

2C:25-10

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 2C:25-10

(Domestic
violence cases--
bail)

LAWS OF: 1991

CHAPTER: 103

Bill No: A1558

Sponsor(s): Girgenti

Date Introduced: Pre-filed

Committee: Assembly: Judiciary

Senate: Judiciary

Amended during passage: Yes Amendments during passage
denoted by asterisks.

Date of Passage: Assembly: May 21, 1990
Senate: February 28, 1991

Date of Approval: April 17, 1991

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

KBG/SLJ

[SECOND REPRINT]
ASSEMBLY, No. 1558

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Assemblyman GIRGENTI

1 AN ACT establishing procedures for bail in domestic violence
2 cases and amending P.L.1981, c.426.

3

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

6 1. Section 10 of P.L.1981, c.426 (C.2C:25-10) is amended to
7 read as follows:

8 10. a. When a defendant charged with a crime or offense
9 involving domestic violence is released from custody before trial
10 on bail or personal recognizance, the court authorizing the
11 release may as a condition of release issue an order prohibiting
12 the defendant from having any contact with the victim including,
13 but not limited to, restraining the defendant from entering the
14 victim's residence, place of employment or business, or school,
15 and from harassing the victim or victim's relatives in any way.

16 b. The written court order releasing the defendant shall
17 contain the court's directives restricting the defendant's ability
18 to have contact with the victim or the victim's relatives. ¹[If
19 requested by the victim or the prosecutor, information]
20 Information¹ regarding the address or residence of the victim
21 shall be kept confidential¹, if such information is unknown to the
22 defendant¹. The clerk of the court or other person designated by
23 the court shall provide a copy of this order to the victim
24 forthwith.

25 c. Before bail is set, the defendant's prior record shall be
26 determined by the court.

27 d. After bail has been set, the following procedures shall apply:

28 (1) Bail shall not be reduced without prior notice to the county
29 prosecutor; and

30 (2) Bail shall not be reduced by a judge other than the judge
31 who ordered bail, unless the reasons for the ¹[higher] ²[lower¹]
32 higher² amount of bail are set forth in the record.

33 (cf: P.L.1981, c.426, s.10)

34 2. This act shall take effect immediately.

35

36

37

CRIMINAL JUSTICE

38

39 Sets forth procedures for bail in domestic violence cases.

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:

¹ Assembly floor amendments adopted April 30, 1990.

² Senate SJU committee amendments adopted January 10, 1991.

ASSEMBLY, No. 1558

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Assemblyman GIRGENTI

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2 cases and amending P.L.1981, c.426.

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4 BE IT ENACTED *by the Senate and General Assembly of the*
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6 1. Section 10 of P.L.1981, c.426 (C.2C:25-10) is amended to
7 read as follows:

8 10. a. When a defendant charged with a crime or offense
9 involving domestic violence is released from custody before trial
10 on bail or personal recognizance, the court authorizing the
11 release may as a condition of release issue an order prohibiting
12 the defendant from having any contact with the victim including,
13 but not limited to, restraining the defendant from entering the
14 victim's residence, place of employment or business, or school,
15 and from harassing the victim or victim's relatives in any way.

16 b. The written court order releasing the defendant shall
17 contain the court's directives restricting the defendant's ability
18 to have contact with the victim or the victim's relatives. If
19 requested by the victim or the prosecutor, information regarding
20 the address or residence of the victim shall be kept confidential.
21 The clerk of the court or other person designated by the court
22 shall provide a copy of this order to the victim forthwith.

23 c. Before bail is set, the defendant's prior record shall be
24 determined by the court.

25 d. After bail has been set, the following procedures shall apply:

26 (1) Bail shall not be reduced without prior notice to the county
27 prosecutor; and

28 (2) Bail shall not be reduced by a judge other than the judge
29 who ordered bail, unless the reasons for the higher amount of bail
30 are set forth in the record.

31 (cf: P.L.1981, c.426, s.10)

32 2. This act shall take effect immediately.

33

34

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STATEMENT

36

37 This bill sets forth procedures for the setting of bail in
38 domestic violence cases. Before a judge can set bail, the court
39 must obtain the defendant's prior record, if any. As provided in

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 the bill, bail which is set by one judge cannot be reduced by
2 another unless the reasons for the higher amount of bail are set
3 forth in the record. In addition, bail cannot be reduced without
4 giving notice to the prosecutor. Information regarding the
5 victim's address must be kept confidential, if requested by the
6 victim or the prosecutor.

7

8

9 CRIMINAL JUSTICE

10

11

Sets forth procedures for bail in domestic violence cases.

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1558

STATE OF NEW JERSEY

DATED: MARCH 19, 1990

The Assembly Judiciary, Law and Public Safety Committee reports favorably Assembly Bill No. 1558.

This bill sets forth procedures for the setting of bail in domestic violence cases by amending N.J.S.A.2C:25-10. Before bail is set, the court must obtain the defendant's prior record, if any. As provided in the bill, bail which is set by one judge cannot be reduced by another unless the reasons for the higher amount of bail are set forth in the record. In addition, bail cannot be reduced without giving notice to the prosecutor. Information regarding the victim's address must be kept confidential, if requested by the victim or the prosecutor. The committee noted that many of these procedures are already followed but favored setting them forth explicitly in the statute.

This bill was prefiled for introduction in the 1990 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1558

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 10, 1991

The Senate Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 1558.

This bill would clarify the procedures for setting bail in domestic violence cases. The bill would require that the court must obtain the defendant's prior record, if any, before setting bail. This bill also provides that bail set by one judge cannot be reduced by another judge unless the reasons for the lower amount of bail are set forth on the record. In addition, bail could not be reduced without giving notice to the prosecutor. The bill further provides that information regarding the victim's address must be kept confidential.

The amendments adopted by the committee clarify that bail cannot be reduced unless the reasons for original bail are indicated on the record.