

P.L. 2025, CHAPTER 256, *approved January 12, 2026*
Assembly, No. 4981 (*Second Reprint*)

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

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

6
7 1. Section 2 of P.L.2014, c.31 (C.2A:162-16) is amended to read
8 as follows:

9 2. a. An eligible defendant, following the issuance of a complaint-
10 warrant pursuant to the conditions set forth under subsection c. of this
11 section, shall be temporarily detained to allow the Pretrial Services
12 Program to prepare a risk assessment with recommendations on
13 conditions of release pursuant to section 11 of P.L.2014, c.31
14 (C.2A:162-25) and for the court to issue a pretrial release decision.

15 b. (1) Except as otherwise provided under sections 4 and 5 of
16 P.L.2014, c.31 (C.2A:162-18 and C.2A:162-19) the court, pursuant to
17 section 3 of P.L.2014, c.31 (C.2A:162-17), shall make a pretrial
18 release decision for the eligible defendant without unnecessary delay,
19 but in no case later than 48 hours after the eligible defendant's
20 commitment to jail. The court shall consider the Pretrial Services
21 Program's risk assessment and recommendations on conditions of
22 release before making any pretrial release decision for the eligible
23 defendant; provided however², that upon request of the prosecutor,²
24 the court may take additional time than established pursuant to this
25 section if the eligible defendant is charged with any crime or offense
26 involving the use or possession of a firearm, but the additional time
27 provided for shall not exceed such time as is reasonably necessary for
28 a firearms ballistic analysis to be conducted and²immediately²
29 provided to the court¹, and in no event shall exceed seven days¹.

30 (2) After considering all the circumstances, the Pretrial Services
31 Program's risk assessment and recommendations on conditions of
32 release, and any information that may be provided by a prosecutor or
33 the eligible defendant, the court shall order that the eligible defendant
34 be:

35 (a) released on the eligible defendant's own recognizance or on
36 execution of an unsecured appearance bond; or

37 (b) released on a non-monetary condition or conditions, with the
38 condition or conditions being the least restrictive condition or
39 combination of conditions that the court determines will reasonably
40 assure the eligible defendant's appearance in court when required, the

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:

¹Assembly AJU committee amendments adopted February 20, 2025.

²Assembly AAP committee amendments adopted March 20, 2025.

1 protection of the safety of any other person or the community, or that
2 the eligible defendant will not obstruct or attempt to obstruct the
3 criminal justice process; or

4 (c) released on monetary bail, other than an unsecured appearance
5 bond, to reasonably assure the eligible defendant's appearance in court
6 when required, or a combination of monetary bail and non-monetary
7 conditions, to reasonably assure the eligible defendant's appearance in
8 court when required, the protection of the safety of any other person or
9 the community, or that the eligible defendant will not obstruct or
10 attempt to obstruct the criminal justice process; or

11 (d) detained in jail, upon motion of the prosecutor, pending a
12 pretrial detention hearing pursuant to sections 4 and 5 of P.L.2014,
13 c.31 (C.2A:162-18 and C.2A:162-19).

14 c. A law enforcement officer shall not apply for a complaint-
15 warrant except in accordance with guidelines issued by the Attorney
16 General, and a court may not issue a complaint-warrant except as may
17 be authorized by the Rules of Court.

18 d. (1) A defendant who is charged on a complaint-summons shall
19 be released from custody and shall not be subject to the provisions of
20 sections 1 through 11 of P.L.2014, c.31 (C.2A:162-15 et seq.).

21 (2) (a) If a defendant who was released from custody after being
22 charged on a complaint-summons pursuant to paragraph (1) of this
23 subsection is subsequently arrested on a warrant for failure to appear
24 in court when required, that defendant shall be eligible for release on
25 personal recognizance or release on bail by sufficient sureties at the
26 discretion of the court. If monetary bail was not set when an arrest
27 warrant for the defendant was issued, the defendant shall have
28 monetary bail set without unnecessary delay, but in no case later than
29 12 hours after arrest. Pursuant to the Rules of Court, if the defendant
30 is unable to post monetary bail, the defendant shall have that bail
31 reviewed promptly and may file an application with the court seeking
32 a bail reduction, which shall be heard in an expedited manner.

33 (b) If the defendant fails to post the required monetary bail set by
34 the court pursuant to this paragraph, the defendant may not be detained
35 on the charge or charges contained in the complaint-summons beyond
36 the maximum term of incarceration or term of probation supervision
37 for the offense or offenses charged.

38 (cf: P.L.2014, c.31, s.2)

39
40 2. Section 3 of P.L.2014, c.31 (C.2A:162-17) is amended to read
41 as follows:

42 3. Except as otherwise provided under sections 4 and 5 of
43 P.L.2014, c.31 (C.2A:162-18 and C.2A:162-19) concerning a hearing
44 on pretrial detention, a court shall make, pursuant to this section, a
45 pretrial release decision for an eligible defendant without unnecessary
46 delay, but in no case later than 48 hours after the eligible defendant's
47 commitment to jail; provided however ², that upon request of the
48 prosecutor,² the court may take additional time than established
49 pursuant to this section if the eligible defendant is charged with any

1 crime or offense involving the use or possession of a firearm, but the
2 additional time provided for shall not exceed such time as is
3 reasonably necessary for a firearms ballistic analysis to be conducted
4 and ²immediately² provided to the court ¹, and in no event shall
5 exceed seven days¹.

6 a. Except as otherwise provided in this subsection, the court shall
7 order the pretrial release of the eligible defendant on personal
8 recognizance or on the execution of an unsecured appearance bond
9 when, after considering all the circumstances, the Pretrial Services
10 Program's risk assessment and recommendations on conditions of
11 release prepared pursuant to section 11 of P.L.2014, c.31 (C.2A:162-
12 25), and any information that may be provided by a prosecutor or the
13 eligible defendant, the court finds that the release would reasonably
14 assure the eligible defendant's appearance in court when required, the
15 protection of the safety of any other person or the community, and that
16 the eligible defendant will not obstruct or attempt to obstruct the
17 criminal justice process. The presumption of pretrial release pursuant
18 to this subsection shall not apply to an eligible defendant charged with
19 theft of or unlawful taking of a motor vehicle or receiving stolen
20 property where the property involved is a motor vehicle if on one or
21 more prior and separate occasions within the 90-day-period preceding
22 the charge, the defendant was arrested for or convicted of theft of or
23 unlawful taking of a motor vehicle; receiving stolen property where
24 the property involved is a motor vehicle; or a crime under any statute
25 of the United States, this State, or any other state that is substantially
26 equivalent to any of the crimes enumerated in this subsection.

27 b. (1) If the court does not find, after consideration, that the release
28 described in subsection a. of this section will reasonably assure the
29 eligible defendant's appearance in court when required, the protection
30 of the safety of any other person or the community, and that the
31 eligible defendant will not obstruct or attempt to obstruct the criminal
32 justice process, the court may order the pretrial release of the eligible
33 defendant subject to the following:

34 (a) the eligible defendant shall not commit any offense during the
35 period of release;

36 (b) the eligible defendant shall avoid all contact with an alleged
37 victim of the crime;

38 (c) the eligible defendant shall avoid all contact with all witnesses
39 who may testify concerning the offense that are named in the
40 document authorizing the eligible defendant's release or in a
41 subsequent court order; and

42 (d) any one or more non-monetary conditions as set forth in
43 paragraph (2) of this subsection.

44 (2) The non-monetary condition or conditions of a pretrial release
45 ordered by the court pursuant to this paragraph shall be the least
46 restrictive condition, or combination of conditions, that the court
47 determines will reasonably assure the eligible defendant's appearance
48 in court when required, the protection of the safety of any other person
49 or the community, and that the eligible defendant will not obstruct or

1 attempt to obstruct the criminal justice process, which may include
2 that the eligible defendant:

3 (a) remain in the custody of a designated person, who agrees to
4 assume supervision and to report any violation of a release condition
5 to the court, if the designated person is able to reasonably assure the
6 court that the eligible defendant will appear in court when required,
7 will not pose a danger to the safety of any other person or the
8 community, and will not obstruct or attempt to obstruct the criminal
9 justice process;

10 (b) maintain employment, or, if unemployed, actively seek
11 employment;

12 (c) maintain or commence an educational program;

13 (d) abide by specified restrictions on personal associations, place
14 of abode, or travel;

15 (e) report on a regular basis to a designated law enforcement
16 agency, or other agency, or pretrial services program;

17 (f) comply with a specified curfew;

18 (g) refrain from possessing a firearm, destructive device, or other
19 dangerous weapon;

20 (h) refrain from excessive use of alcohol, or any unlawful use of a
21 narcotic drug or other controlled substance without a prescription by a
22 licensed medical practitioner;

23 (i) undergo available medical, psychological, or psychiatric
24 treatment, including treatment for drug or alcohol dependency, and
25 remain in a specified institution if required for that purpose;

26 (j) return to custody for specified hours following release for
27 employment, schooling, or other limited purposes;

28 (k) be placed in a pretrial home supervision capacity with or
29 without the use of an approved electronic monitoring device. The
30 court may order the eligible defendant to pay all or a portion of the
31 costs of the electronic monitoring, but the court may waive the
32 payment for an eligible defendant who is indigent and who has
33 demonstrated to the court an inability to pay all or a portion of the
34 costs; or

35 (l) satisfy any other condition that is necessary to reasonably assure
36 the eligible defendant's appearance in court when required, the
37 protection of the safety of any other person or the community, and that
38 the eligible defendant will not obstruct or attempt to obstruct the
39 criminal justice process, which shall not include any prohibition or
40 restriction concerning manufacturing, distributing, or dispensing, or
41 possessing or having under control with intent to manufacture,
42 distribute, or dispense, marijuana or hashish in violation of paragraph
43 (12) of subsection b. of N.J.S.2C:35-5, or possession of marijuana or
44 hashish in violation of paragraph (3) of subsection a. of N.J.S.2C:35-
45 10.

46 c. (1) If the court does not find, after consideration, that the release
47 described in subsection a. or b. of this section will reasonably assure
48 the eligible defendant's appearance in court when required, the court
49 may order the pretrial release of the eligible defendant on monetary

1 bail, other than an unsecured appearance bond. The court may only
2 impose monetary bail pursuant to this subsection to reasonably assure
3 the eligible defendant's appearance. The court shall not impose the
4 monetary bail to reasonably assure the protection of the safety of any
5 other person or the community or that the eligible defendant will not
6 obstruct or attempt to obstruct the criminal justice process, or for the
7 purpose of preventing the release of the eligible defendant.

8 (2) If the eligible defendant is unable to post the monetary bail
9 imposed by the court pursuant to this subsection, and for that reason
10 remains detained in jail, the provisions of section 8 of P.L.2014, c.31
11 (C.2A:162-22) shall apply to the eligible defendant.

12 d. (1) If the court does not find, after consideration, that the release
13 described in subsection a., b., or c. will reasonably assure the eligible
14 defendant's appearance in court when required, the protection of the
15 safety of any other person or the community, and that the eligible
16 defendant will not obstruct or attempt to obstruct the criminal justice
17 process, the court may order the pretrial release of the eligible
18 defendant using a combination of non-monetary conditions as set forth
19 in subsection b. of this section, and monetary bail as set forth in
20 subsection c. of this section.

21 (2) If the eligible defendant is unable to post the monetary bail
22 imposed by the court in combination with non-monetary conditions
23 pursuant to this subsection, and for that reason remains detained in jail,
24 the provisions of section 8 of P.L.2014, c.31 (C.2A:162-22) shall
25 apply to the eligible defendant.

26 e. For purposes of the court's consideration for pretrial release
27 described in this section, with respect to whether the particular method
28 of release will reasonably assure that the eligible defendant will not
29 obstruct or attempt to obstruct the criminal justice process, this
30 reasonable assurance may be deemed to exist if the prosecutor does
31 not provide the court with information relevant to the risk of whether
32 the eligible defendant will obstruct or attempt to obstruct the criminal
33 justice process.

34 (cf: P.L.2023, c.103, s.1)

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36 3. This act shall take effect immediately.
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41 Permits court to take additional time to consider pretrial release
42 or pretrial detention when firearm offense is involved.