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end

P.L. 2022, CHAPTER 43, *approved June 30, 2022*  
Assembly, No. 2426 (*Second Reprint*)

1 AN ACT concerning pretrial detention and amending P.L.2014, c.31.

2

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

5

6 <sup>2</sup>[<sup>1</sup>1. Section 4 of P.L.2014, c.31 (C.2A:162-18) is amended to  
7 read as follows:

8 4. a. (1) The court may order, before trial, the detention of an  
9 eligible defendant charged with any crime, or any offense involving  
10 domestic violence as defined in subsection a. of section 3 of  
11 P.L.1991, c.261 (C.2C:25-19), enumerated in subsection a. of  
12 section 5 of P.L.2014, c.31 (C.2A:162-19), if the prosecutor seeks  
13 the pretrial detention of the eligible defendant **[under]** pursuant to  
14 section 5 of P.L.2014, c.31 (C.2A:162-19) and after a hearing  
15 pursuant to that section the court finds clear and convincing  
16 evidence that no amount of monetary bail, non-monetary conditions  
17 of pretrial release or combination of monetary bail and conditions  
18 would reasonably assure the eligible defendant's appearance in  
19 court when required, the protection of the safety of any other person  
20 or the community, and that the eligible defendant will not obstruct  
21 or attempt to obstruct the criminal justice process. The court may  
22 also order the pretrial detention of an eligible defendant when the  
23 prosecutor moves for a pretrial detention hearing and the eligible  
24 defendant fails to rebut a presumption of pretrial detention that may  
25 be established for the crimes enumerated **[under]** in subsection b.  
26 of section 5 of P.L.2014, c.31 (C.2A:162-19).

27 (2) For purposes of ordering the pretrial detention of an eligible  
28 defendant pursuant to this section and section 5 of P.L.2014, c.31  
29 (C.2A:162-19) or pursuant to section 10 of P.L.2014, c.31  
30 (C.2A:162-24), when determining whether no amount of monetary  
31 bail, non-monetary conditions or combination of monetary bail and  
32 conditions would reasonably assure the eligible defendant's  
33 appearance in court when required, the protection of the safety of  
34 any other person or the community, or that the eligible defendant  
35 will not obstruct or attempt to obstruct the criminal justice process,  
36 the court may consider the amount of monetary bail only with  
37 respect to whether it will, by itself or in combination with non-  
38 monetary conditions, reasonably assure the eligible defendant's  
39 appearance in court when required.

40 b. Regarding the pretrial detention hearing moved for by the  
41 prosecutor, except for when an eligible defendant is charged with a

**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:

<sup>1</sup>Assembly ALP committee amendments adopted March 14, 2022.

<sup>2</sup>Senate SLP committee amendments adopted June 13, 2022.

1 crime set forth **【under paragraph】** in paragraphs (1) **【or (2)】**  
2 through (4) of subsection b. of section 5 of P.L.2014, c.31  
3 (C.2A:162-19), there shall be a rebuttable presumption that some  
4 amount of monetary bail, non-monetary conditions of pretrial  
5 release or combination of monetary bail and conditions would  
6 reasonably assure the eligible defendant's appearance in court when  
7 required, the protection of the safety of any other person or the  
8 community, and that the eligible defendant will not obstruct or  
9 attempt to obstruct the criminal justice process.

10 c. An eligible defendant may appeal an order of pretrial  
11 detention pursuant to the Rules of Court. The appeal shall be heard  
12 in an expedited manner. The eligible defendant shall be detained  
13 pending the disposition of the appeal.

14 d. If the court does not order the pretrial detention of an  
15 eligible defendant at the conclusion of the pretrial detention hearing  
16 **【under】** pursuant to this section and section 5 of P.L.2014, c.31  
17 (C.2A:162-19), the court shall order the release of the eligible  
18 defendant pursuant to section 3 of P.L.2014, c.31 (C.2A:162-17).<sup>1</sup>  
19 (cf: P.L.2014, c.31, s.4)**】**<sup>2</sup>

20  
21 <sup>1</sup>**【1.】** <sup>2</sup>**【2.】** Section 5 of P.L.2014, c.31 (C.2A:162-19) is  
22 amended to read as follows:

23 5. a. A prosecutor may file a motion with the court at any time,  
24 including any time before or after an eligible defendant's release  
25 pursuant to section 3 of P.L.2014, c.31 (C.2A:162-17), seeking the  
26 pretrial detention of an eligible defendant for:

27 (1) any crime of the first or second degree enumerated <sup>1</sup>**【under】**  
28 in<sup>1</sup> subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2);

29 (2) any crime for which the eligible defendant would be subject  
30 to an ordinary or extended term of life imprisonment;

31 (3) any crime if the eligible defendant has been convicted of two  
32 or more offenses <sup>1</sup>**【under】** pursuant to<sup>1</sup> paragraph (1) or (2) of this  
33 subsection;

34 (4) any crime enumerated <sup>1</sup>**【under】** in<sup>1</sup> paragraph (2) of  
35 subsection b. of section 2 of P.L.1994, c.133 (C.2C:7-2) or crime  
36 involving human trafficking pursuant to section 1 of P.L.2005, c.77  
37 (C.2C:13-8) or P.L.2013, c.51 (C.52:17B-237 et al.) when the  
38 victim is a minor, or the crime of endangering the welfare of a child  
39 <sup>1</sup>**【under】** pursuant to<sup>1</sup> N.J.S.2C:24-4;

40 (5) any crime enumerated <sup>1</sup>**【under】** in<sup>1</sup> subsection c. of  
41 N.J.S.2C:43-6;

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

44 (7) any other crime for which the prosecutor believes there is a  
45 serious risk that:

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

47 (b) the eligible defendant will pose a danger to any other person  
48 or the community; or

- 1 (c) the eligible defendant will obstruct or attempt to obstruct  
2 justice, or threaten, injure, or intimidate, or attempt to threaten,  
3 injure or intimidate, a prospective witness or juror.
- 4 b. When a motion for pretrial detention is filed pursuant to  
5 subsection a. of this section, there shall be a rebuttable presumption  
6 that the eligible defendant shall be detained pending trial because  
7 no amount of monetary bail, non-monetary condition or  
8 combination of monetary bail and conditions would reasonably  
9 assure the eligible defendant's appearance in court when required,  
10 the protection of the safety of any other person or the community,  
11 and that the eligible defendant will not obstruct or attempt to  
12 obstruct the criminal justice process, if the court finds probable  
13 cause that the eligible defendant <sup>1</sup>committed<sup>1</sup>:
- 14 (1) <sup>1</sup>**【committed】**<sup>1</sup> murder pursuant to N.J.S.2C:11-3; **【or】**  
15 (2) <sup>1</sup>**【committed】**<sup>1</sup> any crime for which the eligible defendant  
16 would be subject to an ordinary or extended term of life  
17 imprisonment;<sup>1</sup>**【or】**<sup>1</sup>
- 18 (3) <sup>1</sup>**【committed】** any crime of the first or second degree  
19 enumerated in subsection d. of section 2 of P.L.1997, c.117  
20 (C.2C:43-7.2); or
- 21 (4)<sup>1</sup> any crime for which the eligible defendant would be subject  
22 to a mandatory term of imprisonment pursuant to subsection c. of  
23 N.J.S.2C:43-6 for a crime involving the use or possession of a  
24 firearm <sup>1</sup>other than a violation of:
- 25 (a) subsection a. or d. of N.J.S.2C:39-3;  
26 (b) paragraph (1) or (2) of subsection a. of N.J.S.2C:39-4;  
27 (c) subsection a. of section 1 of P.L.1998, c.26, (C.2C:39-4.1);  
28 or
- 29 (d) paragraph (1) of subsection b. or paragraph (1) or (2) of  
30 subsection c. of N.J.S.2C:39-5<sup>1</sup> .
- 31 c. A court shall hold a hearing to determine whether any  
32 amount of monetary bail or non-monetary conditions or  
33 combination of monetary bail and conditions, including those set  
34 forth <sup>1</sup>**【under】** in<sup>1</sup> subsection b. of section 3 of P.L.2014, c.31  
35 (C.2A:162-17) will reasonably assure the eligible defendant's  
36 appearance in court when required, the protection of the safety of  
37 any other person or the community, and that the eligible defendant  
38 will not obstruct or attempt to obstruct the criminal justice process.
- 39 d. (1) Except as otherwise provided in this subsection, the  
40 pretrial detention hearing shall be held no later than the eligible  
41 defendant's first appearance unless the eligible defendant, or the  
42 prosecutor, seeks a continuance. If a prosecutor files a motion for  
43 pretrial detention after the eligible defendant's first appearance has  
44 taken place or if no first appearance is required, the court shall  
45 schedule the pretrial detention hearing to take place within three  
46 working days of the date on which the prosecutor's motion was  
47 filed, unless the prosecutor or the eligible defendant seeks a  
48 continuance. Except for good cause, a continuance on motion of the

1 eligible defendant may not exceed five days, not including any  
2 intermediate Saturday, Sunday, or legal holiday. Except for good  
3 cause, a continuance on motion of the prosecutor may not exceed  
4 three days, not including any intermediate Saturday, Sunday, or  
5 legal holiday.

6 (2) Upon the filing of a motion by the prosecutor seeking the  
7 pretrial detention of the eligible defendant and during any  
8 continuance that may be granted by the court, the eligible defendant  
9 shall be detained in jail, unless the eligible defendant was  
10 previously released from custody before trial, in which case the  
11 court shall issue a notice to appear to compel the appearance of the  
12 eligible defendant at the detention hearing. The court, on motion of  
13 the prosecutor or sua sponte, may order that, while in custody, an  
14 eligible defendant who appears to be a drug dependent person  
15 receive an assessment to determine whether that eligible defendant  
16 is drug dependent.

17 e. (1) At the pretrial detention hearing, the eligible defendant  
18 has the right to be represented by counsel, and, if financially unable  
19 to obtain adequate representation, to have counsel appointed. The  
20 eligible defendant shall be afforded an opportunity to testify, to  
21 present witnesses, to cross-examine witnesses who appear at the  
22 hearing, and to present information by proffer or otherwise. The  
23 rules concerning admissibility of evidence in criminal trials shall  
24 not apply to the presentation and consideration of information at the  
25 hearing.

26 (2) In pretrial detention proceedings for which there is no  
27 indictment, the prosecutor shall establish probable cause that the  
28 eligible defendant committed the predicate offense. A presumption  
29 of pretrial detention as provided in subsection b. of this section may  
30 be rebutted by proof provided by the eligible defendant, the  
31 prosecutor, or from other materials submitted to the court. The  
32 standard of proof for a rebuttal of the presumption of pretrial  
33 detention shall be a preponderance of the evidence. If proof cannot  
34 be established to rebut the presumption, the court may order the  
35 eligible defendant's pretrial detention. If the presumption is rebutted  
36 by sufficient proof, the prosecutor shall have the opportunity to  
37 establish that the grounds for pretrial detention exist pursuant to this  
38 section.

39 (3) Except when an eligible defendant has failed to rebut a  
40 presumption of pretrial detention pursuant to subsection b. of this  
41 section, the court's finding to support an order of pretrial detention  
42 pursuant to section 4 of P.L.2014, c.31 (C.2A:162-18) that no  
43 amount of monetary bail, non-monetary conditions or combination  
44 of monetary bail and conditions will reasonably assure the eligible  
45 defendant's appearance in court when required, the protection of the  
46 safety of any other person or the community, and that the eligible  
47 defendant will not obstruct or attempt to obstruct the criminal  
48 justice process shall be supported by clear and convincing evidence.

1 f. The hearing may be reopened, before or after a  
2 determination by the court, at any time before trial, if the court  
3 finds that information exists that was not known to the prosecutor  
4 or the eligible defendant at the time of the hearing and that has a  
5 material bearing on the issue of whether there are conditions of  
6 release that will reasonably assure the eligible defendant's  
7 appearance in court when required, the protection of the safety of  
8 any other person or the community, or that the eligible defendant  
9 will not obstruct or attempt to obstruct the criminal justice process.  
10 (cf: P.L.2014, c.31, s.5)]<sup>2</sup>

11  
12 <sup>2</sup>1. Section 5 of P.L.2014, c.31 (C.2A:162-19) is amended to  
13 read as follows:

14 5. a. A prosecutor may file a motion with the court at any time,  
15 including any time before or after an eligible defendant's release  
16 pursuant to section 3 of P.L.2014, c.31 (C.2A:162-17), seeking the  
17 pretrial detention of an eligible defendant for:

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

20 (2) any crime for which the eligible defendant would be subject  
21 to an ordinary or extended term of life imprisonment;

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

24 (4) any crime enumerated under paragraph (2) of subsection b. of  
25 section 2 of P.L.1994, c.133 (C.2C:7-2) or crime involving human  
26 trafficking pursuant to section 1 of P.L.2005, c.77 (C.2C:13-8) or  
27 P.L.2013, c.51 (C.52:17B-237 et al.) when the victim is a minor, or  
28 the crime of endangering the welfare of a child under N.J.S.2C:24-  
29 4;

30 (5) any crime enumerated under subsection c. of N.J.S.2C:43-6;

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

33 (7) any other crime for which the prosecutor believes there is a  
34 serious risk that:

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

36 (b) the eligible defendant will pose a danger to any other person  
37 or the community; or

38 (c) the eligible defendant will obstruct or attempt to obstruct  
39 justice, or threaten, injure, or intimidate, or attempt to threaten,  
40 injure or intimidate, a prospective witness or juror.

41 b. When a motion for pretrial detention is filed pursuant to  
42 subsection a. of this section, there shall be a rebuttable presumption  
43 that the eligible defendant shall be detained pending trial because  
44 no amount of monetary bail, non-monetary condition or  
45 combination of monetary bail and conditions would reasonably  
46 assure the eligible defendant's appearance in court when required,  
47 the protection of the safety of any other person or the community,  
48 and that the eligible defendant will not obstruct or attempt to

1 obstruct the criminal justice process, if the court finds probable  
2 cause that the eligible defendant:

- 3 (1) committed murder pursuant to N.J.S.2C:11-3; or  
4 (2) committed any crime for which the eligible defendant would  
5 be subject to an ordinary or extended term of life imprisonment.

6 c. A court shall hold a hearing to determine whether any  
7 amount of monetary bail or non-monetary conditions or  
8 combination of monetary bail and conditions, including those set  
9 forth under subsection b. of section 3 of P.L.2014, c.31 (C.2A:162-  
10 17) will reasonably assure the eligible defendant's appearance in  
11 court when required, the protection of the safety of any other person  
12 or the community, and that the eligible defendant will not obstruct  
13 or attempt to obstruct the criminal justice process.

14 d. (1) Except as otherwise provided in this subsection, the  
15 pretrial detention hearing shall be held no later than the eligible  
16 defendant's first appearance unless the eligible defendant, or the  
17 prosecutor, seeks a continuance. If a prosecutor files a motion for  
18 pretrial detention after the eligible defendant's first appearance has  
19 taken place or if no first appearance is required, the court shall  
20 schedule the pretrial detention hearing to take place within three  
21 working days of the date on which the prosecutor's motion was  
22 filed, unless the prosecutor or the eligible defendant seeks a  
23 continuance. Except for good cause, a continuance on motion of the  
24 eligible defendant may not exceed five days, not including any  
25 intermediate Saturday, Sunday, or legal holiday. Except for good  
26 cause, a continuance on motion of the prosecutor may not exceed  
27 three days, not including any intermediate Saturday, Sunday, or  
28 legal holiday.

29 (2) Upon the filing of a motion by the prosecutor seeking the  
30 pretrial detention of the eligible defendant and during any  
31 continuance that may be granted by the court, the eligible defendant  
32 shall be detained in jail, unless the eligible defendant was  
33 previously released from custody before trial, in which case the  
34 court shall issue a notice to appear to compel the appearance of the  
35 eligible defendant at the detention hearing. The court, on motion of  
36 the prosecutor or sua sponte, may order that, while in custody, an  
37 eligible defendant who appears to be a drug dependent person  
38 receive an assessment to determine whether that eligible defendant  
39 is drug dependent.

40 e. (1) At the pretrial detention hearing, the eligible defendant has  
41 the right to be represented by counsel, and, if financially unable to  
42 obtain adequate representation, to have counsel appointed. The  
43 eligible defendant shall be afforded an opportunity to testify, to  
44 present witnesses, to cross-examine witnesses who appear at the  
45 hearing, and to present information by proffer or otherwise. The  
46 rules concerning admissibility of evidence in criminal trials shall  
47 not apply to the presentation and consideration of information at the  
48 hearing.



1 (2) In pretrial detention proceedings for which there is no  
2 indictment, the prosecutor shall establish probable cause that the  
3 eligible defendant committed the predicate offense. A presumption  
4 of pretrial detention as provided in subsection b. of this section may  
5 be rebutted by proof provided by the eligible defendant, the  
6 prosecutor, or from other materials submitted to the court. The  
7 standard of proof for a rebuttal of the presumption of pretrial  
8 detention shall be a preponderance of the evidence. If proof cannot  
9 be established to rebut the presumption, the court may order the  
10 eligible defendant's pretrial detention. If the presumption is rebutted  
11 by sufficient proof, the prosecutor shall have the opportunity to  
12 establish that the grounds for pretrial detention exist pursuant to this  
13 section.

14 (3) Except when an eligible defendant has failed to rebut a  
15 presumption of pretrial detention pursuant to subsection b. of this  
16 section, the court's finding to support an order of pretrial detention  
17 pursuant to section 4 of P.L.2014, c.31 (C.2A:162-18) that no  
18 amount of monetary bail, non-monetary conditions or combination  
19 of monetary bail and conditions will reasonably assure the eligible  
20 defendant's appearance in court when required, the protection of the  
21 safety of any other person or the community, and that the eligible  
22 defendant will not obstruct or attempt to obstruct the criminal  
23 justice process shall be supported by clear and convincing evidence.

24 f. The hearing may be reopened, before or after a  
25 determination by the court, at any time before trial, if the court  
26 finds that information exists that was not known to the prosecutor  
27 or the eligible defendant at the time of the hearing and that has a  
28 material bearing on the issue of whether there are conditions of  
29 release that will reasonably assure the eligible defendant's  
30 appearance in court when required, the protection of the safety of  
31 any other person or the community, or that the eligible defendant  
32 will not obstruct or attempt to obstruct the criminal justice process.

33 g. When a motion for pretrial detention is filed pursuant to  
34 subsection a. of this section, a pretrial recommendation of no release  
35 pursuant to subsection f. of section 6 of P.L.2014, c.31 (C.2A:162-20)  
36 may constitute prima facie evidence to overcome the presumption of  
37 release as set forth in subsection b. of section 4 of P.L.2014, c.31  
38 (C.2A:162-18), if the court finds probable cause that the eligible  
39 defendant committed any crime for which the eligible defendant would  
40 be subject to a mandatory term of imprisonment pursuant to subsection  
41 c. of N.J.S.2C:43-6 for a crime involving the use or possession of a  
42 firearm other than a violation of:

43 (1) subsection a. or d. of N.J.S.2C:39-3;

44 (2) paragraph (1) or (2) of subsection a. of N.J.S.2C:39-4;

45 (3) subsection a. of section 1 of P.L. 1998, c.26 (C.2C:39-4.1); or

46 (4) paragraph (1) of subsection b. or paragraph (1) or (2) of  
47 subsection c. of N.J.S.2C:39-5.<sup>2</sup>

48 (cf: P.L.2014, c.31, s.5)

1       <sup>2</sup>2. Section 6 of P.L.2014, c.31 (C.2A:162-20) is amended to  
2 read as follows:

3       6. In determining in a pretrial detention hearing whether no  
4 amount of monetary bail, non-monetary conditions or combination  
5 of monetary bail and conditions would reasonably assure the  
6 eligible defendant's appearance in court when required, the  
7 protection of the safety of any other person or the community, or  
8 that the eligible defendant will not obstruct or attempt to obstruct  
9 the criminal justice process, the court may take into account  
10 information concerning:

11       a. The nature and circumstances of the offense charged;

12       b. The weight of the evidence against the eligible defendant,  
13 except that the court may consider the admissibility of any evidence  
14 sought to be excluded;

15       c. The history and characteristics of the eligible defendant,  
16 including:

17       (1) the eligible defendant's character, physical and mental  
18 condition, family ties, employment, financial resources, length of  
19 residence in the community, community ties, past conduct, history  
20 relating to drug or alcohol abuse, criminal history, and record  
21 concerning appearances at court proceedings, except with respect to  
22 these factors, the court shall not consider manufacturing,  
23 distributing, or dispensing, or possessing or having under control  
24 with intent to manufacture, distribute, or dispense, marijuana or  
25 hashish in violation of paragraph (12) of subsection b. of  
26 N.J.S.2C:35-5, or possession of marijuana or hashish in violation of  
27 paragraph (3) of subsection a. of N.J.S.2C:35-10; and

28       (2) whether, at the time of the current offense or arrest, the  
29 eligible defendant was on probation, parole, or on other release  
30 pending trial, sentencing, appeal, or completion of sentence for an  
31 offense under federal law, or the law of this or any other state;

32       d. The nature and seriousness of the danger to any other person  
33 or the community that would be posed by the eligible defendant's  
34 release, if applicable;

35       e. The nature and seriousness of the risk of obstructing or  
36 attempting to obstruct the criminal justice process that would be  
37 posed by the eligible defendant's release, if applicable; and

38       f. The release recommendation of the pretrial services program  
39 obtained using a risk assessment instrument under section 11 of  
40 P.L.2014, c.31 (C.2A:162-25). Pretrial services shall recommend no  
41 release when a defendant has been charged with any crime for which  
42 the eligible defendant would be subject to a mandatory term of  
43 imprisonment pursuant to subsection c. of N.J.S.2C:43-6 for a crime  
44 involving the use or possession of a firearm other than a violation of:

45       (1) subsection a. or d. of N.J.S.2C:39-3;

46       (2) paragraph (1) or (2) of subsection a. of N.J.S.2C:39-4;

47       (3) subsection a. of section 1 of P.L. 1998, c.26 (C.2C:39-4.1); or

48       (4) paragraph (1) of subsection b. or paragraph (1) or (2) of

1 subsection c. of N.J.S.2C:39-5.<sup>2</sup>  
2 (cf: P.L.2021, c.19, s.8)

3

4 <sup>1</sup>~~2.~~ 3.<sup>1</sup> This act shall take effect immediately.

5

6

7

8

9 Establishes rebuttable presumption of pretrial detention for  
10 defendants who commit certain firearm offenses under Graves Act.

# ASSEMBLY, No. 2426

## STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED FEBRUARY 7, 2022

**Sponsored by:**

**Assemblyman BENJIE E. WIMBERLY**

**District 35 (Bergen and Passaic)**

**Assemblywoman VERLINA REYNOLDS-JACKSON**

**District 15 (Hunterdon and Mercer)**

**Assemblyman GARY S. SCHAER**

**District 36 (Bergen and Passaic)**

**SYNOPSIS**

Establishes rebuttable presumption of pretrial detention for defendants who commit certain firearm offenses under Graves Act.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning pretrial detention and amending P.L.2014, c.31.

2

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

5

6 1. Section 5 of P.L.2014, c.31 (C.2A:162-19) is amended to  
7 read as follows:

8 5. a. A prosecutor may file a motion with the court at any time,  
9 including any time before or after an eligible defendant's release  
10 pursuant to section 3 of P.L.2014, c.31 (C.2A:162-17), seeking the  
11 pretrial detention of an eligible defendant for:

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

14 (2) any crime for which the eligible defendant would be subject  
15 to an ordinary or extended term of life imprisonment;

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

18 (4) any crime enumerated under paragraph (2) of subsection b.  
19 of section 2 of P.L.1994, c.133 (C.2C:7-2) or crime involving  
20 human trafficking pursuant to section 1 of P.L.2005, c.77 (C.2C:13-  
21 8) or P.L.2013, c.51 (C.52:17B-237 et al.) when the victim is a  
22 minor, or the crime of endangering the welfare of a child under  
23 N.J.S.2C:24-4;

24 (5) any crime enumerated under subsection c. of N.J.S.2C:43-6;

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

27 (7) any other crime for which the prosecutor believes there is a  
28 serious risk that:

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

30 (b) the eligible defendant will pose a danger to any other person  
31 or the community; or

32 (c) the eligible defendant will obstruct or attempt to obstruct  
33 justice, or threaten, injure, or intimidate, or attempt to threaten,  
34 injure or intimidate, a prospective witness or juror.

35 b. When a motion for pretrial detention is filed pursuant to  
36 subsection a. of this section, there shall be a rebuttable presumption  
37 that the eligible defendant shall be detained pending trial because  
38 no amount of monetary bail, non-monetary condition or  
39 combination of monetary bail and conditions would reasonably  
40 assure the eligible defendant's appearance in court when required,  
41 the protection of the safety of any other person or the community,  
42 and that the eligible defendant will not obstruct or attempt to  
43 obstruct the criminal justice process, if the court finds probable  
44 cause that the eligible defendant:

45 (1) committed murder pursuant to N.J.S.2C:11-3; **[or]**

**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 (2) committed any crime for which the eligible defendant would  
2 be subject to an ordinary or extended term of life imprisonment ; or

3 (3) committed any crime for which the eligible defendant would  
4 be subject to a mandatory term of imprisonment pursuant to  
5 subsection c. of N.J.S.2C:43-6 for a crime involving the use or  
6 possession of a firearm.

7 c. A court shall hold a hearing to determine whether any  
8 amount of monetary bail or non-monetary conditions or  
9 combination of monetary bail and conditions, including those set  
10 forth under subsection b. of section 3 of P.L.2014, c.31 (C.2A:162-  
11 17) will reasonably assure the eligible defendant's appearance in  
12 court when required, the protection of the safety of any other person  
13 or the community, and that the eligible defendant will not obstruct  
14 or attempt to obstruct the criminal justice process.

15 d. (1) Except as otherwise provided in this subsection, the  
16 pretrial detention hearing shall be held no later than the eligible  
17 defendant's first appearance unless the eligible defendant, or the  
18 prosecutor, seeks a continuance. If a prosecutor files a motion for  
19 pretrial detention after the eligible defendant's first appearance has  
20 taken place or if no first appearance is required, the court shall  
21 schedule the pretrial detention hearing to take place within three  
22 working days of the date on which the prosecutor's motion was  
23 filed, unless the prosecutor or the eligible defendant seeks a  
24 continuance. Except for good cause, a continuance on motion of the  
25 eligible defendant may not exceed five days, not including any  
26 intermediate Saturday, Sunday, or legal holiday. Except for good  
27 cause, a continuance on motion of the prosecutor may not exceed  
28 three days, not including any intermediate Saturday, Sunday, or  
29 legal holiday.

30 (2) Upon the filing of a motion by the prosecutor seeking the  
31 pretrial detention of the eligible defendant and during any  
32 continuance that may be granted by the court, the eligible defendant  
33 shall be detained in jail, unless the eligible defendant was  
34 previously released from custody before trial, in which case the  
35 court shall issue a notice to appear to compel the appearance of the  
36 eligible defendant at the detention hearing. The court, on motion of  
37 the prosecutor or sua sponte, may order that, while in custody, an  
38 eligible defendant who appears to be a drug dependent person  
39 receive an assessment to determine whether that eligible defendant  
40 is drug dependent.

41 e. (1) At the pretrial detention hearing, the eligible defendant  
42 has the right to be represented by counsel, and, if financially unable  
43 to obtain adequate representation, to have counsel appointed. The  
44 eligible defendant shall be afforded an opportunity to testify, to  
45 present witnesses, to cross-examine witnesses who appear at the  
46 hearing, and to present information by proffer or otherwise. The  
47 rules concerning admissibility of evidence in criminal trials shall

1 not apply to the presentation and consideration of information at the  
2 hearing.

3 (2) In pretrial detention proceedings for which there is no  
4 indictment, the prosecutor shall establish probable cause that the  
5 eligible defendant committed the predicate offense. A presumption  
6 of pretrial detention as provided in subsection b. of this section may  
7 be rebutted by proof provided by the eligible defendant, the  
8 prosecutor, or from other materials submitted to the court. The  
9 standard of proof for a rebuttal of the presumption of pretrial  
10 detention shall be a preponderance of the evidence. If proof cannot  
11 be established to rebut the presumption, the court may order the  
12 eligible defendant's pretrial detention. If the presumption is rebutted  
13 by sufficient proof, the prosecutor shall have the opportunity to  
14 establish that the grounds for pretrial detention exist pursuant to this  
15 section.

16 (3) Except when an eligible defendant has failed to rebut a  
17 presumption of pretrial detention pursuant to subsection b. of this  
18 section, the court's finding to support an order of pretrial detention  
19 pursuant to section 4 of P.L.2014, c.31 (C.2A:162-18) that no  
20 amount of monetary bail, non-monetary conditions or combination  
21 of monetary bail and conditions will reasonably assure the eligible  
22 defendant's appearance in court when required, the protection of the  
23 safety of any other person or the community, and that the eligible  
24 defendant will not obstruct or attempt to obstruct the criminal  
25 justice process shall be supported by clear and convincing evidence.

26 f. The hearing may be reopened, before or after a  
27 determination by the court, at any time before trial, if the court  
28 finds that information exists that was not known to the prosecutor  
29 or the eligible defendant at the time of the hearing and that has a  
30 material bearing on the issue of whether there are conditions of  
31 release that will reasonably assure the eligible defendant's  
32 appearance in court when required, the protection of the safety of  
33 any other person or the community, or that the eligible defendant  
34 will not obstruct or attempt to obstruct the criminal justice process.  
35 (cf: P.L.2014, c.31, s.5)

36

37 2. This act shall take effect immediately.

38

39

40

#### STATEMENT

41

42 This bill establishes a rebuttable presumption that a defendant  
43 subject to a mandatory prison term for a firearm-related crime pursuant  
44 to the "Graves Act" is to be detained prior to trial. P.L.1981, c.31,  
45 also known as the "Graves Act," sets forth mandatory minimum  
46 terms of imprisonment for individuals convicted of certain crimes  
47 involving the use or possession of a firearm.

1 Under P.L.2014, c.31, also known as the “Criminal Justice  
2 Reform Law,” criminal courts are authorized to order the pretrial  
3 release of a defendant pending further proceedings, or order pretrial  
4 detention of a defendant who is found to be a flight risk, a danger to  
5 another or the community, or likely to obstruct further criminal  
6 proceedings.

7 Currently, there is a rebuttable presumption that a defendant who  
8 is charged with murder or a crime that subjects the defendant to an  
9 ordinary or extended term of life imprisonment is to be detained  
10 pending trial. This rebuttable presumption applies when a prosecutor  
11 makes a motion for the pretrial detention, and may be rebutted upon a  
12 showing of proof, by a preponderance of the evidence, in favor of  
13 the defendant. If the presumption is not rebutted, the court may  
14 order pretrial detention of the defendant. If the presumption is  
15 rebutted, the prosecutor still has the opportunity to establish  
16 grounds for pretrial detention.

17 This bill provides that the rebuttable presumption of pretrial  
18 detention also applies to defendants charged with a firearm related  
19 crime under the “Graves Act.” The act requires the court to  
20 sentence a person who unlawfully possesses a firearm or commits  
21 certain serious crimes while possessing a firearm to a mandatory  
22 term of incarceration. The mandatory term of incarceration is one-  
23 third to one-half of the sentence imposed, or three years, whichever  
24 is greater.



# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 2426

with committee amendments

# STATE OF NEW JERSEY

DATED: MARCH 14, 2022

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 2426, with committee amendments

As amended and reported by the committee, Assembly Bill No. 2426 establishes a rebuttable presumption that a defendant subject to a mandatory prison term for a firearm-related crime pursuant to the “Graves Act” is to be detained prior to trial. P.L.1981, c.31, also known as the “Graves Act,” sets forth mandatory minimum terms of imprisonment for individuals convicted of certain crimes involving the use or possession of a firearm.

Under P.L.2014, c.31, also known as the Criminal Justice Reform 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.

Currently, there is a rebuttable presumption that a defendant who is charged with murder or a crime that subjects the defendant to an ordinary or extended term of life imprisonment is to be detained pending trial. This rebuttable presumption applies when a prosecutor makes a motion for the pretrial detention, and may be rebutted upon a showing of proof, by a preponderance of the evidence, in favor of the defendant. If the presumption is not rebutted, the court may order pretrial detention of the defendant. If the presumption is rebutted, the prosecutor still has the opportunity to establish grounds for pretrial detention.

The amended bill provides that the rebuttable presumption of pretrial detention also applies to defendants charged with certain violent crimes and certain crimes involving a firearm. Specifically, under the amended bill, the rebuttable presumption of pretrial detention also applies to a defendant who is charged with a first or second degree crime subject to an 85 percent mandatory minimum sentence under the No Early Release Act (NERA). Under the amended bill, the rebuttable presumption also applies to crime involving a firearm under the Graves Act. However, as amended, the provisions of the bill provide that the rebuttable presumption of pretrial detention would not apply to defendants charged with certain

firearms possession offenses. Under the Graves Act, the court is required to sentence a person who unlawfully possesses a firearm or commits certain serious crimes while possessing a firearm to a mandatory minimum term of incarceration.

#### COMMITTEE AMENDMENTS

The committee amended the bill to:

(1) provide that the rebuttable presumption of pretrial detention applies to a person charged with committing a first or second degree crime subject to an 85 percent mandatory minimum sentence under NERA;

(2) provide that a defendant charged with certain crimes involving a firearm under the Graves Act would not be subject to the rebuttable presumption of pretrial detention; as introduced, all Graves Act offenses would be subject to the rebuttable presumption; specifically, a person charged with any of the following offenses involving a firearm would not be subject to the rebuttable presumption: possession of any destructive device or defaced firearm; possession of a firearm with an unlawful purpose; possession of a firearm that is transferred among, between, or within an association of two or more people, known as a “community gun”; possession of a firearm while committing certain offenses involving a controlled dangerous substance or a crime of bias intimidation; or possession of handguns, rifles, or shotguns without a permit;

(3) modify another section of the Criminal Justice Reform Law to make it consistent with the provisions of the bill; and

(4) make technical changes to the bill.

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

## ASSEMBLY, No. 2426

### STATE OF NEW JERSEY 220th LEGISLATURE

DATED: MARCH 29, 2022

#### SUMMARY

- Synopsis:** Establishes rebuttable presumption of pretrial detention for defendants who commit certain firearm offenses under Graves Act.
- Type of Impact:** Annual State and county expenditure increases.
- Agencies Affected:** The Judiciary, Department of Law and Public Safety, Counties.

#### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Cost Increase</b>		Indeterminate	
<b>County Cost Increase</b>		Indeterminate	

- The Office of Legislative Services (OLS) estimates that this bill will result in annual State and county expenditure increases. According to a Judiciary analysis, approximately 2,000 offenders could be held in pretrial detention for offenses pursuant to this bill. This would result in a substantial increase in State and county costs.
- The Judiciary indicated that it would incur a substantial increase in annual expenditures, as the bill's provisions would result in an increase in the number of motions filed for pretrial

detention, the number of defendants detained pretrial and create additional motions for reconsideration of detention.

- Counties would incur potentially significant annual expenditure increases to detain additional offenders prior to trial pursuant to the bill's provisions.
- The OLS also notes the bill would result in increased workload for the Office of the Attorney General in the Department of Law and Public Safety as well as county prosecutors.

## **BILL DESCRIPTION**

This bill establishes a rebuttable presumption that a defendant subject to a mandatory prison term for a firearm-related crime pursuant to P.L.1981, c.31, also known as the "Graves Act," is to be detained prior to trial. The Graves Act sets forth mandatory minimum terms of imprisonment for individuals convicted of certain crimes involving the use or possession of a firearm.

Under P.L.2014, c.31, also known as the Criminal Justice Reform 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.

Currently, there is a rebuttable presumption that a defendant who is charged with murder or a crime that subjects the defendant to an ordinary or extended term of life imprisonment is to be detained pending trial.

This bill provides that the rebuttable presumption of pretrial detention also applies to defendants charged with certain violent crimes and certain crimes involving a firearm.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

## ***JUDICIAL BRANCH***

Upon request, the Judiciary provided information on the expenditures it would incur as a result of this bill. The Judiciary noted that due to the burden of proof shifting to a presumption of detention, the bill would increase the number of motions filed for pretrial detention. Although the Judiciary is unable to ascertain an estimate of the increased motions for pretrial detention, the Judiciary is confident that any increase in motions resulting from the bill would be significant. The bill would also increase the number of defendants detained pretrial. Although the increase in the number of additional defendants detained pretrial will vary, based upon the data in the Judiciary's March 4, 2022 Graves Act Analysis, it is reasonable to believe there could be an additional 2,000 or more defendants detained pretrial annually. As each of these defendants would be subject to the strict speedy trial provisions set forth in the Criminal Justice Reform Act, the Judiciary would incur a significant increase in bench time and court resources to ensure these additional cases are processed and heard in a timely fashion. In addition, the bill would increase the number of motions submitted for reconsideration and hearings regarding a defendant's release. Based on current trends, it is estimated that 30 percent of all gun cases are downgraded, remanded, or dismissed prior to indictment. In instances where a case is downgraded or remanded, it is reasonable to assume the defense would file a motion seeking the reconsideration of a defendant's detention, which would significantly impact both bench time and court resources. In summary, the bill would increase the number of motions filed for pretrial detention, the number of defendants detained pretrial and create additional motions for reconsideration of detention. The Judiciary noted that although a full estimate of the bill's fiscal impact on the Judicial Branch is not possible, it is confident the bill would result in a substantial increase in Judiciary expenditures.

## ***OFFICE OF LEGISLATIVE SERVICES***

### **State Expenditures**

As noted above, the Judiciary indicated that it would incur a substantial increase in annual expenditures, as the bill's provisions would result in an increase in the number of motions filed for pretrial detention, the number of defendants detained pretrial and create additional motions for reconsideration of detention. Also as noted above, according to a Judiciary analysis, approximately 2,000 offenders could be held in pretrial detention for offenses pursuant to this bill.

### **County Expenditures**

The costs for housing inmates in a county jail vary, but according to certain estimates, it could be more than \$100 per day. For example, when Union County closed its county jail and moved its

inmates to Essex County jail, according to certain estimates, Union County decided on a daily rate of \$104 per person.

Based on the data provided, if all 2,000 offenders are in pretrial detention that would cost counties approximately \$200,000 per day. Since it cannot be known how long the offender will remain in detention in county jail, it is difficult to ascertain the annual costs.

### **Prosecutor Workload**

The OLS also notes the bill would result in increased workload for the Office of the Attorney General in the Department of Law and Public Safety as well as county prosecutors, which may lead to expenditure increases.

*Section:            Judiciary*

*Analyst:          Anuja Pande Joshi*  
*Associate Research Analyst*

*Approved:        Thomas Koenig*  
*Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# SENATE LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

[First Reprint]

## ASSEMBLY, No. 2426

with committee amendments

# STATE OF NEW JERSEY

DATED: JUNE 13, 2022

The Senate Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 2426 (1R).

As amended and reported by the committee, this bill establishes a procedure to detain a defendant charged with a firearm-related crime pursuant to the “Graves Act” prior to trial. P.L.1981, c.31, also known as the “Graves Act,” sets forth mandatory minimum terms of imprisonment for individuals convicted of certain crimes involving the use or possession of a firearm.

Under P.L.2014, c.31, also known as the Criminal Justice Reform 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. Pretrial detention determinations are based on a risk assessment conducted by the Pretrial Services Program, which assess each eligible defendant detained on a complaint-warrant and makes recommendations to the court as to an appropriate pretrial release decision. Currently, the Criminal Justice Reform Law establishes a rebuttable presumption for some form of pretrial release, except with respect to an eligible defendant charged with murder or a crime for which the eligible defendant would be subject to an ordinary or extended term of life imprisonment.

This bill requires Pretrial Services to recommend no release when a defendant has been charged with certain Graves Act offenses involving the use or possession of a firearm. The bill provides that when a prosecutor files a motion for pretrial detention, the no release recommendation made by Pretrial Services may serve as prima facie evidence to overcome the presumption of release if the court finds probable cause that the eligible defendant is charged with certain firearm crimes for which a mandatory term of imprisonment is imposed under the Graves Act. These offenses would include:

- possession of a sawed-off shotgun or machine gun;

- manufacture, transport, disposition and defacement of a machine gun, sawed-off shotgun, defaced firearm, or assault firearm;
- the commission of the following crimes while in possession of a firearm: murder, manslaughter, aggravated assault robbery, burglary, and escape.

The amended bill also excludes certain Graves Act offenses from Pretrial Service's mandatory no release recommendation. Those offenses include:

- possession of any destructive device or defaced firearm;
- possession of a firearm with an unlawful purpose;
- possession of a firearm that is transferred among, between, or within an association of two or more people, known as a "community gun";
- possession of a firearm while committing certain offenses involving a controlled dangerous substance or a crime of bias intimidation; or
- unlawful possession of handguns, rifles, or shotguns.

As amended and reported by the committee, Assembly Bill No. 2426 (1R) is identical to Senate Bill No. 513, which also was amended and reported by the committee on this date.

#### COMMITTEE AMENDMENTS

The committee amendments:

1) require Pretrial Services to recommend no release when a defendant has been charged with certain Graves Act offenses involving the use or possession of a firearm; and

2) The bill provides that the no release recommendation made by Pretrial Services may serve as prima facie evidence to overcome the presumption of release if the court finds probable cause that the eligible defendant is charged with certain firearm crimes for which a mandatory term of imprisonment is imposed under the Graves Act.



# LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

**ASSEMBLY, No. 2426**

## **STATE OF NEW JERSEY 220th LEGISLATURE**

DATED: JUNE 23, 2022

### SUMMARY

- Synopsis:** Establishes rebuttable presumption of pretrial detention for defendants who commit certain firearm offenses under Graves Act.
- Type of Impact:** Annual State and county expenditure increases.
- Agencies Affected:** The Judiciary, Department of Law and Public Safety, Counties.

#### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Cost Increase</b>		Indeterminate	
<b>County Cost Increase</b>		Indeterminate	

- The Office of Legislative Services (OLS) estimates that this bill will result in annual State and county expenditure increases. The OLS does not have sufficient information to estimate the number of individuals who could be held in pretrial detention but it is likely the Judiciary would incur an increase in annual expenditures.
- Counties would incur annual expenditure increases to detain additional offenders prior to trial pursuant to the bill's provisions.
- The OLS also notes the bill would result in increased workload for the Office of the Attorney General in the Department of Law and Public Safety as well as county prosecutors.

### BILL DESCRIPTION

This bill establishes a procedure to detain a defendant charged with a firearm-related crime pursuant to the Graves Act (P.L.1981, c.31) prior to trial. The Graves Act sets forth mandatory minimum terms of imprisonment for individuals convicted of certain crimes involving the use or possession of a firearm.

Under P.L.2014, c.31, also known as the Criminal Justice Reform 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. Currently, the Criminal Justice Reform Law establishes a rebuttable presumption for some form of pretrial release, except with respect to an eligible defendant charged with murder or a crime for which the eligible defendant would be subject to an ordinary or extended term of life imprisonment.

This bill requires the Judiciary's Pretrial Services Program to recommend no release when a defendant has been charged with certain Graves Act offenses involving the use or possession of a firearm. The bill provides that when a prosecutor files a motion for pretrial detention, the no release recommendation made by Pretrial Services may serve as prima facie evidence to overcome the presumption of release if the court finds probable cause that the eligible defendant is charged with certain firearm crimes for which a mandatory term of imprisonment is imposed under the Graves Act.

The bill also excludes certain Graves Act offenses from Pretrial Service's mandatory no release recommendation.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***JUDICIAL BRANCH***

Prior to the amendments to this bill, the Judiciary provided information on the expenditures it would incur as a result of the prior version of the bill. The Judiciary noted that due to the burden of proof shifting to a presumption of detention, the bill would increase the number of motions filed for pretrial detention. However, under this amended bill, pretrial detention will be based on the recommendations of the Pretrial Services Program.

Although the Judiciary was unable to ascertain an estimate of the increased motions for pretrial detention prior to the amendments, the Judiciary was confident that any increase in motions resulting from the bill would be significant. The bill would also increase the number of defendants detained pretrial, the Judiciary noted. As each of these defendants would be subject to the strict speedy trial provisions set forth in the Criminal Justice Reform Act, the Judiciary would incur a significant increase in bench time and court resources to ensure these additional cases are processed and heard in a timely fashion, the Judiciary pointed out. In addition, the bill would increase the number of motions submitted for reconsideration and hearings regarding a defendant's release. Based on current trends, the Judiciary estimated that 30 percent of all gun cases are downgraded, remanded, or dismissed prior to indictment. In instances where a case is downgraded or remanded, it is reasonable to assume the defense would file a motion seeking the reconsideration of a defendant's detention, which would significantly impact both bench time and court resources.

In summary, the bill would increase the number of motions filed for pretrial detention, the number of defendants detained pretrial and create additional motions for reconsideration of detention.

**OFFICE OF LEGISLATIVE SERVICES**

**State Expenditures**

The Judiciary would incur an increase in annual expenditures from the bill's provisions that would increase the number of motions filed for pretrial detention, the number of defendants detained pretrial and create additional motions for reconsideration of detention.

**County Expenditures**

The costs for housing inmates in a county jail vary, but according to certain estimates, it could be more than \$100 per day. For example, when Union County closed its county jail and moved its inmates to Essex County jail, according to certain estimates, Union County decided on a daily rate of \$104 per person.

Since it cannot be known how many offenders or how long the offender will remain in detention in county jail, it is difficult to ascertain the annual costs.

**Prosecutor Workload**

The OLS also notes the bill would result in increased workload for the Office of the Attorney General in the Department of Law and Public Safety as well as county prosecutors, which may lead to expenditure increases.

*Section:           Judiciary*

*Analyst:          Anuja Pande Joshi*  
*Associate Research Analyst*

*Approved:       Thomas Koenig*  
*Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# SENATE, No. 513

## STATE OF NEW JERSEY 220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

**Sponsored by:**

**Senator JOSEPH P. CRYAN**

**District 20 (Union)**

**Senator SHIRLEY K. TURNER**

**District 15 (Hunterdon and Mercer)**

**Co-Sponsored by:**

**Senators Bramnick, Singleton and Lagana**

**SYNOPSIS**

Establishes rebuttable presumption of pretrial detention for defendants who commit certain firearm offenses under Graves Act.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 3/24/2022)**

1 AN ACT concerning pretrial detention and amending P.L.2014, c.31.

2

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

5

6 1. Section 5 of P.L.2014, c.31 (C.2A:162-19) is amended to  
7 read as follows:

8 5. a. A prosecutor may file a motion with the court at any time,  
9 including any time before or after an eligible defendant's release  
10 pursuant to section 3 of P.L.2014, c.31 (C.2A:162-17), seeking the  
11 pretrial detention of an eligible defendant for:

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

14 (2) any crime for which the eligible defendant would be subject  
15 to an ordinary or extended term of life imprisonment;

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

18 (4) any crime enumerated under paragraph (2) of subsection b.  
19 of section 2 of P.L.1994, c.133 (C.2C:7-2) or crime involving  
20 human trafficking pursuant to section 1 of P.L.2005, c.77 (C.2C:13-  
21 8) or P.L.2013, c.51 (C.52:17B-237 et al.) when the victim is a  
22 minor, or the crime of endangering the welfare of a child under  
23 N.J.S.2C:24-4;

24 (5) any crime enumerated under subsection c. of N.J.S.2C:43-6;

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

27 (7) any other crime for which the prosecutor believes there is a  
28 serious risk that:

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

30 (b) the eligible defendant will pose a danger to any other person  
31 or the community; or

32 (c) the eligible defendant will obstruct or attempt to obstruct  
33 justice, or threaten, injure, or intimidate, or attempt to threaten,  
34 injure or intimidate, a prospective witness or juror.

35 b. When a motion for pretrial detention is filed pursuant to  
36 subsection a. of this section, there shall be a rebuttable presumption  
37 that the eligible defendant shall be detained pending trial because  
38 no amount of monetary bail, non-monetary condition or  
39 combination of monetary bail and conditions would reasonably  
40 assure the eligible defendant's appearance in court when required,  
41 the protection of the safety of any other person or the community,  
42 and that the eligible defendant will not obstruct or attempt to  
43 obstruct the criminal justice process, if the court finds probable  
44 cause that the eligible defendant:

45 (1) committed murder pursuant to N.J.S.2C:11-3; **[or]**

**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 (2) committed any crime for which the eligible defendant would  
2 be subject to an ordinary or extended term of life imprisonment ; or

3 (3) committed any crime for which the eligible defendant would  
4 be subject to a mandatory term of imprisonment pursuant to  
5 subsection c. of N.J.S.2C:43-6 for a crime involving the use or  
6 possession of a firearm.

7 c. A court shall hold a hearing to determine whether any  
8 amount of monetary bail or non-monetary conditions or  
9 combination of monetary bail and conditions, including those set  
10 forth under subsection b. of section 3 of P.L.2014, c.31 (C.2A:162-  
11 17) will reasonably assure the eligible defendant's appearance in  
12 court when required, the protection of the safety of any other person  
13 or the community, and that the eligible defendant will not obstruct  
14 or attempt to obstruct the criminal justice process.

15 d. (1) Except as otherwise provided in this subsection, the  
16 pretrial detention hearing shall be held no later than the eligible  
17 defendant's first appearance unless the eligible defendant, or the  
18 prosecutor, seeks a continuance. If a prosecutor files a motion for  
19 pretrial detention after the eligible defendant's first appearance has  
20 taken place or if no first appearance is required, the court shall  
21 schedule the pretrial detention hearing to take place within three  
22 working days of the date on which the prosecutor's motion was  
23 filed, unless the prosecutor or the eligible defendant seeks a  
24 continuance. Except for good cause, a continuance on motion of the  
25 eligible defendant may not exceed five days, not including any  
26 intermediate Saturday, Sunday, or legal holiday. Except for good  
27 cause, a continuance on motion of the prosecutor may not exceed  
28 three days, not including any intermediate Saturday, Sunday, or  
29 legal holiday.

30 (2) Upon the filing of a motion by the prosecutor seeking the  
31 pretrial detention of the eligible defendant and during any  
32 continuance that may be granted by the court, the eligible defendant  
33 shall be detained in jail, unless the eligible defendant was  
34 previously released from custody before trial, in which case the  
35 court shall issue a notice to appear to compel the appearance of the  
36 eligible defendant at the detention hearing. The court, on motion of  
37 the prosecutor or sua sponte, may order that, while in custody, an  
38 eligible defendant who appears to be a drug dependent person  
39 receive an assessment to determine whether that eligible defendant  
40 is drug dependent.

41 e. (1) At the pretrial detention hearing, the eligible defendant  
42 has the right to be represented by counsel, and, if financially unable  
43 to obtain adequate representation, to have counsel appointed. The  
44 eligible defendant shall be afforded an opportunity to testify, to  
45 present witnesses, to cross-examine witnesses who appear at the  
46 hearing, and to present information by proffer or otherwise. The  
47 rules concerning admissibility of evidence in criminal trials shall

1 not apply to the presentation and consideration of information at the  
2 hearing.

3 (2) In pretrial detention proceedings for which there is no  
4 indictment, the prosecutor shall establish probable cause that the  
5 eligible defendant committed the predicate offense. A presumption  
6 of pretrial detention as provided in subsection b. of this section may  
7 be rebutted by proof provided by the eligible defendant, the  
8 prosecutor, or from other materials submitted to the court. The  
9 standard of proof for a rebuttal of the presumption of pretrial  
10 detention shall be a preponderance of the evidence. If proof cannot  
11 be established to rebut the presumption, the court may order the  
12 eligible defendant's pretrial detention. If the presumption is rebutted  
13 by sufficient proof, the prosecutor shall have the opportunity to  
14 establish that the grounds for pretrial detention exist pursuant to this  
15 section.

16 (3) Except when an eligible defendant has failed to rebut a  
17 presumption of pretrial detention pursuant to subsection b. of this  
18 section, the court's finding to support an order of pretrial detention  
19 pursuant to section 4 of P.L.2014, c.31 (C.2A:162-18) that no  
20 amount of monetary bail, non-monetary conditions or combination  
21 of monetary bail and conditions will reasonably assure the eligible  
22 defendant's appearance in court when required, the protection of the  
23 safety of any other person or the community, and that the eligible  
24 defendant will not obstruct or attempt to obstruct the criminal  
25 justice process shall be supported by clear and convincing evidence.

26 f. The hearing may be reopened, before or after a  
27 determination by the court, at any time before trial, if the court  
28 finds that information exists that was not known to the prosecutor  
29 or the eligible defendant at the time of the hearing and that has a  
30 material bearing on the issue of whether there are conditions of  
31 release that will reasonably assure the eligible defendant's  
32 appearance in court when required, the protection of the safety of  
33 any other person or the community, or that the eligible defendant  
34 will not obstruct or attempt to obstruct the criminal justice process.  
35 (cf: P.L.2014, c.31, s.5)

36  
37 2. This act shall take effect immediately.

38

39

40

#### STATEMENT

41

42 This bill establishes a rebuttable presumption that a defendant  
43 subject to a mandatory prison term for a firearm-related crime pursuant  
44 to the "Graves Act" is to be detained prior to trial. P.L.1981, c.31,  
45 also known as the "Graves Act," sets forth mandatory minimum  
46 terms of imprisonment for individuals convicted of certain crimes  
47 involving the use or possession of a firearm.

1 Under P.L.2014, c.31, also known as the “Criminal Justice  
2 Reform Law,” criminal courts are authorized to order the pretrial  
3 release of a defendant pending further proceedings, or order pretrial  
4 detention of a defendant who is found to be a flight risk, a danger to  
5 another or the community, or likely to obstruct further criminal  
6 proceedings.

7 Currently, there is a rebuttable presumption that a defendant who  
8 is charged with murder or a crime that subjects the defendant to an  
9 ordinary or extended term of life imprisonment is to be detained  
10 pending trial. This rebuttable presumption applies when a prosecutor  
11 makes a motion for the pretrial detention, and may be rebutted upon a  
12 showing of proof, by a preponderance of the evidence, in favor of  
13 the defendant. If the presumption is not rebutted, the court may  
14 order pretrial detention of the defendant. If the presumption is  
15 rebutted, the prosecutor still has the opportunity to establish  
16 grounds for pretrial detention.

17 This bill provides that the rebuttable presumption of pretrial  
18 detention also applies to defendants charged with a firearm-related  
19 crime under the “Graves Act.” Under the “Graves Act,” a court is  
20 required to sentence a person who unlawfully possesses a firearm or  
21 commits certain serious crimes while in possession of a firearm to a  
22 mandatory term of incarceration. The mandatory term of  
23 incarceration is one-third to one-half of the sentence imposed, or  
24 three years, whichever is greater.



# SENATE LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### **SENATE, No. 513**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 13, 2022

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 513.

As amended and reported by the committee, this bill establishes a procedure to detain a defendant charged with a firearm-related crime pursuant to the “Graves Act” prior to trial. P.L.1981, c.31, also known as the “Graves Act,” sets forth mandatory minimum terms of imprisonment for individuals convicted of certain crimes involving the use or possession of a firearm.

Under P.L.2014, c.31, also known as the Criminal Justice Reform 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. Pretrial detention determinations are based on a risk assessment conducted by the Pretrial Services Program, which assess each eligible defendant detained on a complaint-warrant and makes recommendations to the court as to an appropriate pretrial release decision. Currently, the Criminal Justice Reform Law establishes a rebuttable presumption for some form of pretrial release, except with respect to an eligible defendant charged with murder or a crime for which the eligible defendant would be subject to an ordinary or extended term of life imprisonment.

This bill requires Pretrial Services to recommend no release when a defendant has been charged with certain Graves Act offenses involving the use or possession of a firearm. The bill provides that when a prosecutor files a motion for pretrial detention, the no release recommendation made by Pretrial Services may serve as prima facie evidence to overcome the presumption of release if the court finds probable cause that the eligible defendant is charged with certain firearm crimes for which a mandatory term of imprisonment is imposed under the Graves Act. These offenses would include:

- possession of a sawed-off shotgun or machine gun;
- manufacture, transport, disposition and defacement of a machine gun, sawed-off shotgun, defaced firearm, or assault firearm;

- the commission of the following crimes while in possession of a firearm: murder, manslaughter, aggravated assault robbery, burglary, and escape.

The amended bill also excludes certain Graves Act offenses from Pretrial Service's mandatory no release recommendation. Those offenses include:

- possession of any destructive device or defaced firearm;
- possession of a firearm with an unlawful purpose;
- possession of a firearm that is transferred among, between, or within an association of two or more people, known as a "community gun";
- possession of a firearm while committing certain offenses involving a controlled dangerous substance or a crime of bias intimidation; or
- unlawful possession of handguns, rifles, or shotguns.

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.

As amended and reported by the committee, Senate Bill No. 513 is identical to Assembly Bill No. 2426 (1R), which also was reported by the committee on this date.

#### COMMITTEE AMENDMENTS

The committee amendments:

1) require Pretrial Services to recommend no release when a defendant has been charged with certain Graves Act offenses involving the use or possession of a firearm; and

2) The bill provides that the no release recommendation made by Pretrial Services may serve as prima facie evidence to overcome the presumption of release if the court finds probable cause that the eligible defendant is charged with certain firearm crimes for which a mandatory term of imprisonment is imposed under the Graves Act.

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

## SENATE, No. 513

### STATE OF NEW JERSEY 220th LEGISLATURE

DATED: JUNE 23, 2022

#### SUMMARY

- Synopsis:** Establishes rebuttable presumption of pretrial detention for defendants who commit certain firearm offenses under Graves Act.
- Type of Impact:** Annual State and county expenditure increases.
- Agencies Affected:** The Judiciary, Department of Law and Public Safety, Counties.

#### Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost Increase		Indeterminate	
County Cost Increase		Indeterminate	

- The Office of Legislative Services (OLS) estimates that this bill will result in annual State and county expenditure increases. The OLS does not have sufficient information to estimate the number of individuals who could be held in pretrial detention but it is likely the Judiciary would incur an increase in annual expenditures.
- Counties would incur annual expenditure increases to detain additional offenders prior to trial pursuant to the bill's provisions.
- The OLS also notes the bill would result in increased workload for the Office of the Attorney General in the Department of Law and Public Safety as well as county prosecutors.

#### BILL DESCRIPTION

This bill establishes a procedure to detain a defendant charged with a firearm-related crime pursuant to the Graves Act (P.L.1981, c.31) prior to trial. The Graves Act sets forth mandatory

minimum terms of imprisonment for individuals convicted of certain crimes involving the use or possession of a firearm.

Under P.L.2014, c.31, also known as the Criminal Justice Reform 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. Currently, the Criminal Justice Reform Law establishes a rebuttable presumption for some form of pretrial release, except with respect to an eligible defendant charged with murder or a crime for which the eligible defendant would be subject to an ordinary or extended term of life imprisonment.

This bill requires the Judiciary's Pretrial Services Program to recommend no release when a defendant has been charged with certain Graves Act offenses involving the use or possession of a firearm. The bill provides that when a prosecutor files a motion for pretrial detention, the no release recommendation made by Pretrial Services may serve as prima facie evidence to overcome the presumption of release if the court finds probable cause that the eligible defendant is charged with certain firearm crimes for which a mandatory term of imprisonment is imposed under the Graves Act.

The bill also excludes certain Graves Act offenses from Pretrial Service's mandatory no release recommendation.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***JUDICIAL BRANCH***

Prior to the amendments to this bill, the Judiciary provided information on the expenditures it would incur as a result of the prior version of the bill. The Judiciary noted that due to the burden of proof shifting to a presumption of detention, the bill would increase the number of motions filed for pretrial detention. However, under this amended bill, pretrial detention will be based on the recommendations of the Pretrial Services Program.

Although the Judiciary was unable to ascertain an estimate of the increased motions for pretrial detention prior to the amendments, the Judiciary was confident that any increase in motions resulting from the bill would be significant. The bill would also increase the number of defendants detained pretrial, the Judiciary noted. As each of these defendants would be subject to the strict speedy trial provisions set forth in the Criminal Justice Reform Act, the Judiciary would incur a significant increase in bench time and court resources to ensure these additional cases are processed and heard in a timely fashion, the Judiciary pointed out. In addition, the bill would increase the number of motions submitted for reconsideration and hearings regarding a defendant's release. Based on current trends, the Judiciary estimated that 30 percent of all gun cases are downgraded, remanded, or dismissed prior to indictment. In instances where a case is downgraded or remanded, it is reasonable to assume the defense would file a motion seeking the reconsideration of a defendant's detention, which would significantly impact both bench time and court resources.

In summary, the bill would increase the number of motions filed for pretrial detention, the number of defendants detained pretrial and create additional motions for reconsideration of detention.

**OFFICE OF LEGISLATIVE SERVICES**

**State Expenditures**

The Judiciary would incur an increase in annual expenditures from the bill's provisions that would increase the number of motions filed for pretrial detention, the number of defendants detained pretrial and create additional motions for reconsideration of detention.

**County Expenditures**

The costs for housing inmates in a county jail vary, but according to certain estimates, it could be more than \$100 per day. For example, when Union County closed its county jail and moved its inmates to Essex County jail, according to certain estimates, Union County decided on a daily rate of \$104 per person.

Since it cannot be known how many offenders or how long the offender will remain in detention in county jail, it is difficult to ascertain the annual costs.

**Prosecutor Workload**

The OLS also notes the bill would result in increased workload for the Office of the Attorney General in the Department of Law and Public Safety as well as county prosecutors, which may lead to expenditure increases.

*Section:           Judiciary*  
*Analyst:          Anuja Pande Joshi*  
*Associate Research Analyst*  
*Approved:       Thomas Koenig*  
*Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# Governor Murphy Takes Action on Legislation

06/30/2022

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

**2944/A-4162 (Sarlo, Ruiz/Freiman, Mosquera, Jaffer, Moriarty, Tully, Swain)** - Credits \$5.2 billion to “New Jersey Debt Defeasance and Prevention Fund”; appropriates \$2.9 billion to NJ Schools Development Authority, NJ DOT, and NJT; and establishes process for authorizing future appropriations for debt defeasance and capital projects

**S-1929/A-3668 (Gopal, Pennacchio/McKeon, Tully, Conaway)** - Makes FY 2022 supplemental appropriation to provide State military impact aid to certain school districts

**A-4403/S-2915 (Pintor Marin, Wimberly/Sarlo, Cunningham)** - Makes FY 2022 supplemental appropriations of \$71,786,000

**ACS for A-1522/S-2914 (Moriarty, Mosquera, Jaffer, Freiman, Lampitt, Greenwald/Madden, Gopal)** - Establishes annual sales tax holiday for certain retail sales of computers, school computer supplies, school supplies, school art supplies, school instructional materials and sport or recreational equipment.

**A-4401/S-2860 (Jaffer, Moriarty, Tully/Gopal, Pou)** - Provides one-year waiver of certain MVC fees imposed for driver’s licenses and non-driver identification cards.

**S-2861/A-4400 (Madden, Pou/Mosquera, Swain, Wimberly)** - Waives fees for marriage and civil union licenses in Fiscal Year 2023; appropriates \$2 million

**S-2523/ACS for A-3852 (Ruiz, Cunningham/Reynolds-Jackson, Freiman, Jaffer, Moriarty, Mosquera, Wimberly)** - Provides child tax credit under gross income tax

**S-2476wGR/A-4179 (Ruiz, Vitale/Coughlin, Jasey, Sumter, Quijano)** - Establishes Thriving By Three Act to award competitive grants for infant and toddler child care programs; appropriates \$28 million

**A-2359/S-2034 (Tucker, Moen, Haider/Cruz-Perez, Pou)** - Provides for streamlining of SNAP application process and establishes SNAP application call center; appropriates \$750,000

**A-2360/S-2035 (Reynolds-Jackson, Mukherji, Speight/Cunningham, Ruiz)** - Eliminates requirement that participation in NJ SNAP Employment and Training Program is mandatory for certain recipients

**A-2361/S-2016 (Jimenez, Sumter, Timberlake/Zwicker, Ruiz)** - Requires DHS to maintain SNAP outreach plan and to conduct additional outreach programs

**A-2362/S-2036 (Freiman, Mosquera, Quijano/Johnson, Ruiz)** - Requires DHS to submit federal waiver request regarding time limits for certain SNAP recipients under certain circumstances

**A-2363/S-2033 (Stanley, Mejia, Lopez/Pou, Ruiz)** - Concerns SNAP services provided at county boards of social services and county welfare agencies; appropriates \$250,000

**A-2364/S-2017 (Spearman, Pintor Marin, Atkins/Greenstein, Ruiz)** - Appropriates \$813,000 to DHS to implement use of electronic benefit transfer cards in Senior Farmers’ Market Nutrition Program

**A-2366/SCS for S-2156 (McKnight, Carter, Verrelli/Lagana, Pou)** - Establishes State SNAP Minimum Benefit Program; appropriates \$18 million to DHS

**A-2008/S-352 (Conaway, Verrelli, Benson/Gopal, Madden)** - Requires health insurance carriers to provide coverage for treatment of mental health conditions and substance use disorders through collaborative care

**S-2872/A-4399 (Scutari, Ruiz/Carter, Reynolds-Jackson, Murphy, Wimberly)** - Establishes Behavioral Healthcare Provider Loan Redemption Program within Higher Education Student Assistance Authority; appropriates \$5 million

**SCS for S-311/ACS for A-2036 (Vitale, Gopal/Benson, Verrelli, Conaway)** - Establishes Statewide behavioral health crisis system of care

**SCS for S-722 and 785/ACS for A-998 (Codey, Singleton/Reynolds-Jackson, Stanley, Jaffer)** - Codifies and expands ARRIVE Together Pilot Program to make certain mental health services available to police responding to certain emergencies; appropriates \$2 million

**S-2909/ACS for A-4374 (Diegnan/Benson, Pintor Marin, McKnight)** - Authorizes DOT to compensate contractors and subcontractors affected by supply chain shortages; appropriates \$10 million

**A-4405/S-2943 (Benson, Wimberly, Moen/Diegnan)** - Concerns New Jersey Transportation Trust Fund Authority; increases Transportation Trust Fund spending limit by \$600 million

**A-674/S-1646 (Verrelli, McKnight, McKeon/Ruiz, Pou)** - Establishes New Jersey Easy Enrollment Health Insurance Program

**A-3733/S-488 (Haider, Stanley, Benson/Scutari, Beach)** - Authorizes student attending institution of higher education to earn credit towards graduation for serving as poll worker

**ACS for A-3990/SCS for S-2593 (Stanley, Tully, Karabinchak/Diegnan, Corrado)** - Provides temporary one-year extension of service life of school buses for 2022-2023 school year; authorizes chief administrator to allow one-year extension in subsequent two school years

**A-4208/S-2791 (Pintor Marin, Quijano, Speight/Ruiz, Cruz-Perez)** - Provides sales and use tax exemption for certain purchases made by all supermarkets and grocery stores located within urban enterprise zones

**A2426/S513 (Wimberly, Reynolds-Jackson, Schaer/Cryan, Turner)** - Establishes rebuttable presumption of pretrial detention for defendants who commit certain firearm offenses under Graves Act

**A-4385/S-2933 (Conaway/Cryan)** - Makes various revisions to law pertaining to electronic medical records and recording patients' demographic information

**S-2807/A-246 (Stack, Sacco, Cunningham/McKnight, Sampson, Chaparro)** - Establishes Liberty State Park Design Task Force

**S-2917/A-4395 (Cruz-Perez, Stack/Pintor Marin, Freiman, Reynolds-Jackson)** - Expands allowance for developers to carry forward unused tax credits under New Jersey Aspire Program

**S-2921/A-4365 (Zwicker, Pou/Coughlin, Verrelli, Spearman)** - Revises various provisions of Food Desert Relief Program

**S-2945/ACS for A-4392 (Scutari/Pintor Marin, Sumter, Quijano, McKnight)** - Concerns economic incentives for certain cannabis businesses

**S-2023/A-4402 (Sarlo, Cunningham/Pintor Marin, Wimberly) - LINE ITEM** - Appropriates \$50,638,729,000 in State funds and \$24,082,639,850 in federal funds for the State budget for fiscal year 2022-2023

#### [Copy of Statement](#)

Governor Murphy signed the following bills today, which were sent to his desk yesterday, conditionally vetoed, and then passed in concurrence with the Governor's recommendations:

**S-2476/A-4179 (Ruiz, Vitale/Coughlin, Jasey, Sumter, Quijano) – CONDITIONAL** - Establishes Thriving By Three Act to award competitive grants for infant and toddler child care programs; appropriates \$28 million

#### [Copy of Statement](#)

**A-4403/S-2915 (Pintor Marin, Wimberly/Sarlo, Cunningham) – CONDITIONAL** - Makes FY 2022 supplemental appropriations of \$71,786,000

#### [Copy of Statement](#)