

[Second Reprint]

SENATE, No. 946

STATE OF NEW JERSEY
216th LEGISLATURE

INTRODUCED JANUARY 27, 2014

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District 5 (Camden and Gloucester)

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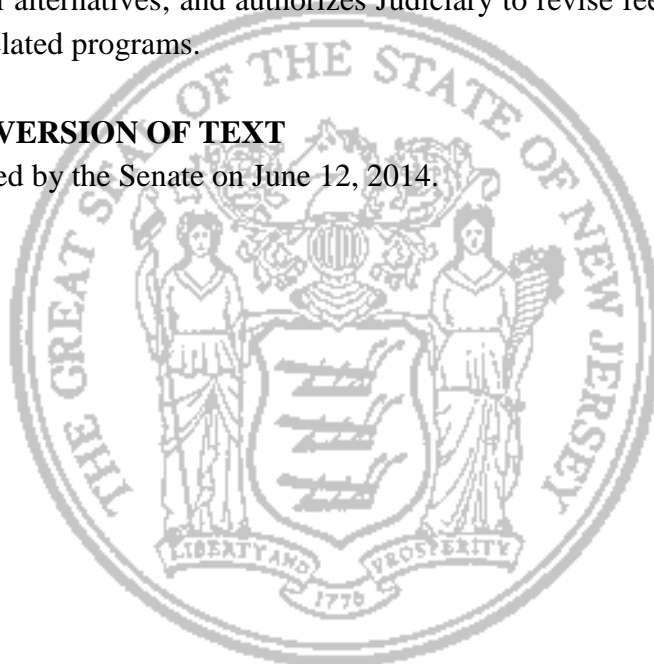
Senators Stack and Beck

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 June 12, 2014.



(Sponsorship Updated As Of: 8/1/2014)

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 ¹1. (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 ²[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 result² from ²[strict compliance
41 with]² the defendant's release²]. 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:

¹Senate SBA committee amendments adopted June 5, 2014.

²Senate floor amendments adopted June 12, 2014.

1 release]² from custody, ²so that no appropriate conditions for the
2 defendant's release could reasonably address that risk. If the court
3 so finds,² 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 ²[reasonable] reasonably² assure ²the² 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, ²[regular] drug or alcohol treatment as a condition of²
39 probation ²[drug court]² 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) ²【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) ²【The time resulting from a defendant's failure to appear for
 16 a court proceeding;

17 ²【(k)】 (j) ² The time resulting from a disqualification or recusal
 18 of a judge;

19 ²【(l)】 (k) ² The time for other periods of delay not specifically
 20 enumerated if the court finds good cause for the delay;

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

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

24 (2) ²【The prosecutor shall be responsible for calculating
 25 excludable time pursuant to the provisions of this subsection.

26 (3) ²【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.¹

31
 32 ¹【1.】 ^{2.1} (New section) The provisions of ¹sections 2 through
 33 11 of¹ P.L. , c. (C.) (pending before the Legislature as this
 34 bill) shall be liberally construed to effectuate the purpose of
 35 ¹primarily¹ relying upon ¹【contempt of court proceedings or
 36 criminal sanctions】 ²【conditions of release¹ instead of】 means
 37 other than² financial loss ², such as conditions of release,² to
 38 ¹【ensure】 reasonably assure¹ the ²defendant's² appearance ²【of
 39 the defendant, that the defendant will not pose a danger to】 in court
 40 when required, the protection of the safety of² any ²other² person or
 41 the community, ²that the defendant will not obstruct or attempt to
 42 obstruct the criminal justice process,² and that the defendant will
 43 comply with all conditions of ¹【bail】 release^{1 2}, while authorizing
 44 the court to order pretrial detention of the defendant when it finds
 45 clear and convincing evidence that no condition or combination of
 46 conditions can reasonably assure the effectuation of these goals².

1 Monetary bail ²**[shall]** may² be set ¹only after ²**[a]** the²
 2 defendant's commitment to jail and¹ when it is determined that no
 3 other conditions of release will reasonably assure the defendant's
 4 appearance in court ¹**[and that the defendant does not present a**
 5 **danger to any person or the community]**¹ ²when required².

6 ¹For the purposes of sections 2 through 11 of P.L. _____,
 7 c. (C. _____) (pending before the Legislature as this bill),
 8 "defendant" shall mean a person who is arrested on warrant for an
 9 initial charge involving an indictable offense or a disorderly persons
 10 offense unless otherwise provided in sections 2 through 11 of
 11 P.L. _____, c. (C. _____) (pending before the Legislature as this bill).¹

12
 13 ¹**[2.(New section)** Upon the appearance before a court of a
 14 defendant charged with an offense, the court shall issue an order
 15 that the defendant be:

16 a. released on conditions including the execution of a bail bond
 17 pursuant to subsection b. of section 3 of P.L. _____, c. (C. _____)
 18 (pending before the Legislature as this bill);

19 b. released on his own personal recognizance; or

20 c. detained pursuant to section 4 of P.L. _____, c. (C. _____)
 21 (pending before the Legislature as this bill).]¹

22
 23 ¹**[3. (New section)** For any defendant committed to jail, the
 24 court shall make a pretrial release decision for the defendant
 25 without unnecessary delay, but in no case later than 48 hours after
 26 the defendant's commitment to jail. After considering the
 27 defendant's circumstances and the Pretrial Services Program's risk
 28 assessment and recommendation on conditions of release completed
 29 pursuant to section 11 of P.L. _____, c. (C. _____) (pending before the
 30 Legislature as this bill), the court shall order that the defendant be:

31 a. released on the defendant's own recognizance or on
 32 execution of an unsecured appearance bond; or

33 b. released on a non-monetary condition or conditions, with the
 34 condition or conditions being the least restrictive condition or
 35 combination of conditions that the court determines will reasonably
 36 assure the ²defendant's² appearance ²**[of the defendant as]** in court
 37 when² required ²**[by the court, or]**, the protection of² the safety of
 38 any other person ²**[and of]** or² the community, or ²**[both]** that the
 39 defendant will not obstruct or attempt to obstruct the criminal
 40 justice process² ; or

41 c. released on monetary bail, other than an unsecured
 42 appearance bond, to reasonably assure the ²defendant's² appearance
 43 ²**[of the defendant as]** in court when² required ²**[by the court]**², or
 44 a combination of monetary bail and non-monetary conditions, to
 45 reasonably assure the ²defendant's² appearance ²**[of the defendant**
 46 as] in court when² required ²**[by the court, or]**, the protection of²

1 the safety of any other person ²**[and of]** or ² the community, or
 2 ²**[both]** that the defendant will not obstruct or attempt to obstruct
 3 the criminal justice process ²; or

4 d. upon motion of the prosecutor, detained in jail pending a
 5 pretrial detention hearing pursuant to sections 5 and 6 of P.L. _____,
 6 c. _____ (C. _____) (pending before the Legislature as this bill). ¹

7
 8 ¹**[3.] 4.** ¹(New section) ¹**[a.]** ¹Except as provided under
 9 ¹**[section 4]** sections 5 and 6 ¹of P.L. _____, c. _____ (C. _____) (pending
 10 before the Legislature as this bill) ¹**[,]** concerning ¹a ¹hearing on
 11 the pretrial detention of a defendant ^{2, 2} for any defendant who is
 12 committed to jail and in no case later than 48 hours after that
 13 commitment:

14 a. The ¹court shall order the pretrial release of ¹**[a]** the ¹
 15 defendant on personal recognizance ¹or on the execution of an
 16 unsecured appearance bond ¹when, after considering all the
 17 circumstances ¹and the Pretrial Services Program's risk
 18 assessment ¹, the court determines that ²**[a defendant will appear** ¹in
 19 court ¹as] the release would reasonably assure the defendant's
 20 appearance in court when ²required ¹**[either before or after**
 21 conviction and the defendant] ²**[and** ¹will not pose a danger to]
 22 the protection of the safety of ²any ¹other ¹person or the community
 23 ¹**[, or obstruct or attempt to obstruct justice, and that the defendant**
 24 will comply with all conditions of release] ^{1 2}and that the
 25 defendant will not obstruct or attempt to obstruct the criminal
 26 justice process ².

27 b. ¹**[Except as provided under section 4 of P.L. _____,**
 28 c. _____) (pending before the Legislature as this bill), if] (1) If ¹
 29 ²**[a]** the ²court ²**[determines]** does not determine, after
 30 consideration, ²that the release described in subsection a. of this
 31 section will ²**[not]** ²reasonably ¹**[ensure the appearance of the**
 32 person] assure ²**[that]** ²the ²**[defendant will appear]** defendant's
 33 appearance ²in court ^{1 2}**[as]** when ²required ^{1, 1 2}**[or will** ¹**[endanger**
 34 the safety of] not pose a danger to ¹**[the protection of the safety of**
 35 any other person or the community, ¹**[or will not prevent the person**
 36 from obstructing or attempting to obstruct the criminal justice
 37 process,] ^{1 2}and that the defendant will not obstruct or attempt to
 38 obstruct the criminal justice process, ²the court may order the
 39 pretrial release of the ¹**[person]** defendant subject to one or more of
 40 the following non-monetary conditions ¹:

41 ¹**[(1) subject to the condition that]** (a) ¹the ¹**[person]** defendant
 42 shall ¹not commit any ¹**[crime]** offense ¹during the period of
 43 release ¹**[and];**

1 **(b) the defendant shall**¹ avoid all contact with an alleged victim
2 of the crime ¹;¹ and

3 **(c) the defendant shall avoid all contact**¹ with **potential**¹ **all**¹
4 witnesses **named in the document authorizing the defendant's**
5 **release**¹ who may testify concerning the offense **;**¹ **or**¹ .¹

6 **(2) subject to**¹ **The condition or conditions of a pretrial release**
7 **ordered by the court pursuant to this subsection shall be**¹ the least
8 restrictive condition, or combination of conditions, that the court
9 determines will reasonably **ensure**¹ **assure**¹ the ²**defendant's**²
10 appearance ²**of the person**² **defendant**¹ as **in court when**²
11 required **and**¹ **or**¹ , **the protection of**² the safety of any other
12 person **and**² **or**² the community, **or both**² **and that the**
13 **defendant will not obstruct or attempt to obstruct the criminal**
14 **justice process**² ,¹ which may include **the condition**¹ that the
15 **person**¹ **defendant**¹:

16 (a) remain in the custody of a designated person, who agrees to
17 assume supervision and to report any violation of a release
18 condition to the court, if the designated person is **reasonably**²
19 able to **ensure to**² **reasonably**² **assure**¹ the court that the
20 defendant will appear as required **and**² ,² will not pose a danger
21 to the safety of any other person or the community ², **and will not**
22 **obstruct or attempt to obstruct the criminal justice process**² ;

23 (b) maintain employment, or, if unemployed, actively seek
24 employment;

25 (c) maintain or commence an educational program;

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

28 (e) report on a regular basis to a designated law enforcement
29 agency, **or other agency, or**¹ pretrial services **agency, or other**
30 **agency**¹ **program**¹;

31 (f) comply with a specified curfew;

32 (g) refrain from possessing a firearm, destructive device, or
33 other dangerous weapon;

34 (h) refrain from excessive use of alcohol, or any use of a
35 narcotic drug or other controlled substance without a prescription
36 by a licensed medical practitioner;

37 (i) undergo available medical, psychological, or psychiatric
38 treatment, including treatment for drug or alcohol dependency, and
39 remain in a specified institution if required for that purpose;

40 (j) return to custody for specified hours following release for
41 employment, schooling, or other limited purposes;

42 (k) satisfy any other condition that is **reasonably**¹ necessary
43 to **ensure**² **reasonable**² **reasonably**² **assure**¹ the ²**defendant's**²
44 appearance ²**of the person**² **defendant**¹ as **in court when**²
45 required **and to ensure**² **or**¹ , **the protection of**² the safety of
46 any other person **and**² **or**² the community ¹, **or both**¹ **and that**

1 the defendant will not obstruct or attempt to obstruct the criminal
 2 justice process² ; or

3 (l) be placed in a pretrial home supervision capacity with or
 4 without the use of an approved electronic monitoring device. The
 5 1 court may order the defendant to pay all or a portion of the¹ costs
 6 1 [attributable to] of¹ the electronic monitoring 1 [of an offender
 7 shall be borne by the Pretrial Services Unit in the county in which
 8 the defendant resides]^{1 2}, and the court may waive the payment for
 9 a defendant who is indigent and who has demonstrated to the court
 10 an inability to pay all or a portion of the costs².

11 c. 1 [Except as provided under section 4 of P.L. ,
 12 c. (C.) (pending before the Legislature as this bill), if] (1) If
 13 the court 2 [determines] does not determine, after consideration,²
 14 that the release described in subsection a. or b. of this section will
 15 2 [not]² reasonably assure 2 [that]² the 2 [defendant will appear]
 16 defendant's appearance² in court 2 [as] when² required, the court
 17 may order the pretrial release of the defendant on monetary bail,
 18 other than an unsecured appearance bond. The court may only
 19 impose a financial condition set forth in this subsection to
 20 reasonably assure the defendant's appearance. The court shall not
 21 impose the condition to reasonably assure the 2 protection of the²
 22 safety of any other person or 2 [of]² the community 2 or that the
 23 defendant will not obstruct or attempt to obstruct the criminal
 24 justice process², or impose the condition for the purpose of
 25 preventing the release of the defendant.

26 (2) 2 [If a defendant is unable to initially post monetary bail after
 27 being set by the court, nothing in sections 2 through 11 of P.L. ,
 28 c. (C.) (pending before the Legislature as this bill) shall
 29 preclude, at any time thereafter, a defendant from posting the
 30 monetary bail previously set by the court to secure pretrial release
 31 from jail.

32 (3) 2 [Nothing in sections 2 through 11 of P.L. , c. (C.)
 33 (pending before the Legislature as this bill) shall preclude the court
 34 from modifying the amount of monetary bail set pursuant to this
 35 subsection, whether or not this modification is done in combination
 36 with a court's ordering of one or more non-monetary conditions for
 37 pretrial release as set forth in subsection d. of this section.

38 d. If¹ the court 2 [determines] does not determine, after
 39 consideration,² that the 1 [conditions under] release described in¹
 40 subsection 1 a.,¹ b. 1, or c.¹ will 2 [not]² reasonably 1 [ensure the
 41 appearance of the person] assure 2 [that]² the 2 [defendant will
 42 appear] defendant's appearance² in court^{1 2} [as] when² required^{1, 1}
 43 2 [or]² 1 [will endanger]^{1 2} the protection of² the safety of any other
 44 person or the community, 1 [or will not prevent the person from
 45 obstructing or attempting to obstruct the criminal justice process,]¹
 46 2 and that the defendant will not obstruct or attempt to obstruct the

1 criminal justice process,² the court may ¹**[set bail for the offense**
 2 **charged in accordance with current statutory law and court rule]**
 3 order the pretrial release of the defendant using a combination of
 4 monetary bail and non-monetary conditions as set forth in
 5 subsections b. and c. of this section¹.

6 ¹**[d. The court may at any time amend an order made pursuant to**
 7 **this section to impose additional or different conditions of release.**
 8 **The court may not impose a financial condition that results in the**
 9 **pretrial detention of the person.]**¹

10 ²e. For purposes of the court's consideration for pretrial release
 11 described in subsections a., b., and d. of this section, with respect to
 12 whether the particular form of release will reasonably assure that
 13 the defendant will not obstruct or attempt to obstruct the criminal
 14 justice process, this reasonable assurance may be deemed to exist if
 15 the prosecutor does not provide the court with information relevant
 16 to the risk of whether the defendant will obstruct or attempt to
 17 obstruct the criminal justice process.²

18
 19 ¹**[4.]** ^{5.}¹ (New section) a. The court may order the detention of
 20 a defendant ¹charged with a crime¹ ², or an offense involving
 21 domestic violence as defined in subsection a. of section 3 of
 22 P.L.1991, c.261 (C.2C:25-19),² before trial if ²**[,]** a prosecutor
 23 seeks the pretrial detention of the defendant under section 6 of
 24 P.L. , c. (C.) (pending before the Legislature as this bill),
 25 and² after a hearing pursuant to ¹**[the]**¹ ²that² section ¹**[5]** ²**[6.**¹ of
 26 P.L. , c. (C.) (pending before the Legislature as this bill),]²
 27 the court ¹**[is clearly convinced]** finds clear and convincing
 28 evidence¹ that no amount of ¹**[sureties]** monetary bail¹, non-
 29 monetary conditions of pretrial release or combination of
 30 ¹**[sureties]** monetary bail¹ and conditions would ¹**[ensure]**
 31 reasonably assure¹ the defendant's appearance ²**[as]** in court when²
 32 required, ²**[protect]** the protection of² the safety of any ¹other¹
 33 person or ²**[of]**² the community, ²**[or prevent]** and that² the
 34 defendant ²**[from obstructing or attempting]** will not obstruct or
 35 attempt² to obstruct the criminal justice process. ¹The court may
 36 also order the pretrial detention of a defendant when ²**[a]** the
 37 prosecutor moves for a pretrial detention hearing and the² defendant
 38 fails to rebut a presumption of pretrial detention that may be
 39 established for the crimes enumerated under subsection b. of section
 40 6 of P.L. , c. (C.) (pending before the Legislature as this
 41 bill).¹

42 b. ²**[Except** ¹**[where]** for] Regarding the pretrial detention
 43 hearing moved for by the prosecutor, except for² when¹ a defendant
 44 ²is² charged with a crime ²**[is subject to a hearing upon the motion**
 45 **of the prosecutor** ¹**[or upon the court's own motion]**¹ ²**as]**² set forth

1 under ¹【paragraphs (1) and (2) of】¹ ²paragraph (1) of² subsection
 2 a. ²or subsection b.² of section ¹【5】 6.¹ of P.L. , c. (C.)
 3 (pending before the Legislature as this bill), there shall be a
 4 rebuttable presumption that some amount of ¹【sureties】 monetary
 5 bail¹, non-monetary conditions of pretrial release or combination of
 6 ¹【sureties】 monetary bail¹ and conditions would ¹【ensure】
 7 reasonably assure¹ the defendant's appearance ²【as】 in court when²
 8 required, ²【protect】 the protection of² the safety of ¹any other
 9 person or ²【of¹】² the community, and ²【prevent】 that² the
 10 defendant ²【from obstructing or attempting】 will not obstruct or
 11 attempt² to obstruct the criminal justice process.

12 c. A defendant ¹【shall have the right to】 may¹ appeal an order
 13 of ¹pretrial¹ detention ¹【before trial to the Appellate Division of the
 14 Superior Court, which may make a determination as to whether an
 15 amount of sureties, non-monetary conditions of pretrial release or
 16 combination of sureties and conditions would assure the defendant's
 17 appearance as required, protect the safety of any person or of the
 18 community, or prevent the defendant from obstructing or attempting
 19 to obstruct the criminal justice process. An appeal filed under this
 20 subsection】 pursuant to the Rules of Court. The appeal¹ shall be
 21 heard ¹【and decided no later than 30 days following the initial order
 22 of detention】 in an expedited manner. The defendant shall be
 23 detained pending the disposition of the appeal¹.
 24

25 ¹【5.】 6.¹ (New section) a. ¹A prosecutor may file a motion
 26 with the court at any time subject to the limitations set forth in
 27 subsection d. of this section, including any time before or after a
 28 defendant's release pursuant to section 4 of P.L. , c. (C.)
 29 (pending before the Legislature as this bill), seeking the pretrial
 30 detention of any defendant for:

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

33 (2) any crime for which the ²【maximum sentence is】 defendant
 34 would be subject to an ordinary or extended term of² life
 35 imprisonment;

36 (3) any crime if the defendant has been convicted of two or
 37 more offenses under paragraph (1) or (2) of this subsection;

38 (4) any crime ²【involving a】 enumerated under paragraph (2) of
 39 subsection b. of section 2 of P.L.1994, c.133 (C.2C:7-2) or crime
 40 involving human trafficking pursuant to section 1 of P.L.2005, c.77
 41 (C.2C:13-8) or P.L.2013, c.51 (C.52:17B-237 et al.) when the²
 42 victim ²【who】² is a minor ², or the crime of endangering the
 43 welfare of a child under N.J.S.2C:24-4² ;

44 (5) any crime enumerated under subsection c. of N.J.S.2C:43-6;
 45 ²【or】²

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

3 (7)² any other crime for which the prosecutor believes there is a
4 serious risk that:

5 (a) the defendant will not appear in court as required;

6 (b) the defendant will pose a danger to any other person or the
7 community; or

8 (c) the defendant will obstruct or attempt to obstruct justice, or
9 threaten, injure, or intimidate, or attempt to threaten, injure or
10 intimidate, a prospective witness or juror.

11 b. When a motion for pretrial detention is filed pursuant to
12 subsection a. of this section, there shall be a rebuttable presumption
13 that the defendant shall be detained pending trial because no
14 amount of monetary bail, non-monetary condition or combination of
15 monetary bail and conditions would reasonably assure the safety of
16 any other person or the community, if the court finds probable
17 cause that the defendant:

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

19 (2) committed any crime for which the ²【maximum sentence is】
20 defendant would be subject to an ordinary or extended term of² life
21 imprisonment.

22 c.¹ A court shall hold a hearing to determine whether any
23 ¹【condition】 amount of monetary bail or non-monetary conditions¹
24 or combination of ¹monetary bail and¹ conditions ¹, including
25 those¹ set forth under subsection b. of section ¹【3】 ⁴.¹ of P.L. ,
26 c. (C.) (pending before the Legislature as this bill) will
27 ¹【ensure】 reasonably assure¹ the defendant's appearance ²【as】 in
28 court when² required, ²【protect】 the protection of² the safety of any
29 ¹other¹ person or ²【of】² the community, ²【or prevent】 and that² the
30 defendant ²【from obstructing or attempting】 will not obstruct or
31 attempt² to obstruct the criminal justice process ¹【:

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

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

35 (b) an offense for which the maximum sentence is life
36 imprisonment;

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

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

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

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

44 (a) that the defendant will flee;

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

1 (c) that the defendant will obstruct or attempt to obstruct justice,
2 or threaten, injure, or intimidate, or attempt to threaten, injure or
3 intimidate, a prospective witness or juror.

4 b. The ² ₂

5 d. Except as otherwise provided in this subsection, the pretrial
6 detention¹ hearing shall be held ¹ [immediately upon] no later
7 than¹ the defendant's first appearance unless the defendant, or the
8 prosecutor, seeks a continuance. ¹ If a prosecutor files a motion for
9 pretrial detention after the defendant's first appearance has taken
10 place or if there is no first appearance, the court shall schedule the
11 pretrial detention hearing to take place within three working days of
12 the date on which the prosecutor's motion was filed, unless the
13 prosecutor or the defendant seeks a continuance.¹ Except for good
14 cause, a continuance on motion of the defendant may not exceed
15 five days, not including any intermediate Saturday, Sunday, or legal
16 holiday. Except for good cause, a continuance on motion of the
17 prosecutor may not exceed three days, not including any
18 intermediate Saturday, Sunday, or legal holiday.

19 ¹ [During a] Upon the filing of a motion by the prosecutor
20 seeking the pretrial detention of the defendant and during any¹
21 continuance ¹ that may be granted by the court¹, the defendant shall
22 be detained ¹ [, and the] in jail. The¹ court, on motion of the
23 prosecutor or sua sponte, may order that, while in custody, a
24 defendant who appears to be a drug dependent person receive an
25 assessment to determine whether that defendant is drug dependent.
26 ¹ If the defendant was previously released ² from custody before
27 trial² , the court shall issue a notice to appear to compel the
28 appearance of the defendant at the detention hearing.¹

29 ¹ [c.] e. (1)¹ At the ¹ pretrial detention¹ hearing, the defendant
30 has the right to be represented by counsel, and, if financially unable
31 to obtain adequate representation, to have counsel appointed. The
32 defendant shall be afforded an opportunity to testify, to present
33 witnesses, to cross-examine witnesses who appear at the hearing,
34 and to present information by proffer or otherwise. The rules
35 concerning admissibility of evidence in criminal trials shall not
36 apply to the presentation and consideration of information at the
37 hearing. ¹ [The facts the court uses to support a]

38 (2) In pretrial detention proceedings for which there is no
39 indictment, the prosecutor shall establish probable cause that the
40 defendant committed the predicate offense. A presumption of
41 pretrial detention as provided in subsection b. of this section may be
42 rebutted by proof provided by the defendant, the prosecutor, or
43 from other materials submitted to the court. The standard of proof
44 for a rebuttal of the presumption of pretrial detention shall be a
45 preponderance of the evidence. If proof cannot be established to
46 rebut the presumption, the court may order the defendant's pretrial
47 detention. If the presumption is rebutted by sufficient proof, the

1 prosecutor shall have the opportunity to establish that the grounds
2 for pretrial detention exist pursuant to this section.

3 (3) Except when a defendant has failed to rebut a presumption
4 of pretrial detention, the court's¹ finding ¹to support an order of
5 pretrial detention¹ pursuant to section ¹[4] ⁵ of
6 P.L. , c. (C.) (pending before the Legislature as this bill)
7 that no ¹[condition] amount of monetary bail, non-monetary
8 conditions¹ or combination of ¹monetary bail and¹ conditions will
9 reasonably ¹[ensure] assure¹ the defendant's appearance ²[as] in
10 court when² required, ²[protect] the protection of² the safety of any
11 ¹other¹ person or ²[of]² the community, ²[or prevent] and that² the
12 defendant ²[from obstructing or attempting] will not obstruct or
13 attempt² to obstruct the criminal justice process shall be supported
14 by clear and convincing evidence. ¹[The defendant may be detained
15 pending completion of the hearing.]¹

16 ¹[d.] f.¹ The hearing may be reopened, before or after a
17 determination by the court, at any time before trial, if the court
18 finds that information exists that was not known to the ¹[movant]
19 prosecutor or the defendant¹ at the time of the hearing and that has
20 a material bearing on the issue whether there are conditions of
21 release that will reasonably ¹[ensure] assure¹ the defendant's
22 appearance ²[as] in court when² required, ²[protect] the protection
23 of² the safety of any ¹other¹ person or ²[of]² the community, or
24 ²[prevent] that² the defendant ²[from obstructing or attempting]
25 will not obstruct or attempt² to obstruct the criminal justice process.
26

27 ¹[6.] 7.¹ (New section) In determining ¹in a pretrial detention
28 hearing¹ whether no amount of ¹[sureties] monetary bail¹, non-
29 monetary conditions ¹[of pretrial release,]¹ or combination of
30 ¹[sureties] monetary bail¹ and conditions would ¹[ensure]
31 reasonably assure¹ the defendant's appearance ²[as] in court when²
32 required, ²[protect] the protection of² the safety of any ¹other¹
33 person or ²[of]² the community, or ²[prevent] that² the defendant
34 ²[from obstructing or attempting] will not obstruct or attempt² to
35 obstruct the criminal justice process, the court ¹[shall] may¹ take
36 into account ¹[the available]¹ information concerning:

37 a. The nature and circumstance of the offense charged,
38 including whether the offense is a crime ²or offense² enumerated
39 under ¹[subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2),
40 is an indictable offense where the victim is a minor, or involves a
41 firearm, explosive, or destructive device] paragraphs (1) through
42 ²[5] (6)² of subsection a. of section 6 of P.L. , c. (C.)
43 (pending before the Legislature as this bill)¹;

- 1 b. The weight of the evidence against the defendant, except
2 that the court may consider the admissibility of any evidence sought
3 to be excluded;
- 4 c. The history and characteristics of the defendant, including:
5 (1) the defendant's character, physical and mental condition,
6 family ties, employment, financial resources, length of residence in
7 the community, community ties, past conduct, history relating to
8 drug or alcohol abuse, criminal history, and record concerning
9 appearance at court proceedings; and
10 (2) whether, at the time of the current offense or arrest, the
11 defendant was on probation, parole, or on other release pending
12 trial, sentencing, appeal, or completion of sentence for an offense
13 under federal ¹**[or State]** law ¹, or the law of this or any other
14 state¹;
- 15 d. The nature and seriousness of the danger to any ¹other¹
16 person or the community that would be posed by the ¹**[person's]**
17 defendant's¹ release;
- 18 e. ²The nature and seriousness of the risk of obstructing or
19 attempting to obstruct the criminal justice process that would be
20 posed by the defendant's release; and
- 21 f.² The release recommendation of the pretrial services
22 ¹**[agency]** program¹ obtained using a ¹**[validated]**¹ risk assessment
23 instrument under section ¹**[9]** 11¹ of P.L. , c. (C.) (pending
24 before the Legislature as this bill).
25
- 26 ¹**[7.(New section)** a. If a defendant is released on personal
27 recognizance or released on conditions pursuant to section 3 of
28 P.L. , c. (C.) (pending before the Legislature as this bill),
29 the court shall:
30 (1) include a written statement that sets forth all the conditions
31 to which the release is subject, in a manner sufficiently clear and
32 specific to serve as a guide for the defendant's conduct; and
33 (2) advise the defendant of:
34 (a) the penalties for violating a condition of release, including
35 the penalties for committing an offense while on pretrial release;
36 and
37 (b) the consequences of violating a condition of release,
38 including the immediate issuance of a warrant for the person's
39 arrest.
- 40 b. If the court disapproves a recommendation made in a
41 validated risk assessment instrument when setting release
42 conditions, the release order shall include a written explanation.¹
43
- 44 8. (New section) a. In a ¹pretrial¹ detention order issued
45 pursuant to ¹**[section 4]** sections 5 and 6¹ of P.L. , c. (C.)
46 (pending before the Legislature as this bill), the court shall:

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

3 (2) direct that the ¹【person】 defendant¹ be afforded reasonable
4 opportunity for private consultation with counsel.

5 b. The court may, by subsequent order, permit the temporary
6 release of the ¹【person】 defendant¹ subject to appropriate
7 restrictive conditions, which may include but shall not be limited to
8 ¹【State】 pretrial¹ supervision, to the extent that the court
9 determines such release to be necessary for preparation of the
10 ¹【person's】 defendant's¹ defense or for another compelling reason.

11

12 ¹9. (New section) a. ²(1)² If a defendant is released ²from jail
13 pursuant to section 1 of P.L. , c. (C.) (pending before the
14 Legislature as this bill), or after a pretrial release hearing² pursuant
15 to section 4 of P.L. , c. (C.) (pending before the Legislature
16 as this bill), or after a pretrial detention hearing pursuant to sections
17 5 and 6 of P.L. , c. (C.) (pending before the Legislature as
18 this bill), the court shall, in the document authorizing the
19 defendant's release, notify the defendant of:

20 ²【(1)】 (a)² all the conditions, if any, to which the release is
21 subject, in a manner sufficiently clear and specific to serve as a
22 guide for the defendant's conduct; and

23 ²【(2)】 (b)² the penalties for violating a condition of release,
24 including the penalties for committing an offense while on pretrial
25 release, and the consequences of violating a condition of release,
26 which may include the immediate issuance of a warrant for the
27 defendant's arrest.

28 ²【b.】 The failure of the court to notify the defendant of any
29 penalty or consequence for violating a condition of release as
30 required by this subparagraph shall not preclude any remedy
31 authorized under the law for any violation committed by the
32 defendant.

33 (2)² If the court disapproves a recommendation made in a risk
34 assessment when setting release conditions, the court shall provide
35 an explanation in the document authorizing the defendant's
36 release.¹

37 ²b. Notwithstanding any law to the contrary, a defendant who is
38 released from jail on personal recognizance or subject only to non-
39 monetary conditions pursuant to section 1 of P.L. , c. (C.)
40 (pending before the Legislature as this bill) after remaining detained
41 in jail, or after a pretrial release hearing pursuant to section 4 of
42 P.L. , c. (C.) (pending before the Legislature as this bill),
43 or after a pretrial detention hearing pursuant to sections 5 and 6 of
44 P.L. , c. (C.) (pending before the Legislature as this bill),
45 shall not be assessed any fee or other monetary assessment related
46 to processing the defendant's release.²

1 ¹[9.] ¹10.¹ (New section) ¹[a. When] Upon motion of a
2 prosecutor, when¹ a defendant ²[charged with a crime enumerated

3 in ¹[paragraph] paragraphs¹ (1) ¹through (5)¹ of subsection a. of

4 section ¹[5] 6¹ of P.L. , c. (C.) (pending before the

5 Legislature as this bill)]² is released from custody before trial, the

6 court, upon a finding that the defendant while on release has

7 ¹[willfully]¹ violated a restraining order or condition of release

8 ²[designed to protect any ¹other¹ person or the safety of the

9 community]², or upon a finding of probable cause to believe that

10 the defendant has committed a new crime ¹[of the first or second

11 degree]¹ while on release, may ²[¹modify the defendant's condition

12 of release, or¹]² revoke the defendant's release and order that the

13 defendant be detained pending trial provided that the court ¹[is

14 clearly convinced] ², considering all relevant circumstances

15 including but not limited to the nature and seriousness of the

16 violation or criminal act committed,² finds clear and convincing

17 evidence¹ that no ¹[condition] monetary bail, non-monetary

18 conditions of release¹ or combination of ¹monetary bail and¹

19 conditions ¹[that the defendant is likely to abide by]¹ would

20 reasonably ¹[protect] assure¹ ²the defendant's appearance in court

21 when required, the protection of² the safety of ¹any other person or

22 ²[of]¹ ² the community ¹[or any person]¹ ², or that the defendant

23 will not obstruct or attempt to obstruct the criminal justice process².

24 ¹[b. In addition to revocation of release as authorized by this

25 section, a violation of a condition of pretrial release imposed

26 pursuant to subsection b. of section 3 of P.L. , c. (C.)

27 (pending before the Legislature as this bill) or any other law, may

28 subject the defendant to civil contempt, criminal contempt,

29 forfeiture of bail, or any combination of these sanctions and any

30 other sanctions authorized by law.]¹

31

32 ¹[10.] ¹11.¹ (New section) a. The Administrative Director of the

33 ¹[Administrative Office of the]¹ Courts shall establish and

34 maintain a ¹Statewide¹ Pretrial Services ¹[Unit in each county]

35 Program¹ which shall provide pretrial ¹[release investigation]¹

36 services to effectuate the purposes of ¹sections 2 through 11 of¹

37 P.L. , c. (C.) (pending before the Legislature as this bill).

38 b. ¹[The Pretrial Services Unit established under this section

39 shall be supervised by a Chief Pretrial Services Officer appointed

40 by the Administrative Director of the Administrative Office of the

41 Courts.

42 c.]¹ The Pretrial Services ¹[Unit] Program¹ shall ¹, within 48

43 hours of a defendant's commitment to jail,¹ conduct ¹[, prior to a

44 bail hearing or first appearance, an] a risk¹ assessment ¹[of all

45 criminal defendants]¹ for the purpose of making recommendations

1 to the court concerning ¹~~the~~ an¹ appropriate ¹~~disposition~~
2 pretrial release determination¹, including whether the defendant
3 shall be: released on ¹~~his~~ the defendant's¹ own personal
4 recognizance ¹or on execution of an unsecured appearance bond¹;
5 released ¹on a non-monetary condition or conditions as set forth
6 under subsection b. of section 4 of P.L. , c. (C.) (pending
7 before the Legislature as this bill); released¹ upon execution of a
8 bail bond ¹, other than an unsecured appearance bond¹; released on
9 a ¹~~condition or~~¹ combination of ¹monetary bail and non-
10 monetary¹ conditions set forth under ¹~~subsection b. of~~¹ section
11 ¹~~3~~ 4¹ of P.L. , c. (C.) (pending before the Legislature as
12 this bill); or any other conditions necessary to effectuate the
13 purposes of ¹sections 2 through 11 of¹ P.L. ,
14 c. (C.) (pending before the Legislature as this bill).

15 ¹~~d.~~ c.¹ The pretrial assessment shall be conducted using a
16 ¹~~validated~~¹ risk assessment instrument ¹~~and shall~~ which may¹
17 include an examination of the factors set forth in ¹~~section 5~~
18 sections 4 and 7¹ of P.L. , c. (C.) (pending before the
19 Legislature as this bill). ²The risk assessment instrument shall not
20 be required to include factors specifically pertaining to the risk that
21 the defendant will obstruct or attempt to obstruct the criminal
22 justice process.²

23 ¹~~e.~~ d.¹ In addition to the pretrial assessments made pursuant to
24 this section, the Pretrial Services ¹~~Unit~~ Program¹ shall monitor
25 ²~~each defendant~~ appropriate defendants² released ²on conditions
26 as ordered by the court² pursuant to ¹~~subsection b. of~~¹ section
27 ¹~~3~~ 2¹ or² 4¹ of P.L. , c. (C.) (pending before the
28 Legislature as this bill) ¹~~to ensure that the defendant adheres to the~~
29 condition or combination of the conditions of the defendant's
30 release ordered by] ²~~, on non-surety release, including release on~~
31 personal recognizance, personal bond, unsecured appearance bond,
32 nonmonetary condition or conditions, or cash deposit or percentage
33 deposit with the registry of¹ the court] , or after a pretrial detention
34 hearing pursuant to sections 5 and 6 of P.L. , c. (C.)
35 (pending before the Legislature as this bill), provided that the
36 Pretrial Services Program shall not be required to monitor any
37 defendant who satisfies a financial condition of release ordered by a
38 court pursuant to subsection c. or d. of section 4 of P.L. ,
39 c. (C.) (pending before the Legislature as this bill) through a
40 surety bond executed by a company authorized to do so under
41 chapter 31 of Title 17 of the Revised Statutes².

42
43 ¹~~11.~~ 12.¹ (New section) a. The Supreme Court, subject to the
44 limitations set forth in subsection b. of this section, may adopt

1 Rules of Court to revise or supplement filing fees and other
2 statutory fees payable to the court for the sole purpose of funding:

3 (1) ¹~~the provision to the poor of legal assistance in civil~~
4 ~~matters by Legal Services of New Jersey and its affiliates]~~ the
5 development, maintenance and administration of a Statewide
6 Pretrial Services Program¹;

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

9 (3) ¹~~the development, maintenance and administration of a~~
10 ~~Pretrial Services Unit established in each county]~~ the provision to
11 the poor of legal assistance in civil matters by Legal Services of
12 New Jersey and its affiliates¹.

13 b. All existing filing fees and other statutory fees payable to
14 the court on the effective date of this section shall not be increased
15 ¹~~or supplemented~~¹ more than \$50 in the aggregate for each fee
16 beginning on the effective date of this section.

17 c. As used in ¹sections 12 through 19 of¹ P.L. , c. (C.)
18 (pending before the Legislature as this bill):

19 “Digital e-court information system” shall mean a Statewide
20 integrated system that includes but is not limited to electronic filing,
21 electronic service of process, electronic document management,
22 electronic case management, electronic financial management, and
23 public access to digital court records; and

24 “Pretrial ¹~~Service Unit]~~ Services Program¹” shall mean the
25 pretrial ¹~~service unit]~~ services program¹ established pursuant to
26 section ¹~~10]~~ 11¹ of P.L. , c. (C.) (pending before the
27 Legislature as this bill).

28
29 ¹~~12.]~~ 13.¹ (New section) The rules proposed pursuant to
30 section ¹~~11]~~ 12¹ of P.L. , c. (C.) (pending before the
31 Legislature as this bill) shall be publicly announced by the Supreme
32 Court. On the same day on which the rule or rules are publicly
33 announced, the Supreme Court shall deliver true copies to the
34 President of the Senate, the Speaker of the General Assembly, and
35 the Governor. The Supreme Court shall provide the public with a
36 reasonable opportunity to comment on the proposed rule or rules.
37 The rule or rules shall take effect on the date provided by the
38 Supreme Court.

39
40 ¹~~13.]~~ 14.¹ (New section) a. There is established in the General
41 Fund a dedicated, non-lapsing fund to be known as the “21st
42 Century Justice Improvement Fund,” which shall be credited
43 annually with a sum equal to the revenue to be derived annually
44 from the incremental amount of any filing fees or other statutory
45 fees payable to the court that are revised or supplemented pursuant
46 to ¹sections 12 and 13 of¹ P.L. , c. (C.) (pending before the
47 Legislature as this bill) and the related fee revisions as provided by

1 operation of N.J.S.22A:2-5 and section 2 of P.L.1993, c.74
 2 (C.22A:5-1). The fund shall be administered by the State Treasurer.
 3 Interest and other income earned on monies in the fund shall be
 4 credited to the fund. Monies credited to the fund shall be
 5 appropriated annually and used exclusively for the purposes of
 6 funding:

7 (1) the development, maintenance and administration of a
 8 Statewide ¹~~digital e-court information system~~ Pretrial Services
 9 Program¹;

10 (2) ¹~~the provision to the poor of legal assistance in civil~~
 11 ~~matters by Legal Services of New Jersey and its affiliates; and~~

12 (3)¹ ~~the development, maintenance and administration of a~~
 13 ¹~~Pretrial Services Unit in each county~~ Statewide digital e-court
 14 information system; and

15 (3) the provision to the poor of legal assistance in civil matters
 16 by Legal Services of New Jersey and its affiliates¹.

17 b. Any amount remaining in the fund after the appropriation of
 18 funds as provided in paragraphs (1), (2) ¹~~or~~ and¹ (3) of
 19 subsection a. of this section shall be retained by the Judiciary for
 20 the ²~~sole~~² purpose of developing, maintaining and administering
 21 ²~~the Pretrial Services Program or for~~² court information technology.
 22 The monies credited to the fund shall not be used for any purpose
 23 other than those purposes set forth in ¹~~sections 12 through 19 of~~¹
 24 P.L. , c. (C.) (pending before the Legislature as this bill).
 25

26 ¹~~14.~~ ¹15.¹ (New section) ¹~~To the extent that sufficient funds~~
 27 ~~are available, monies~~ Monies¹ annually credited in the “21st
 28 Century Justice Improvement Fund” shall be allocated ¹~~pursuant to~~
 29 ~~the following priority~~ as follows¹:

30 a. ¹~~The first~~¹ ²~~\$15~~ ²\$22² million credited annually ¹~~in~~
 31 ~~to~~¹ the fund shall be appropriated annually to the Judiciary to be
 32 used to fund the development, maintenance and administration of a
 33 ¹~~Statewide~~¹ Pretrial Services ¹~~Unit in each county~~ Program¹
 34 established pursuant to section ¹~~10~~ ¹11¹ of P.L. , c. (C.)
 35 (pending before the Legislature as this bill) ¹~~.~~¹

36 b. ¹~~From amounts remaining in the fund after the~~
 37 ~~appropriation of funds as provided in subsection a. of this section,~~
 38 ~~an amount not exceeding~~¹ ²~~\$17~~ ²\$10² million ¹~~credited annually~~
 39 ~~to the fund~~¹ shall be appropriated annually to the Judiciary to be
 40 used to fund the development, maintenance and administration of a
 41 Statewide digital e-court information system ¹~~,~~ which
 42 appropriations shall include amounts necessary to pay all service
 43 charges or other costs assessed by financial institutions or other
 44 entities for the use of credit cards, debit cards, electronic funds
 45 transfer, or any other method deemed feasible by the Administrative
 46 Office of the Courts¹ . An appropriation made pursuant to this

1 ~~1~~ **[section]** subsection¹ shall not be used to replace appropriations
 2 from other sources for Judiciary information technology ~~1~~ **[.]** ; and¹
 3 c. ~~1~~ **[From** amounts remaining in the fund after the
 4 appropriation of funds as provided in subsections a. and b. of this
 5 section, an amount not exceeding~~1~~ **]** \$10.1 million credited annually
 6 ~~1~~ **[in]** to¹ the fund shall be appropriated annually to the Department
 7 of the Treasury for distribution to Legal Services of New Jersey and
 8 its affiliates to facilitate the provision to the poor of legal assistance
 9 in civil matters, which shall supplement other funds as may be
 10 appropriated from any other source in a fiscal year for the same
 11 purpose. All State funds distributed to Legal Services of New
 12 Jersey shall be used exclusively for the provision to the poor of
 13 legal assistance in civil matters.
 14 d. ~~1~~ **[From** amounts remaining in the fund after the
 15 appropriation of funds as provided in subsections a., b., and c. of
 16 this section, an amount not exceeding \$10 million shall be
 17 appropriated annually to the General Fund.
 18 e. ~~1~~ **]** Any amount remaining in the fund after the appropriation of
 19 funds as provided in subsections a., b., and¹ c. ~~1~~ **[and d.]**¹ of this
 20 section shall be retained by the Judiciary for the ~~2~~ **[sole]**² purpose of
 21 developing, maintaining, and administering ~~2~~ the Pretrial Services
 22 Program or for² court information technology. The monies credited
 23 to the fund shall not be used for any purpose other than those
 24 purposes set forth in ~~1~~ sections 12 through 19 of¹ P.L. ,
 25 c. (C.) (pending before the Legislature as this bill).
 26
 27 ~~1~~ **[15.]** 16.¹ Section 6 of P.L.1995, c.325 (C.2B:1-5) is amended
 28 to read as follows:
 29 6. a. ~~1~~ **[(1)]**¹ Notwithstanding the provisions of any other law
 30 to the contrary, the ~~1~~ **[Supreme Court, the Superior Court and the Tax**
 31 **Court, and the various municipal and joint municipal courts when**
 32 **permitted by resolution of the appropriate municipal governing**
 33 **bodies, are]** ~~1~~ **[Administrative Director of the Administrative Office**
 34 **of the Courts is]** Supreme Court, the Superior Court and the Tax
 35 Court, and the various municipal and joint municipal courts when
 36 permitted by resolution of the appropriate municipal governing
 37 bodies, are¹ authorized to establish systems to accept the payment
 38 of ~~1~~ **[filing fees, administrative charges, fines and penalties imposed**
 39 **for violations of Title 39 of the Revised Statutes,]**¹ civil and
 40 criminal fines and penalties ~~1~~ **[, all]** and¹ other judicially
 41 imposed financial obligations ~~1~~ **[, and related charges]**¹ by ~~1~~ **[credit or**
 42 **debit**¹ card based payment, electronic funds transfer, or any other
 43 ~~1~~ **[electronic]**¹ method deemed feasible by the ~~1~~ **[Supreme Court]**
 44 ~~1~~ **[Administrative Office of the Courts]** Supreme Court¹.

1 ¹[(2) The various municipal and joint municipal courts, when
 2 permitted by resolution of the appropriate municipal governing
 3 bodies, are authorized to establish systems to accept the payment of
 4 filing fees, administrative charges, fines and penalties imposed for
 5 violations of Title 39 of the Revised Statutes, civil and criminal
 6 fines and penalties, all other judicially imposed financial
 7 obligations, and related charges by card based payment, electronic
 8 funds transfer, or any other method deemed feasible by the
 9 Administrative Office of the Courts.]¹

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

15 c. If not legally prohibited by an association, financial
 16 institution, or [by an] a card issuer, ¹[any court or]¹ the
 17 Administrative Office of the Courts ¹, pursuant to the Rules of
 18 Court,¹ is authorized to assess [and] , collect ¹,¹ and pay ¹[from
 19 receipts]¹ service charges [related to] and other costs ¹[associated
 20 with] resulting from¹ the collection of filing fees, administrative
 21 fees, judicially imposed financial obligations, and related charges
 22 owed to [or collected by] ¹[the] a¹ court when ¹parties process
 23 these fees, judicially imposed financial obligations, and related
 24 charges using¹ credit cards, debit cards [or] , electronic funds
 25 transfer systems, or any other ¹[methods] electronic method¹
 26 deemed feasible by the ¹[Administrative Office of the Courts are
 27 utilized] Supreme Court¹. ¹[Alternatively, the Administrative
 28 Office of the Courts may pay such] Any¹ service charges and other
 29 costs ¹[out of the monies appropriated to the Judiciary] assessed
 30 and collected by the Administrative Office of the Courts¹ pursuant
 31 to ¹[subsection b. of] this¹ section ¹[14 of P.L. , c. (C.)
 32 (pending before the Legislature as this bill)] with the exception of
 33 those charges or costs assessed and collected on behalf of municipal
 34 and joint municipal courts, shall be deposited in the “Court
 35 Computer Information System Fund” established by subsection c. of
 36 section 1 of P.L.1994, c.54 (C.2B:1-4)¹ .

37 d. The Supreme Court of the State of New Jersey [shall]
 38 ¹[may] shall¹ adopt Rules of Court appropriate or necessary to
 39 effectuate the purposes of this section.

40 (cf: P.L.1995, c.325, s.6)

41

42 ¹[16.] 17.¹ (New section) ²a.² Not later than the sixth month
 43 after the end of each State fiscal year, the Administrative Director
 44 of the Courts shall submit a report to the Governor, the President of
 45 the Senate, and the Speaker of the General Assembly describing the
 46 Judiciary’s use of funding pursuant to sections ¹[10] 12¹ through

1 ¹~~18~~ 19¹ of P.L. , c. (C.) (pending before the Legislature
 2 as this bill) and the Judiciary's progress toward the development
 3 ¹~~and deployment~~ , maintenance and administration¹ of a
 4 Statewide Pretrial Services Program and Statewide¹ digital e-court
 5 information system ¹~~and the development and maintenance of the~~
 6 Pretrial Service Unit¹.

7 ²b. In addition to the information provided by the Administrative
 8 Director of the Courts in each annual report pursuant to subsection
 9 a. of this section, in the reports submitted next following the fifth
 10 and tenth anniversaries of the effective date of sections 1 through
 11 11 of P.L. , c. (C.) (pending before the Legislature as this
 12 bill), the director shall provide information about the impact of
 13 P.L. , c. (C.) (pending before the Legislature as this bill) on
 14 the Judiciary's administration of criminal justice.²

15
 16 ¹~~17.~~ 18.¹ (New section) Not later than the sixth month after
 17 the end of each State fiscal year, Legal Services of New Jersey,
 18 through the Department of the Treasury, shall submit to the
 19 Governor, the President of the Senate, the Speaker of the General
 20 Assembly, and the State Auditor a detailed financial statement
 21 describing how funds appropriated in the prior fiscal year pursuant
 22 to P.L. , c. (C.) (pending before the Legislature as this
 23 bill) were used for the provision to the poor of legal assistance in
 24 civil matters. The use of public funds appropriated to Legal
 25 Services of New Jersey shall be subject to oversight by the State
 26 Auditor.

27
 28 ¹~~18.~~ 19.¹ (New section) a. The authority of the Supreme
 29 Court to revise or supplement filing fees and other statutory fees
 30 payable to the court pursuant to sections ¹~~11~~ 12¹ and ¹~~12~~ 13¹
 31 of P.L. , c. (C.) (pending before the Legislature as this
 32 bill) shall expire on the first day of the seventh month next
 33 following the date of enactment of those sections, except that any
 34 filing fees and other statutory fees payable to the court that have
 35 been revised or supplemented pursuant to those sections shall
 36 continue in effect, subject to the provisions of this section.

37 b. Within 30 days of the fifth anniversary of the effective date
 38 of the Rules of Court first adopted pursuant to ¹sections 12 and 13
 39 of¹ P.L. , c. (C.) (pending before the Legislature as this
 40 bill), and additionally within 30 days of the tenth anniversary of
 41 that effective date, the Court may review all filing fees and other
 42 statutory fees revised or supplemented pursuant to ¹sections 12 and
 43 13 of¹ P.L. , c. (C.) (pending before the Legislature as this
 44 bill) through its rulemaking process, which includes a reasonable
 45 opportunity for public comment, to determine if the fees should
 46 remain unchanged as originally adopted pursuant to ¹~~P.L. ,~~

1 c. (C.) (pending before the Legislature as this bill)] those
 2 sections¹ or be reduced to reflect the funding needs associated with
 3 ¹[developing, maintaining and administering the Statewide digital
 4 e-court information system; and

5 c. On or after five years following the effective date of the
 6 Rules of Court first adopted pursuant to P.L. , c. (C.)
 7 (pending before the Legislature as this bill), if the annual grants
 8 provided to Legal Services of New Jersey by the Board of Trustees
 9 of the Income on Non-Interest Bearing Lawyers' Trust Accounts
 10 (IOLTA) Fund of the Bar of New Jersey, as established and
 11 operated pursuant to the Rules of Court, for use by Legal Services
 12 of New Jersey and its affiliates, equal or exceed \$25 million based
 13 on the most currently available information from the Supreme Court
 14 or as indicated in the most recently published annual report by the
 15 trustees, then beginning with the fiscal year next following the
 16 fiscal year in which the grants equaled or exceeded \$25 million:

17 (1) The monies to be annually credited to the "21st Century
 18 Justice Improvement Fund" established by section 13 of
 19 P.L. , c. (C.) (pending before the Legislature as this bill) for
 20 appropriation to the Department of the Treasury for distribution to
 21 Legal Services of New Jersey and its affiliates pursuant to
 22 subsection b. of section 4 of P.L. , c. (C.) (pending before
 23 the Legislature as this bill) shall no longer be credited to the "21st
 24 Century Justice Improvement Fund." The remainder of any monies
 25 in the "21st Century Justice Improvement Fund" that exceeds \$17
 26 million, as set forth in subsection a. of section 4 of P.L. ,
 27 c. (C.) (pending before the Legislature as this bill), shall be
 28 deposited in the General Fund; and

29 (2) All filing fees and other statutory fees revised or
 30 supplemented pursuant to P.L. , c. (C.) (pending before the
 31 Legislature as this bill) shall be reduced so that the fees payable to
 32 the court shall total no more than \$17 million annually and,
 33 pursuant to subsection a. of section 4 of P.L. , c. (C.)
 34 (pending before the Legislature as this bill), shall be used to fund
 35 the development, maintenance and administration of the Statewide
 36 digital e-court information system] the purposes set forth in section
 37 14 of P.L. , c. (C.) (pending before the Legislature as this
 38 bill) for which the "21st Century Justice Improvement Fund"
 39 provides monies¹.

40
 41 ¹[19.] 20.¹ Sections 1 through ¹[6 and 8 through 9] 11¹ of this
 42 act shall take effect ¹[immediately but shall remain inoperative
 43 until] ²[on the first day of the 13th month next following¹ the date
 44 of approval by the voters of] the same day that² a constitutional
 45 amendment to Article I, paragraph 11 of the New Jersey
 46 Constitution authorizing the courts to deny pretrial release of
 47 certain defendants ¹]; sections 7 and 10 of this act shall take effect

1 on the first day of the third month following enactment] ²[and that
2 amendment becoming] , approved by the voters of this State,
3 becomes² part of the New Jersey Constitution as provided by
4 paragraph 6 of Article IX of same¹; ²and² sections ¹[11 and]¹ 12
5 ¹through 19 of this act¹ shall take ¹[affect] effect¹ immediately ¹;
6 and sections 13 through 18 shall take effect on July 1, 2014]¹.