

**SENATE, No. 3014**

**STATE OF NEW JERSEY**  
**221st LEGISLATURE**

INTRODUCED APRIL 8, 2024

**Sponsored by:**

**Senator KRISTIN M. CORRADO**

**District 40 (Bergen, Essex and Passaic)**

**Co-Sponsored by:**

**Senator A.M.Bucco**

**SYNOPSIS**

Establishes presumption of pretrial detention for persons who commit carjacking, theft of motor vehicle, or burglary.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 4/8/2024)**

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1 AN ACT concerning carjackings, motor vehicle theft, and burglary,  
2 and amending and supplementing P.L.2014, c.31.

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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. Section 4 of P.L.2014, c.31 (C.2A:162-18) is amended to read  
8 as follows:

9 4. a. (1) The court may order, before trial, the detention of an  
10 eligible defendant charged with any crime, or any offense involving  
11 domestic violence as defined in subsection a. of section 3 of  
12 P.L.1991, c.261 (C.2C:25-19), enumerated in subsection a. of  
13 section 5 of P.L.2014, c.31 (C.2A:162-19), if the prosecutor seeks  
14 the pretrial detention of the eligible defendant under section 5 of  
15 P.L.2014, c.31 (C.2A:162-19) and after a hearing pursuant to that  
16 section the court finds clear and convincing evidence that no  
17 amount of monetary bail, non-monetary conditions of pretrial  
18 release or combination of monetary bail and conditions would  
19 reasonably assure the eligible defendant's appearance in court when  
20 required, the protection of the safety of any other person or the  
21 community, and that the eligible defendant will not obstruct or  
22 attempt to obstruct the criminal justice process. The court may also  
23 order the pretrial detention of an eligible defendant when the  
24 prosecutor moves for a pretrial detention hearing and the eligible  
25 defendant fails to rebut a presumption of pretrial detention that may  
26 be established for the crimes enumerated under subsection b. of  
27 section 5 of P.L.2014, c.31 (C.2A:162-19).

28 (2) For purposes of ordering the pretrial detention of an eligible  
29 defendant pursuant to this section and section 5 of P.L.2014, c.31  
30 (C.2A:162-19) or pursuant to section 10 of P.L.2014, c.31  
31 (C.2A:162-24), when determining whether no amount of monetary  
32 bail, non-monetary conditions or combination of monetary bail and  
33 conditions would reasonably assure the eligible defendant's  
34 appearance in court when required, the protection of the safety of  
35 any other person or the community, or that the eligible defendant  
36 will not obstruct or attempt to obstruct the criminal justice process,  
37 the court may consider the amount of monetary bail only with  
38 respect to whether it will, by itself or in combination with non-  
39 monetary conditions, reasonably assure the eligible defendant's  
40 appearance in court when required.

41 b. Regarding the pretrial detention hearing moved for by the  
42 prosecutor, except for when an eligible defendant is charged with a  
43 crime set forth under paragraph (1) **【or】** (2), (3), or (4) of  
44 subsection b. of section 5 of P.L.2014, c.31 (C.2A:162-19), there  
45 shall be a rebuttable presumption that some amount of monetary

**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 bail, non-monetary conditions of pretrial release or combination of  
2 monetary bail and conditions would reasonably assure the eligible  
3 defendant's appearance in court when required, the protection of the  
4 safety of any other person or the community, and that the eligible  
5 defendant will not obstruct or attempt to obstruct the criminal  
6 justice process.

7 c. An eligible defendant may appeal an order of pretrial  
8 detention pursuant to the Rules of Court. The appeal shall be heard  
9 in an expedited manner. The eligible defendant shall be detained  
10 pending the disposition of the appeal.

11 d. If the court does not order the pretrial detention of an  
12 eligible defendant at the conclusion of the pretrial detention hearing  
13 under this section and section 5 of P.L.2014, c.31 (C.2A:162-19),  
14 the court shall order the release of the eligible defendant pursuant to  
15 section 3 of P.L.2014, c.31 (C.2A:162-17).

16 (cf: P.L.2014, c.31, s.4)

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18 2. Section 5 of P.L.2014, c.31 (C.2A:162-19) is amended to read  
19 as follows:

20 5. a. A prosecutor may file a motion with the court at any time,  
21 including any time before or after an eligible defendant's release  
22 pursuant to section 3 of P.L.2014, c.31 (C.2A:162-17), seeking the  
23 pretrial detention of an eligible defendant for:

24 (1) any crime of the first or second degree enumerated under  
25 subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2);

26 (2) any crime for which the eligible defendant would be subject  
27 to an ordinary or extended term of life imprisonment;

28 (3) any crime if the eligible defendant has been convicted of two  
29 or more offenses under paragraph (1) or (2) of this subsection;

30 (4) any crime enumerated under paragraph (2) of subsection b. of  
31 section 2 of P.L.1994, c.133 (C.2C:7-2) or crime involving human  
32 trafficking pursuant to section 1 of P.L.2005, c.77 (C.2C:13-8) or  
33 P.L.2013, c.51 (C.52:17B-237 et al.) when the victim is a minor, or  
34 the crime of endangering the welfare of a child under  
35 N.J.S.2C:24-4;

36 (5) any crime enumerated under subsection c. of N.J.S.2C:43-6;

37 (6) any crime or offense involving domestic violence as defined  
38 in subsection a. of section 3 of P.L.1991, c.261 (C.2C:25-19); or

39 (7) any other crime for which the prosecutor believes there is a  
40 serious risk that:

41 (a) the eligible defendant will not appear in court as required;

42 (b) the eligible defendant will pose a danger to any other person  
43 or the community; or

44 (c) the eligible defendant will obstruct or attempt to obstruct  
45 justice, or threaten, injure, or intimidate, or attempt to threaten,  
46 injure or intimidate, a prospective witness or juror.

47 b. When a motion for pretrial detention is filed pursuant to  
48 subsection a. of this section, there shall be a rebuttable presumption

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1 that the eligible defendant shall be detained pending trial because  
2 no amount of monetary bail, non-monetary condition or  
3 combination of monetary bail and conditions would reasonably  
4 assure the eligible defendant's appearance in court when required,  
5 the protection of the safety of any other person or the community,  
6 and that the eligible defendant will not obstruct or attempt to  
7 obstruct the criminal justice process, if the court finds probable  
8 cause that the eligible defendant:

9 (1) committed murder pursuant to N.J.S.2C:11-3; **[or]**

10 (2) committed any crime for which the eligible defendant would  
11 be subject to an ordinary or extended term of life imprisonment;

12 (3) committed the crime of theft of a motor vehicle pursuant to  
13 section 1 of P.L.2023, c.101 (C.2C:20-10.1) or burglary in violation  
14 of N.J.S.2C:18-2 in furtherance of theft of a motor vehicle pursuant  
15 to section 1 of P.L.2023, c.101 (C.2C:20-10.1) and the defendant  
16 has a prior conviction within the preceding 12 months or prior  
17 pending charges for the crime of theft of a motor vehicle pursuant  
18 to section 1 of P.L.2023, c.101 (C.2C:20-10.1) or burglary pursuant  
19 to N.J.S.2C:18-2. Pursuant to the effective date of P.L. , c. (C.  
20 ) (pending before the Legislature as this bill), this section shall  
21 expire one year after enactment, except that the rebuttable  
22 presumption for pretrial detention established by this paragraph  
23 shall apply to any motion for pretrial detention filed pursuant to  
24 subsection a. of this section, regardless of when filed, for a crime  
25 committed during the one-year period that the paragraph is in  
26 effect; or

27 (4) committed the carjacking pursuant to P.L.1993, c.221  
28 (C.2C:15-2). Pursuant to the effective date of  
29 P.L. , c. (C. ) (pending before the Legislature as this bill), this s  
30 ection shall expire one year after enactment, except that the  
31 rebuttable presumption for pretrial detention established by this  
32 paragraph shall apply to any motion for pretrial detention filed  
33 pursuant to subsection a. of this section, regardless of when filed,  
34 for a crime committed during the one-year period that the paragraph  
35 is in effect.

36 c. A court shall hold a hearing to determine whether any  
37 amount of monetary bail or non-monetary conditions or  
38 combination of monetary bail and conditions, including those set  
39 forth under subsection b. of section 3 of P.L.2014, c.31  
40 (C.2A:162-17) will reasonably assure the eligible defendant's  
41 appearance in court when required, the protection of the safety of  
42 any other person or the community, and that the eligible defendant  
43 will not obstruct or attempt to obstruct the criminal justice process.

44 d. (1) Except as otherwise provided in this subsection, the  
45 pretrial detention hearing shall be held no later than the eligible  
46 defendant's first appearance unless the eligible defendant, or the  
47 prosecutor, seeks a continuance. If a prosecutor files a motion for  
48 pretrial detention after the eligible defendant's first appearance has

1 taken place or if no first appearance is required, the court shall  
2 schedule the pretrial detention hearing to take place within three  
3 working days of the date on which the prosecutor's motion was  
4 filed, unless the prosecutor or the eligible defendant seeks a  
5 continuance. Except for good cause, a continuance on motion of  
6 the eligible defendant may not exceed five days, not including any  
7 intermediate Saturday, Sunday, or legal holiday. Except for good  
8 cause, a continuance on motion of the prosecutor may not exceed  
9 three days, not including any intermediate Saturday, Sunday, or  
10 legal holiday.

11 (2) Upon the filing of a motion by the prosecutor seeking the  
12 pretrial detention of the eligible defendant and during any  
13 continuance that may be granted by the court, the eligible defendant  
14 shall be detained in jail, unless the eligible defendant was  
15 previously released from custody before trial, in which case the  
16 court shall issue a notice to appear to compel the appearance of the  
17 eligible defendant at the detention hearing. The court, on motion of  
18 the prosecutor or sua sponte, may order that, while in custody, an  
19 eligible defendant who appears to be a drug-dependent person  
20 receive an assessment to determine whether that eligible defendant  
21 is drug-dependent.

22 e. (1) At the pretrial detention hearing, the eligible defendant has  
23 the right to be represented by counsel, and, if financially unable to  
24 obtain adequate representation, to have counsel appointed. The  
25 eligible defendant shall be afforded an opportunity to testify, to  
26 present witnesses, to cross-examine witnesses who appear at the  
27 hearing, and to present information by proffer or otherwise. The  
28 rules concerning admissibility of evidence in criminal trials shall  
29 not apply to the presentation and consideration of information at the  
30 hearing.

31 (2) In pretrial detention proceedings for which there is no  
32 indictment, the prosecutor shall establish probable cause that the  
33 eligible defendant committed the predicate offense. A presumption  
34 of pretrial detention as provided in subsection b. of this section may  
35 be rebutted by proof provided by the eligible defendant, the  
36 prosecutor, or from other materials submitted to the court. The  
37 standard of proof for a rebuttal of the presumption of pretrial  
38 detention shall be a preponderance of the evidence. If proof cannot  
39 be established to rebut the presumption, the court may order the  
40 eligible defendant's pretrial detention. If the presumption is  
41 rebutted by sufficient proof, the prosecutor shall have the  
42 opportunity to establish that the grounds for pretrial detention exist  
43 pursuant to this section.

44 (3) Except when an eligible defendant has failed to rebut a  
45 presumption of pretrial detention pursuant to subsection b. of this  
46 section, the court's finding to support an order of pretrial detention  
47 pursuant to section 4 of P.L.2014, c.31 (C.2A:162-18) that no  
48 amount of monetary bail, non-monetary conditions or combination

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1 of monetary bail and conditions will reasonably assure the eligible  
2 defendant's appearance in court when required, the protection of the  
3 safety of any other person or the community, and that the eligible  
4 defendant will not obstruct or attempt to obstruct the criminal  
5 justice process shall be supported by clear and convincing evidence.

6 f. The hearing may be reopened, before or after a  
7 determination by the court, at any time before trial, if the court  
8 finds that information exists that was not known to the prosecutor  
9 or the eligible defendant at the time of the hearing and that has a  
10 material bearing on the issue of whether there are conditions of  
11 release that will reasonably assure the eligible defendant's  
12 appearance in court when required, the protection of the safety of  
13 any other person or the community, or that the eligible defendant  
14 will not obstruct or attempt to obstruct the criminal justice process.

15 g. When a motion for pretrial detention is filed pursuant to  
16 subsection a. of this section, a pretrial recommendation of no  
17 release pursuant to subsection f. of section 6 of P.L.2014, c.31  
18 (C.2A:162-20) may constitute prima facie evidence to overcome the  
19 presumption of release as set forth in subsection b. of section 4 of  
20 P.L.2014, c.31 (C.2A:162-18), if the court finds probable cause that  
21 the eligible defendant committed any crime for which the eligible  
22 defendant would be subject to a mandatory term of imprisonment  
23 pursuant to subsection c. of N.J.S.2C:43-6 for a crime involving the  
24 use or possession of a firearm other than a violation of:

- 25 (1) subsection a. or d. of N.J.S.2C:39-3;  
26 (2) paragraph (1) or (2) of subsection a. of N.J.S.2C:39-4;  
27 (3) subsection a. of section 1 of P.L.1998, c.26 (C.2C:39-4.1); or  
28 (4) paragraph (1) of subsection b. or paragraph (1) or (2) of  
29 subsection c. of N.J.S.2C:39-5.  
30 (cf: P.L.2022, c.43, s.1)

31  
32 3. (New section) The Administrative Office of the Courts shall  
33 report to the Legislature and the Governor after the expiration of  
34 P.L. , c. (C. )(pending before the Legislature as this bill). The  
35 report may be combined with that of any other body, agency, or  
36 study group engaged in reviewing the administration of criminal  
37 justice. The report shall include, but not be limited to, the number  
38 of individuals detained under the presumption of pretrial detention  
39 after an individual commits the crime of car theft, carjacking, or  
40 burglary, the rehabilitation of offenders, and other related  
41 objectives of pretrial detention.

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43 4. This act shall take effect immediately and shall expire one  
44 year thereafter.

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STATEMENT

This bill establishes a rebuttable presumption of pretrial detention for the crimes of car theft, carjacking, and burglary.

The bill provides that if, upon motion by the prosecutor, the court finds probable cause a defendant committed: (1) theft of a motor vehicle or burglary in furtherance of car theft and the defendant has a prior conviction within the preceding 12 months or prior pending charges for any of those crimes; or (2) carjacking, there would be a rebuttable presumption that the person be detained pending trial.

Under current law, the rebuttable presumption applies when the court finds probable cause that the defendant committed murder or any crime for which the defendant would be subject to an ordinary or extended term of life imprisonment. The bill would expand the rebuttable presumption of pretrial detention to car theft, carjackings, and burglary.

Finally, the bill requires, after the one-year expiration of the bill, that the Administrative Office of the Courts (AOC) report to the Legislature and the Governor on the number of individuals detained under the presumption of pretrial detention after an individual commits the crime of car theft, carjacking, or burglary, the rehabilitation of offenders, and other related objectives of pretrial detention.