

[First Reprint]
SENATE, No. 197

STATE OF NEW JERSEY
222nd LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2026 SESSION

Sponsored by:

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District 18 (Middlesex)

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SYNOPSIS

Permits pretrial detention for contempt violation of protective order issued under "Victim's Assistance and Survivor Protection Act."

CURRENT VERSION OF TEXT

As reported by the Senate Judiciary Committee on October 15, 2026, with amendments.



(Sponsorship Updated As Of: 10/22/2026)

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

2

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

5

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

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

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

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

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

18 (4) any crime enumerated under paragraph (2) of subsection b. of
19 section 2 of P.L.1994, c.133 (C.2C:7-2) or crime involving human
20 trafficking pursuant to section 1 of P.L.2005, c.77 (C.2C:13-8) or
21 P.L.2013, c.51 (C.52:17B-237 et al.) when the victim is a minor, or
22 the crime of endangering the welfare of a child under N.J.S.2C:24-
23 4;

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

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

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

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

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

32 (c) the eligible defendant will obstruct or attempt to obstruct
33 justice, or threaten, injure, or intimidate, or attempt to threaten,
34 injure or intimidate, a prospective witness or juror; or

35 (8) contempt enumerated under subsection d. of N.J.S.2C:29-9
36 for a violation of an order entered under the provisions of P.L.2015,
37 c.147 (C.2C:14-13 et al.).

38 b. When a motion for pretrial detention is filed pursuant to
39 subsection a. of this section, there shall be a rebuttable presumption
40 that the eligible defendant shall be detained pending trial because
41 no amount of monetary bail, non-monetary condition or
42 combination of monetary bail and conditions would reasonably
43 assure the eligible defendant's appearance in court when required,
44 the protection of the safety of any other person or the community,

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:

¹Senate SJU committee amendments adopted October 15, 2026.

1 and that the eligible defendant will not obstruct or attempt to
2 obstruct the criminal justice process, if the court finds probable
3 cause that the eligible defendant:

4 (1) committed murder pursuant to N.J.S.2C:11-3; or

5 (2) committed any crime for which the eligible defendant would
6 be subject to an ordinary or extended term of life imprisonment.

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

15 d. (1) Except as otherwise provided in this subsection, the
16 pretrial detention hearing shall be held no later than the eligible
17 defendant's first appearance unless the eligible defendant, or the
18 prosecutor, seeks a continuance. If a prosecutor files a motion for
19 pretrial detention after the eligible defendant's first appearance has
20 taken place or if no first appearance is required, the court shall
21 schedule the pretrial detention hearing to take place within three
22 working days of the date on which the prosecutor's motion was
23 filed, unless the prosecutor or the eligible defendant seeks a
24 continuance. Except for good cause, a continuance on motion of
25 the eligible defendant may not exceed five days, not including any
26 intermediate Saturday, Sunday, or legal holiday. Except for good
27 cause, a continuance on motion of the prosecutor may not exceed
28 three days, not including any intermediate Saturday, Sunday, or
29 legal holiday.

30 (2) Upon the filing of a motion by the prosecutor seeking the
31 pretrial detention of the eligible defendant and during any
32 continuance that may be granted by the court, the eligible defendant
33 shall be detained in jail, unless the eligible defendant was
34 previously released from custody before trial, in which case the
35 court shall issue a notice to appear to compel the appearance of the
36 eligible defendant at the detention hearing. The court, on motion of
37 the prosecutor or sua sponte, may order that, while in custody, an
38 eligible defendant who appears to be a drug-dependent person
39 receive an assessment to determine whether that eligible defendant
40 is drug-dependent.

41 e. (1) At the pretrial detention hearing, the eligible defendant has
42 the right to be represented by counsel, and, if financially unable to
43 obtain adequate representation, to have counsel appointed. The
44 eligible defendant shall be afforded an opportunity to testify, to
45 present witnesses, to cross-examine witnesses who appear at the
46 hearing, and to present information by proffer or otherwise. The
47 rules concerning admissibility of evidence in criminal trials shall

1 not apply to the presentation and consideration of information at the
2 hearing.

3 (2) In pretrial detention proceedings for which there is no
4 indictment, the prosecutor shall establish probable cause that the
5 eligible defendant committed the predicate offense. A presumption
6 of pretrial detention as provided in subsection b. of this section may
7 be rebutted by proof provided by the eligible defendant, the
8 prosecutor, or from other materials submitted to the court. The
9 standard of proof for a rebuttal of the presumption of pretrial
10 detention shall be a preponderance of the evidence. If proof cannot
11 be established to rebut the presumption, the court may order the
12 eligible defendant's pretrial detention. If the presumption is
13 rebutted by sufficient proof, the prosecutor shall have the
14 opportunity to establish that the grounds for pretrial detention exist
15 pursuant to this section.

16 (3) Except when an eligible defendant has failed to rebut a
17 presumption of pretrial detention pursuant to subsection b. of this
18 section, the court's finding to support an order of pretrial detention
19 pursuant to section 4 of P.L.2014, c.31 (C.2A:162-18) that no
20 amount of monetary bail, non-monetary conditions or combination
21 of monetary bail and conditions will reasonably assure the eligible
22 defendant's appearance in court when required, the protection of the
23 safety of any other person or the community, and that the eligible
24 defendant will not obstruct or attempt to obstruct the criminal
25 justice process shall be supported by clear and convincing evidence.

26 f. The hearing may be reopened, before or after a
27 determination by the court, at any time before trial, if the court
28 finds that information exists that was not known to the prosecutor
29 or the eligible defendant at the time of the hearing and that has a
30 material bearing on the issue of whether there are conditions of
31 release that will reasonably assure the eligible defendant's
32 appearance in court when required, the protection of the safety of
33 any other person or the community, or that the eligible defendant
34 will not obstruct or attempt to obstruct the criminal justice process.

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

- 45 (1) subsection a. or d. of N.J.S.2C:39-3;
46 (2) paragraph (1) or (2) of subsection a. of N.J.S.2C:39-4;
47 (3) subsection a. of section 1 of P.L. 1998, c.26 (C.2C:39-4.1); or

1 (4) paragraph (1) of subsection b. or paragraph (1) or (2) of
2 subsection c. of N.J.S.2C:39-5.
3 (cf: P.L.2022, c.43, s.1)
4

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

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

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

39 b. Regarding the pretrial detention hearing moved for by the
40 prosecutor, except for when an eligible defendant is charged with a
41 crime set forth under paragraph (1) or (2) of subsection b. of section
42 5 of P.L.2014, c.31 (C.2A:162-19), there shall be a rebuttable
43 presumption that some amount of monetary bail, non-monetary
44 conditions of pretrial release or combination of monetary bail and
45 conditions would reasonably assure the eligible defendant's
46 appearance in court when required, the protection of the safety of
47 any other person or the community, and that the eligible defendant
48 will not obstruct or attempt to obstruct the criminal justice process.

1 c. An eligible defendant may appeal an order of pretrial
2 detention pursuant to the Rules of Court. The appeal shall be heard
3 in an expedited manner. The eligible defendant shall be detained
4 pending the disposition of the appeal.

5 d. If the court does not order the pretrial detention of an
6 eligible defendant at the conclusion of the pretrial detention hearing
7 under this section and section 5 of P.L.2014, c.31 (C.2A:162-19),
8 the court shall order the release of the eligible defendant pursuant to
9 section 3 of P.L.2014, c.31 (C.2A:162-17).¹
10 (cf: P.L.2014, c.31, s.4)

11

12 ¹**[2.]** 3.¹ This act shall take effect immediately.