

**ASSEMBLY, No. 2007**

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**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

**Sponsored by:**

**Assemblyman JERRY GREEN**

**District 22 (Middlesex, Somerset and Union)**

**Co-Sponsored by:**

**Assemblymen Greenwald, Conaway and Wisniewski**

**SYNOPSIS**

Restricts bail options for second and subsequent offenses occurring while released.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning bail requirements in certain instances and  
2 supplementing chapter 162 of Title 2A of the New Jersey  
3 Statutes.

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

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8 1. a. Except as provided in section 1 of P.L.1994, c.144  
9 (C.2A:162-12) if, while released pending the disposition of any  
10 prior offense, a defendant is charged with a second offense  
11 involving a petty disorderly persons offense, a disorderly persons  
12 offense, a crime of the fourth degree or a crime of the third degree,  
13 there shall be a presumption in favor of the court imposing a 50%  
14 cash option for posting bail; and

15 b. Except as provided in section 1 of P.L.1994, c.144  
16 (C.2A:162-12) if, while released pending the disposition of any  
17 prior offense, a defendant is charged with a third or subsequent  
18 offense involving a petty disorderly persons offense, a disorderly  
19 persons offense, a crime of the fourth degree or a crime of the third  
20 degree, there shall be a presumption in favor of the court imposing  
21 the 100% cash option for posting bail.

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23 2. This act shall take effect immediately.

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26 STATEMENT

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28 The New Jersey Court Rules contain provisions for the posting  
29 of bail in criminal matters. A number of options are available  
30 including the posting of full cash, a surety bond or a bail bond.  
31 Rule 3:26 also provides that a bail requirement may be satisfied by  
32 the deposit of cash in the amount of ten percent of the amount of  
33 bail fixed.

34 N.J.S.A.2A:162-12 imposes restrictions on the ten percent option  
35 in cases involving serious offenses. Under this section, persons  
36 charged with crimes of the first or second degree cannot use the  
37 10% cash option as a method of posting bail. This bill would create  
38 a presumption in favor of the court designating the posting of cash  
39 bail when a defendant is charged for a second or subsequent time  
40 with other offenses involving a petty disorderly persons offense, a  
41 disorderly persons offense, a crime of the fourth degree or a crime  
42 of the third degree. Under this bill, the graduated amounts are as  
43 follows: 50% cash option for a second offense; and 100% cash  
44 option for a third or subsequent offense.