

# ASSEMBLY, No. 1463

## STATE OF NEW JERSEY 220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

**Sponsored by:**

**Assemblywoman YVONNE LOPEZ**

**District 19 (Middlesex)**

**Assemblywoman SHANIQUE SPEIGHT**

**District 29 (Essex)**

**Assemblywoman ANGELA V. MCKNIGHT**

**District 31 (Hudson)**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



A1463 LOPEZ, SPEIGHT

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

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

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

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

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

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

37 Orders entered pursuant to paragraphs (3), (4), (5), (8), and (9) of  
38 subsection b. of section 13 of P.L.1991, c.261 (C.2C:25-29) or  
39 substantially similar orders entered under the laws of another state  
40 or the United States shall be excluded from the provisions of this  
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1 Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et al.) or an  
2 order entered under the provisions of a substantially similar statute  
3 under the laws of another state or the United States.

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

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

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

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

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

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

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

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

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

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

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

39 f. A victim shall not be prohibited from applying for, and a  
40 court shall not be prohibited from issuing, temporary restraints

STATEMENT

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

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