

**ASSEMBLY, No. 150**

---

**STATE OF NEW JERSEY**

**217th LEGISLATURE**

---

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

**Sponsored by:**

**Assemblywoman CLEOPATRA G. TUCKER**

**District 28 (Essex)**

**SYNOPSIS**

Establishes judicial presumption in favor of 10 percent bail option in lieu of a bail bond issued by licensed surety for repeat criminal offenders.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



A150 TUCKER

1 AN ACT concerning bail, supplementing Title 2A of the New Jersey  
2 Statutes, and amending P.L.1994, c.144.

3

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

6

7 1. (New section) a. There shall be a presumption in favor of  
8 the court designating the posting of bail in the amount of 10 percent  
9 of the amount of bail fixed in accordance with court rule to the  
10 exclusion of bail secured by a surety bond executed by a  
11 corporation authorized under chapter 31 of Title 17 of the Revised  
12 Statutes if a defendant is charged with an indictable offense and:

13 (1) has one prior conviction for a crime;

14 (2) has one other indictable case pending at the time of the  
15 arrest; or

16 (3) was on parole at the time of the arrest.

17 b. Nothing in this act shall interfere with the presumption in  
18 favor of the court designating the posting of full United States  
19 currency cash bail for defendants charged with a crime with bail  
20 restrictions pursuant to subsection c. of section 1 of P.L.1994, c.144  
21 (C.2A:162-12).

22

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

25 1. a. As used in this section:

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

28 (1) Murder 2C:11-3.

29 (2) Manslaughter 2C:11-4.

30 (3) Kidnapping 2C:13-1.

31 (4) Sexual Assault 2C:14-2.

32 (5) Robbery 2C:15-1.

33 (6) Carjacking P.L.1993, c.221, s.1 (C.2C:15-2).

34 (7) Arson and Related Offenses 2C:17-1.

35 (8) Causing or Risking Widespread  
36 Injury or Damage 2C:17-2.

37 (9) Burglary 2C:18-2.

38 (10) Theft by Extortion 2C:20-5.

39 (11) Endangering the Welfare of Children 2C:24-4.

40 (12) Resisting Arrest; Eluding Officer 2C:29-2.

41 (13) Escape 2C:29-5.

42 (14) Corrupting or Influencing a Jury 2C:29-8.

43 (15) Possession of Weapons for Unlawful Purposes 2C:39-4.

44 (16) Weapons Training for Illegal Activities  
45 P.L.1983, c.229, s.1 (C.2C:39-14).

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.



1 violated a final restraining order protecting the same victim, unless  
2 the court finds on the record that another form of bail authorized in  
3 subsection b. of this section will ensure the defendant's presence in  
4 court when required.

5 d. When bail is posted in the form of a bail bond secured by  
6 real property, the owner of the real property, whether the person is  
7 admitted to bail or a surety, shall also file an affidavit containing:

8 (1) A legal description of the real property;

9 (2) A description of each encumbrance on the real property;

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

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

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

18 (cf: P.L.2013, c.51, s.15)

19

20 3. This act shall take effect immediately.

21

22

23 STATEMENT

24

25 This bill establishes a presumption in favor of the court requiring  
26 a repeat criminal offender to post 10 percent of the amount of bail  
27 fixed in lieu of obtaining a surety bond issued by a bail bondsman.  
28 Under the New Jersey Court Rules, unless otherwise specified by  
29 the court, bail may be satisfied by the deposit in court of cash in the  
30 amount of 10 percent of the amount of bail fixed together with  
31 defendant's executed recognizance for the remaining 90 percent. In  
32 many instances, a defendant also has the option of paying a non-  
33 refundable fee to a licensed bail bondsman who then posts a surety  
34 bond with the court. According to recent news reports, repeat  
35 criminal offenders are being released on bail by paying fees to bail  
36 bondsmen which are far lower than the 10 percent option  
37 established by court rules.

38 This bill provides for a presumption in favor of the court  
39 granting a defendant the option of posting 10 percent of the amount  
40 of bail if the defendant: has one prior criminal conviction; one other  
41 indictable cases pending at the time of the arrest; or was on parole  
42 at the time of the arrest.