SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 2404

STATE OF NEW JERSEY

DATED: MAY 16, 2024

The Senate Judiciary Committee reports favorably Senate Bill No. 2404.

Currently, under section 10 of P.L.2014, c.31 (C.2A:162-24), upon a motion of the prosecutor, a court can revoke the previously granted pretrial release of an eligible defendant and order the defendant to be detained pending trial if the defendant violates a restraining order or condition of release, or there is probable cause the defendant committed a new crime while on release. This may only occur after the court finds by clear and convincing evidence that no monetary bail, non-monetary conditions of release, or combination thereof would reasonably assure the defendant's appearance in court and the public's safety, or that the defendant would not obstruct or attempt to obstruct the criminal justice process.

This bill provides that the court may, after a finding to revoke pretrial release, permit the eligible defendant to voluntarily agree to enter, participate and complete drug, alcohol, or mental health treatment at an approved program or facility. The bill further requires that, if the court permits the eligible defendant to enter treatment under these circumstances, the court would require the approved program or facility to provide participation reports to the court, and the eligible defendant agree to provide the approved program or facility with any release or authorization necessary to comply with the court's reporting requirements.

Under section 3 of P.L.2014, c.31 (C.2A:162-17), the court currently has the discretionary authority to order, as a non-monetary condition of pretrial release, that an eligible defendant "undergo available medical, psychological, or psychiatric treatment, including treatment for drug or alcohol dependency." Id., subsection b., paragraph (2), subparagraph (i). The bill would provide that, for a defendant granted pretrial release, whether or not ordered to undergo any treatment as a condition of that release, the opportunity to participate in drug, alcohol, or mental health treatment after the defendant's release was revoked due to violating a restraining order or condition of release, or due to probable cause the defendant committed a new crime while on release, if permitted by the court. This diversion

for treatment would be done in lieu of the court ordering the defendant's pretrial detention upon revoking the previously granted release.

This bill addresses Recommendation 24 of the Report of the New Jersey Supreme Court Reconvened Joint Committee on Criminal Justice Reform, issued on June 7, 2023.