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DIRECTIVE #04-22

**To: Assignment Judges
Trial Court Administrators**

Questions may be directed to the
Municipal Court Practice Division
at 609-815-2900, ext. 54850

From: Glenn A. Grant, Administrative Director

**Subj: Municipal Court Bench Warrants - Immediate Release on
Recognizance of Certain Defendants**

Date: May 16, 2022

This Directive establishes a uniform, statewide process for the handling of individuals with outstanding municipal court bench warrants. It takes into account the negative consequences that arrests in connection with such bench warrants have on individuals, their livelihoods, and their families. In 2018, many Assignment Judges issued a local Order providing for an automatic ROR (release on own recognizance) when the bail amount was set below a certain amount and the defendant was not able to post that amount. In the interest of statewide standardization, this Directive supersedes all such local orders.

Effective immediately, and consistent with the following, all defendants, except those charged with a domestic violence offense, subject to a municipal court bench warrant with a bail amount set at \$500 or less who are unable to post bail, or any portion of the bail, are to either be released on such bail that can be posted or released on their own recognizance. When doing so, the following conditions must be met:

- a. Defendant shall provide an updated address and contact information, including an email address, where appropriate;
- b. Defendant shall be provided with the date at which to appear before the municipal court that issued the warrant;
- c. Defendant shall be advised that failure to appear may result in the municipal court reinstating the warrant; and
- d. Prior to release, the defendant shall sign a completed New Jersey Bail Recognizance form.

Subject to separate guidance to be issued by the Office of the Attorney General, this Directive provides law enforcement officers the authority to effectuate the immediate release of a defendant covered under this Directive who is unable to post all or a portion of the \$500 or less bail amount, without the need to contact or receive approval from an authorized Judicial officer. Note: this authority does not extend to defendants arrested on a CDR-2 (complaint-warrant) or on a bench warrant with a bail amount greater than \$500. Those defendants are to be processed pursuant to the rules of court (see R. 7:4-1, R. 7:4-2, and R. 7:4-3).

Finally, all defendants arrested and placed in jail on a municipal court bench warrant who are unable to promptly post bail shall be entitled to a bail review hearing within 48 hours, excluding weekends or holidays. This hearing shall be before the issuing municipal court, before a judge presiding over the Central Judicial Processing court, or before another judge authorized to review the bail amount. Vicinage management shall establish local protocols to satisfy this requirement. The Municipal Division of each vicinage shall monitor the county jail population list daily, excluding weekends or holidays, to ensure that all defendants incarcerated on municipal court bench warrants are processed in accordance with this Directive.

Municipal courts shall remain guided by New Jersey Court Rule 7:8-9 and current Judiciary policy when issuing bench warrants.

Questions regarding this directive should be directed to Assistant Director Steven A. Somogyi, Municipal Court Services at Steven.Somogyi@njcourts.gov or by telephone at 609-815-2900, extension 54850.

cc: Chief Justice Stuart Rabner
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