ADMINISTRATIVE OFFICE OF THE COURTS
STATE OF NEW JERSEY

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TO: **Assignment Judges**

FROM: **Philip S. Carchman, P.J.A.D.**

DATE: **October 10, 2007**

SUBJ: **Revised Statewide Bail Schedules**

Supplement to Directive #9-05

(Supersedes Supplement dated May 26, 2006)

**[Questions or comments may be directed to:
(609) 292-0012 (Criminal)
(609) 984-8241 (Municipal)]**

Directive #9-05 (dated May 12, 2005) ("Bail Schedules and Policies to Improve Bail Practices") promulgated two Statewide Bail Schedules and adopted a number of statewide policies regarding bail practices.

Appended to this memorandum are revised Statewide Bail Schedules that supersede the Schedules distributed with Directive #9-05 and the schedules distributed with the Supplement to Directive 9-05 dated May 26, 2006. The revisions were necessary because of subsequent statutory amendments.

1. The statute for registration of sex offenders (N.J.S.A. 2C: 7-2) referenced in Bail Schedule 2 was amended effective March 1, 2007 to upgrade the crime of failure to register from a fourth to a third degree crime.
   L. 2007 c. 19.

2. The Bail Source Law (N.J.S.A. 2A:162 – 13), referenced in the Summary of Rules/Statutes Governing Bail attached to the Bail Schedules, was amended effective June 1, 2007 so as to require that an individual charged with a "crime with bail restrictions," as defined in N.J.S.A. 2A:162-12, complete a form promulgated by the Attorney General detailing the source of bail funds, and that the completed form be provided to the prosecutor before the individual can be released on bail. If the prosecutor requests a hearing in a case involving a bail-restricted crime, the court must hold the hearing. L. 2000, c. 46.

On the recommendation of the Conference of Criminal Presiding Judges, the attached revised Statewide Bail Schedules and summary of the court rules and statutes relating to bail are hereby adopted and supersede the Bail Schedules appended to Directive #9-05 and those distributed in a supplement dated May 26, 2006. Note that this supplement does not affect the policies also promulgated by Directive #9-05.

Attachments

cc: Chief Justice Stuart A. Rabner
Superior Court Judges
Municipal Court Judges
Theodore J. Fetter, Deputy Adm. Dir.
AOC Directors and Assistant Directors
Tri al Court Administrators
Civil Division Managers
Criminal Practice Division
Criminal Division Managers
Family Division Managers
Finance Division Managers
Municipal Division Managers
Municipal Court Administrators and Directors
William McDonald, Financial Services
John Podeszwa, Municipal Court Services
John J. Wieck, Criminal Practice Division
Steven D. Bonville, Special Assistant
Francis W. Hoeber, Special Assistant

New Jersey Judiciary

Bail Schedules

Prepared by:
The Conference of Criminal Presiding Judges
Subcommittee on Bail Practices

Approved by the Judicial Council November 10, 2004
Updated October 2007

Bail Schedule 1

STATUTES WHICH REQUIRE BAIL TO BE SET BY A SUPERIOR COURT JUDGE PURSUANT TO RULE 3:26-2

Rule 3:3-1; 2C:25-31. All of these listed offenses require warrants.
Rule 3:26-1 delineates factors to be considered when setting bail.
Bail Ranges for attempts or conspiracies should generally be the same as the actual substantive crime.

Statute	Charge	Description	Degree	Bail Range	10% Cash Bail Option
2C:11-3a	Murder	Purposely or knowingly causes the death of another; minimum 30 years before parole and up to life in prison.	1st Degree	$250,000 to $750,000	No 10%
2C:11-3a(3)	Felony Murder	Death is caused to a person, other than a co-participant, during one of the crimes listed in the statute; minimum 30 years before parole and up to life in prison.	1st Degree	$250,000 to $750,000	No 10%
2C:11-4a	Aggravated Manslaughter	Actor recklessly causes death under circumstances manifesting extreme indifference to the value of human life, or actor causes death while eluding a police officer.	1st Degree	$200,000 to $500,000	No 10%
2C:11-4b	Manslaughter	Actor recklessly causes death of another or purposely or knowingly causes death while in the heat of passion resulting from a reasonable provocation.	2nd Degree	$100,000 to $200,000	No 10%
2C:13-1	Kidnapping	Unlawful confinement or removal of another for various criminal purposes as set forth in statute; second degree if victim is released unharmed and in a safe place prior to apprehension; otherwise first degree; requires life with 25 years parole ineligibility if child under 16 is sexually assaulted or delivered to another for pecuniary gain.	1st Degree	$200,000 to $400,000	No 10%
			2nd Degree	$100,000 to $200,000	No 10%
2C:14-2a(1) to (7)	Aggravated Sexual Assault	Actor commits sexual penetration with victim under 13; or victim age 13 to 15 and actor is related by blood or affinity to third degree; or actor has supervisory or disciplinary power over victim; or actor is parent or stands in loco parentis within the household; or act is committed during commission of other designated crimes; or actor is armed with weapon and threatens to use weapon; or actor is aided by other person(s) and physical force or coercion is used; or actor uses physical force or coercion and victim suffers severe personal injury; or actor knew or should have known that victim was physically helpless, mentally defective or mentally incapacitated.	1st Degree	$150,000 to $300,000	No 10%

Bail Schedule 1

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Rule 3:3-1; 2C:25-31. All of these listed offenses require warrants.
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Statute	Charge	Description	Degree	Bail Range	10% Cash Bail Option
2C:14-2(b)	Sexual Assault	Actor commits sexual contact on victim less than 13 and actor is 4 or more years older.	2nd Degree	$50,000 to $200,000	No 10%
2C:14-2c.(1) to (4)	Sexual Assault	Actor commits sexual penetration with victim and uses physical force or coercion but victim does not suffer severe personal injury; or victim is on parole or probation or detained in a hospital or prison and actor has supervisory or disciplinary power over victim; or victim is 16 to 17 and actor is related by blood or affinity to third degree; or actor has supervisory or disciplinary power over victim; or actor is parent or stands in loco parentis within the household; or victim is 13 to 15 and the actor is at least 4 years older.	2nd Degree	$50,000 to $200,000	No 10%
2C:14-3(a)	Aggravated Criminal Sexual Contact	Actor commits sexual contact with victim age 13 to 15 and actor is related by blood or affinity to third degree; or actor has supervisory or disciplinary power over victim; or actor is parent or stands in loco parentis within the household; or act is committed during commission of other designated crimes; or actor is armed with weapon and threatens to use weapon; or actor is aided by other person(s) and physical force or coercion is used; or actor uses physical force or coercion and victim suffers severe personal injury; or actor knew or should have known that victim was physically helpless, mentally defective or mentally incapacitated.	3rd Degree	$25,000 to $100,000	10% permissible
2A:160(1) to (25) Uniform Criminal Extradition Act	Extradition Proceeding	Court may withhold bail or grant bail to fugitive charged in another state; if the person is charged with a crime punishable by death or life imprisonment, no bail shall be granted.		Depends Upon Crime Charged	Not Addressed in Statute. Probably Permissable
2C:29-9b	Contempt of Domestic Violence Restraining Order	Actor purposely or knowingly violates any provision of a Domestic Violence restraining order; fourth degree if conduct constitutes a crime or disorderly persons offense; otherwise it is a disorderly persons offense.[1]	4th Degree	$1,000 to $2,500	10% permissible
			Disorderly Persons	$500 to $2,500	10% permissible

1 The Domestic Violence Manual permits Municipal Court Judges to set bail if the contempt charge is a disorderly persons offense and the Assignment Judge of the vicinage has issued an order permitting this authority.

Bail Schedule 2

STATUTES WHERE BAIL MAY BE SET BY A SUPERIOR COURT JUDGE OR A MUNICIPAL COURT JUDGE OR, IN THE MUNICIPAL COURT JUDGE'S ABSENCE, THE MUNICIPAL COURT ADMINISTRATOR OR DEPUTY COURT ADMINISTRATOR, PURSUANT TO RULE 3:26-2

(Rule 3:3-1(c)(1) (indictable offenses) and Rule 7:2-2(b) (non-indictable offenses) delineate factors regarding whether a warrant or summons should issue. Rule 3:26-1 (indictable offenses) and Rule 7:4-1 (non-indictable offenses) delineate factors to be considered when setting bail and provide for the option of R.O.R. bail where appropriate.
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Statute	Charge	Description	Degree	Bail Range	10% Cash Bail Option
2C:5-5	Burglar's tools	Actor possesses tools commonly used to commit theft or burglary with purpose to so employ; fourth degree if actor manufactures tools; otherwise a disorderly persons offense.	4th Degree	$1,000 to $2,500	10% permissible
2C:7-2	Registration of Sex Offenders (Megan's Law)	Actor previously convicted, adjudicated delinquent or found not guilty by reason of insanity of listed sex offense who fails to register.	3rd Degree	$5,000 to $20,000	10% permissible
2C:11-5	Death by Auto or Vessel	Actor causes death while recklessly driving a vehicle or vessel; first degree if within 1000 feet of a school or driving through school crossing; otherwise, second degree.	1st Degree	$150,000 to $350,000	10% permissible
			2nd Degree	$50,000 to $150,000	10% permissible
2C:11-5.1	Knowingly Leaving the Scene of a Motor Vehicle Accident Resulting in Death	A motor vehicle operator knows he is involved in an accident and knowingly leaves the scene under circumstances which violate N.J.S.A. 39:4-129 ("Action in case of accident") and the accident results in the death of another person.	3rd Degree	$15,000 to $35,000	10% permissible
2C:12-1a(1)(2)(3)	Simple Assault	Attempts to or purposely or knowingly or recklessly causes bodily injury to another; or negligently causes bodily injury to another with a deadly weapon; or attempts by physical menace to put another in fear of imminent serious bodily injury; disorderly persons offense; if fight or scuffle entered into by mutual consent, petty disorderly persons offense.	Disorderly Persons	$500 to $2,500	10% permissible
			Petty Disorderly Persons	$100 to $500	10% permissible
2C:12-1b(1)	Aggravated Assault	Attempts to cause or causes serious bodily injury.	2nd Degree	$35,000 to $100,000	10% permissible
2C:12-1b(2)	Aggravated Assault	Attempts to cause or causes bodily injury with a deadly weapon.	3rd Degree	$20,000 to $50,000	10% permissible
2C:12-1b(3)	Aggravated Assault	Recklessly causes bodily injury with a deadly weapon.	4th Degree	$1,000 to $2,500	10% permissible

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Rule 3:3-1 (c)(1) (indictable offenses) and Rule 7:2-2(b) (non-indictable offenses) delineate factors regarding whether a warrant or summons should issue.
Rule 3:26-1 (indictable offenses) and Rule 7:4-1 (non-indictable offenses) delineate factors to be considered when setting bail and provide for the option of R.O.R. bail where appropriate.
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Statute	Charge	Description	Degree	Bail Range	10% Cash Bail Option
2C:12-1b(4)	Aggravated Assault	Pointing a firearm at or in the direction of another.	4th Degree	$1,000 to $2,500	10% permissible
2C:12-1b(5)	Aggravated Assault	Simple assault upon police officer or upon other categories of people as listed in the statute; (fireman, first aid person, school teacher, bus driver, DYFS worker, judge, motorbus operator); third degree if victim suffers bodily injury; otherwise, fourth degree.	3rd Degree	$5,000 to $15,000	10% permissible
			4th Degree	$1,000 to $2,500	10% permissible
2C:12-1b(6)	Aggravated Assault	Actor causes injury to another person during the course of an eluding or unlawful taking of a means of conveyance; third degree if victim suffers bodily injury; second degree if victim suffers significant bodily injury.	2nd Degree	$20,000 to $50,000	10% permissible
			3rd Degree	$5,000 to $15,000	10% permissible
2C:12-1b(7)	Aggravated Assault	Attempts to cause or causes significant bodily injury to another.	3rd Degree	$15,000 to $35,000	10% permissible
2C:12-1b(9)	Aggravated Assault	Pointing a firearm at a police officer.	3rd Degree	$50,000 to $75,000	10% permissible
2C:12-1c(1)(2)(3)	Aggravated Assault by Auto	(1) Actor drives a vehicle or vessel recklessly; fourth degree if serious bodily injury results; disorderly persons offense if bodily injury results.	2nd Degree	$20,000 to $50,000	10% permissible
		(2) Actor drives a vehicle or vessel while in violation of 39:4-50 (DWI) or 39:4-50.4a (Refusal to Submit to Breath Sample); third degree if serious bodily injury results; fourth degree if bodily injury results.	3rd Degree	$5,000 to $15,000	10% permissible
		(3) Actor drives a vehicle or vessel in violation of 39:4-50 (DWI) or 39:4-50.4a (Refusal to Submit to Breath Sample) and serious bodily injury results while on or within 1000 feet of school property or while driving through school crossing or while driving through non-designated school crossing, knowing that juveniles are present; second deg serious bodily injury results; third degree if bodily injury results.	4th Degree	$1,000 to $2,500	10% permissible

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Rule 3:3-1 (c)(1) (indictable offenses) and Rule 7:2-2(b) (non-indictable offenses) delineate factors regarding whether a warrant or summons should issue.
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Statute	Charge	Description	Degree	Bail Range	10% Cash Bail Option
2C:12-1.1	Leaving Scene of a Motor Vehicle Accident Resulting in Serious Bodily Injury	A motor vehicle operator knows he is involved in an accident and knowingly leaves accident under circumstances which violate N.J.S.A. 39:4-129 ("Action in case of accident") and the accident results in serious bodily injury to another person.	4th Degree	$1,000 to $2,500	10% permissible
2C:12-3a&b	Terroristic Threats	Threatens crime of violence or threat to kill; third degree; if threat of crime of violence occurs during declared period of national, state or county emergency, second degree.	2nd Degree	$25,000 to $50,000	10% permissible
			3rd Degree	$10,000 to $20,000	10% permissible
2C:12-10	Stalking	Course of conduct toward a specific person causing fear of injury to victim or victim's family; fourth degree; if stalking is committed in violation of prior court order prohibiting same, or is a second or subsequent offense or is committed while on probation or parole for an indictable offense; third degree.	3rd Degree	$20,000 to $50,000	10% permissible
			4th Degree	$1,000 to $2,500	10% permissible
2C:13-2a&b	Criminal Restraint	Unlawfully restraining another with exposure to serious bodily injury or holds another in involuntary servitude.	3rd Degree	$10,000 to $25,000	10% permissible
2C:13-3	False Imprisonment	Actor knowingly restrains another unlawfully so as to interfere substantially with his liberty; disorderly persons offense.	Disorderly Person	$500 to $2,500	10% permissible
2C:13-6	Luring, Enticing Child, Attempts	Attempts via electronic or other means, to lure or entice a child, or a person the actor reasonably believes to be a child, into motor vehicle, structure or isolated place or to meet at any other place with purpose to commit an offense. A child is defined as a person less than 18 years old.	2nd Degree	$50,000 to $100,000	10% permissible

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Rule 3:3-1 (c)(1) (indictable offenses) and Rule 7:2-2(b) (non-indictable offenses) delineate factors regarding whether a warrant or summons should issue.
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Statute	Charge	Description	Degree	Bail Range	10% Cash Bail Option
2C:14-3b	Criminal Sexual Contact	Actor commits sexual contact with victim and uses physical force or coercion but victim does not suffer severe personal injury; or victim is on parole or probation or detained in a hospital or prison and actor has supervisory or disciplinary power over victim; or victim is 16 to 17 and actor is related by blood or affinity to third degree; or actor has supervisory or disciplinary power over victim; or actor is parent or stands in loco parentis within the household; or victim is 13 to 15 and the actor is at least 4 years older.	4th Degree	$1,000 to $2,500	10% permissible
2C:14-4	Lewdness	Exposure of intimate parts for sexual gratification of actor if conduct is likely to be observed by child under age 13 and actor is more than 4 years older; or is likely to be observed by mentally defective person who is unable to understand the sexual nature of the conduct; fourth degree; any other flagrantly rude or offensive conduct likely to be observed by a non-consenting person; disorderly persons offense.	4th Degree	$1,000 to $2,500	10% permissible
			Disorderly Persons	$500 to $1,000	10% permissible
2C:15-1	Robbery	Actor uses force or threats during theft or attempted theft; second degree; if act is committed while armed, or threatening use of weapon or there is attempt to inflict or does inflict serious bodily injury; first degree.	1st Degree	$100,000 to $250,000	No 10%
			2nd Degree	$50,000 to $100,000	No 10%
2C:15-2a	Carjacking	During course of theft of motor vehicle, actor uses force or threatens victim.	1st Degree	$100,000 to $250,000	No 10%
2C:17-1a	Aggravated Arson	Starts fire or causes an explosion with purpose to put another in danger, or to destroy building, or to collect insurance and recklessly places any person in danger of death or injury; or to destroy forest.	2nd Degree	$35,000 to $75,000	No 10%

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Statute	Charge	Description	Degree	Bail Range	10% Cash Bail Option
2C:17-1b	Arson	Starts fire or causes an explosion and recklessly places person or structure in danger; or to collect insurance.	3rd Degree	$10,000 to $35,000	10% permissible
2C:17-3	Criminal Mischief	Purposely or knowingly damages tangible property of another or does so recklessly or negligently in employment of fire or explosives or other dangerous means as defined in the statute or tampers with property so as to endanger person or property. If pecuniary loss is $2000 or more, third degree; if in excess of $500, fourth degree, if $500 or less, a disorderly offense.	2nd Degree	$50,000 to $75,000	10% permissible
		Damages or causes loss to research facility, third degree. Damages or removes or impairs safety equipment at airport or aviation facility or otherwise causes physical disruption to the facility, fourth degree; if damage or disruption recklessly causes bodily injury or damage to property, third degree; if it recklessly causes death, second degree.	3rd Degree	$5,000 to $15,000	10% permissible
		Damages or tampers with airport, landing field or aviation facility, fourth degree; if damage or tampering recklessly causes bodily injury or damage to property, third degree; if it recklessly causes death, second degree. Tampers with grave, crypt or mausoleum with purpose to desecrate or steal human remains, third degree.	4th Degree	$1,000 to $2,500	10% permissible
		Causes substantial interruption or impairment of public communication, transportation, water, oil, gas or power supply, or other public service, second degree if recklessly causes death; otherwise, third degree. Breaks, digs up or tampers with pipes or mains used for conducting gas, oil or water or destroys, cuts or tampers with electric lights, wires or poles, or any telephone, telecommunications or telegraph wires, lines or cables, fourth degree.	Disorderly Persons	$500 to $1,000	10% permissible

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Statute	Charge	Description	Degree	Bail Range	10% Cash Bail Option
2C:18-2	Burglary	Enters or surreptitiously remains in a structure or research facility with purpose to commit an offense therein; third degree; if actor is armed with or displays what appears to be explosives or a deadly weapon or threatens to inflict or inflicts bodily injury; second degree.	2nd Degree	$35,000 to $75,000	No 10%
			3rd Degree	$10,000 to $50,000	10% permissible
2C:18-3	Criminal Trespass	a. Enters or surreptitiously remains in any research facility, structure, or separately secured or occupied portion thereof. If committed in a school or on school property, in a dwelling, research facility, public utility or any facility that stores, generates or handles hazardous chemical or chemical compounds; fourth degree; otherwise it is a disorderly persons offense. b. Defiant trespass. Actor not licensed or privileged enters or remains in any place where notice is given by communication, posting or fencing; petty disorderly persons offense. c. Peering into dwelling. Actor when not licensed or privileged peers into a window or other opening of a dwelling or other structure adapted for overnight accommodation for the purpose of invading the privacy of another person; fourth degree	4th Degree	$1,000 to $2,500	10% permissible
			Disorderly Persons	$500 to $1,000	10% permissible
			Petty Disorderly Persons	$100 to $500	10% permissable
2C:20-3	Theft	Steals property valued at $75,000 or more; or by extortion; or takes human remains.	2nd Degree	$35,000 to $75,000	10% permissible except if by extortion. No 10% if by extortion.
2C:20-3	Theft	Steals property valued at more than $500 but less than $75,000; or property is a firearm or motor vehicle or boat or domestic animal or property is taken from the person of victim.	3rd Degree	$5,000 to $20,000	10% permissible
2C:20-3	Theft	Steals property valued at least $200 but not more than $500; if lesser value, it is a disorderly persons offense.	4th Degree	$1,000 to $2,500	10% permissible
			Disorderly Persons	$500 to $1,000	10% permissible

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Statute	Charge	Description	Degree	Bail Range	10% Cash Bail Option
2C:20-10b-d	Unlawful Taking of a Means of Conveyance	Takes motor vehicle without consent of owner, fourth degree; operates motor vehicle without consent of owner and drives recklessly, third degree; rides in a motor vehicle knowing it has been taken without consent of the owner; fourth degree. Takes a means of conveyance other than a motor vehicle; disorderly persons offense.	3rd Degree	$2,500 to $10,000	10% permissible
			4th Degree	$1,000 to $2,500	10% permissible
			Disorderly Persons	$500 to $1,000	10% permissible
2C:20-11	Shoplifting	Carries away property or conceals property with intent to steal or alters tags or removes labels with intent to deprive merchant of some or all of its value; $75,000 or more, second degree; $500 but less than $75,000, third degree; $200 but less than $500, fourth degree; less than $200, disorderly persons offense.	2nd Degree	$35,000 to $75,000	10% permissible
			3rd Degree	$5,000 to $20,000	10% permissible
			4th Degree	$1,000 to $2,500	10% permissible
			Disorderly Persons	$500 to $1,000	10% permissible
2C:21-1	Forgery	With purpose to defraud or injure another, makes or alters or utters documents which are forged or fictitious; third or fourth degree depending upon types of documents as laid out in statute. NOTE: Checks and prescription blanks are third degree	3rd Degree	$5,000 to $20,000	10% permissible
			4th Degree	$1,000 to $2,500	10% permissible

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Statute	Charge	Description	Degree	Bail Range	10% Cash Bail Option
2C:21-2.1	Driver's license or other document issued by governmental agency to verify identity or age; simulation	Actor sells, transfers, or purposes with intent to sell a writing which falsely purports to be a driver's license or other document issued by a governmental agency which could be used to verify a person's identity or age or who make or possesses devices or materials to make such documents; second degree; if actor exhibits or utters such documents, third degree except that this statute does not apply if actor purchases alcoholic beverage underage or tobacco underage and there is no other fraud or injury to another; if actor possesses such documents, fourth degree.	2nd Degree	$35,000 to $75,000	10% permissible
			3rd Degree	$5,000 to $20,000	10% permissible
			4th Degree	$1,000 to $2,500	10% permissible
2C:21-5	Bad Checks	Issues or passes check knowing it would not be honored or if no account to draw on; second or third or fourth degree or disorderly persons offense depending upon amount of check; second degree-$75,000 or more; third degree- $1,000 but less than $75,000; fourth degree $200 but less than $1,000; disorderly persons-less than $200.	2nd Degree	$35,000 to $75,000	10% permissible
			3rd Degree	$5,000 to $20,000	10% permissible
			4th Degree	$1,000 to $2,500	10% permissible
			Disorderly Persons	$500 to $1,000	10% permissible
2C:21-6	Credit Cards	Receiving with intent to sell or selling lost or stolen credit cards; fourth degree; uses lost or stolen or fictitious credit cards; third degree	3rd Degree	$5,000 to $20,000	10% permissible
			4th Degree	$1,000 to $2,500	10% permissible

Bail Schedule 2

STATUTES WHERE BAIL MAY BE SET BY A SUPERIOR COURT JUDGE OR A MUNICIPAL COURT JUDGE OR, IN THE MUNICIPAL COURT JUDGE'S ABSENCE, THE MUNICIPAL COURT ADMINISTRATOR OR DEPUTY COURT ADMINISTRATOR, PURSUANT TO RULE 3:26-2

Rule 3:3-1 (c)(1) (indictable offenses) and Rule 7:2-2(b) (non-indictable offenses) delineate factors regarding whether a warrant or summons should issue.
Rule 3:26-1 (indictable offenses) and Rule 7:4-1 (non-indictable offenses) delineate factors to be considered when setting bail and provide for the option of R.O.R. bail where appropriate.
Bail Ranges for attempts or conspiracies should generally be the same as the actual substantive crime.

Statute	Charge	Description	Degree	Bail Range	10% Cash Bail Option
2C:24-4	Endangering Welfare of Children	a. If actor has legal duty to care for child or who has assumed responsibility for child and engages in sexual conduct with child under 16 or who harms or abuses child, second degree; if actor has no legal duty or has not assumed responsibility for child, third degree;	1st Degree	$100,000 to $250,000	No 10%
		b(3) If actor causes or allows child to engage in prohibited or simulated prohibited sexual act for filming or reproduction; first degree if parent or guardian; if any other person, second degree;	2nd Degree	$50,000 to $100,000	No 10%
		b(4) If actor photographs or films child in prohibited sexual act or simulation thereof or reproduces image of a child in a prohibited sexual act or simulation, second degree; b(5)(a) If actor received with intent to sell or sells film or photograph of child in a prohibited sexual act or simulation thereof, second degree;	3rd Degree	$20,000 to $50,000	10% permissible
		b(5)(b) If actor possesses or knowingly views photograph or film of child in prohibited sexual act or simulation thereof, including via the internet, fourth degree.	4th Degree	$1,000 to $2,500	10% permissible
2C:28-4a&b	False Reports to Law Enforcement Authority	Actor gives false information to law enforcement officer with purpose to implicate another; fourth degree. Actor otherwise gives false information to law enforcement; disorderly persons offense.	4th Degree	$1,000 to $2,500	10% permissible
			Disorderly Persons	$500 to $1,000	10% permissible
2C:28-5	Tampering with Witness and Informant	Actor knowing an official investigation is proceeding or is about to be instituted, attempts to induce witness to testify falsely, or withhold evidence or elude legal subpoenas or absent self from proceeding or investigation; second degree if actor uses threats of force; otherwise third degree.	2nd Degree	$50,000 to $100,000	10% permissible
			3rd Degree	$20,000 to $50,000	10% permissible

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Rule 3:3-1 (c)(1) (indictable offenses) and Rule 7:2-2(b) (non-indictable offenses) delineate factors regarding whether a warrant or summons should issue.
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Statute	Charge	Description	Degree	Bail Range	10% Cash Bail Option
2C:29-1	Obstructing Administration of Law or other Governmental Function	Actor obstructs or impairs or attempts to prevent public servant from performing official function by force, intimidation or other unlawful act; fourth degree if actor obstructs investigation or prosecution of a crime; otherwise, a disorderly persons offense.	4th Degree	$1,000 to $2,500	10% permissible
			Disorderly Persons	$500 to $1,000	10% permissible
2C:29-2a	Resisting Arrest	Actor purposely prevents or attempts to prevent a law enforcement officer from effecting an arrest; uses or threatens to use physical force or violence against a law enforcement officer or another or uses any other means to create a substantial risk of causing physical injury to the public servant or another, third degree; by flight, fourth degree; otherwise a disorderly persons offense.	3rd Degree	$5,000 to $10,000	10% permissible
			4th Degree	$1,000 to $2,500	10% permissible
			Disorderly Persons	$500 to $1,000	10% permissible
2C:29-2b	Eluding	Actor driving motor vehicle fails to stop after signal from police; third degree; if actor eludes and drives in a manner that creates a risk of death or injury, second degree.	2nd Degree	$25,000 to $50,000	No 10%
			3rd Degree	$10,000 to $20,000	10% permissible

Bail Schedule 2

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Rule 3:3-1 (c)(1) (indictable offenses) and Rule 7:2-2(b) (non-indictable offenses) delineate factors regarding whether a warrant or summons should issue.
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Statute	Charge	Description	Degree	Bail Range	10% Cash Bail Option
2C:29-3	Hindering Apprehension or Prosecution	a. Actor has purpose to hinder or impair apprehension or prosecution of another and assists that person in avoiding detection or suppression of evidence; second or third or fourth degree depending upon degree of crime the other person is charged with or liable to be charged with and whether the actor is a parent of the other person. b. Actor hinders own apprehension or investigation by suppressing evidence or intimidating others who could give information or testify against actor; or by giving false information to police; third or fourth degree or disorderly persons offense depending upon degree of crime to which actor is exposed or charged.	2nd Degree	$25,000 to $50,000	10% permissible
			3rd Degree	$5,000 to $10,000	10% permissible
			4th Degree	$1,000 to $2,500	10% permissible
			Disorderly Persons	$500 to $1,000	10% permissible
2C:29-5	Escape	Leaves official detention without permission or absconds from parole; second degree if force or threats are used or weapon is employed; otherwise third degree.	2nd Degree	$25,000 to $50,000	No 10%
			3rd Degree	$10,000 to $25,000	No 10%
2C:29-9b	Contempt of Domestic Violence Restraining Order	Actor purposely or knowingly violates any provision of a Domestic Violence restraining order; fourth degree if conduct constitutes a crime or disorderly persons offense; otherwise it is a disorderly persons offense. NOTE: This offense must be set by a Superior Court Judge unless Assignment Judge has issued an order giving Municipal Court Judge authority to set bail if contempt is a disorderly persons offense. See footnote page 3	4th Degree	$1,000 to $2,500	10% permissible
			Disorderly Persons	$500 to $2,500	10% permissible
2C:34-1	Prostitution	Sexual activity with another person in exchange for something of economic value; promoting prostitution or owning or controlling a house of prostitution or soliciting another to become a prostitute; second or third or fourth degree depending upon circumstances, including whether a child under 18 is involved; disorderly persons offense if actor is charged only with engaging in prostitution.	2nd Degree	$25,000 to $50,000	10% permissible
			3rd Degree	$5,000 to $15,000	10% permissible
			4th Degree	$1,000 to $2,500	10% permissible
			Disorderly Persons	$500 to $1,000	10% permissible

Bail Schedule 2

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Rule 3:3-1 (c)(1) (indictable offenses) and Rule 7:2-2(b) (non-indictable offenses) delineate factors regarding whether a warrant or summons should issue.
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Statute	Charge	Description	Degree	Bail Range	10% Cash Bail Option
2C:35-3	Leader of a Narcotics Trafficking Network	Actor conspires with 2 or more persons in a scheme or course of conduct to distribute CDS and is an organizer or supervisor of one of them.	1st Degree	$200,000 to $350,000	No 10%
2C:35-5	Manufacturing, Distributing, Dispensing CDS	**Actor manufactures, distributes, dispenses or possesses with intent to distribute CDS: Numerous types of CDS are covered by this statute:**			
		Heroin or cocaine, 5 ounces or more. LSD or its analog, 10 grams or more. Methamphetamine or its analog, 5 ounces or more. Marijuana, 25 pounds or more, or 50 marijuana plants or more. Hashish, 5 pounds or more.	1st Degree	$100,000 to $250,000	No 10%
		Heroin or cocaine, 1/2 ounce or more but less than 5 ounces. LSD or its analog, 1/2 ounce or more but less than 5 ounces. Methamphetamine or its analog, 1/2 ounce or more but less than 5 ounces. Marijuana, 5 pounds but less than 25 pounds, or 10 or more marijuana plants but less than 50 marijuana plants. Hashish, 1 pound or more but less than 5 pounds. Other substances in Schedule I or II in quantity of one ounce or more.	2nd Degree	$75,000 to $150,000	No 10%
		Heroin or cocaine, less than 1/2 ounce. Metamphetamine, or its analog, less than 1/2 ounce. Marijuana, an ounce or more but less than 5 pounds. Hashish, 5 grams or more but less than 1 pound. Other substances in Schedule I or II in a quantity of less than 1 ounce. Other substances, or their analogs, in Schedules, I, II, III or IV.	3rd Degree	$5,000 to $20,000	10% permissible
		Marijuana in quantity of less than 1 ounce. Hashish in a quantity of less than 5 grams. Any substance, or its analog, in Schedule V.	4th Degree	$1,000 to $2,500	10% permissible

Bail Schedule 2

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Rule 3:3-1 (c)(1) (indictable offenses) and Rule 7:2-2(b) (non-indictable offenses) delineate factors regarding whether a warrant or summons should issue.
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Statute	Charge	Description	Degree	Bail Range	10% Cash Bail Option
2C:35-6	Employing a Juvenile in a Drug Distribution Scheme	Actor solicits or employs a person, 17 years or younger, in a drug distribution scheme.	2nd Degree	$50,000 to $100,000	No 10%
2C:35-7	Distributing, Dispensing or Possessing CDS with Intent to Distribute on or near School Property or School Bus	Actor distributes, dispenses or possesses with the intent to distribute CDS on or within 1000 feet of school property or a school bus.	3rd Degree	$15,000 to $35,000	10% permissible
2C:35-7.1	Distributing, Dispensing or Possessing CDS with Intent to Distribute Within 500 feet of Certain Public Property	Actor distributes, dispenses or possesses with the intent to distribute CDS within 500 feet of public property. Public property means public park, public housing facility or public building; second degree unless CDS is less then 1 ounce of marijuana; then it is a third degree.	2nd Degree	$25,000 to $50,000	No 10%
			3rd Degree	$10,000 to $25,000	10% permissible
2C:35-10	Possession of CDS or Analog	Actor possesses CDS or Analog in Schedules I, II, III, or IV, other than if specifically covered in statute, third degree; CDS or analog in Schedule V, fourth degree; possession of marijuana over 50 grams, fourth degree; otherwise it is a disorderly persons offense.	3rd Degree	$5,000 to $10,000	10% permissible
			4th Degree	$1,000 to $2,500	10% permissible
			Disorderly Persons	$500 to $1,000	10% permissible

Bail Schedule 2

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Statute	Charge	Description	Degree	Bail Range	10% Cash Bail Option
2C:35-13	Obtains CDS by Fraud	Actor obtains CDS by fraud, forgery or deception.	3rd Degree	$5,000 to $10,000	10% permissible
2C:39-3	Prohibited Weapons and Devices	Actor possesses destructive devices or sawed off shotgun; third degree; defaced firearm, certain knives and other listed weapons, stun guns, dum-dum bullets; fourth degree.	3rd Degree	$7,500 to $20,000	10% permissible
			4th Degree	$1,000 to $2,500	10% permissible
2C:39-4	Possession of Weapons for Unlawful Purposes	Actor possesses weapon with purpose to use unlawfully against a person or property; firearms, explosives and destructive devices, second degree; other weapons, third degree; imitation firearm, fourth degree.	2nd Degree	$50,000 to $100,000	No 10%
			3rd Degree	$10,000 to $20,000	10% permissible
			4th Degree	$1,000 to $2,500	10% permissible
2C:39-5	Unlawful Possession of Weapons	Possession of machine gun, third degree; possession of handgun without permit, third degree; possession of rifle and shotgun without firearm purchase card, third degree; other weapons under circumstances not manifestly appropriate, fourth degree; assault weapons, third degree.	3rd Degree	$7,500 to $20,000	10% permissible
			4th Degree	$1,000 to $2,500	10% permissible

Bail Schedule 2

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DISORDERLY PERSONS OFFENSES AND PETTY DISORDERLY PERSONS OFFENSES
Note: Some of these offenses are listed elsewhere in Bail Schedule 2 as lesser included offenses

Statute	Charge	Description	Degree	Bail Range	10% Cash Bail Option
2C:5-5	Burglar's tools	Actor possesses tools commonly used to commit theft or burglary with purpose to so employ; a disorderly persons offense. (This excludes if actor manufactures tools.)	Disorderly Persons	$500 to $2,500	10% permissible
2C:12-1a(1)(2)(3)	Simple Assault	Attempts to or purposely or knowingly or recklessly causes bodily injury to another; or negligently causes bodily injury to another with a deadly weapon; or attempts by physical menace to put another in fear of imminent serious bodily injury; disorderly persons offense; if fight or scuffle entered into by mutual consent, petty disorderly persons offense.	Disorderly Persons	$500 to $2,500	10% permissible
			Petty Disorderly Persons	$100 to $500	10% permissible
2C:13-3	False Imprisonment	Actor knowingly restrains another unlawfully so as to interfere substantially with his liberty; disorderly persons offense.	Disorderly Persons	$500 to $2,500	10% permissible
2C:14-4	Lewdness	Flagrantly rude or offensive conduct likely to be observed by a non-consenting person; disorderly persons offense. (This excludes the exposure of intimate parts for sexual gratification of actor if conduct is likely to be observed by child under age 13 and actor is more than 4 years older; or is likely to be observed by mentally defective person who is unable to understand the sexual nature of the conduct.)	Disorderly Persons	$500 to $1,000	10% permissible
2C:17-3	Criminal Mischief	If percuniary loss is $2000 or more, third degree; if in excess of $500, fourth degree; if $500 or less, a disorderly persons offense.	Disorderly Persons	$500 to $1,000	10% permissible

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DISORDERLY PERSONS OFFENSES AND PETTY DISORDERLY PERSONS OFFENSES Note: Some of these offenses are listed elsewhere in Bail Schedule 2 as lesser included offenses					
Statute	**Charge**	**Description**	**Degree**	**Bail Range**	**10% Cash Bail Option**
2C:18-3	Criminal Trespass	a. Enters or surreptituously remains in any structure or separately secured or occupied portion thereof; disorderly persons offense. (This excludes if committed in a school or on school property, in a dwelling, research facility, public utility or any facility that stores, generates or handles hazardous chemicals or chemical compounds.)	Disorderly Persons	$500 to $1,000	10% permissible
		b. Defiant trespass. Actor not licensed or privileged enters or remains in any place where notice is given by communication, posting or fencing; petty disorderly persons offense.	Petty Disorderly Persons	$100 to $500	10% permissable
2C:20-3	Theft	Steals property valued at less than $200; disorderly persons offense.	Disorderly Persons	$500 to $1,000	10% permissible
2C:20-10b-d	Unlawful Taking of a Means of Conveyance	Takes a means of conveyance other than a motor vehicle; disorderly persons offense.	Disorderly Persons	$500 to $1,000	10% permissible
2C:20-11	Shoplifting	Carries away property or conceals property with intent to steal or alters tags or removes labels with intent to deprive merchant of some or all of its value; less than $200; a disorderly persons offense.	Disorderly Persons	$500 to $1,000	10% permissible
2C:21-5	Bad Checks	Issues or passes check in an amount less than $200 knowing it would not be honored or if no account to draw on; a disorderly persons offense.	Disorderly Persons	$500 to $1,000	10% permissible

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DISORDERLY PERSONS OFFENSES AND PETTY DISORDERLY PERSONS OFFENSES
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Statute	Charge	Description	Degree	Bail Range	10% Cash Bail Option
2C:24-7	Endangering the Welfare of an Incompetent Person	Actor knowingly acts in a manner likely to be injurious to the physical, mental or moral welfare of a person who is unable to care for himself because of a mental disease or defect; disorderly persons offense.	Disorderly Persons	$500 to $2,500	10% permissible
2C:28-4a&b	False Reports to Law Enforcement Authority	Actor gives false information to law enforcement; disorderly persons offense. (This excludes with the purpose to implicate another.)	Disorderly Persons	$500 to $1,000	10% permissible
2C:29-1	Obstructing Administration of Law or other Governmental Function	Actor obstructs or impairs or attempts to prevent public servant from performing official function by force, intimidation or other unlawful act; disorderly persons offense. (This excludes if actor obstructs investigation or prosecution of a crime)	Disorderly Persons	$500 to $1,000	10% permissible
2C:29-2a	Resisting Arrest	Actor purposely prevents or attempts to prevent a law enforcement officer from effecting an arrest; uses or threatens to use physical force or violence; disorderly persons offense. (This excludes resisting arrest by use of force or threat of force or creates substantial risk to safety of officer or resists arrest by flight)	Disorderly Persons	$500 to $1,000	10% permissible
2C:29-3	Hindering Apprehension or Prosecution	a. Actor has purpose to hinder or impair apprehension or prosecution of another and assists that person in avoiding detection or suppression of evidence; disorderly persons offense if the conduct which the actor knows has been charged or is liable to be charged against the person aided would constitute a crime of the fourth degree or less. b. Actor hinders own apprehension or investigation by suppressing evidence or intimidating others who could give information or testify against actor; or by giving false information to police; a disorderly persons offense if the conduct which the actor has been charged or is liable to be charged against him would constitute a crime of the fourth degree or less.	Disorderly Persons	$500 to $1,000	10% permissible

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DISORDERLY PERSONS OFFENSES AND PETTY DISORDERLY PERSONS OFFENSES
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Statute	Charge	Description	Degree	Bail Range	10% Cash Bail Option
2C:33-2	Disorderly Conduct	Actor with purpose to cause a public inconvenience, annoyance or alarm, engages in fighting or threatening or violent behavior or creates a hazardous or physical dangerous condition with no legitimate purposes or engages in unreasonably loud or offensive language in a public place with purpose to offend others or in reckless disregard of doing so; petty disorderly persons offense.	Petty Disorderly Persons	$100 to $500	10% permissible
2C:33-2.1	Wandering, Remaining in or Prowling Public Places with purpose of obtaining or selling controlled substances	Actor, whether on foot or in motor vehicle, wanders, prowls, or remains in public place for purpose of unlawfully obtaining or distributing a controlled dangerous substance; disorderly persons offense.	Disorderly Persons	$500 to $2,500	10% permissible
2C:33-4	Harassment	Actor with purpose to harass another, engages in anonymous or offensive communications or subjects another to kicking or shoving or other offensive touching or threatens to do so, or engages in repeated conduct. Petty disorderly persons offense unless actor is in prison or on parole or probation for indictable offense. It is then fourth degree.	4th Degree	$500 to $1,000	10% permissible
			Petty Disorderly Persons	$100 to $500	10% permissible

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Statute	Charge	Description	Degree	Bail Range	10% Cash Bail Option
2C:33-7	Obstructing Highways and Other Public Places	Actor purposely or recklessly obstructs a public passage or, in a gathering, refusal to obey a reasonable official request to move; petty disorderly persons offense.	Petty Disorderly Persons	$500 to $1,000	10% permissible
2C:33-12	Maintaining a Nuisance	Actor knowingly or recklessly maintains a condition which endangers the safety or health of a considerable number of persons or knowingly maintains any premises or place where people gather for the purpose of engaging in unlawful conduct; disorderly person offense unless the premises is conducted or maintained as a house of prostitution or as a place where obscene material is sold, photographed or manufactured, exhibited, prepared or shown. It is then fourth degree.	4th Degree	$100 to $1,000	10% permissible
			Disorderly Persons	$100 to $1,000	10% permissible
2C:33-13.1	Sale of Cigarette to Minors	Actor sells or gives cigarettes or tobacco to any person under 18; petty disorderly persons offense.	Petty Disorderly Persons	$100 to $500	10% permissible
2C:33-15	Possession or Consumption of Alcoholic Beverage by Person under Legal Age	Actor under legal age possesses or consumes alcohol in any school, public conveyance, public place, or place of assembly or motor vehicle; disorderly persons offense.	Disorderly Persons	$500 to $1,000	10% permissible

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DISORDERLY PERSONS OFFENSES AND PETTY DISORDERLY PERSONS OFFENSES
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Statute	Charge	Description	Degree	Bail Range	10% Cash Bail Option
2C:33-16	Possession of Alcoholic Beverage on School Property	Actor of legal age to purchase alcohol brings or possesses alcohol on school property without written permission of school board; disorderly persons offense.	Disorderly Persons	$500 to $1,000	10% permissible
2C:33-17	Offering Alcoholic Beverages to Underage Persons	Actor offers or entices underage person to drink alcohol; disorderly persons offense unless it falls into one of the listed exceptions in statute. (Exceptions occur when an underage person is given alcohol either by a parent or guardian who is of legal age to consume alcohol; or by another person, who is of legal age, in that person's home and in the presence of and with permission of the parent or guardian who is of legal age to consume alcohol; or is given alcohol during a religious ceremony, observance or rite.)	Disorderly Persons	$500 to $1,000	10% permissible
2C:34-1	Prostitution	Sexual activity with another person in exchange for something of economic value; disorderly persons offense if actor is charged only with engaging in prostitution. (This excludes promoting prostitution or owning or controlling a house of prostitution or soliciting another to become a prostitute)	Disorderly Persons	$500 to $1,000	10% permissible
2C:35-10	Possession of CDS or Analog	Actor possesses 50 grams or less of marijuana, including any adulterants or dilutants, or five grams or less of hashish; disorderly persons offense.	Disorderly Persons	$500 to $1,000	10% permissible

Bail Schedule 2

STATUTES WHERE BAIL MAY BE SET BY A SUPERIOR COURT JUDGE OR A MUNICIPAL COURT JUDGE OR, IN THE MUNICIPAL COURT JUDGE'S ABSENCE, THE MUNICIPAL COURT ADMINISTRATOR OR DEPUTY COURT ADMINISTRATOR, PURSUANT TO RULE 3:26-2

Rule 3:3-1 (c)(1) (indictable offenses) and Rule 7:2-2(b) (non-indictable offenses) delineate factors regarding whether a warrant or summons should issue.
Rule 3:26-1 (indictable offenses) and Rule 7:4-1 (non-indictable offenses) delineate factors to be considered when setting bail and provide for the option of R.O.R. bail where appropriate.
Bail Ranges for attempts or conspiracies should generally be the same as the actual substantive crime.

DISORDERLY PERSONS OFFENSES AND PETTY DISORDERLY PERSONS OFFENSES Note: Some of these offenses are listed elsewhere in Bail Schedule 2 as lesser included offenses					
Statute	**Charge**	**Description**	**Degree**	**Bail Range**	**10% Cash Bail Option**
2C:36-2	Drug Paraphernalia Use or Possession with Intent to Use	Actor uses or possesses with intent to use drug paraphernalia for purposes listed in the statute, including to ingest, inhale or otherwise introduce into the human body a controlled dangerous substance or controlled substance analog; disorderly persons offense	Disorderly Persons	$500 to $1,000	10% permissible
2C:36-6	Possession or Distribution of Hypodermic Syringe or Needle	Actor possesses with intent to use a hypodermic needle or hypodermic syringe or any other instrument adapted for use of a controlled dangerous substance or a controlled substance analog or sells, furnishes or gives to any person such syringe, needle or instrument; disorderly persons offense. (It is not unlawful to possess such items if obtained by a valid prescription issued by a licensed physician, dentist or veterinarian and it is used for its authorized purpose)	Disorderly Persons	$500 to $1,000	10% permissible
2C:36-6.1	Discarding Hypodermic Needle or Syringe	Actor discards, in a place accessible to other persons, a hypodermic needle or syringe without destroying the hypodermic needle or syringe; petty disorderly persons offense.	Petty Disorderly Persons	$100 to $500	10% permissable

New Jersey Judiciary

Summary of Rules/Statutes

Governing Bail

(as of October 2007)

Prepared by:
The Conference of Criminal Presiding Judges
Subcommittee on Bail Practices

SUMMARY OF RULES AND STATUTES REGARDING BAIL FOR INDICTABLE OFFENSES

Rule or Statute	Description
Rule 3:3-1. Determination on whether to issue a Summons or Warrant	This Rule provides that a summons shall issue unless the defendant is charged with murder, kidnapping, aggravated manslaughter, manslaughter, robbery, aggravated sexual assault, sexual assault, aggravated criminal sexual contact, criminal sexual contact, second degree aggravated assault, aggravated arson, arson, burglary, violations of Chapter 35[1] of Title 2C that constitute first or second degree crimes, or any crimes involving possession or use of a firearm, or conspiracies or attempts to commit such crimes; or the defendant has been served with a summons and has failed to appear; or there is reason to believe that the defendant is a danger to self, other persons or property; or there is an outstanding warrant for the defendant; or the defendant's identity or address is not known and a warrant is necessary to subject the defendant to the jurisdiction of the court; or there is reason to believe that the defendant will not appear in response to a summons.
Rule 3:26-1. Right to Bail Before Conviction. (Includes Option of R.O.R. Bail)	This Rule provides that all persons except those charged with crimes punishable by death where the prosecutor presents proof that there is a likelihood of conviction and reasonable grounds to believe that the death penalty may be imposed, shall be bailable before conviction on such terms as, in the judgment of the court, will ensure their presence in court when required. The Rule lays out the factors to be considered in setting bail which are the seriousness of the crime charged, the apparent likelihood of conviction and the extent of punishment permitted; the defendant's prior criminal record, if any, and previous record on bail, if any; the defendant's reputation and mental condition; the length of defendant's residence in the community; the defendant's family ties and relationships; the defendant's employment status; record of employment and financial condition; the identity of responsible members of the community who would vouch for defendant's reliability; any other factor indicating defendant's mode of life, or ties to the community or bearing on the risk of failure to appear and, particularly, the general policy against unnecessary sureties and detention. This Rule also provides that the Court may order the release of a person on that person's own recognizance, commonly known as "R.O.R. or O.R." Bail. The Court may also impose terms or conditions appropriate to release, including conditions necessary to protect the community. This Rule also provides that if a person charged with a crime punishable by death is not indicted within 3 months after commitment, the Judge, for good cause shown, may admit the defendant to bail. It further allows 'that if an incarcerated defendant's case is not moved for trial within 6 months after arraignment, a Superior Court Judge, for cause shown, may discharge the defendant upon the defendant's own recognizance. Finally, the Rule provides that where the person has been arrested in an extradition proceeding, that person may be admitted to bail except where that person is charged with a crime punishable by death.
Rule 3:26-2. Authority to Set Bail.	This Rule provides that a Superior Court Judge may set bail for any offense. Only a Superior Court Judge may set bail for persons charged with murder, kidnapping, manslaughter, aggravated manslaughter, aggravated sexual assault, sexual assault, aggravated criminal sexual contact, a person arrested in an extradition proceeding or a person arrested under 2C:29-9b for violating a domestic violence restraining order.[2] Bail for all other offenses may be set by any other Judge, or in the absence of a Judge, by a municipal court administrator or deputy court administrator. Notably, the rule does not require a Superior Court Judge to set bail on any of the enunciated offenses when the defendant is charged solely with an attempt to commit that crime or a conspiracy to commit that crime. Hence, such attempt or conspiracy charges may be set by a Municipal Judge or, in the absence of the Judge, a municipal court administrator or deputy court administrator.

1 Chapter 35 is the Comprehensive Drug Reform Act of 1986.

2 The Domestic Violence Procedures Manual permits Municipal Court Judges to set bail if the contempt charge is a disorderly persons offense and the Assignment Judge of the vicinage has issued an order permitting this authority.

SUMMARY OF RULES AND STATUTES REGARDING BAIL FOR INDICTABLE OFFENSES

Rule or Statute	Description
Rule 3:26-3. Bail for Witness.	This Rule provides for proceedings to be conducted by a Superior Court Judge in a matter where either the prosecutor or defense counsel is concerned that a person with material and relevant information in a pending case may fail to respond to a subpoena. The Rule allows that, in certain circumstances, bail may be set and other conditions imposed to ensure the appearance of the witness.
Rule 3:26-4 (g). Ten Percent Cash Bail.	This Rule provides that "Except in first or second degree cases as set forth in N.J.S.A. 2A:162-12 and unless the order setting the bail specifies to the contrary, whenever bail is set pursuant to Rule 3:26-1, bail may be satisfied by the deposit in court of cash in the amount of ten-percent of the amount of bail fixed and the defendant's execution of a recognizance for the remaining ninety percent. No surety shall be ordered unless the court fixing bail so orders."
2C:6-1. Bail for persons accused of minor offenses.	This statute provides that the Court shall not require a bail in excess of $2,500 for a person charged with a fourth degree crime or disorderly persons offense or petty disorderly persons offense unless the Court finds that the person presents a serious threat to the physical safety of potential evidence or of persons involved in circumstances surrounding the alleged offense; or unless the Court finds that bail of that nature will not reasonably assure the appearance of the defendant as required. The statute requires that the Judge, for good cause shown, may impose bail in excess of $2,500 but the reasons must be set forth on the record.
2C:25-26(d)(e); 2C:25-31(a); 2C:29-9(b); Domestic Violence Procedures Manual, Bail in Domestic Violence Cases	2C:25-26(d) provides that when setting bail in a domestic violence case, the court must conduct a search of the Domestic Violence Central Registry. 2C:25-26(e) provides that once bail is set it shall not be reduced without notice to the county prosecutor and victim. It also provides that bail shall not be reduced by a judge other than the judge who originally ordered bail, unless the reasons for the original bail are available to the judge who reduces the bail and are set forth on the record 2C:25-31 provides that when a defendant is arrested on a charge of contempt of a domestic violence restraining order, the law enforcement officer shall conduct a search of the Domestic Violence Central Registry.
2A:160(1) to (25) Uniform Criminal Extradition Act -Extradition Proceeding	The Court may withhold bail or grant bail to fugitive charged in another state; if the person is charged with a crime punishable by death or life imprisonment, no bail shall be granted.
2A:162-12. Crimes with Bail Restrictions.	Bail for listed offenses may only be posted by full cash, or a surety bond executed by an authorized corporation under Chapter 31 of Title 17 of the Revised Statutes, or a bail bond secured by real property situated in New Jersey with an unencumbered equity equal to the amount of bail undertaken plus $20,000. "Crimes with bail restrictions" means a crime of the first or second degree charged under any of the following sections: murder, manslaughter, kidnapping, sexual assault, robbery, carjacking, arson and related offenses, causing or risking widespread injury or damage, burglary, theft by extortion, endangering the welfare of children, resisting arrest, eluding officer, escape, corrupting or influencing a jury, possession of weapons for unlawful purposes, and weapons training for illegal activities. The statute also further defines "Crimes with bail restrictions" as any first or second degree drug-related crimes under Chapter 35 of Title 2C of the New Jersey statutes and any first or second degree racketeering crimes under Chapter 41 of Title 2C. When setting bail on any of these offenses: "….There shall be a presumption in favor of the court designating the posting of full United States currency cash bail to the exclusion of other forms of bail when a defendant is charged with an offense as set forth in subsection (a) of the this section and: (1) Has two other indictable offenses pending at the time of the arrest; or (2) Has two prior convictions for a first or second degree crime or for a violation of section 1 of P.L. 1987, c. 101 (2C:35-7) in any combination thereof; or (3) Has one prior conviction for murder, aggravated manslaughter, aggravated sexual assault, kidnapping, or bail jumping; or (4) Was on parole at the time of the arrest, unless the court finds that another form of bail authorized in subsection (b) of this section will ensure the defendant's presence in court when required." The statute, in section (e), does give the Judge the discretion to impose an R.O.R. bail "when the court determines that such person is deserving."

SUMMARY OF RULES AND STATUTES REGARDING BAIL FOR INDICTABLE OFFENSES	
Rule or Statute	**Description**
2A:162-13. Bail Sufficiency Hearings.	Effective June 1, 2007, when a person charged with a crime with bail restrictions posts cash bail or secures a bail bond, the person, no later than the time of posting bail or proffering the surety or bail bond, shall provide to the prosecutor, on a form promulgated by the Attorney General, relevant information under penalty of perjury about the obligor, indemnifier or person posting cash bail, the security offered, and the source of any money or property used to post the cash bail or secure the surety or bail bond, as the case may be. This required information shall include, but not be limited to, the defendant's employment history, the names and addresses of any persons who contributed money or pledged security for the proffered bail or toward a surety bond, the amount, nature and timing of such contributions, and the relationship to the defendant of any such persons contributing resources. Bail may not be accepted from a person subject to the requirements of this subsection until the prosecutor is provided the completed form required by this subsection. When a person charged with an offense posts cash bail or secures a bail bond in any amount, the court may, upon the request of the prosecutor, conduct an inquiry to determine the reliability of the obligor or person posting cash bail, the value and sufficiency of any security offered, the relationship of the obligor or person posting cash bail to the defendant and the defendant's interest in ensuring that the bail is not forfeited, and whether the funds used to post the cash bail or secure the bail bond were acquired as a result of criminal or unlawful conduct. When the offense charged against such person is a crime with bail restrictions, the court shall, upon the request of the prosecutor, conduct an inquiry. The court may examine, under oath or otherwise, any person who may possess relevant information, and may inquire into any matter appropriate to its determination. The court shall issue an order either approving or disapproving the bail. The court shall not issue an order approving the bail unless it is satisfied that the evidence adduced in the inquiry establishes the reliability of the source of the funds used to post bail or security offered, that the relationship of the obligor or person posting cash bail is sufficient to ensure the defendant's presence in court when required, and that the funds used to post cash bail or secure a bail bond were not acquired as a result of criminal or unlawful conduct.
2A:162-14. Procedures.	This statute, effective on January 9, 2004, provides that the inquiry as authorized in 2A:162-13 be governed by rules adopted by Supreme Court.

SUMMARY OF RULES AND STATUTES REGARDING BAIL FOR NON-INDICTABLE OFFENSES - DISORDERLY PERSONS AND PETTY DISORDERLY PERSONS OFFENSES	
Rule or Statute	**Description**
Rule 7:2-2 (b). Determination of whether to issue a Summons or Warrant.	This Rule provides that a summons rather than an arrest warrant shall be issued if the defendant is a corporation, partnership or unincorporated association. If the defendant is an individual, a summons rather than an arrest warrant shall be issued unless the Judge or duly authorized municipal court administrator or deputy municipal court administrator finds that the defendant has failed to respond to a summons; or there is reason to believe that the defendant is dangerous to himself or herself, to others or to property; or there is one or more outstanding arrest warrants for the defendant; or the address of the defendant is not known and an arrest warrant is necessary to subject the defendant to the jurisdiction of the court; or there is reason to believe that the defendant will not appear in response to a summons.
Rule 7:4-1. Right to Bail Before Conviction. (Includes Option of R.O.R. Bail)	This Rule provides that every defendant shall have a right to bail before conviction on such terms as, in the judgment of the court, will insure the defendant's presence when required, having regard for the defendant's background, residence, employment and family status and, particularly, the general policy against unnecessary sureties and detentions. In its discretion, the Court may order the defendant's release on the defendant's own recognizance and may impose terms or conditions appropriate to such release.
Rule 7:4-2. Authority to set bail.	This Rule provides that conditions of pre-trial release, including bail, may be set by a Judge sitting regularly in or acting as a temporary Judge of the jurisdiction in which the offense was allegedly committed or by a vicinage Presiding Judge of the Municipal Courts. In the absence of the Judge, and consistent with N.J.S.A. 2B:12-21, a defendant charged with a non-indictable offense that may be tried by the Judge may be admitted to bail by the municipal court administrator or deputy court administrator. In the absence of the Judge, the municipal court administrator and the deputy court administrator, the defendant may be admitted to bail by any other person authorized by law to admit to bail. The authority of the municipal court administrator, deputy court administrator, or other authorized person shall be exercised "only in according with the bail schedules promulgated by the Administrative Office of the Courts or the municipal court judge."
Rule 7:4-3(g). Ten Percent Cash Bail.	This Rule provides that "Unless otherwise specified in the order setting the bail, bail may be satisfied by the deposit in court or cash in the amount of ten percent of the amount fixed together with the defendant's executed recognizance for the remaining ninety percent. No surety shall be required, unless specifically ordered by the court."
2B:12-21. Officials Authorized to Act for Court.	This statute provides that the authority of the municipal court to set conditions of pre-trial release may be exercised by an administrator or deputy court administrator of a municipal court who is authorized by the Judge of that court; or by any police officer in charge of a police station, other than an officer who participated in the arrest of the defendant. This authority may be exercised only in accordance with bail schedules promulgated by the Administrative Office of the Courts or by the municipal courts. This statute further provides that, except as otherwise provided by the Rules of Court, a person charged with a non-indictable offense shall be released on a summons or personal recognizance without unnecessary delay and within 12 hours after arrest unless a judge or court administrator or deputy court administrator has set the conditions for pre-trial release and the conditions remain unmet.