

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1463

STATE OF NEW JERSEY

DATED: FEBRUARY 23, 2023

The Senate Judiciary Committee reports favorably Assembly Bill No. 1463.

This bill addresses matters concerning a defendant's pretrial release, with a particular focus on protecting the victim of the defendant's alleged offense.

First, the bill establishes that a defendant, granted pretrial release with court-imposed conditions pursuant to the process set forth in P.L.2014, c.31 (C.2A:162-15 et al.), who purposely or knowingly violated a condition of the pretrial order requiring the defendant avoid all contact with the alleged victim of the defendant's charged crime (a so-called "no-contact order"), would be guilty of committing a contempt-of-court offense. The act of contempt would be a crime of the fourth degree when the violation of the order could also constitute a crime or disorderly persons offense, punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both. In all other circumstances, the act of contempt would be graded a disorderly persons offense, punishable by a term of imprisonment of up to six months, a fine of up to \$1,000, or both.

Additionally, a defendant subject to a pretrial release order imposing a condition of home confinement, with or without use of an approved electronic monitoring device, who purposely or knowingly violated that condition would similarly be guilty of contempt; and, as with a no-contact violation, this act would be graded a crime of the fourth degree when the violation could also constitute a crime or disorderly persons offense, and otherwise would be graded a disorderly persons offense.

In State v. McCray, 243 N.J. 196 (2020), the New Jersey Supreme Court found that the lack of any specific provisions in P.L.2014, c.31 (C.2A:162-15 et al.) authorizing contempt charges for violations of a court's pretrial release conditions prohibited the pursuit of such charges, except with respect to violations of a victim no-contact order based on well understood case law in the context of enforcing, with contempt charges, no-contact orders included in bail orders under the State's bail system that was used prior to the current process favoring pretrial release with non-monetary conditions. This bill represents a statutory codification of the authority to pursue violations of pretrial no-contact orders as

described in the McCray decision, and an expansion of this authority to violations of a condition of pretrial home confinement.

Finally, the bill amends section 10 of P.L.1991, c.261 (C.2C:25-26), which concerns a no-contact order in the context of a domestic violence case when the released defendant has been charged with a crime or offense of domestic violence. The bill would require that the prosecutor, instead of the court clerk or other designated court personnel, provide to the victim a copy of the court order containing the court's conditions specifically restricting the defendant's ability to have contact with the victim and any other persons or animals associated with the victim named in the order. Currently, under section 1 of P.L.1994, s.137 (C.2C:25-26.1), a prosecutor ("the prosecuting agency") is required to notify a domestic violence victim any time the victim's abuser is released from custody following being charged with a crime or offense of domestic violence. This bill would add to the prosecutor's responsibility the delivery of the court's release order to the victim, containing the no-contact details of that order.