

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 2079

STATE OF NEW JERSEY

DATED: MAY 16, 2024

The Senate Judiciary Committee reports favorably Senate Bill No. 2079.

This bill concerns the temporary detention of an eligible defendant who violates a condition of pretrial release, and clarifies the procedures for revocation of pretrial release for certain defendants.

Under current law criminal courts are authorized to order the pretrial release of a defendant pending further proceedings, or order pretrial detention of a defendant who is found to be a flight risk, a danger to another or the community, or likely to obstruct further criminal proceedings. Upon motion of a prosecutor, a court may revoke a defendant's pretrial release and order the defendant to be detained pending trial if the defendant violates a restraining order or condition of release, or there is probable cause the defendant committed a new crime while on release, but only after finding by clear and convincing evidence that no monetary bail, non-monetary conditions of release, or combination thereof would reasonably assure the defendant's appearance in court and the public's safety, or that the defendant would not obstruct or attempt to obstruct the criminal justice process.

Under the bill, a court may, upon motion of a prosecutor, temporarily detain a defendant previously released who has been arrested or otherwise taken into custody for an alleged violation of a restraining order or condition of pretrial release, or there is probable cause the defendant committed a new crime while on pretrial release. The same risk assessment process set forth in section 11 of P.L.2014, c.31 (C.2A:162-25) that was used on the defendant resulting in the defendant's release under recommended conditions would be performed again, presenting new recommendations on the conditions of release to be considered by the court in making a decision whether to revoke the defendant's previously granted release.

Also, whenever a motion to revoke pretrial release is filed because the defendant was arrested on a complaint-warrant for a new crime or offense, a new risk assessment with recommendations on the conditions of release concerning the new crime or offense would be performed and used by the court in issuing a pretrial decision regarding the defendant.

The bill addresses Recommendation 22 of the Report of the New Jersey Supreme Court Reconvened Joint Committee on Criminal Justice Reform, issued on June 7, 2023.

This bill was prefiled for introduction in the 2024-2025 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.