

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

CL/JA

P.L. 2023, CHAPTER 46, *approved May 8, 2023*
Assembly, No. 1463

1 AN ACT concerning violations of pretrial release conditions and
2 amending N.J.S.2C:29-9 and P.L.1991, c.261.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. N.J.S.2C:29-9 is amended to read as follows:

8 2C:29-9. Contempt. a. (1) Except as provided in paragraph
9 (2) of this subsection, a [A] person is guilty of a crime of the fourth
10 degree if the person purposely or knowingly disobeys a judicial
11 order or protective order, pursuant to section 1 of P.L.1985, c.250
12 (C.2C:28-5.1), or hinders, obstructs, or impedes the effectuation of
13 a judicial order or the exercise of jurisdiction over any person,
14 thing, or controversy by a court, administrative body, or
15 investigative entity, or purposely or knowingly violates a condition
16 to avoid all contact with an alleged victim or a condition of home
17 detention with or without the use of an approved electronic
18 monitoring device, ordered pursuant to subparagraph (b) of
19 paragraph (1) or subparagraph (k) of paragraph (2) of subsection b.
20 of section 3 of P.L. 2014, c.31 (C.2A:162-17), when the conduct
21 which constitutes the violation could also constitute a crime or a
22 disorderly persons offense.

23 (2) In all other cases a person is guilty of a disorderly persons
24 offense if that person purposely or knowingly violates a condition
25 to avoid contact with an alleged victim or a condition of home
26 detention with or without the use of an approved electronic
27 monitoring device.

28 b. (1) Except as provided in paragraph (2) of this subsection, a
29 person is guilty of a crime of the fourth degree if that person
30 purposely or knowingly violates any provision in an order entered
31 under the provisions of the "Prevention of Domestic Violence Act
32 of 1991," P.L.1991, c.261 (C.2C:25-17 et al.) or an order entered
33 under the provisions of a substantially similar statute under the laws
34 of another state or the United States when the conduct which
35 constitutes the violation could also constitute a crime or a
36 disorderly persons offense.

37 Orders entered pursuant to paragraphs (3), (4), (5), (8), and (9) of
38 subsection b. of section 13 of P.L.1991, c.261 (C.2C:25-29) or
39 substantially similar orders entered under the laws of another state

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.

1 or the United States shall be excluded from the provisions of this
2 paragraph.

3 (2) In all other cases a person is guilty of a disorderly persons
4 offense if that person purposely or knowingly violates an order
5 entered under the provisions of the "Prevention of Domestic
6 Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et al.) or an
7 order entered under the provisions of a substantially similar statute
8 under the laws of another state or the United States.

9 Orders entered pursuant to paragraphs (3), (4), (5), (8), and (9) of
10 subsection b. of section 13 of P.L.1991, c.261 (C.2C:25-29) or
11 substantially similar orders entered under the laws of another state
12 or the United States shall be excluded from the provisions of this
13 paragraph.

14 c. A person is guilty of a crime of the third degree if that
15 person purposely or knowingly violates any provision in an order
16 entered under the provisions of section 3 of P.L.1996, c.39
17 (C.2C:12-10.1) or section 2 of P.L.1999, c.47 (C.2C:12-10.2) or an
18 order entered under the provisions of a substantially similar statute
19 under the laws of another state or the United States when the
20 conduct which constitutes the violation could also constitute a
21 crime or a disorderly persons offense.

22 d. (1) Except as provided in paragraph (2) of this subsection, a
23 person is guilty of a crime of the fourth degree if that person
24 purposely or knowingly violates any provision in an order entered
25 under the provisions of P.L.2015, c.147 (C.2C:14-13 et al.) or an
26 order entered under the provisions of a substantially similar statute
27 under the laws of another state or the United States when the
28 conduct which constitutes the violation could also constitute a
29 crime or a disorderly persons offense.

30 (2) In all other cases a person is guilty of a disorderly persons
31 offense if that person purposely or knowingly violates an order
32 entered under the provisions of P.L.2015, c.147 (C.2C:14-13 et al.)
33 or an order entered under the provisions of a substantially similar
34 statute under the laws of another state or the United States.

35 e. A person is guilty of a crime of the fourth degree if the
36 person purposely or knowingly violates any provision of an order
37 entered under the provisions of the "Extreme Risk Protective Order
38 Act of 2018," P.L.2018, c.35 (C.2C:58-20 et al.) or an order entered
39 under the provisions of a substantially similar statute under the laws
40 of another state or the United States.

41 As used in this section, "state" means a state of the United States,
42 the District of Columbia, Puerto Rico, the United States Virgin
43 Islands, or any territory or insular possession subject to the
44 jurisdiction of the United States. The term includes an Indian tribe
45 or band, or Alaskan native village, which is recognized by a federal
46 law or formally acknowledged by a state.

47 (cf: P.L.2018, c.35, s.12)

1 2. Section 10 of P.L. 1991, c.261 (C.2C:25-26) is amended to
2 read as follows:

3 10. a. When a defendant charged with a crime or offense
4 involving domestic violence is released from custody before trial on
5 bail or personal recognizance, the court authorizing the release may
6 as a condition of release issue an order prohibiting the defendant
7 from having any contact with the victim including, but not limited
8 to, restraining the defendant from entering the victim's residence,
9 place of employment or business, or school, and from harassing or
10 stalking the victim or the victim's friends, co-workers, or relatives
11 in any way. The court may also enter an order prohibiting the
12 defendant from having any contact with any animal owned,
13 possessed, leased, kept, or held by either party or a minor child
14 residing in the household. In addition, the court may enter an order
15 directing the possession of the animal and providing that the animal
16 shall not be disposed of prior to the disposition of the crime or
17 offense. The court may enter an order prohibiting the defendant
18 from possessing any firearm or other weapon enumerated in
19 subsection r. of N.J.S.2C:39-1 and ordering the search for and
20 seizure of any such weapon at any location where the judge has
21 reasonable cause to believe the weapon is located. The judge shall
22 state with specificity the reasons for and scope of the search and
23 seizure authorized by the order.

24 b. The written court order releasing the defendant shall contain
25 the court's directives specifically restricting the defendant's ability
26 to have contact with the victim, the victim's friends, co-workers, or
27 relatives, or any animal owned, possessed, leased, kept, or held by
28 either party or a minor child residing in the household. The [clerk
29 of the court or other person designated by the court] prosecutor
30 shall provide a copy of this order to the victim forthwith.

31 c. The victim's location shall remain confidential and shall not
32 appear on any documents or records to which the defendant has
33 access.

34 d. Before bail is set, the defendant's prior record shall be
35 considered by the court. The court shall also conduct a search of
36 the domestic violence central registry. Bail shall be set as soon as
37 is feasible, but in all cases within 24 hours of arrest.

38 e. Once bail is set it shall not be reduced without prior notice
39 to the county prosecutor and the victim. Bail shall not be reduced
40 by a judge other than the judge who originally ordered bail, unless
41 the reasons for the amount of the original bail are available to the
42 judge who reduces the bail and are set forth in the record.

43 f. A victim shall not be prohibited from applying for, and a
44 court shall not be prohibited from issuing, temporary restraints
45 pursuant to this act because the victim has charged any person with
46 commission of a criminal act.

47 (cf: P.L.2011, c.213, s.1)

A1463

4

1 3. This act shall take effect immediately.

2

3

4

5

6 Clarifies penalties for certain violations of pretrial release;
7 directs prosecutor to provide written notice of release to victim.

ASSEMBLY, No. 1463

STATE OF NEW JERSEY 220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Assemblywoman YVONNE LOPEZ

District 19 (Middlesex)

Assemblywoman SHANIQUE SPEIGHT

District 29 (Essex)

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

SYNOPSIS

Clarifies penalties for certain violations of pretrial release; directs prosecutor to provide written notice of release to victim.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning violations of pretrial release conditions and
2 amending N.J.S.2C:29-9 and P.L.1991, c.261.

3

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

6

7 1. N.J.S.2C:29-9 is amended to read as follows:

8 2C:29-9. Contempt. a. (1) Except as provided in paragraph (2)
9 of this subsection, a [A] person is guilty of a crime of the fourth
10 degree if the person purposely or knowingly disobeys a judicial
11 order or protective order, pursuant to section 1 of P.L.1985, c.250
12 (C.2C:28-5.1), or hinders, obstructs, or impedes the effectuation of
13 a judicial order or the exercise of jurisdiction over any person,
14 thing, or controversy by a court, administrative body, or
15 investigative entity, or purposely or knowingly violates a condition
16 to avoid all contact with an alleged victim or a condition of home
17 detention with or without the use of an approved electronic
18 monitoring device, ordered pursuant to subparagraph (b) of
19 paragraph (1) or subparagraph (k) of paragraph (2) of subsection b.
20 of section 3 of P.L. 2014, c.31 (C.2A:162-17), when the conduct
21 which constitutes the violation could also constitute a crime or a
22 disorderly persons offense.

23 (2) In all other cases a person is guilty of a disorderly persons
24 offense if that person purposely or knowingly violates a condition
25 to avoid contact with an alleged victim or a condition of home
26 detention with or without the use of an approved electronic
27 monitoring device.

28 b. (1) Except as provided in paragraph (2) of this subsection, a
29 person is guilty of a crime of the fourth degree if that person
30 purposely or knowingly violates any provision in an order entered
31 under the provisions of the "Prevention of Domestic Violence Act
32 of 1991," P.L.1991, c.261 (C.2C:25-17 et al.) or an order entered
33 under the provisions of a substantially similar statute under the laws
34 of another state or the United States when the conduct which
35 constitutes the violation could also constitute a crime or a
36 disorderly persons offense.

37 Orders entered pursuant to paragraphs (3), (4), (5), (8), and (9) of
38 subsection b. of section 13 of P.L.1991, c.261 (C.2C:25-29) or
39 substantially similar orders entered under the laws of another state
40 or the United States shall be excluded from the provisions of this
41 paragraph.

42 (2) In all other cases a person is guilty of a disorderly persons
43 offense if that person purposely or knowingly violates an order
44 entered under the provisions of the "Prevention of Domestic

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.

1 Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et al.) or an
2 order entered under the provisions of a substantially similar statute
3 under the laws of another state or the United States.

4 Orders entered pursuant to paragraphs (3), (4), (5), (8), and (9) of
5 subsection b. of section 13 of P.L.1991, c.261 (C.2C:25-29) or
6 substantially similar orders entered under the laws of another state
7 or the United States shall be excluded from the provisions of this
8 paragraph.

9 c. A person is guilty of a crime of the third degree if that
10 person purposely or knowingly violates any provision in an order
11 entered under the provisions of section 3 of P.L.1996, c.39
12 (C.2C:12-10.1) or section 2 of P.L.1999, c.47 (C.2C:12-10.2) or an
13 order entered under the provisions of a substantially similar statute
14 under the laws of another state or the United States when the
15 conduct which constitutes the violation could also constitute a
16 crime or a disorderly persons offense.

17 d. (1) Except as provided in paragraph (2) of this subsection, a
18 person is guilty of a crime of the fourth degree if that person
19 purposely or knowingly violates any provision in an order entered
20 under the provisions of P.L.2015, c.147 (C.2C:14-13 et al.) or an
21 order entered under the provisions of a substantially similar statute
22 under the laws of another state or the United States when the
23 conduct which constitutes the violation could also constitute a
24 crime or a disorderly persons offense.

25 (2) In all other cases a person is guilty of a disorderly persons
26 offense if that person purposely or knowingly violates an order
27 entered under the provisions of P.L.2015, c.147 (C.2C:14-13 et al.)
28 or an order entered under the provisions of a substantially similar
29 statute under the laws of another state or the United States.

30 e. A person is guilty of a crime of the fourth degree if the
31 person purposely or knowingly violates any provision of an order
32 entered under the provisions of the "Extreme Risk Protective Order
33 Act of 2018," P.L.2018, c.35 (C.2C:58-20 et al.) or an order entered
34 under the provisions of a substantially similar statute under the laws
35 of another state or the United States.

36 As used in this section, "state" means a state of the United States,
37 the District of Columbia, Puerto Rico, the United States Virgin
38 Islands, or any territory or insular possession subject to the
39 jurisdiction of the United States. The term includes an Indian tribe
40 or band, or Alaskan native village, which is recognized by a federal
41 law or formally acknowledged by a state.

42 (cf: P.L.2018, c.35, s.12)

43

44 2. Section 10 of P.L. 1991, c.261 (C.2C:25-26) is amended to
45 read as follows:

46 10. a. When a defendant charged with a crime or offense
47 involving domestic violence is released from custody before trial on

1 bail or personal recognizance, the court authorizing the release may
2 as a condition of release issue an order prohibiting the defendant
3 from having any contact with the victim including, but not limited
4 to, restraining the defendant from entering the victim's residence,
5 place of employment or business, or school, and from harassing or
6 stalking the victim or the victim's friends, co-workers, or relatives
7 in any way. The court may also enter an order prohibiting the
8 defendant from having any contact with any animal owned,
9 possessed, leased, kept, or held by either party or a minor child
10 residing in the household. In addition, the court may enter an order
11 directing the possession of the animal and providing that the animal
12 shall not be disposed of prior to the disposition of the crime or
13 offense. The court may enter an order prohibiting the defendant
14 from possessing any firearm or other weapon enumerated in
15 subsection r. of N.J.S.2C:39-1 and ordering the search for and
16 seizure of any such weapon at any location where the judge has
17 reasonable cause to believe the weapon is located. The judge shall
18 state with specificity the reasons for and scope of the search and
19 seizure authorized by the order.

20 b. The written court order releasing the defendant shall contain
21 the court's directives specifically restricting the defendant's ability
22 to have contact with the victim, the victim's friends, co-workers, or
23 relatives, or any animal owned, possessed, leased, kept, or held by
24 either party or a minor child residing in the household. The [clerk
25 of the court or other person designated by the court] prosecutor
26 shall provide a copy of this order to the victim forthwith.

27 c. The victim's location shall remain confidential and shall not
28 appear on any documents or records to which the defendant has
29 access.

30 d. Before bail is set, the defendant's prior record shall be
31 considered by the court. The court shall also conduct a search of
32 the domestic violence central registry. Bail shall be set as soon as
33 is feasible, but in all cases within 24 hours of arrest.

34 e. Once bail is set it shall not be reduced without prior notice
35 to the county prosecutor and the victim. Bail shall not be reduced
36 by a judge other than the judge who originally ordered bail, unless
37 the reasons for the amount of the original bail are available to the
38 judge who reduces the bail and are set forth in the record.

39 f. A victim shall not be prohibited from applying for, and a
40 court shall not be prohibited from issuing, temporary restraints
41 pursuant to this act because the victim has charged any person with
42 commission of a criminal act.

43 (cf: P.L.2011, c.213, s.1)

44

45 3. This act shall take effect immediately.

STATEMENT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

This bill clarifies that a person is guilty of a crime of the fourth degree who purposely or knowingly violates a condition of an order entered pursuant to pretrial release requiring that the eligible defendant shall avoid contact with an alleged victim of a crime, or, be placed in a pretrial home supervision capacity, when the conduct that constitutes the violation could also constitute a crime or a disorderly persons offense. A crime of the fourth degree is punishable by up to 18 months imprisonment, a fine of up to \$10,000, or both. Otherwise a violation of a condition ordered under the provision of the pretrial release law is a disorderly persons offense. A disorderly persons offense is punishable by up to six months imprisonment, a fine of up to \$1,000, or both.

The bill further amends N.J.S.2C:25-26, concerned with conditions of pretrial release in domestic violence cases, to clarify that it shall be the duty of the prosecutor to provide to the victim a copy of the written court order releasing the defendant and containing the court's directives specifically restricting the defendant's ability to have contact with persons named in the order. N.J.S.2C:25-26.1 currently provides that whenever a defendant charged with a crime or an offense involving domestic violence is released from custody the prosecuting agency shall notify the victim. This bill ensures that the prosecutor is responsible for notifying a victim at the time of release for present charges and any other time of release.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1463

STATE OF NEW JERSEY

DATED: FEBRUARY 14, 2022

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

This bill clarifies that a person is guilty of a crime of the fourth degree who purposely or knowingly violates a condition of an order entered pursuant to pretrial release requiring that the eligible defendant shall avoid contact with an alleged victim of a crime, or, be placed in a pretrial home supervision capacity, when the conduct that constitutes the violation could also constitute a crime or a disorderly persons offense. A crime of the fourth degree is punishable by up to 18 months imprisonment, a fine of up to \$10,000, or both. Otherwise a violation of a condition ordered under the provision of the pretrial release law is a disorderly persons offense. A disorderly persons offense is punishable by up to six months imprisonment, a fine of up to \$1,000, or both.

The bill further amends Section 10 of P.L.1991, c.261 (C.2C:25-26), concerned with conditions of pretrial release in domestic violence cases, to clarify that it shall be the duty of the prosecutor to provide to the victim a copy of the written court order releasing the defendant and containing the court's directives specifically restricting the defendant's ability to have contact with persons named in the order. N.J.S.2C:25-26.1 currently provides that whenever a defendant charged with a crime or an offense involving domestic violence is released from custody the prosecuting agency shall notify the victim. This bill ensures that the prosecutor is responsible for notifying a victim at the time of release for present charges and any other time of release.

This bill was pre-filed for introduction in the 2022-2023 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

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.

SENATE, No. 1810

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED FEBRUARY 28, 2022

Sponsored by:

Senator M. TERESA RUIZ

District 29 (Essex)

Senator TROY SINGLETON

District 7 (Burlington)

Co-Sponsored by:

Senators Stack and O'Scanlon

SYNOPSIS

Clarifies penalties for certain violations of pretrial release; directs prosecutor to provide written notice of release to victim.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/20/2023)

1 AN ACT concerning violations of pretrial release conditions and
2 amending N.J.S.2C:29-9 and P.L.1991, c.261.

3

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

6

7 1. N.J.S.2C:29-9 is amended to read as follows:

8 2C:29-9. Contempt. a. (1) Except as provided in paragraph
9 (2) of this subsection, a [A] person is guilty of a crime of the fourth
10 degree if the person purposely or knowingly disobeys a judicial
11 order or protective order, pursuant to section 1 of P.L.1985, c.250
12 (C.2C:28-5.1), or hinders, obstructs, or impedes the effectuation of
13 a judicial order or the exercise of jurisdiction over any person,
14 thing, or controversy by a court, administrative body, or
15 investigative entity, or purposely or knowingly violates a condition
16 to avoid all contact with an alleged victim or a condition of home
17 detention with or without the use of an approved electronic
18 monitoring device, ordered pursuant to subparagraph (b) of
19 paragraph (1) or subparagraph (k) of paragraph (2) of subsection b.
20 of section 3 of P.L. 2014, c.31 (C.2A:162-17), when the conduct
21 which constitutes the violation could also constitute a crime or a
22 disorderly persons offense.

23 (2) In all other cases a person is guilty of a disorderly persons
24 offense if that person purposely or knowingly violates a condition
25 to avoid contact with an alleged victim or a condition of home
26 detention with or without the use of an approved electronic
27 monitoring device.

28 b. (1) Except as provided in paragraph (2) of this subsection, a
29 person is guilty of a crime of the fourth degree if that person
30 purposely or knowingly violates any provision in an order entered
31 under the provisions of the "Prevention of Domestic Violence Act
32 of 1991," P.L.1991, c.261 (C.2C:25-17 et al.) or an order entered
33 under the provisions of a substantially similar statute under the laws
34 of another state or the United States when the conduct which
35 constitutes the violation could also constitute a crime or a
36 disorderly persons offense.

37 Orders entered pursuant to paragraphs (3), (4), (5), (8), and (9) of
38 subsection b. of section 13 of P.L.1991, c.261 (C.2C:25-29) or
39 substantially similar orders entered under the laws of another state
40 or the United States shall be excluded from the provisions of this
41 paragraph.

42 (2) In all other cases a person is guilty of a disorderly persons
43 offense if that person purposely or knowingly violates an order
44 entered under the provisions of the "Prevention of Domestic
45 Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et al.) or an
46 order entered under the provisions of a substantially similar statute
47 under the laws of another state or the United States.

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.

1 Orders entered pursuant to paragraphs (3), (4), (5), (8), and (9) of
2 subsection b. of section 13 of P.L.1991, c.261 (C.2C:25-29) or
3 substantially similar orders entered under the laws of another state
4 or the United States shall be excluded from the provisions of this
5 paragraph.

6 c. A person is guilty of a crime of the third degree if that
7 person purposely or knowingly violates any provision in an order
8 entered under the provisions of section 3 of P.L.1996, c.39
9 (C.2C:12-10.1) or section 2 of P.L.1999, c.47 (C.2C:12-10.2) or an
10 order entered under the provisions of a substantially similar statute
11 under the laws of another state or the United States when the
12 conduct which constitutes the violation could also constitute a
13 crime or a disorderly persons offense.

14 d. (1) Except as provided in paragraph (2) of this subsection, a
15 person is guilty of a crime of the fourth degree if that person
16 purposely or knowingly violates any provision in an order entered
17 under the provisions of P.L.2015, c.147 (C.2C:14-13 et al.) or an
18 order entered under the provisions of a substantially similar statute
19 under the laws of another state or the United States when the
20 conduct which constitutes the violation could also constitute a
21 crime or a disorderly persons offense.

22 (2) In all other cases a person is guilty of a disorderly persons
23 offense if that person purposely or knowingly violates an order
24 entered under the provisions of P.L.2015, c.147 (C.2C:14-13 et al.)
25 or an order entered under the provisions of a substantially similar
26 statute under the laws of another state or the United States.

27 e. A person is guilty of a crime of the fourth degree if the
28 person purposely or knowingly violates any provision of an order
29 entered under the provisions of the "Extreme Risk Protective Order
30 Act of 2018," P.L.2018, c.35 (C.2C:58-20 et al.) or an order entered
31 under the provisions of a substantially similar statute under the laws
32 of another state or the United States.

33 As used in this section, "state" means a state of the United States,
34 the District of Columbia, Puerto Rico, the United States Virgin
35 Islands, or any territory or insular possession subject to the
36 jurisdiction of the United States. The term includes an Indian tribe
37 or band, or Alaskan native village, which is recognized by a federal
38 law or formally acknowledged by a state.

39 (cf: P.L.2018, c.35, s.12)

40

41 2. Section 10 of P.L. 1991, c.261 (C.2C:25-26) is amended to
42 read as follows:

43 10. a. When a defendant charged with a crime or offense
44 involving domestic violence is released from custody before trial on
45 bail or personal recognizance, the court authorizing the release may
46 as a condition of release issue an order prohibiting the defendant
47 from having any contact with the victim including, but not limited
48 to, restraining the defendant from entering the victim's residence,

1 place of employment or business, or school, and from harassing or
2 stalking the victim or the victim's friends, co-workers, or relatives
3 in any way. The court may also enter an order prohibiting the
4 defendant from having any contact with any animal owned,
5 possessed, leased, kept, or held by either party or a minor child
6 residing in the household. In addition, the court may enter an order
7 directing the possession of the animal and providing that the animal
8 shall not be disposed of prior to the disposition of the crime or
9 offense. The court may enter an order prohibiting the defendant
10 from possessing any firearm or other weapon enumerated in
11 subsection r. of N.J.S.2C:39-1 and ordering the search for and
12 seizure of any such weapon at any location where the judge has
13 reasonable cause to believe the weapon is located. The judge shall
14 state with specificity the reasons for and scope of the search and
15 seizure authorized by the order.

16 b. The written court order releasing the defendant shall contain
17 the court's directives specifically restricting the defendant's ability
18 to have contact with the victim, the victim's friends, co-workers, or
19 relatives, or any animal owned, possessed, leased, kept, or held by
20 either party or a minor child residing in the household. The [clerk
21 of the court or other person designated by the court] prosecutor
22 shall provide a copy of this order to the victim forthwith.

23 c. The victim's location shall remain confidential and shall not
24 appear on any documents or records to which the defendant has
25 access.

26 d. Before bail is set, the defendant's prior record shall be
27 considered by the court. The court shall also conduct a search of
28 the domestic violence central registry. Bail shall be set as soon as
29 is feasible, but in all cases within 24 hours of arrest.

30 e. Once bail is set it shall not be reduced without prior notice
31 to the county prosecutor and the victim. Bail shall not be reduced
32 by a judge other than the judge who originally ordered bail, unless
33 the reasons for the amount of the original bail are available to the
34 judge who reduces the bail and are set forth in the record.

35 f. A victim shall not be prohibited from applying for, and a
36 court shall not be prohibited from issuing, temporary restraints
37 pursuant to this act because the victim has charged any person with
38 commission of a criminal act.

39 (cf: P.L.2011, c.213, s.1)

40

41 3. This act shall take effect immediately.

42

43

44

STATEMENT

45

46 This bill clarifies that a person is guilty of a crime of the fourth
47 degree who purposely or knowingly violates a condition of an order

1 entered pursuant to pretrial release requiring that the eligible
2 defendant shall avoid contact with an alleged victim of a crime, or,
3 be placed in a pretrial home supervision capacity, when the conduct
4 that constitutes the violation could also constitute a crime or a
5 disorderly persons offense. A crime of the fourth degree is
6 punishable by up to 18 months imprisonment, a fine of up to
7 \$10,000, or both. Otherwise a violation of a condition ordered
8 under the provision of the pretrial release law is a disorderly
9 persons offense. A disorderly persons offense is punishable by up
10 to six months imprisonment, a fine of up to \$1,000, or both.

11 The bill further amends N.J.S.2C:25-26, concerned with
12 conditions of pretrial release in domestic violence cases, to clarify
13 that it shall be the duty of the prosecutor to provide to the victim a
14 copy of the written court order releasing the defendant and
15 containing the court's directives specifically restricting the
16 defendant's ability to have contact with persons named in the order.
17 N.J.S.2C:25-26.1 currently provides that whenever a defendant
18 charged with a crime or an offense involving domestic violence is
19 released from custody the prosecuting agency shall notify the
20 victim. This bill ensures that the prosecutor is responsible for
21 notifying a victim at the time of release for present charges and any
22 other time of release.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1810

STATE OF NEW JERSEY

DATED: FEBRUARY 23, 2023

The Senate Judiciary Committee reports favorably Senate Bill No. 1810.

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.

Governor Murphy Takes Action on Legislation

05/8/2023

TRENTON – Today, Governor Murphy signed the following bills into law:

- S-142/A-4341 (Diegnan, Pou/Freiman, Moriarty, Mosquera)** - Modernizes business filing statutes to include entity conversion and domestication
- S-435/A-392 (Smith, Greenstein/Danielsen)** - Authorizes certain local authorities to distribute live recordings of certain public hearings in lieu of transcript requirement
- S-660/A-2438 (Oroho, Gopal/Wirths, DeAngelo, Space)** - Establishes that "100 percent Disabled Veterans" are not required to submit to MVC certain documentation to renew park privileges
- S-1033/A-2682 (Vitale, Ruiz/Mukherji, Benson, McKnight)** - Establishes "Alzheimer's and Dementia Care Long-Term Advisory Commission" in DHS
- S-2396/A-3810 (Madden, Zwicker/Moen, Mosquera, Danielsen)** - Provides for oversight and improvement of administration of unemployment compensation
- S-2423/A-3746 (Pou/McKeon, Calabrese)** - Allows local government deferred compensation plans to invest in collective investment trusts
- A-179/S-752 (Carter, Moen, Sumter/Lagana, Greenstein)** - Requires DEP to make certain information regarding water purveyors available on its Internet website
- A-1463/S-1810 (Lopez, Speight, McKnight/Ruiz, Singleton)** - Clarifies penalties for certain violations of pretrial release; directs prosecutor to provide written notice of release to v
- A-1791/S-3306 (DeAngelo, Verrelli, McKnight/Turner, Greenstein)** - Establishes "Career and Technical Education Scholar Awards" to annually recognize outstanding career and technical education students
- A-3494/S-2381 (Dancer, Moriarty, Haider/Diegnan)** - Allows license plate frame to obscure certain parts of permanent or temporary license plate under certain conditions
- A-3946/S-340 (Quijano, Calabrese, Carter/Singleton, Turner)** - Decouples State tax provisions from federal prohibition on cannabis business deductions
- A-4132/S-3426 (Stanley, Jaffer, Atkins/Cruz-Perez, Turner)** - Establishes NJ Agricultural Literacy Week
- A-4184/S-2827 (Tully/Greenstein, Turner)** - Requires DCA to allow hiring of information technology and cybersecurity professionals pursuant to shared service incentive programs
- ACS for A-4756/S-3262 (Spearman, Wimberly, Reynolds-Jackson/Burgess, Ruiz)** - Requires Division of Children's System of Care to establish training program for employees of emergency shelters for homeless
- A-4836/S-3417 (Speight, Atkins, Wimberly/Greenstein, Stanfield)** - Requires Office of Emergency Management to incorporate into State Emergency Operations Plan framework to address cybersecurity incidents
- A-4935/S-3335 (Benson, Spearman, Haider/Johnson, Diegnan)** - Concerns electronic transmission of crash reports
- Governor Murphy conditionally vetoed the following bill:
- S-3110/A-4783 (Smith, Codey/McKeon, Kennedy, Chaparro) - CONDITIONAL** - Requires sellers of real property and landlords to make certain notifications regarding flooding