pending before the Legislature as this bill) <sup>1</sup>**to ensure that the**  
 5 defendant adheres to the condition or combination of the conditions  
 6 of the defendant’s release ordered by] <sup>2</sup>**, on non-surety release,**  
 7 including release on personal recognizance, personal bond,  
 8 unsecured appearance bond, nonmonetary condition or conditions,  
 9 or cash deposit or percentage deposit with the registry of<sup>1</sup> the  
 10 court] , or after a pretrial detention hearing pursuant to sections 5  
 11 and 6 of P.L. , c. (C. ) (pending before the Legislature as  
 12 this bill), provided that the Pretrial Services Program shall not be  
 13 required to monitor any defendant who satisfies a financial  
 14 condition of release ordered by a court pursuant to subsection c. or  
 15 d. of section 4 of P.L. , c. (C. ) (pending before the  
 16 Legislature as this bill) through a surety bond executed by a  
 17 company authorized to do so under chapter 31 of Title 17 of the  
 18 Revised Statutes<sup>2</sup>]<sup>3</sup>.

19  
 20 <sup>1</sup>**[11.] 12.**<sup>1</sup> (New section) a. The Supreme Court, subject to the  
 21 limitations set forth in subsection b. of this section, may adopt  
 22 Rules of Court to revise or supplement filing fees and other  
 23 statutory fees payable to the court for the sole purpose of funding:

24 (1) <sup>1</sup>**the provision to the poor of legal assistance in civil**  
 25 **matters by Legal Services of New Jersey and its affiliates]** the  
 26 development, maintenance and administration of a Statewide  
 27 Pretrial Services Program<sup>1</sup>;

28 (2) the development, maintenance and administration of a  
 29 Statewide digital e-court information system; and

30 (3) <sup>1</sup>**the development, maintenance and administration of a**  
 31 **Pretrial Services Unit established in each county]** the provision to  
 32 the poor of legal assistance in civil matters by Legal Services of  
 33 New Jersey and its affiliates<sup>1</sup>.

34 b. All existing filing fees and other statutory fees payable to  
 35 the court on the effective date of this section shall not be increased  
 36 <sup>1</sup>or supplemented<sup>1</sup> more than \$50 in the aggregate for each fee  
 37 beginning on the effective date of this section.

38 c. As used in <sup>1</sup>sections 12 through 19 of<sup>1</sup> P.L. , c. (C. )  
 39 (pending before the Legislature as this bill):

40 “Digital e-court information system” shall mean a Statewide  
 41 integrated system that includes but is not limited to electronic filing,  
 42 electronic service of process, electronic document management,  
 43 electronic case management, electronic financial management, and  
 44 public access to digital court records; and

45 “Pretrial <sup>1</sup>**[Service Unit] Services Program**<sup>1</sup>” shall mean the  
 46 pretrial <sup>1</sup>**[service unit] services program**<sup>1</sup> established pursuant to



1 section <sup>1</sup>~~10~~ 11<sup>1</sup> of P.L. , c. (C. ) (pending before the  
2 Legislature as this bill).

3  
4 <sup>1</sup>~~12.~~ 13.<sup>1</sup> (New section) The rules proposed pursuant to  
5 section <sup>1</sup>~~11~~ 12<sup>1</sup> of P.L. , c. (C. ) (pending before the  
6 Legislature as this bill) shall be publicly announced by the Supreme  
7 Court. On the same day on which the rule or rules are publicly  
8 announced, the Supreme Court shall deliver true copies to the  
9 President of the Senate, the Speaker of the General Assembly, and  
10 the Governor. The Supreme Court shall provide the public with a  
11 reasonable opportunity to comment on the proposed rule or rules.  
12 The rule or rules shall take effect on the date provided by the  
13 Supreme Court.

14  
15 <sup>1</sup>~~13.~~ 14.<sup>1</sup> (New section) a. There is established in the General  
16 Fund a dedicated, non-lapsing fund to be known as the “21st  
17 Century Justice Improvement Fund,” which shall be credited  
18 annually with a sum equal to the revenue to be derived annually  
19 from the incremental amount of any filing fees or other statutory  
20 fees payable to the court that are revised or supplemented pursuant  
21 to <sup>1</sup>~~sections 12 and 13 of~~ P.L. , c. (C. ) (pending before the  
22 Legislature as this bill) and the related fee revisions as provided by  
23 operation of N.J.S.22A:2-5 and section 2 of P.L.1993, c.74  
24 (C.22A:5-1). The fund shall be administered by the State Treasurer.  
25 Interest and other income earned on monies in the fund shall be  
26 credited to the fund. Monies credited to the fund shall be  
27 appropriated annually and used exclusively for the purposes of  
28 funding:

29 (1) the development, maintenance and administration of a  
30 Statewide <sup>1</sup>~~digital e-court information system~~ Pretrial Services  
31 Program<sup>1</sup>;

32 (2) <sup>1</sup>~~the provision to the poor of legal assistance in civil~~  
33 matters by Legal Services of New Jersey and its affiliates; and

34 (3)<sup>1</sup> ~~the development, maintenance and administration of a~~  
35 <sup>1</sup>~~Pretrial Services Unit in each county~~ Statewide digital e-court  
36 information system; and

37 (3) the provision to the poor of legal assistance in civil matters  
38 by Legal Services of New Jersey and its affiliates<sup>1</sup>.

39 b. Any amount remaining in the fund after the appropriation of  
40 funds as provided in paragraphs (1), (2) <sup>1</sup>~~or~~ and<sup>1</sup> (3) of  
41 subsection a. of this section shall be retained by the Judiciary for  
42 the <sup>2</sup>~~sole~~<sup>2</sup> purpose of developing, maintaining and administering  
43 <sup>2</sup>~~the Pretrial Services Program or for~~<sup>2</sup> court information technology.  
44 The monies credited to the fund shall not be used for any purpose  
45 other than those purposes set forth in <sup>3</sup>~~1~~ sections 12 through 19 of<sup>1</sup>

1 this section and section 15 of<sup>3</sup> P.L. , c. (C. ) (pending  
2 before the Legislature as this bill).

3

4 <sup>1</sup>~~14.~~ 15.<sup>1</sup> (New section) <sup>1</sup>~~To the extent that sufficient funds~~  
5 are available, monies] Monies<sup>1</sup> annually credited in the “21st  
6 Century Justice Improvement Fund” shall be allocated <sup>1</sup>~~pursuant to~~  
7 the following priority] as follows<sup>1</sup>:

8 a. <sup>1</sup>~~The first~~<sup>1</sup> <sup>2</sup>~~15~~ 22<sup>2</sup> million credited annually <sup>1</sup>~~in~~  
9 to<sup>1</sup> the fund shall be appropriated annually to the Judiciary to be  
10 used to fund the development, maintenance and administration of a  
11 Statewide<sup>1</sup> Pretrial Services <sup>1</sup>~~Unit in each county~~ Program<sup>1</sup>  
12 established pursuant to section <sup>1</sup>~~10~~ 11<sup>1</sup> of P.L. , c. (C. )  
13 (pending before the Legislature as this bill) <sup>1</sup>~~.~~<sup>1</sup>

14 b. <sup>1</sup>~~From amounts remaining in the fund after the~~  
15 appropriation of funds as provided in subsection a. of this section,  
16 an amount not exceeding] <sup>1</sup> <sup>2</sup>~~17~~ 10<sup>2</sup> million <sup>1</sup>credited annually  
17 to the fund<sup>1</sup> shall be appropriated annually to the Judiciary to be  
18 used to fund the development, maintenance and administration of a  
19 Statewide digital e-court information system <sup>1</sup>~~,~~ which  
20 appropriations shall include amounts necessary to pay all service  
21 charges or other costs assessed by financial institutions or other  
22 entities for the use of credit cards, debit cards, electronic funds  
23 transfer, or any other method deemed feasible by the Administrative  
24 Office of the Courts]<sup>1</sup> . An appropriation made pursuant to this  
25 <sup>1</sup>~~section~~ subsection<sup>1</sup> shall not be used to replace appropriations  
26 from other sources for Judiciary information technology <sup>1</sup>~~.~~ and<sup>1</sup>

27 c. <sup>1</sup>~~From amounts remaining in the fund after the~~  
28 appropriation of funds as provided in subsections a. and b. of this  
29 section, an amount not exceeding] <sup>1</sup> \$10.1 million credited annually  
30 <sup>1</sup>~~in~~ to<sup>1</sup> the fund shall be appropriated annually to the Department  
31 of the Treasury for distribution to Legal Services of New Jersey and  
32 its affiliates to facilitate the provision to the poor of legal assistance  
33 in civil matters, which shall supplement other funds as may be  
34 appropriated from any other source in a fiscal year for the same  
35 purpose. All State funds distributed to Legal Services of New  
36 Jersey shall be used exclusively for the provision to the poor of  
37 legal assistance in civil matters.

38 d. <sup>1</sup>~~From amounts remaining in the fund after the~~  
39 appropriation of funds as provided in subsections a., b., and c. of  
40 this section, an amount not exceeding \$10 million shall be  
41 appropriated annually to the General Fund.

42 e.]<sup>1</sup> Any amount remaining in the fund after the appropriation of  
43 funds as provided in subsections a., b., <sup>1</sup>and<sup>1</sup> c. <sup>1</sup>~~and d.~~<sup>1</sup> of this  
44 section shall be retained by the Judiciary for the <sup>2</sup>~~sole~~<sup>2</sup> purpose of  
45 developing, maintaining, and administering <sup>2</sup>the Pretrial Services

1 Program or for<sup>2</sup> court information technology. The monies credited  
 2 to the fund shall not be used for any purpose other than those  
 3 purposes set forth in <sup>3</sup>sections 12 through 19 of<sup>1</sup> this section and  
 4 section 14 of<sup>3</sup> P.L. , c. (C. ) (pending before the Legislature  
 5 as this bill).

6  
 7 <sup>1</sup>[15.] 16.<sup>1</sup> Section 6 of P.L.1995, c.325 (C.2B:1-5) is amended  
 8 to read as follows:

9 6. a. <sup>1</sup>[(1)]<sup>1</sup> Notwithstanding the provisions of any other law  
 10 to the contrary, the [Supreme Court, the Superior Court and the Tax  
 11 Court, and the various municipal and joint municipal courts when  
 12 permitted by resolution of the appropriate municipal governing  
 13 bodies, are] <sup>1</sup>[Administrative Director of the Administrative Office  
 14 of the Courts is] Supreme Court, the Superior Court and the Tax  
 15 Court, and the various municipal and joint municipal courts when  
 16 permitted by resolution of the appropriate municipal governing  
 17 bodies, are<sup>1</sup> authorized to establish systems to accept the payment  
 18 of <sup>1</sup>[filing fees, administrative charges, fines and penalties imposed  
 19 for violations of Title 39 of the Revised Statutes,]<sup>1</sup> civil and  
 20 criminal fines and penalties [and] <sup>1</sup>[, all] and<sup>1</sup> other judicially  
 21 imposed financial obligations <sup>1</sup>[, and related charges]<sup>1</sup> by credit or  
 22 debit<sup>1</sup> card based payment, electronic funds transfer, or any other  
 23 electronic<sup>1</sup> method deemed feasible by the [Supreme Court]  
 24 <sup>1</sup>[Administrative Office of the Courts] Supreme Court<sup>1</sup>.

25 <sup>1</sup>[(2) The various municipal and joint municipal courts, when  
 26 permitted by resolution of the appropriate municipal governing  
 27 bodies, are authorized to establish systems to accept the payment of  
 28 filing fees, administrative charges, fines and penalties imposed for  
 29 violations of Title 39 of the Revised Statutes, civil and criminal  
 30 fines and penalties, all other judicially imposed financial  
 31 obligations, and related charges by card based payment, electronic  
 32 funds transfer, or any other method deemed feasible by the  
 33 Administrative Office of the Courts.]<sup>1</sup>

34 b. No person or organization that is a defendant in a criminal  
 35 matter shall be entitled to offer a credit card for the payment of bail  
 36 or for the payment of fines or penalties related to the imposition of  
 37 a sentence, for a crime of the first, second or third degree under  
 38 Title 2C of the New Jersey Statutes.

39 c. If not legally prohibited by an association, financial  
 40 institution, or [by an] a card issuer, <sup>1</sup>[any court or]<sup>1</sup> the  
 41 Administrative Office of the Courts <sup>1</sup>, pursuant to the Rules of  
 42 Court,<sup>1</sup> is authorized to assess [and] <sup>2</sup> collect <sup>1,1</sup> and pay <sup>1</sup>[from  
 43 receipts]<sup>1</sup> service charges [related to] and other costs <sup>1</sup>[associated  
 44 with] resulting from<sup>1</sup> the collection of filing fees, administrative  
 45 fees, judicially imposed financial obligations, and related charges  
 46 owed to [or collected by] <sup>1</sup>[the] a<sup>1</sup> court when <sup>1</sup>parties process

1 these fees, judicially imposed financial obligations, and related  
 2 charges using<sup>1</sup> credit cards, debit cards [or] , electronic funds  
 3 transfer systems, or any other <sup>1</sup>[methods] electronic method<sup>1</sup>  
 4 deemed feasible by the <sup>1</sup>[Administrative Office of the Courts are  
 5 utilized] Supreme Court<sup>1</sup>. <sup>1</sup>[Alternatively, the Administrative  
 6 Office of the Courts may pay such] Any<sup>1</sup> service charges and other  
 7 costs <sup>1</sup>[out of the monies appropriated to the Judiciary] assessed  
 8 and collected by the Administrative Office of the Courts<sup>1</sup> pursuant  
 9 to <sup>1</sup>[subsection b. of] this<sup>1</sup> section <sup>1</sup>[14 of P.L. , c. (C. )]  
 10 (pending before the Legislature as this bill)] with the exception of  
 11 those charges or costs assessed and collected on behalf of municipal  
 12 and joint municipal courts, shall be deposited in the “Court  
 13 Computer Information System Fund” established by subsection c. of  
 14 section 1 of P.L.1994, c.54 (C.2B:1-4)<sup>1</sup> .

15 d. The Supreme Court of the State of New Jersey [shall]  
 16 <sup>1</sup>[may] shall<sup>1</sup> adopt Rules of Court appropriate or necessary to  
 17 effectuate the purposes of this section.  
 18 (cf: P.L.1995, c.325, s.6)

19

20 <sup>1</sup>[16.] 17.<sup>1</sup> (New section) <sup>2</sup>a.<sup>2</sup> Not later than the sixth month  
 21 after the end of each State fiscal year, the Administrative Director  
 22 of the Courts shall submit a report to the Governor, the President of  
 23 the Senate, and the Speaker of the General Assembly describing the  
 24 Judiciary’s use of funding pursuant to sections <sup>1</sup>[10] 12<sup>1</sup> through  
 25 <sup>1</sup>[18] <sup>3</sup>[19<sup>1</sup>] 15<sup>3</sup> of P.L. , c. (C. ) (pending before the  
 26 Legislature as this bill) and the Judiciary’s progress toward the  
 27 development <sup>1</sup>[and deployment] , maintenance and administration<sup>1</sup>  
 28 of a Statewide <sup>3</sup>[Pretrial Services Program and Statewide<sup>1</sup>]<sup>3</sup>  
 29 digital e-court information system <sup>1</sup>[and the development and  
 30 maintenance of the Pretrial Service Unit]<sup>1</sup> .

31 <sup>2</sup>b. <sup>3</sup>[In addition to the information provided by the  
 32 Administrative Director of the Courts in each annual report  
 33 pursuant to subsection a. of this section, in the reports submitted  
 34 next following the fifth and tenth anniversaries of the effective date  
 35 of sections 1 through 11 of P.L. , c. (C. ) (pending before  
 36 the Legislature as this bill), the director shall provide information  
 37 about the impact of P.L. , c. (C. ) (pending before the  
 38 Legislature as this bill) on the Judiciary’s administration of criminal  
 39 justice] Not later than the sixth month after the end of each State  
 40 fiscal year, the Administrative Director of the Courts shall submit a  
 41 report to the Governor, the President of the Senate, the Speaker of  
 42 the General Assembly, and the Pretrial Services Program Review  
 43 Commission established by section 20 of P.L. , c. (C. )  
 44 (pending before the Legislature as this bill) on the development and  
 45 administration of the Statewide Pretrial Services Program<sup>3</sup> .<sup>2</sup>

1       <sup>1</sup>~~17.~~ 18.<sup>1</sup> (New section) Not later than the sixth month after  
2 the end of each State fiscal year, Legal Services of New Jersey,  
3 through the Department of the Treasury, shall submit to the  
4 Governor, the President of the Senate, the Speaker of the General  
5 Assembly, and the State Auditor a detailed financial statement  
6 describing how funds appropriated in the prior fiscal year pursuant  
7 to <sup>3</sup>sections 14 and 15 of<sup>3</sup> P.L. , c. (C. ) (pending before  
8 the Legislature as this bill) were used for the provision to the poor  
9 of legal assistance in civil matters. The use of public funds  
10 appropriated to Legal Services of New Jersey shall be subject to  
11 oversight by the State Auditor.

12  
13       <sup>1</sup>~~18.~~ 19.<sup>1</sup> (New section) a. The authority of the Supreme  
14 Court to revise or supplement filing fees and other statutory fees  
15 payable to the court pursuant to sections <sup>1</sup>~~11~~ 12<sup>1</sup> and <sup>1</sup>~~12~~ 13<sup>1</sup>  
16 of P.L. , c. (C. ) (pending before the Legislature as this  
17 bill) shall expire on the first day of the seventh month next  
18 following the date of enactment of those sections, except that any  
19 filing fees and other statutory fees payable to the court that have  
20 been revised or supplemented pursuant to those sections shall  
21 continue in effect, subject to the provisions of this section.

22       b. Within 30 days of the fifth anniversary of the effective date  
23 of the Rules of Court first adopted pursuant to <sup>1</sup>sections 12 and 13  
24 of<sup>1</sup> P.L. , c. (C. ) (pending before the Legislature as this  
25 bill), and additionally within 30 days of the tenth anniversary of  
26 that effective date, the Court may review all filing fees and other  
27 statutory fees revised or supplemented pursuant to <sup>1</sup>sections 12 and  
28 13 of<sup>1</sup> P.L. , c. (C. ) (pending before the Legislature as this  
29 bill) through its rulemaking process, which includes a reasonable  
30 opportunity for public comment, to determine if the fees should  
31 remain unchanged as originally adopted pursuant to <sup>1</sup>~~P.L. ,~~  
32 c. (C. ) (pending before the Legislature as this bill)] those  
33 sections<sup>1</sup> or be reduced to reflect the funding needs associated with  
34 <sup>1</sup>~~developing, maintaining and administering the Statewide digital~~  
35 e-court information system; and

36       c. On or after five years following the effective date of the  
37 Rules of Court first adopted pursuant to P.L. , c. (C. )  
38 (pending before the Legislature as this bill), if the annual grants  
39 provided to Legal Services of New Jersey by the Board of Trustees  
40 of the Income on Non-Interest Bearing Lawyers' Trust Accounts  
41 (IOLTA) Fund of the Bar of New Jersey, as established and  
42 operated pursuant to the Rules of Court, for use by Legal Services  
43 of New Jersey and its affiliates, equal or exceed \$25 million based  
44 on the most currently available information from the Supreme Court  
45 or as indicated in the most recently published annual report by the  
46 trustees, then beginning with the fiscal year next following the  
47 fiscal year in which the grants equaled or exceeded \$25 million:

1 (1) The monies to be annually credited to the “21<sup>st</sup> Century  
2 Justice Improvement Fund” established by section 13 of  
3 P.L. , c. (C. ) (pending before the Legislature as this bill) for  
4 appropriation to the Department of the Treasury for distribution to  
5 Legal Services of New Jersey and its affiliates pursuant to  
6 subsection b. of section 4 of P.L. , c. (C. ) (pending before  
7 the Legislature as this bill) shall no longer be credited to the “21<sup>st</sup>  
8 Century Justice Improvement Fund.” The remainder of any monies  
9 in the “21<sup>st</sup> Century Justice Improvement Fund” that exceeds \$17  
10 million, as set forth in subsection a. of section 4 of P.L. ,  
11 c. (C. ) (pending before the Legislature as this bill), shall be  
12 deposited in the General Fund; and

13 (2) All filing fees and other statutory fees revised or  
14 supplemented pursuant to P.L. , c. (C. ) (pending before the  
15 Legislature as this bill) shall be reduced so that the fees payable to  
16 the court shall total no more than \$17 million annually and,  
17 pursuant to subsection a. of section 4 of P.L. , c. (C. )  
18 (pending before the Legislature as this bill), shall be used to fund  
19 the development, maintenance and administration of the Statewide  
20 digital e-court information system] the purposes set forth in section  
21 14 of P.L. , c. (C. ) (pending before the Legislature as this  
22 bill) for which the “21st Century Justice Improvement Fund”  
23 provides monies<sup>1</sup>.

24  
25 <sup>3</sup>20. (New section) a. There is hereby created, in but not of the  
26 Department of Law and Public Safety, a commission to be known  
27 as the Pretrial Services Program Review Commission, consisting of  
28 17 members as follows: the Attorney General, or his designee; two  
29 members of the Senate, who shall each be of different political  
30 parties, appointed by the Senate President; two members of the  
31 General Assembly, who shall each be of different political parties,  
32 appointed by the Speaker of the General Assembly; the  
33 Administrative Director of the Courts, or his designee; two county  
34 prosecutors, appointed by the Governor based upon the  
35 recommendation of the County Prosecutors Association of the State  
36 of New Jersey; the Public Defender, or his designee; the following  
37 ex-officio public members: the President of the New Jersey State  
38 Conference of the National Association for the Advancement of  
39 Colored People, the President of the Latino Action Network, the  
40 Executive Director of the American Civil Liberties Union of New  
41 Jersey, the New Jersey State Director of the Drug Policy Alliance,  
42 and the President and Chief Executive Officer of the New Jersey  
43 Institute for Social Justice; and the following appointed public  
44 members: a county or municipal law enforcement officer appointed  
45 by the Governor, and two additional members having experience  
46 with, possessing a background in, or demonstrating a specialized  
47 knowledge of, the legal, policy, or social aspects of criminal justice  
48 pretrial release and detention programs, one appointed by the

1 Governor upon the recommendation of the President of the Senate,  
2 and one appointed by the Governor upon the recommendation of the  
3 Speaker of the General Assembly.

4 b. (1) The members' terms shall be as follows:

5 (a) The State and county ex-officio members shall serve during  
6 their elective or appointed term of office;

7 (b) The ex-officio public members shall serve during their term  
8 of office; and

9 (c) (i) The appointed public members shall each be appointed  
10 for a term of three years, except that of the two members with  
11 experience, background, or specialized knowledge of criminal  
12 justice pretrial release and detention programs first appointed, the  
13 member appointed by the Governor upon the recommendation of  
14 the Speaker of the General Assembly shall serve for a term of two  
15 years, and the member appointed by the Governor upon the  
16 recommendation of the Senate President shall serve for a term of  
17 three years.

18 (ii) Each member appointed shall hold office for the term of  
19 appointment and until a successor shall have been appointed and  
20 qualified.

21 (iii) Any vacancy in the appointed membership of the  
22 commission shall be filled by appointment in the same manner as  
23 the original appointment was made.

24 c. (1) The commission shall organize as soon as may be  
25 practicable upon the ex-officio designation and appointment of a  
26 majority of its authorized membership. The members shall elect  
27 one of the members to serve as chair, and one to serve as vice-chair,  
28 and the chair may appoint a secretary, who need not be a member of  
29 the commission.

30 (2) The commission shall meet at the call of the chair, or when  
31 requested by a majority of its members, at those times and places  
32 within the State of New Jersey as the chair shall determine. A  
33 majority of the commission's authorized membership shall  
34 constitute a quorum for the transaction of any business, including  
35 the adoption of any commission recommendations.

36 d. The members of the commission shall serve without  
37 compensation, but shall be eligible for reimbursement for necessary  
38 and reasonable expenses incurred in the performance of their  
39 official duties within the limits of funds appropriated or otherwise  
40 made available to the commission for its purposes.

41 e. The Division of Criminal Justice in the Department of Law  
42 and Public Safety shall, at the direction of the Attorney General,  
43 provide legal, stenographic, technical, clerical, and other staff and  
44 resource assistance to the commission, and additionally the  
45 commission may incur expenses as may be necessary in order to  
46 perform its duties within the limits of funds appropriated or  
47 otherwise made available to it for its purposes.

48 f. It shall be the duty of the commission to:

1       (1) Review the annual report of the Administrative Director of  
 2 the Courts concerning the development and administration of the  
 3 Statewide Pretrial Services Program that is submitted to the  
 4 commission pursuant to subsection b. of section 17 of P.L. \_\_\_\_\_,  
 5 c. (C. \_\_\_\_\_) (pending before the Legislature as this bill);

6       (2) Examine the existing law concerning pretrial release and  
 7 detention established by sections 1 through 11 of P.L. \_\_\_\_\_,  
 8 c. (C. \_\_\_\_\_) (pending before the Legislature as this bill);

9       (3) Research criminal justice pretrial release and detention  
 10 programs from other states and jurisdictions; and

11       (4) Make recommendations for legislation related to paragraphs  
 12 (1) through (3) of this subsection.

13       g. The commission shall report annually to the Governor, to the  
 14 Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1),  
 15 and to the Supreme Court, its activities, as well as its findings and  
 16 recommendations, if any, for legislation.<sup>3</sup>

17  
 18       <sup>1</sup>~~[19.]~~ <sup>3</sup>~~[20.]~~ 21. a.<sup>3</sup> Sections 1 through <sup>1</sup>~~[6 and 8 through 9]~~  
 19 11<sup>1 3</sup> and section 20<sup>3</sup> of this act shall take effect <sup>1</sup>~~[immediately but~~  
 20 shall remain inoperative until] <sup>2</sup>~~[on the first day of the 13th month~~  
 21 next following<sup>1</sup> the date of approval by the voters of <sup>3</sup>~~[on~~<sup>3</sup> the same  
 22 day that<sup>2</sup> a constitutional amendment to Article I, paragraph 11 of  
 23 the New Jersey Constitution authorizing the courts to deny pretrial  
 24 release of certain defendants <sup>1</sup>~~[; sections 7 and 10 of this act shall~~  
 25 take effect on the first day of the third month following enactment]  
 26 <sup>2</sup>~~[and that amendment becoming]~~ <sup>3</sup>~~[, approved by the voters of this~~  
 27 State, becomes<sup>2</sup> part of the New Jersey Constitution as provided by  
 28 paragraph 6 of Article IX of same<sup>1</sup> takes effect<sup>3</sup> ; <sup>2</sup>~~and~~<sup>2</sup> sections  
 29 <sup>1</sup>~~[11 and]~~<sup>1</sup> 12<sup>1</sup> through 19 of this act<sup>1</sup> shall take <sup>1</sup>~~[affect]~~ effect<sup>1</sup>  
 30 immediately<sup>1</sup> ~~[; and sections 13 through 18 shall take effect on July~~  
 31 1, 2014]<sup>1</sup>.

32       <sup>3</sup>b. Sections 1 through 11 of this act shall apply to any eligible  
 33 defendant who is arrested on or after the effective date of those  
 34 sections, regardless of whether the crime or offense related to the  
 35 arrest was allegedly committed before, on, or after the effective date  
 36 of those sections.

37       c. With respect to any delay to the effective date of sections 1  
 38 through 11 of this act based on the requirement to amend Article I,  
 39 paragraph 11 of the New Jersey Constitution as set forth in  
 40 subsection a. of this section, nothing shall be construed to affect the  
 41 court's existing authority to revoke pretrial release prior to the  
 42 effective date of those sections.

43       d. The Supreme Court may adopt Rules of Court and take any  
 44 administrative action necessary to implement the provisions of this  
 45 act, including the adoption of rules or anticipatory administrative



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- 1 action in advance of the effective date of sections 1 through 11 of
- 2 this act as set forth in subsection a. of this section.<sup>3</sup>