

SENATE, No. 1252

STATE OF NEW JERSEY

218th LEGISLATURE

INTRODUCED JANUARY 25, 2018

Sponsored by:

Senator JAMES W. HOLZAPFEL

District 10 (Ocean)

SYNOPSIS

Requires Family Part under certain circumstances to dispose of charge of contempt of a domestic violence order on an emergency basis, without setting bail.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning domestic violence restraining orders, amending
2 P.L.1991, c.261 and supplementing chapter 25 of Title 2C of the
3 New Jersey 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. Section 15 of P.L.1991, c.261 (C.2C:25-31) is amended to
9 read as follows:

10 15. Where a law enforcement officer finds that there is probable
11 cause that a defendant has committed contempt of an order entered
12 pursuant to the provisions of P.L.1981, c.426 (C.2C:25-1 et seq.) or
13 P.L.1991, c.261 (C.2C:25-17 et seq.), the defendant shall be
14 arrested and taken into custody by a law enforcement officer. The
15 law enforcement officer shall follow these procedures:

16 The law enforcement officer shall transport the defendant to the
17 police station or such other place as the law enforcement officer
18 shall determine is proper. The law enforcement officer shall:

19 a. Conduct a search of the domestic violence central registry
20 and sign a complaint concerning the incident which gave rise to the
21 contempt charge;

22 b. **【Telephone】** (1) Except as provided in paragraph (2) of this
23 subsection, telephone or communicate in person or by facsimile
24 with the appropriate judge assigned pursuant to this act and request
25 bail be set on the contempt charge;

26 (2) In the case of a defendant who has previously been arrested
27 for contempt of an order entered pursuant to the provisions of
28 P.L.1981, c.426 (C.2C:25-1 et seq.) or P.L.1991, c.261 (C.2C:25-17
29 et seq.), the law enforcement officer shall not request that bail be
30 set but shall telephone or communicate with a judge of the Superior
31 Court and request an emergency hearing pursuant to section 2 of
32 P.L. , c. (C.) (pending before the Legislature as this bill) to
33 dispose of the contempt charge.

34 c. If the defendant is unable to meet the bail set or if bail is not
35 set, take the necessary steps to insure that the defendant shall be
36 incarcerated at police headquarters or at the county jail; and

37 d. (1) During regular court hours, the defendant shall have bail
38 set by a Superior Court judge that day unless the defendant has
39 previously been arrested for contempt of an order entered pursuant
40 to the provisions of P.L.1981, c.426 (C.2C:25-1 et seq.) or
41 P.L.1991, c.261 (C.2C:25-17 et seq.). On weekends, holidays and
42 other times when the court is closed, the officer shall arrange to
43 have the clerk of the Family Part notified on the next working day
44 of the new complaint, the amount of bail, if set, the defendant's
45 whereabouts and all other necessary details. 【In addition, if】

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.

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1 This time period would be consistent with the Rule of Court that
2 requires bail to be set within 72 hours. (See R.3:4-2.)

3 If the defendant is then convicted of the contempt charge, he
4 would immediately be sentenced to the mandatory 30 days of
5 incarceration.

6 The intent of this bill is to provide a margin of safety for victims
7 in these circumstances.