

NOTICE TO THE BAR

Criminal Division – Additional Rescinded Directives

In our ongoing efforts to maintain current and relevant policies and procedures, we have continued to review the Administrative Directives affecting the Criminal Division. A previous Notice to the Bar, dated June 30, 2017, announced the rescission of a series of Criminal-related directives. This Notice supplements that previous Notice to the Bar by listing several additional Criminal-related directives that, upon further review, we have also rescinded. Going forward, the text of these rescinded directives will be removed from the compilation of directives, retaining only the number, date, and subject for historical reference purposes. The directives rescinded by this Notice, as well as the bases for rescission, are as follows:

General – Criminal

#17-69 – Presentence Reports

This Directive was intended to supplement the Supreme Court's decision in State v. Kunz, 55 N.J. 128 (1969), which mandated disclosure of presentence reports to defendants. Although R. 3:21-2 subsequently partially codified the procedures for distributing presentence reports, the Directive was retained at that time because it contained more explicit language than the Rule and had been cited as authority in the 1988 and 1989 versions of the *Sentencing Manual for Judges*. However, those described procedures are outdated, as are the versions of the *Sentencing Manual for Judges* that cited that language as authority. This Directive thus no longer is necessary.

#9-73 - Transfer of Bail Procedures

This Directive established procedures to ensure that bail was transferred to the proper county when a defendant was arrested in one county but indicted in another. Those procedures are outdated, with the transfer of bail now resolved by the Finance Divisions of the counties in question. This Directive thus no longer is necessary.

#10A-73 – Court Hours for the Setting of Bail

This Directive reminded Assignment Judges to designate a judge to set bail during those hours when court is not in session. This Directive is no longer necessary, as every vicinage uses a Superior Court Judge emergent duty schedule to address emergent matters, including setting bail, during the hours that the court is not in session, including weekends and holidays.


#9-79 – Bail Forfeitures

This Directive recommended procedures for 10% cash bail forfeitures. This Directive is no longer necessary, as it has been superseded by Directive #22-17.

#7-93 – State Reporting Requirements on Wiretapping

This Directive provided a reminder of the statutory reporting requirements for wiretap judges and noted that the reporting forms had been amended. This Directive is unnecessary, as the reporting requirements are contained in N.J.S.A. 2A:156-22 and -23, and the forms referenced therein are outdated and no longer in use.

To obtain copies of Rescinded Directives or if there are questions regarding these Directives, contact the Criminal Practice Division of the Administrative Office of the Courts at 609-292-4638, or by fax: 609-292-9659, or by mail: AOC, Criminal Practice Division, Richard J. Hughes Justice Complex, 7th Floor North, PO Box 982, Trenton, New Jersey 08625-0982.



Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts

Dated: May 29, 2018