

2C:6-1

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2C:6-1 (Bail - minor offenses)

LAWS OF: 1983

CHAPTER: 423

Bill No: S1461

Sponsor(s): DiFrancesco

Date Introduced: June 3, 1982

Committee: Assembly: Judiciary, Law, Public Safety and Defense
Senate: Judiciary

Amended during passage: Yes Amendments during passage denoted by asterisks

Date of Passage: Assembly: December 8, 1983
Senate: July 22, 1982

Date of Approval: January 5, 1984

Following statements are attached if available:

Sponsor statement: Yes Also attached: Senate amendments, adopted 7-22-82 (with statement)

Committee statement: Assembly Yes
Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

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SENATE, No. 1461

STATE OF NEW JERSEY

INTRODUCED JUNE 3, 1982

By Senator DiFRANCESCO

Referred to Committee on Judiciary

AN ACT concerning bail for persons accused of minor offenses.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. No person charged with a crime of the fourth degree, a dis-
2 orderly persons offense or a petty disorderly persons offense shall
3 be required to deposit bail in an amount exceeding \$2,500.00, unless
4 the offense involved use of or a threat of violence or unless the court
5 finds that the person presents a serious threat to the physical
6 safety of persons or the property in the community or unless the
7 court finds bail of that amount will not reasonably assure the
8 appearance of the defendant as required.

1 2. A program shall be instituted for the deposit in court of cash
2 in the amount of 10% of the amount of bail fixed for all persons
3 released on bail pursuant to this act.

1 3. This act shall take effect immediately.

STATEMENT

This bill is intended to help to alleviate overcrowding in county jails. A significant portion of the county jail population consists of defendants who are charged with minor, nonviolent offenses but are unable to make bail. This bill would place a limit of \$2,500.00 on bail for such offenders, unless the court finds that they present a danger to person or property or may not appear for further proceedings.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1461

STATE OF NEW JERSEY

DATED: JUNE 24, 1982

This bill would place a limit of up to \$2,500.00 on bail for a person charged with a crime of the fourth degree or a disorderly or petty disorderly persons offense unless the court finds that the prison presents a serious threat to persons or property in the community or that bail in that amount will not reasonably assure the appearance of the defendant.

The bill also requires the institution of a program allowing the deposit in court of cash in the amount of 10% of the amount of bail. The committee amended this provision to permit the court for good cause to increase 10% cash deposit.

The bill is intended to help to alleviate overcrowding in county jails on the rationale that a significant portion of the county jail population consists of defendants charged with minor offenses who are unable to make bail.

In addition to the amendment noted above, the committee made technical amendments to the bill.

[OFFICIAL COPY REPRINT]

SENATE, No. 1461

STATE OF NEW JERSEY

INTRODUCED JUNE 3, 1982

By Senator DiFRANCESCO

Referred to Committee on Judiciary

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2 orderly persons offense or a petty disorderly persons offense shall
3 be required to deposit bail in an amount exceeding \$2,500.00, un-
4 less*: *a.* the offense involved use of or a threat of violence ***[or**
5 **unless]*** *; *b.* the court finds that the person presents a serious
6 threat to the physical safety of persons or the property in the com-
7 munity ***[or unless]*** *; *c.* the court finds bail of that amount will
8 not reasonably assure the appearance of the defendant as required.

1 2. A program shall be instituted for the deposit in court of cash
2 in the amount of 10% of the amount of bail fixed for all persons
3 released on bail pursuant to this act. **A court may for good cause*
4 *increase the 10% cash provision provided herein.**

1 3. This act shall take effect immediately.

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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Senate committee amendments adopted June 24, 1982.

7/22/82

VPL

ADOPTED
JUL 22 1982

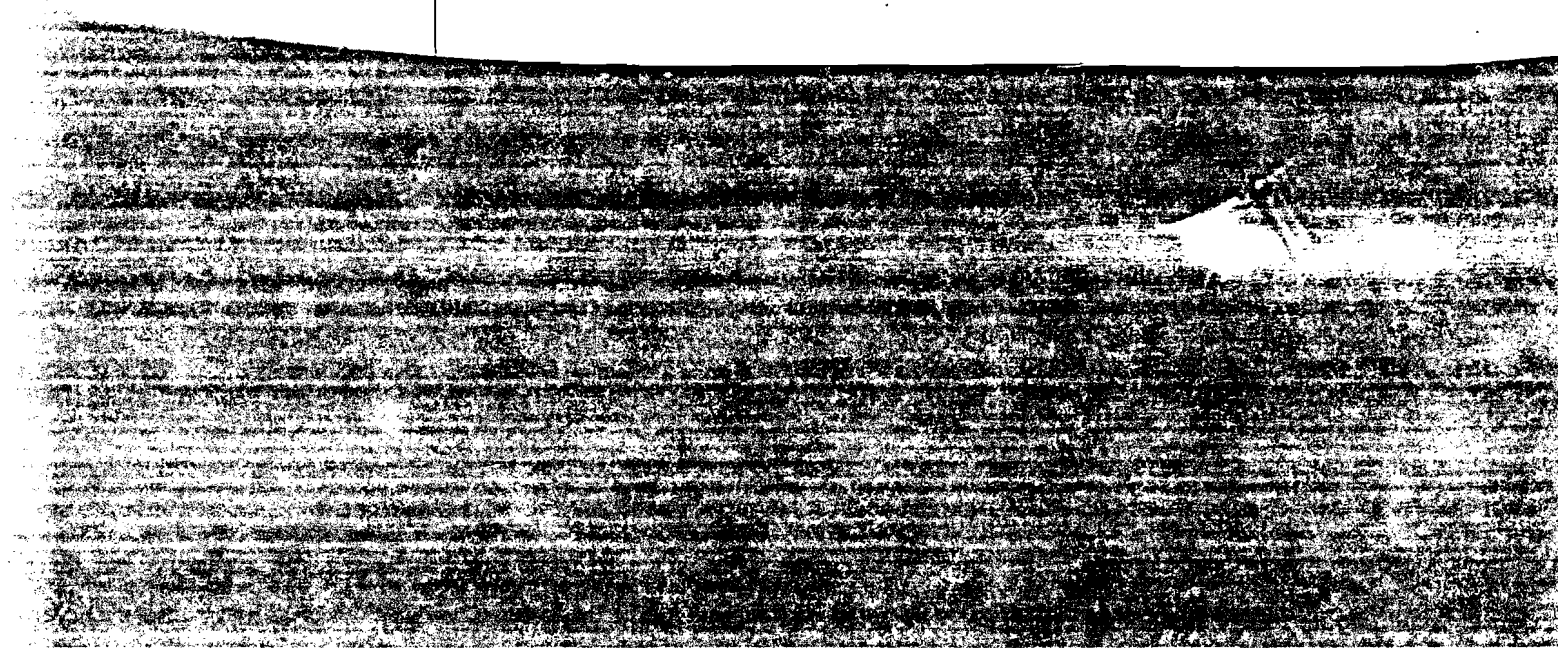
Senate Amendments
by Senator DiFrancesco
to

Senate Bill No. 1461 OCR

Line	
:	15 After violence Insert "or"
:	7 After unity Insert "or"

STATEMENT

These are technical amendments which clarify the bill's provisions.



[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 1461

STATE OF NEW JERSEY

INTRODUCED JUNE 3, 1982

By Senator DiFRANCESCO

Referred to Committee on Judiciary

AN ACT concerning bail for persons accused of minor offenses.

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4 less*: *a.** the offense involved use of or a threat of violence ***[or**
5 unless]* *; ****or**** *b.** the court finds that the person presents a
6 serious threat to the physical safety of persons or the property in
7 the community **[or unless]* ***; ****or**** *c.** the court finds bail of
8 that amount will not reasonably assure the appearance of the
9 defendant as required.

1 2. A program shall be instituted for the deposit in court of cash
2 in the amount of 10% of the amount of bail fixed for all persons
3 released on bail pursuant to this act. **A court may for good cause*
4 *increase the 10% cash provision provided herein.**

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****—Senate amendments adopted July 22, 1982.**

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND
DEFENSE COMMITTEE

STATEMENT TO

SENATE, No. 1461

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 11, 1983

Senate Bill No. 1461 and Assembly Bill No. 1557 were introduced as identical bills and as amended by the committee were released in identical form. The main provision of the bills would place a limit of up to \$2,500.00 on bail for a person charged with a crime of the fourth degree, or a disorderly or petty disorderly persons offense. This limitation would not be applicable if the court finds that the person presents a serious threat to the physical safety of persons or evidence involved in the alleged offense or if the court finds that the bail amount will not reasonably assure the appearance of the defendant. The committee added a provision to also allow the court to impose a higher bail for good cause shown. The reasons for imposing a higher bail are to be placed on the record.

The committee further amended the bill to eliminate the original language of the bill requiring the institution of a program allowing the deposit in court of cash in the amount of 10% of the amount of bail.

It is intended by the bills' sponsors that by reducing the bail requirements of defendants charged with minor offenses there will be a decline in the county jail population due to more defendants becoming able to make bail.

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[ASSEMBLY REPRINT]
SENATE, No. 1461
[SECOND OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

INTRODUCED JUNE 3, 1982

By Senator DiFRANCESCO

Referred to Committee on Judiciary

AN ACT concerning bail for persons accused of minor offenses.

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4 less *****[*: a.* the offense involved use of or a threat of vio-**
5 **lence]*** * [or unless]* ***[*; **or** b.]**** the court finds that
6 the person presents a serious threat to the physical safety of
7 *****[persons or the property in the community]*** ***potential**
8 *evidence or of persons involved in circumstances surrounding the*
9 *alleged offense or unless*** * [or unless]* ***[*; **or** c.]****
10 the court finds bail of that amount will not reasonably assure the
11 appearance of the defendant as required. ****The court may for*
12 *good cause shown impose a higher bail; the court shall specifically*
13 *place on the record its reasons for imposing bail in an amount*
14 *exceeding \$2,500.00.*******

1 *****[2. A program shall be instituted for the deposit in court of**
2 **cash in the amount of 10% of the amount of bail fixed for all**
3 **persons released on bail pursuant to this act. *A court may for**
4 **good cause increase the 10% cash provision provided herein.]******

1 *****[3.]*** ***2.*** This act shall take effect immediately.**

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Matter enclosed in asterisks or stars has been adopted as follows:

***—Senate committee amendments adopted June 24, 1982.**

****—Senate amendments adopted July 22, 1982.**

*****—Assembly committee amendments adopted November 21, 1983.**

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[THIRD OFFICIAL COPY REPRINT]

SENATE, No. 1461

STATE OF NEW JERSEY

INTRODUCED JUNE 3, 1982

By Senator DiFRANCESCO

Referred to Committee on Judiciary

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6 the person presents a serious threat to the physical safety of
7 ***** [persons or the property in the community] ***** *potential*
8 *evidence or of persons involved in circumstances surrounding the*
9 *alleged offense or unless* ***** * [or unless] * ***[*; **or** c.*]*****
10 the court finds bail of that amount will not reasonably assure the
11 appearance of the defendant as required. ****The court may for*
12 *good cause shown impose a higher bail; the court shall specifically*
13 *place on the record its reasons for imposing bail in an amount*
14 *exceeding \$2,500.00.****

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BILLS SIGNED

PAGE THREE

JANUARY 5, 1984

S-1684, sponsored by State Senator Leonard T. Connors, Jr., R-Ocean, which appropriates \$40,000 in State aid for disaster assistance to Berkeley Township. The funds will be used to pay for costs associated with providing public protection, health and sanitation costs, as well as clean-up services made necessary by a tornado which struck the Township June 29, 1982.

S-1461/A-1557, sponsored by State Senator Donald T. DiFrancesco, R-Union, and Assemblyman Walter M. D. Kern, R-Bergen, which sets maximum bail of \$2500 for persons charged with fourth degree crimes, disorderly or petty disorderly offenses, unless the court finds the individual presents a serious threat to the physical safety of evidence or persons involved in the incident. The bill is intended to prevent crowding county jails with minor offenders who are unable to meet high bail requirements.

S-341, sponsored by State Senator Daniel J. Dalton, D-Camden, which amends the public contracts law to raise from \$500 to \$1000 the amount above which a contracting agent is required to obtain quotations of price before making purchases or contracts.

S-856, sponsored by State Senator Raymond J. Zane, D-Gloucester, which amends the definition of "soil conditioner" as used in the Commercial Fertilizer and Soil Conditioner Act of 1970 to include new soil conditioning products.

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