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TO: Assignment Judges  
FROM: Glenn A. Grant, J.A.D.   
SUBJ: Revised Statewide Bail Schedules  
DATE: December 2, 2013

[Questions or comments may be directed to:  
609-292-4638 (Criminal) or  
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**Supplement to Directive #9-05**  
[Supersedes Previous Supplements to  
Directive #9-05 dated May 26, 2006,  
October 10, 2007 and May 12, 2009]

The attached revised Statewide Bail Schedules, as recommended by the Conference of Criminal Presiding Judges and the Conference of Municipal Presiding Judges, are a supplement to Directive #9-05 and supersede all previously issued Statewide Bail Schedules, effective immediately.

Directive #9-05, entitled "Bail Schedules and Policies to Improve Bail Practices" and dated May 12, 2005, promulgated two Statewide Bail Schedules and adopted a number of statewide policies regarding bail practices. The Bail Schedules were subsequently superseded by Statewide Bail Schedules issued on May 26, 2006, October 10, 2007 and May 12, 2009, by Supplements to Directive #9-05. As noted, those are now superseded by the attached Statewide Bail Schedules.

This Supplement addresses only the Statewide Bail Schedules. The statewide policies regarding bail practices as set forth in Directive #9-05; namely, that the Bail Schedules contain general bail ranges that are meant to be advisory in nature; that no monetary amount of bail may be set when a defendant is released on his or her own recognizance; and that Criminal Presiding Judges and Municipal Presiding Judges must ensure that periodic reviews of bails for incarcerated defendants are conducted and that the cases involving incarcerated defendants are moved expeditiously, were not affected by those three Supplements, nor are they affected by this Supplement. Also note that except for those statutes that have been upgraded, the bail ranges for statutes listed in the May 12, 2009 Supplement have remained the same.

The revisions to the Statewide Bail Schedules were necessary in order to include a number of additional offenses and statutory amendments. Further, additional court rules have been added to the Summary of the Rules/Statutes Governing Bail that are attached to the Bail Schedules. The revisions to the Bail Schedules are summarized as follows:

1. The following offenses have been added to the Bail Schedules:

- N.J.S.A. 2C:12-1c(4) – Aggravated Assault by Auto

- N.J.S.A. 2C:12-1d – Aggravated Assault Upon Elderly Institutionalized Person
- N.J.S.A. 2C:12-1f – Aggravated Assault In the Presence of a Child at a Sporting Event
- N.J.S.A. 2C:12-1.2 – Endangering an Injured Victim
- N.J.S.A. 2C:12-11(a)(b) – Disarming a Law Enforcement Officer
- N.J.S.A. 2C:13-4 – Interference with Custody
- N.J.S.A. 2C:13-7 – Luring, Enticing an Adult
- N.J.S.A. 2C:13-8 – Human Trafficking
- N.J.S.A. 2C:14-9 – Invasion of Privacy
- N.J.S.A. 2C:16-1 – Bias Intimidation
- N.J.S.A. 2C:17-1d – Aggravated Arson (Actor Hires Person to Commit Offense)
- N.J.S.A. 2C:20-7a – Receiving Stolen Property
- N.J.S.A. 2C:20-17 – Use of Juvenile in Theft of Automobiles
- N.J.S.A. 2C:20-25(a-f) – Computer Theft
- N.J.S.A. 2C:24-9 – Use of 17-Year-Old or Younger to Commit Criminal Offenses
- N.J.S.A. 2C:27-2 – Bribery in Official and Political Matters
- N.J.S.A. 2C:29-10(b)(c)(d) – Use of Certain Electronic Devices in Correctional Facilities
- N.J.S.A. 2C:30-2(a)(b) – Official Misconduct
- N.J.S.A. 2C:33-3(a-e) – False Public Alarms
- N.J.S.A. 2C:33-10 – Placing Signs or Displays That Imply Threats of Violence
- N.J.S.A. 2C:33-11 – Desecrating Religious or Sectarian Premises
- N.J.S.A. 2C:33-14 – Interference with Transportation
- N.J.S.A. 2C:33-28 – Soliciting or Recruiting Gang Members

- N.J.S.A. 2C:35-9a – Strict Liability for Drug Induced Deaths
  - N.J.S.A. 2C:35-10b – Failure to Turn Over CDS to Law Enforcement Officer
  - N.J.S.A. 2C:39-5j – Possession of a Firearm by a Person Previously Convicted of a Crime under the No Early Release Act
  - N.J.S.A. 2C:40-22 – Causing Death or Injury While Driving with a Suspended License or Without a License
  - N.J.S.A. 2C:40-26 – Operating a Motor Vehicle During Period of Suspension
  - N.J.S.A. 2C:43-6.4d – Violation of Community Supervision for Life/Parole Supervision for Life
  - N.J.S.A. 2C:41-2 – Racketeering
  - N.J.S. 30:4-123.94 – Non-Compliance with Sex Offender Monitoring
  - N.J.S. 54:52-18 – Possession of Goods (Including Cigarettes) without Paying Tax
2. The statute for Knowingly Leaving the Scene of a Motor Vehicle Accident Resulting in Death (N.J.S.A. 2C:11-5.1) referenced in Bail Schedule 2 was amended effective May 4, 2007 to upgrade that crime from third to second degree. L. 2007, c. 83, §1.
  3. The statute for Leaving the Scene of a Motor Vehicle Accident Resulting in Serious Bodily Injury (N.J.S.A. 2C:12-1.1) referenced in Bail Schedule 2 was amended effective May 4, 2007 to upgrade that crime from fourth to third degree. L. 2007, c. 83, §2.
  4. The statute for Possession of a Firearm (N.J.S.A. 2C:39-5) referenced in Bail Schedule 2 was amended effective August 8, 2013 to include possession of a firearm by a person previously convicted of a crime under the No Early Release Act as a first degree crime. The statute was also amended to downgrade the penalty for possession of a handgun without a permit, if the handgun is in the nature of an air gun, spring gun or pistol or other weapon of a similar nature that ejects a bullet or missile smaller than three-eighths of an inch in diameter with sufficient force to injure a person, from second to third degree. L. 2013, c.113.
  5. The statute for Endangering Welfare of Children (N.J.S.A. 2C:24-4) referenced in Bail Schedule 2 was amended effective August 14, 2013 to upgrade the crime of causing or permitting a child to engage in a prohibited sexual act, knowing or intending that the sexual act will be reproduced or will

be part of an exhibition or performance (N.J.S.A. 2C:24-4b(3)), to a first degree crime in all cases. The statute was also amended to establish that the crime of possession of any items of sexual exploitation or abuse (N.J.S.A. 2C:24-4b(5)(b)) is a third degree crime. L. 2013, c.136, §1.

6. The statute for Crimes with Bail Restrictions (N.J.S.A. 2A:162-12) was amended effective November 7, 2011 to preclude the 10% cash bail option for charges of Contempt of Domestic Violence Restraining Orders. L. 2011, c.138, §1. That amendment also imposes a presumption of full cash bail if the actor is subject to a temporary or permanent domestic violence restraining order and is charged with a crime committed against a person protected under that order, including Contempt, and either: (a) is charged with commission of a domestic violence crime that resulted in serious bodily injury to the victim; or (b) has at least one prior conviction for a crime or offense involving domestic violence against the same victim or has previously violated a final restraining order protecting the same victim.
7. N.J.S.A. 2C:14-12 (Nicole's Law – Conditions Placed Upon Release of Certain Defendants) and N.J.S.A. 2C:35-5.7 (Drug Offender Restraining Order Act) have been added to the Summary of the Rules/Statutes Governing Bail attached to the Bail Schedules to provide further information for those using the schedules.
8. A table of contents and indexes of offenses have also been added to the Bail Schedules.

To recap, the attached revised Statewide Bail Schedules and summary of the court rules and statutes relating to bail are hereby adopted, effective immediately. This supplements Directive #9-05 and supersedes the Statewide Bail Schedules promulgated by the May 12, 2009 Supplement. Note that this supplement does not affect the bail policies promulgated by Directive #9-05. Those policies continue in effect.

G.A.G.

Attachments

cc:	Chief Justice Stuart Rabner	Civil Division Managers
	Supreme Court	Criminal Division Managers
	Criminal Presiding Judges	Family Division Managers
	Superior Court Judges	Finance Division Managers
	Municipal Court Presiding Judges	Municipal Division Managers
	Municipal Court Judges	Municipal Court Directors and Administrators
	Steven D. Bonville, Chief of Staff	Gurpreet M. Singh, Special Assistant
	AOC Directors and Assistant Directors	Sue Callaghan, Criminal Practice Division
	Clerks of Court	Steven Somogyi, Municipal Court Services
	Trial Court Administrators	Carol A. Welsch, Municipal Court Services

# New Jersey Judiciary

## Statewide Bail Schedules

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

Approved by the Judicial Council on November 10, 2004  
Promulgated by Directive #09-05

Updated: May 26, 2006 – Supplement to Directive #09-05  
Updated: October 10, 2007 – Supplement to Directive #09-05  
Updated: May 12, 2009 – Supplement to Directive #09-05  
Updated: December 2, 2013 – Supplement to Directive #09-05

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## 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(c)(1) requires warrants on the Bail Schedule 1 charges of murder, kidnapping, aggravated manslaughter, manslaughter, aggravated sexual assault, sexual assault, aggravated criminal sexual contact.**

**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.**

<u>Statute</u>	<u>Charge</u>	<u>Description</u>	<u>Degree</u>	<u>Bail Range</u>	<u>10% Cash Bail Option</u>
2C:11-3a	Murder	Actor purposely or knowingly causes the death of another; minimum 30 years before parole eligibility and up to life in prison.	1st Degree	\$250,000 to \$1,000,000	No 10%
2C:11-3a(3)	Felony Murder	Actor commits or attempts to commit robbery, sexual assault, arson, burglary, kidnapping, carjacking, criminal escape or terrorism and, in the course of such crime or of immediate flight therefrom, any person causes the death of a person other than one of the participants; minimum 30 years before parole eligibility and up to life in prison.	1st Degree	\$250,000 to \$1,000,000	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	Actor unlawfully confines or removes 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 age 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%

## Bail Schedule 1

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

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**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.**

<u>Statute</u>	<u>Charge</u>	<u>Description</u>	<u>Degree</u>	<u>Bail Range</u>	<u>10% Cash Bail Option</u>
2C:14-2a(1-7)	Aggravated Sexual Assault	Actor commits sexual penetration with victim under age 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, or had a mental disease or defect which rendered the victim temporarily or permanently incapable of understanding the nature of his conduct, including, but not limited to, being incapable of providing consent, or was mentally incapacitated.	1st Degree	\$150,000 to \$300,000	No 10%
2C:14-2b	Sexual Assault	Actor commits sexual contact on victim less than age 13 and actor is at least 4 years older.	2nd Degree	\$50,000 to \$200,000	No 10%
2C:14-2c(1-4)	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 age 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 age 13 to 15 and the actor is at least 4 years older.	2nd Degree	\$50,000 to \$200,000	No 10%

## 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(c)(1) requires warrants on the Bail Schedule 1 charges of murder, kidnapping, aggravated manslaughter, manslaughter, aggravated sexual assault, sexual assault, aggravated criminal sexual contact.**

**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.**

<u>Statute</u>	<u>Charge</u>	<u>Description</u>	<u>Degree</u>	<u>Bail Range</u>	<u>10% Cash Bail Option</u>
2C:14-3a	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, or had a mental disease or defect which rendered the victim temporarily or permanently incapable of understanding the nature of his conduct, including, but not limited to, being incapable of providing consent, or was mentally incapacitated.	3rd Degree	\$25,000 to \$100,000	10% permissible
2A:160(1-25) 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 Permissible
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. <sup>1</sup>	4th Degree	\$1,000 to \$2,500	No 10%
			Disorderly Persons	\$500 to \$2,500	No 10%
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) requires warrants on the Bail Schedule 2 charges of robbery, criminal sexual contact, second degree aggravated assault, aggravated arson, arson, burglary, first or second degree violations of Chapter 35 (drug offenses), any crime involving the possession or use of a firearm, or conspiracies or attempts to commit such crimes. Rule 3:3-1(c)(2-6) (indictable offenses) and Rule 7:2-2(b)(1-6) delineate factors regarding whether a warrant or summons should issue for other offenses.**

**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.**

<u>Statute</u>	<u>Charge</u>	<u>Description</u>	<u>Degree</u>	<u>Bail Range</u>	<u>10% Cash Bail Option</u>
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
			Disorderly Persons	\$500 to \$2,500	10% permissible
2C:7-2a	Registration of Sex Offenders (Megan's Law)	Actor, previously convicted, adjudicated delinquent or found not guilty by reason of insanity of listed sex offense, fails to register under the statute.	3rd Degree	\$5,000 to \$20,000	10% permissible
2C:7-2d(1)(2), 7-2e	Registration of Sex Offenders (Megan's Law)	Actor fails to notify law enforcement of change of address or employment or school status; or fails to provide law enforcement with information with respect to access or use of a computer or any other device with internet capability; or provides false information concerning his place of residence or fails to verify his or her address with the appropriate law enforcement agency.	4th Degree	\$2,500 to \$7,500	10% permissible
2C:11-5	Death by Auto or Vessel	Actor causes death while recklessly driving a vehicle or vessel; first degree if driving while in violation of R.S. 39:4-50 or R.S. 39:4-50a while on or within 1000 feet of a school or driving through a school crossing; otherwise, second degree.	1st Degree	\$150,000 to \$350,000	10% permissible
			2nd Degree	\$50,000 to \$150,000	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) requires warrants on the Bail Schedule 2 charges of robbery, criminal sexual contact, second degree aggravated assault, aggravated arson, arson, burglary, first or second degree violations of Chapter 35 (drug offenses), any crime involving the possession or use of a firearm, or conspiracies or attempts to commit such crimes. Rule 3:3-1(c)(2-6) (indictable offenses) and Rule 7:2-2(b)(1-6) delineate factors regarding whether a warrant or summons should issue for other offenses.**

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**Bail Ranges for attempts or conspiracies should generally be the same as the actual substantive crime.**

<u>Statute</u>	<u>Charge</u>	<u>Description</u>	<u>Degree</u>	<u>Bail Range</u>	<u>10% Cash Bail Option</u>
2C:11-5.1	Knowingly Leaving the Scene of a Motor Vehicle Accident Resulting in Death	Actor operating a motor vehicle knows he is involved in an accident and knowingly leaves the scene under circumstances which violate R.S. 39:4-129 ("Action in case of accident") and the accident results in the death of another person.	2nd Degree	\$50,000 to \$150,000	10% permissible
2C:12-1a(1)(2)(3)	Simple Assault	Actor 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	Actor attempts to cause or purposely or knowingly causes serious bodily injury, or under circumstances manifesting extreme indifference to the value of human life, recklessly causes such injury.	2nd Degree	\$35,000 to \$100,000	10% permissible

## Bail Schedule 2

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2C:12-1b(2)	Aggravated Assault	Actor 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	Actor recklessly causes bodily injury with a deadly weapon.	4th Degree	\$1,000 to \$2,500	10% permissible
2C:12-1b(4)	Aggravated Assault	Actor, knowingly under circumstances manifesting extreme indifference to the value of human life, points a firearm at or in the direction of another, whether or not the actor believes it to be loaded.	4th Degree	\$1,000 to \$2,500	10% permissible
2C:12-1b(5)	Aggravated Assault	Actor commits 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



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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.	2nd Degree	\$20,000 to \$50,000	10% permissible
2C:12-1b(7)	Aggravated Assault	Actor attempts to cause or purposely or knowingly causes significant bodily injury to another, or under circumstances manifesting extreme indifference to the value of human life, recklessly causes such injury.	3rd Degree	\$15,000 to \$35,000	10% permissible
2C:12-1b(9)	Aggravated Assault	Actor knowingly under circumstances manifesting extreme indifference to the value of human life points or displays a firearm at or in the direction of a police officer.	3rd Degree	\$50,000 to \$75,000	10% permissible
2C:12-1c(1)(2)(3)	Aggravated Assault by Auto or Vessel	(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

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2C:12-1c(1)(2)(3) (continued)	Aggravated Assault by Auto or Vessel (continued)	(2) Actor drives a vehicle or vessel while in violation of R.S. 39:4-50 (DWI) or R.S. 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 R.S. 39:4-50 (DWI) or R.S. 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, and knowing that juveniles are present; second degree if serious bodily injury results; third degree if bodily injury results.	4th Degree	\$1,000 to \$2,500	10% permissible
2C:12-1c(4)	Aggravated Assault by Auto or Vessel	Actor purposely drives a vehicle in an aggressive manner directed at another vehicle; third degree if serious bodily injury results; fourth degree if bodily injury results.	3rd Degree	\$15,000 to \$35,000	10% permissible

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2C:12-1c(4) (continued)	Aggravated Assault by Auto or Vessel (continued)		4th Degree	\$10,000 to \$25,000	10% permissible
2C:12-1d	Aggravated Assault	Actor employed by public or private facility or institution, which offers health or health related services for the institutionalized elderly, commits a simple assault upon an institutionalized elderly person, age 60 or older.	4th Degree	\$2,500 to \$5,000	10% permissible
2C:12-1f	Aggravated Assault	Actor commits a simple assault in the presence of a child under age 16 at a school or community sponsored youth sports event.	4th Degree	\$1,000 to \$2,500	10% permissible

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2C:12-1.1	Knowingly Leaving the Scene of a Motor Vehicle Accident Resulting in Serious Bodily Injury	Actor operating a motor vehicle 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 serious bodily injury to another person.	3rd Degree	\$2,500 to \$7,500	10% permissible
2C:12-1.2	Endangering an Injured Victim	Actor causes bodily injury to any person or solicits, aids, encourages, or attempts or agrees to aid another who causes bodily injury to any person, and leaves the scene of the injury knowing or reasonably believing that the injured person is physically helpless, mentally incapacitated or otherwise unable to care for himself.	3rd Degree	\$20,000 to \$50,000	10% permissible
2C:12-3(a)(b)	Terroristic Threats	Actor threatens a crime of violence or threatens to kill; third degree; if threat of crime of violence occurs during declared period of national, state or county emergency, then second degree.	2nd Degree	\$25,000 to \$50,000	10% permissible
			3rd Degree	\$10,000 to \$20,000	10% permissible

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2C:12-10	Stalking	Actor engages in course of conduct toward a specific person that would cause a reasonable person to fear for his safety or the safety of a third person or suffer other emotional distress; third degree if committed in violation of an existing court order, or is a second or subsequent offense of stalking against the same victim, or is committed while serving a term of imprisonment, or while on parole or probation for a conviction for any indictable offense under the laws of this state, any other state or the United States; otherwise, fourth degree.	3rd Degree	\$20,000 to \$50,000	10% permissible
			4th Degree	\$1,000 to \$2,500	10% permissible
2C:12-11(a)(b)	Disarming Law Enforcement Officer	Actor knowingly takes or attempts to exercise unlawful control over a firearm or other weapon in the possession of a law enforcement or corrections officer when that officer is acting in the performance of his duties, and either is in uniform or exhibits evidence of his authority, second degree; first degree if the actor fires or discharges the firearm, or uses or threatens to use the firearm or weapon against the officer or any other person, or the officer or another person suffers serious bodily injury.	1st Degree	\$100,000 to \$250,000	10% permissible
			2nd Degree	\$50,000 to \$100,000	10% permissible
2C:13-2(a)(b)	Criminal Restraint	Actor unlawfully restrains another in circumstances exposing the other to serious bodily injury or holds another in a condition of involuntary servitude.	3rd Degree	\$10,000 to \$25,000	10% permissible

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2C:13-4a(1-4)	Interference with Custody	a. Actor, including a parent, guardian or other lawful custodian: 1. Takes or detains a minor child with the purpose of concealing the minor child and thereby depriving the child's other parent of custody or parenting time with the minor child; or 2. After having been served with process or having actual knowledge of an action affecting marriage or custody but prior to the issuance of a temporary or final order determining custody and parenting time rights to a minor child, takes, detains, entices or conceals the child within or outside the State for the purpose of depriving the child's other parent of custody or parenting time, or to evade the jurisdiction of the courts of the State; or	2nd Degree	\$35,000 to \$100,000	10% permissible

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2C:13-4a(1-4) (continued)	Interference with Custody (continued)	<p>3. After being served with process or having actual knowledge of an action affecting the protective services needs of a child pursuant to Title 9 in an action affecting custody, but prior to the issuance of a temporary or final order determining custody rights of a minor child, takes, detains, entices or conceals the child within or outside the State for the purpose of evading the jurisdiction of the courts of this State; or</p> <p>4. After the issuance of a temporary or final order specifying custody, joint custody rights or parenting time, takes, detains, entices or conceals a minor child from the other parent in violation of the custody or parenting time order.</p> <p>Grading of Sections 1 through 4 – crime of the second degree if the child is taken, detained, enticed, or concealed outside of the United States or for more than twenty-four hours; otherwise crime of the third degree</p>	3rd Degree	\$5,000 to \$25,000	10% permissible

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2C:13-6	Luring, Enticing a Child, Attempts	Actor attempts via electronic or other means, to lure or entice a child, or a person the actor reasonably believes to be a child, into a motor vehicle, structure or isolated place or to meet or appear at any other place with purpose to commit a criminal offense with or against the child. A child is defined as a person less than 18 years old.	2nd Degree	\$50,000 to \$100,000	10% permissible
2C:13-7	Luring, Enticing an Adult	Actor attempts, via electronic or any other means, to lure or entice a person into a motor vehicle, structure or isolated area, or to meet or appear at any place, with a purpose to commit a criminal offense with or against the person lured or enticed or against any other person.	3rd Degree	\$20,000 to \$50,000	10% permissible



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2C:13-8	Human Trafficking	Actor (1) knowingly holds, recruits, lures, entices, harbors, transports, provides or obtains, by any means, another to engage in sexual activity as defined in paragraph (2) of subsection (a) of 2C:34-1, Prostitution, or to provide labor or services: (a) by threats of serious bodily harm or physical restraint against the person or any other person; (b) by means of any scheme, plan or pattern intended to cause the person to believe that the person or any other person would suffer serious bodily harm or physical restraint; (c) by committing a violation of 2C:13-5, Criminal Coercion, against the person; or (d) by destroying, concealing, removing, confiscating, or possessing any passport or immigration-related document as defined in 2C:21-31, or other document issued by a governmental agency to any person which could be used as a means of verifying the person's identity or age, or any other personal identifying information; or (e) by means of the abuse or threatened abuse of the law or legal process; or (f) by means of fraud, deceit, or misrepresentation against the person; or (g) by facilitating access to a controlled dangerous substance or controlled substance analog as set forth in chapter 35 of Title 2C of the New Jersey Statutes; or (2) receives anything of value from participation as an organizer, supervisor, financier or manager in a scheme or course of conduct which violates paragraph (1) of this subsection; or (3) knowingly holds, recruits, lures, entices, harbors, transports, provides or obtains, by any means, a child under 18 years of age, to engage in sexual activity as defined in paragraph (2) of subsection a. of N.J.S. 2C:34-1, whether or not the actor mistakenly believed that the child was 18 years of age or older, even if that mistaken belief was reasonable.	1st Degree	\$150,000 to \$400,000	No 10%

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2C:13-9	Human Trafficking	Actor (1) provides services, resources, or assistance with the knowledge that the services, resources, or assistance are intended to be used in furtherance of the commission of the crime of human trafficking in violation of 2C:13-8; or (2) procures or attempts to procure a person to engage in sexual activity as defined in paragraph (2) of subsection a. of 2C:34-1, Prostitution, or to provide labor or services, whether for himself or another person, knowing that the person provided or to be provided was a victim of human trafficking, or under circumstances in which a reasonable person would conclude that there was a substantial likelihood that the person was a victim of human trafficking.	2nd Degree	\$50,000 to \$150,000	10% permissible

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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 age 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 age 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	Actor exposes his intimate parts for his own sexual gratification under circumstances where the actor knows or reasonably expects that he is likely to be observed by a child under age 13 and the actor is more than 4 years older; or is likely to be observed by a person who because of mental disease or defect is unable to understand the sexual nature of the actor's conduct, fourth degree; or 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

## Bail Schedule 2

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**Rule 3:3-1(c)(1) requires warrants on the Bail Schedule 2 charges of robbery, criminal sexual contact, second degree aggravated assault, aggravated arson, arson, burglary, first or second degree violations of Chapter 35 (drug offenses), any crime involving the possession or use of a firearm, or conspiracies or attempts to commit such crimes. Rule 3:3-1(c)(2-6) (indictable offenses) and Rule 7:2-2(b)(1-6) delineate factors regarding whether a warrant or summons should issue for other offenses.**

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**Bail Ranges for attempts or conspiracies should generally be the same as the actual substantive crime.**

<u>Statute</u>	<u>Charge</u>	<u>Description</u>	<u>Degree</u>	<u>Bail Range</u>	<u>10% Cash Bail Option</u>
2C:14-9(a-c)	Invasion of Privacy	a. Actor, knowing he is not licensed or privileged to do so, and under circumstances in which a reasonable person would know that another may expose intimate parts or may engage in sexual penetration or sexual contact, observes another person without that person's consent and under circumstances in which a reasonable person would not expect to be observed, fourth degree.	3rd Degree	\$25,000 to \$50,000	10% permissible
		b. Actor, knowing he is not licensed or privileged to do so, photographs, films, videotapes, records, or otherwise reproduces in any manner, the image of another person whose intimate parts are exposed or who is engaged in an act of sexual penetration or sexual contact, without that person's consent and under circumstances in which a reasonable person would not expect to be observed, third degree.			
		c. Actor, knowing he is not licensed or privileged to do so, discloses any photograph, film, videotape recording or any other reproduction of the image of another person whose intimate parts are exposed or who is engaged in an act of sexual penetration or sexual contact, unless that person has consented to such disclosure, third degree.	4th Degree	\$1,000 to \$5,000	10% permissible

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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	Actor uses force or threatens victim during the course of a theft of a motor vehicle.	1st Degree	\$100,000 to \$250,000	No 10%

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2C:16-1a(1-3)	Bias Intimidation	Actor commits, attempts to commit, conspires with another to commit, or threatens the immediate commission of an offense specified in Chapters 11 through 18 of Title 2C of the New Jersey Statutes; 2C:33-4; 2C:39-3; 2C:39-4 or 2C:39-5,  (1) With purpose to intimidate an individual or group of individuals because of race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin, or ethnicity; or  (2) Knowing that the conduct constituting the offense would cause an individual or group of individuals to be intimidated because of race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin, or ethnicity; or.	1st Degree	\$50,000 to \$150,000	10% permissible
		(3) Under circumstances that cause any victim of the underlying offense to be intimidated and the victim reasonably believed that (a) the offense was committed with the purpose to intimidate the victim or any person or entity in whose welfare the victim is interested because of race, color, religion, gender, disability, sexual orientation, gender identity or expression,	2nd Degree	\$35,000 to \$100,000	10% permissible

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2C:16-1a(1-3) (continued)	Bias Intimidation (continued)	national origin or ethnicity, or (b) the victim or the victim's property was selected to be the target of the offense because of the victim's race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin, or ethnicity.	3rd Degree	\$10,000 to \$50,000	10% permissible
		Grading – fourth degree if the underlying offense referred to in subsection a. is a disorderly persons offense or petty disorderly persons offense. Otherwise bias intimidation is a crime one degree higher than the most serious underlying crime referred to in subsection a; if underlying crime is a crime of the first degree, then bias intimidation is a crime of the first degree.	4th Degree	\$1,000 to \$2,500	10% permissible
2C:17-1a	Aggravated Arson	Actor starts fire or causes an explosion thereby purposely or knowingly placing another in danger of death or bodily injury, or with the purpose to destroy a building, or with the purpose 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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2C:17-1b	Arson	Actor starts fire or causes an explosion, thereby recklessly placing another person in danger of death or bodily injury, or thereby recklessly placing a building or another in danger of damage or destruction, or for the purpose of collecting insurance for the destruction to such property.	3rd Degree	\$10,000 to \$35,000	10% permissible
2C:17-1d(1-3)	Aggravated Arson	Actor directly or indirectly pays or accepts or offers to pay or accept any form of consideration including, but not limited to, money or any other pecuniary benefit, regardless of whether any consideration is actually exchanged, for the purpose of starting a fire or causing an explosion, in violation of this section.	1st Degree	\$100,000 to \$250,000	No 10%



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2C:17-3a(1-7)	Criminal Mischief	Actor: (1)(2) 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
		(3) Damages or causes loss to research facility, third degree.	3rd Degree	\$5,000 to \$15,000	10% permissible
		(4) 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.	4th Degree	\$1,000 to \$2,500	10% permissible

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2C:17-3a(1-7) (continued)	Criminal Mischief (continued)	(5) 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.  (6) Tampers with grave, crypt or mausoleum with purpose to desecrate or steal human remains, third degree.  (7) 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.  (8) 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
2C:18-2(a)(b)	Burglary	Actor 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	2nd Degree	\$35,000 to \$75,000	No 10%

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2C:18-2(a)(b) (Continued)	Burglary (Continued)	explosives or a deadly weapon or threatens to inflict or inflicts bodily injury; second degree.	3rd Degree	\$10,000 to \$50,000	10% permissible
2C:18-3(a)(b)(c)	Criminal Trespass	a. Actor 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.	4th Degree	\$1,000 to \$2,500	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.	Disorderly Persons	\$500 to \$1,000	10% permissible
		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	Petty Disorderly Persons	\$100 to \$500	10% permissible
2C:20-2	Theft	This section indicates grading of various theft offenses.			

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2C:20-2 (continued)	Grading of theft offenses (continued)	<p>b. Grading of theft offenses.</p> <p>(1) Theft constitutes a crime of the second degree if:</p> <p>(a) The amount involved is \$75,000.00 or more;</p> <p>(b) The property is taken by extortion;</p> <p>(c) The property stolen is a controlled dangerous substance or controlled substance analog as defined in N.J.S.2C:35-2 and the quantity is in excess of one kilogram;</p> <p>(d) The property stolen is a person's benefits under federal or State law, or from any other source, which the Department of Human Services or an agency acting on its behalf has budgeted for the person's health care and the amount involved is \$75,000.00 or more; or</p> <p>(e) The property stolen is human remains or any part thereof; except that, if the human remains are stolen by deception or falsification of a document by which a gift of all or part of a human body may be made pursuant to P.L.2008, c.50 (C.26:6-77 et al.), the theft constitutes a crime of the first degree.</p>			

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2C:20-2 (continued)	Grading of theft offenses (continued)	(2) Theft constitutes a crime of the third degree if:  (a) The amount involved exceeds \$500.00 but is less than \$75,000.00;  (b) The property stolen is a firearm, motor vehicle vessel, boat, horse, domestic companion animal or airplane;  (c) The property stolen is a controlled dangerous substance or controlled substance analog as defined in N.J.S.2C:35-2 and the amount involved is less than \$75,000.00 or is undetermined and the quantity is one kilogram or less;  (d) It is from the person of the victim;  (e) It is in breach of an obligation by a person in his capacity as a fiduciary;  (f) It is by threat not amounting to extortion;  (g) It is of a public record, writing or instrument kept, filed or deposited according to law with or in the keeping of any public office or public servant;			

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2C:20-2 (continued)	Grading of theft offenses (continued)	<p>(h) The property stolen is a person's benefits under federal or State law, or from any other source, which the Department of Human Services or an agency acting on its behalf has budgeted for the person's health care and the amount involved is less than \$75,000.00;</p> <p>(i) The property stolen is any real or personal property related to, necessary for, or deprived from research, regardless of value, including, but not limited to, any sample, specimens and components thereof, research subject, including any warm-blooded or cold-blooded animals being used for research or intended for use in research, supplies, records, data or test other type of information related to research;</p> <p>(j) The property stolen is a New Jersey Prescription Blank as referred to in R.S.45:14-14;</p> <p>(k) The property stolen consists of an access device or a defaced access device; or</p> <p>(l) The property stolen consists of anhydrous ammonia and the actor intends it to be used to manufacture methamphetamine.</p> <p>(3) Theft constitutes a crime of the fourth degree if the amount involved is at least \$200.00 but does not exceed \$500.00.</p>			

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2C:20-2 (continued)	Grading of theft offenses (continued)	(4)Theft constitutes a disorderly persons offense if: (a)The amount involved was less than \$200.00; or (b)The property stolen is an electronic vehicle identification system transponder.			
2C:20-3/2C:20-2b(1)(a)(b)(e)	Theft	Actor unlawfully takes 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.

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2C:20-3/2C:20-2b(2)(a)(b)(d)	Theft	Actor unlawfully takes 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:20-3/2C:20-2b(3)(4)	Theft	Actor unlawfully takes property valued at least \$200 but not more than \$500, fourth degree. If less than \$200, disorderly persons offense.	4th Degree	\$1,000 to \$2,500	10% permissible
			Disorderly Persons	\$500 to \$1,000	10% permissible
2C:20-7a	Receiving Stolen Property	Actor knowingly receives or brings into this State moveable property of another knowing that it has been stolen or believing that it is probably stolen.  See 2C:20-2, herein, for grading of theft offenses.	2nd Degree	\$35,000 to \$75,000	10% permissible except if by extortion.
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<u>Statute</u>	<u>Charge</u>	<u>Description</u>	<u>Degree</u>	<u>Bail Range</u>	<u>10% Cash Bail Option</u>
2C:20-7a (continued)	Receiving Stolen Property (continued)	See 2C:20-2, herein, for grading of theft offenses.	3rd Degree	\$10,000 to \$50,000	10% permissible
			4th Degree	\$1,000 to \$2,500	10% permissible
			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) requires warrants on the Bail Schedule 2 charges of robbery, criminal sexual contact, second degree aggravated assault, aggravated arson, arson, burglary, first or second degree violations of Chapter 35 (drug offenses), any crime involving the possession or use of a firearm, or conspiracies or attempts to commit such crimes. Rule 3:3-1(c)(2-6) (indictable offenses) and Rule 7:2-2(b)(1-6) delineate factors regarding whether a warrant or summons should issue for other offenses.**

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2C:20-10(a-d)	Unlawful Taking of a Means of Conveyance	Actor 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	Actor 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

## Bail Schedule 2

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<u>Statute</u>	<u>Charge</u>	<u>Description</u>	<u>Degree</u>	<u>Bail Range</u>	<u>10% Cash Bail Option</u>
2C:20-11 (continued)	Shoplifting (continued)		Disorderly Persons	\$500 to \$1,000	10% permissible
2C:20-17	Use of Juvenile in Theft of Automobiles	Actor who is age 18 or older knowingly uses, solicits, directs, hires, or employs a person who is age 17 or younger to commit theft of an automobile.	2nd Degree	\$25,000 to \$75,000	10% permissible
2C:20-25(a-f)	Computer Theft	Actor purposely or knowingly and without authorization, or in excess of authorization: a. Accesses any data, database, or computer... b. Alters, damages or destroys any data, data base, computer..., or denies, disrupts or impairs computer services. c. Accesses or attempts to access any data, data base, computer... for the purpose of executing a scheme to defraud, or to obtain services, property, personal identifying information, or money from the owner of a computer or any third party. d. (Deleted). e. Obtains, takes, copies or uses any data, database or computer program... f. Accesses and recklessly alters, damages or destroys any data, data base, computer...	1st Degree	\$50,000 to \$150,000	10% permissible
			2nd Degree	\$25,000 to \$50,000	10% permissible

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**Rule 3:3-1(c)(1) requires warrants on the Bail Schedule 2 charges of robbery, criminal sexual contact, second degree aggravated assault, aggravated arson, arson, burglary, first or second degree violations of Chapter 35 (drug offenses), any crime involving the possession or use of a firearm, or conspiracies or attempts to commit such crimes. Rule 3:3-1(c)(2-6) (indictable offenses) and Rule 7:2-2(b)(1-6) delineate factors regarding whether a warrant or summons should issue for other offenses.**

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<u>Statute</u>	<u>Charge</u>	<u>Description</u>	<u>Degree</u>	<u>Bail Range</u>	<u>10% Cash Bail Option</u>
2C:20-25(a-f) (continued)	Computer Theft (continued)	Grading – First degree if substantial interruption or impairment of public communication, transportation, supply of water, gas or power, or other public service.	3rd Degree	\$5,000 to \$25,000	10% permissible
		Second degree – Any violation of subsection b. or a violation of subsection c. if the value of the services, property, personal identifying information, or money obtained or sought to be obtained exceeds \$5,000; or a violation of subsection e. if the data, database, or computer program... contained personal identifying information, medical information concerning an identifiable person, protected government or court records, or has a value exceeding \$5,000.			
		Third degree – Any other violation of subsection c; any other violation of subsection e; a violation of subsection f. if the damage exceeds \$5,000.	4th Degree	\$1,500 to \$2,500	10% permissible
		Fourth degree – Any other violation of subsection f.			
2C:21-1	Forgery	Actor, 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	3rd Degree	\$5,000 to \$20,000	10% permissible

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<u>Statute</u>	<u>Charge</u>	<u>Description</u>	<u>Degree</u>	<u>Bail Range</u>	<u>10% Cash Bail Option</u>
2C:21-1 (continued)	Forgery (continued)	in statute.	4th Degree	\$1,000 to \$2,500	10% permissible
2C:21-2.1(a-d)	False Government Documents	Actor sells, transfers, or possesses with intent to sell, a writing which falsely purports to be a driver's license, birth certificate 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(a-c)	Bad Checks	Actor 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 if \$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

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**Bail Ranges for attempts or conspiracies should generally be the same as the actual substantive crime.**

<u>Statute</u>	<u>Charge</u>	<u>Description</u>	<u>Degree</u>	<u>Bail Range</u>	<u>10% Cash Bail Option</u>
2C:21-5(a-c) (continued)	Bad Checks (continued)		4th Degree	\$1,000 to \$2,500	10% permissible
			Disorderly Persons	\$500 to \$1,000	10% permissible

## Bail Schedule 2

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<u>Statute</u>	<u>Charge</u>	<u>Description</u>	<u>Degree</u>	<u>Bail Range</u>	<u>10% Cash Bail Option</u>
2C:21-6	Credit Card Theft	Actor receives with intent to sell or sells lost or stolen credit cards or submits false information in writing in order to obtain a credit card or who buys a credit card from other than the purported issuer, 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
2C:24-4(a)(b)	Endangering Welfare of Children/Possession/Distribution of Child Pornography	a(1) Actor has legal duty for the care of a child or has assumed responsibility for the care of a child and engages in sexual conduct which would impair or debauch the morals of the child, second degree. Any other person who engages in conduct or who causes harm as described in this paragraph to a child, third degree.  a(2) Actor has legal duty for the care of a child or who has assumed responsibility for the care of a child who causes the child harm that would make the child an abused or neglected child as defined in R.S.9:6-1, R.S.9:6-3, and R.S.9:6-8.21, second degree. Any other person who engages in conduct or who causes harm as described in this paragraph to a child, third degree.  b(1) As used in this subsection, "Child" means any person under 18 years of age.	1st Degree	\$100,000 to \$250,000	No 10%

## Bail Schedule 2

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**Rule 3:3-1(c)(1) requires warrants on the Bail Schedule 2 charges of robbery, criminal sexual contact, second degree aggravated assault, aggravated arson, arson, burglary, first or second degree violations of Chapter 35 (drug offenses), any crime involving the possession or use of a firearm, or conspiracies or attempts to commit such crimes. Rule 3:3-1(c)(2-6) (indictable offenses) and Rule 7:2-2(b)(1-6) delineate factors regarding whether a warrant or summons should issue for other offenses.**

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**Bail Ranges for attempts or conspiracies should generally be the same as the actual substantive crime.**

<u>Statute</u>	<u>Charge</u>	<u>Description</u>	<u>Degree</u>	<u>Bail Range</u>	<u>10% Cash Bail Option</u>
2C:24-4(a)(b) (continued)	Endangering Welfare of Children/Possession/Distribution of Child Pornography (continued)	b(3) Actor causes or permits a child to engage in a prohibited sexual act or in the simulation of such an act if the person knows, has reason to know or intends that the prohibited act may be photographed, filmed, reproduced or reconstructed in any manner, including on the Internet, or may be part of an exhibition or performance, first degree.	2nd Degree	\$50,000 to \$100,000	No 10%
		b(4) Actor photographs or films a child in a prohibited sexual act or in the simulation of such an act or who uses any device, including a computer, to reproduce or reconstruct the image of a child in a prohibited sexual act or the simulation of such an act, second degree.  b(5)(a) Actor, by any means, including but not limited to the Internet, knowingly distributes an item depicting the sexual exploitation or abuse of a child, or knowingly possesses an item depicting the sexual exploitation or abuse of a child with intent to distribute that item, or, using a file-sharing program, knowingly stores or maintains an item depicting the sexual exploitation or abuse of a child which is designated as available for searching by or copying to one or more other computers, second degree.  b(5)(b) Actor knowingly possesses, receives, views, or has under his control, through any means, including the Internet, an item depicting the sexual exploitation or abuse of a child, third degree.	3rd Degree	\$20,000 to \$50,000	10% permissible



## Bail Schedule 2

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<u>Statute</u>	<u>Charge</u>	<u>Description</u>	<u>Degree</u>	<u>Bail Range</u>	<u>10% Cash Bail Option</u>
2C:24-9	Use of 17-Year-Old or Younger to Commit Criminal Offenses	Except as provided in 2C:20-17 and 2C:35-6, actor who is age 18 or older knowingly uses, solicits, directs, hires, employs or conspires with a person who is age 17 or younger to commit a criminal offense. An offense under this section will be one degree higher than the underlying offense; if the underlying offense is a disorderly persons offense, then it is a crime of the fourth degree.	1st Degree	\$50,000 to \$100,000	10% permissible
			2nd Degree	\$25,000 to \$50,000	10% permissible
			3rd Degree	\$5,000 to \$25,000	10% permissible
			4th Degree	\$1,000 to \$5,000	10% permissible

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2C:27-2(a-d)	Bribery in Official and Political Matters	Actor directly or indirectly offers, confers or agrees to confer upon another, or solicits, accepts or agrees to accept from another:	2nd Degree	\$50,000 to \$100,000	10% permissible
		<ul style="list-style-type: none"> <li>a. Any benefit as consideration for a decision, opinion, recommendation, vote or exercise of discretion of a public servant, party official or voter on any public issue or in any public election; or</li> <li>b. Any benefit as consideration for a decision, vote, recommendation or exercise of official discretion in a judicial or administrative proceeding; or</li> <li>c. Any benefit as consideration for a violation of an official duty of a public servant or party official; or</li> <li>d. Any benefit as consideration for the performance of official duties; second degree. If benefit has value of \$200 or less, then third degree.</li> </ul>			
		Grading of Sections a, b and c – crime of the second degree unless the benefit is of a value of \$200 or less – then third degree.	3rd Degree	\$10,000 to \$35,000	10% permissible

## Bail Schedule 2

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2C:28-4(a)(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:28-5a(1-5)	Tampering with Witnesses and Informants	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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2C:29-1(a)(b)	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; if actor 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; if by flight, then 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

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2C:29-2a (continued)	Resisting Arrest (continued)		Disorderly Persons	\$500 to \$1,000	10% permissible

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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
2C:29-3(a)(b)	Hindering Apprehension or Prosecution	<p>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 or disorderly persons offense depending upon degree of crime the other person is charged with or liable to be charged with and whether the actor is a spouse, domestic partner, partner in a civil union, parent or child of the person aided.</p> <p>b. Actor has purpose to hinder his own apprehension by concealing or destroying evidence or by using force or intimidation toward another or by giving false information to a law enforcement officer. If force or intimidation is used, then second degree; third degree if the actor has been charged or is liable to be charged with a second degree crime or greater; fourth degree crime if underlying offense would be third degree. Otherwise, a disorderly persons offense.</p>	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

## 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) requires warrants on the Bail Schedule 2 charges of robbery, criminal sexual contact, second degree aggravated assault, aggravated arson, arson, burglary, first or second degree violations of Chapter 35 (drug offenses), any crime involving the possession or use of a firearm, or conspiracies or attempts to commit such crimes. Rule 3:3-1(c)(2-6) (indictable offenses) and Rule 7:2-2(b)(1-6) delineate factors regarding whether a warrant or summons should issue for other offenses.**

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**Bail Ranges for attempts or conspiracies should generally be the same as the actual substantive crime.**

<u>Statute</u>	<u>Charge</u>	<u>Description</u>	<u>Degree</u>	<u>Bail Range</u>	<u>10% Cash Bail Option</u>
2C:29-5(a-e)	Escape	Actor 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	10% permissible

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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.	4th Degree	\$1,000 to \$2,500	No 10%
		NOTE: Bail on a fourth degree contempt must always be set by a Superior Court Judge. Bail on a disorderly persons contempt must also be set by a Superior Court Judge unless the Assignment Judge of the Vicinage has issued an order giving Municipal Court Judges the authority to set bail if the contempt is a disorderly persons offense. See footnote 1, page 16 herein.	Disorderly Persons	\$500 to \$2,500	No 10%
2C:29-10(b)(c)(d)	Use of Certain Electronic Devices in Correctional Facilities	Actor possesses or uses an electronic communication device or a battery or device to recharge an electronic communication device while confined to a state correctional facility, secure juvenile facility, county correctional facility, or county juvenile detention facility, third degree; person, other than an employee of said facilities who knowingly sells, transfers, or otherwise gives an electronic communication device to a person who is confined in one of said facilities, third degree; if the actor is an employee of said facilities, then second degree.	2nd Degree	\$50,000 to \$100,000	10% permissible
			3rd Degree	\$10,000 to \$50,000	10% permissible



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2C:30-2(a)(b)	Official Misconduct	A public servant, with purpose to obtain a benefit for himself or another or to injure or to deprive another of a benefit, commits an act relating to his office knowing such act is unauthorized or commits such act in an unauthorized manner, or knowingly refrains from performing a duty which is imposed by law or is clearly inherent in the nature of his office. Second degree unless the benefit obtained or sought to be obtained, or of which another is deprived or sought to be deprived, is of a value of \$200 or less. It is then third degree.	2nd Degree	\$35,000 to \$100,000	10% permissible
			3rd Degree	\$10,000 to \$35,000	10% permissible

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2C:33-3(a-e)	False Public Alarms	Actor initiates or circulates a report or warning of an impending fire, explosion, bombing, crime, catastrophe or emergency knowing that the report or warning is false or baseless and that it is likely to cause evacuation of a building, place of assembly, or facility of public transport, or to cause public inconvenience or alarm.	2nd Degree	\$35,000 to \$100,000	10% Permitted
		Section (a) – Third degree: also third degree if actor knowingly causes such false alarm to be transmitted to or within any organization, official or volunteer, for dealing with emergencies involving danger to life or property.	3rd Degree	\$10,000 to \$50,000	10% Permitted
		Section (b) – Second degree: if, in addition to acts committed under subsection a, actor places or causes to be placed any false or facsimile bomb in a building, place of assembly or facility or public transport or in a place likely to cause public inconvenience or alarm: first degree if it occurs during a declared period of national, state, or county emergency.			
		Section (c) – Second degree: if, in addition to acts committed under subsection a, such violation results in serious bodily injury to another person or occurs during a declared period of national, state, or county emergency: first degree if a violation results in death.	4th Degree	\$1,000 to \$2,500	10% Permitted
		Section (e) – Fourth degree: if person knowingly places a call to a 9-1-1 emergency telephone system without purpose of reporting the need for 9-1-1 services.			

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2C:33-4(a-e)	Harassment While in Prison or on Parole or Probation for an Indictable Offense	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 alarming or such repeated conduct. Fourth degree offense if the actor is in prison or on parole or probation for an indictable offense. Otherwise, it is a petty disorderly persons offense.	4th Degree	\$1,000 to \$5,000	10% permissible
			Petty Disorderly Persons	\$100 to \$500	10% permissible
2C:33-10	Placing Signs or Displays that Imply Threats of Violence	Actor purposely, knowingly, or recklessly puts or attempts to put another in fear of bodily violence by placing on private property of another a symbol, an object, a characterization, an appellation or graffiti that exposes another to threats of violence.	3rd Degree	\$5,000 to \$35,000	10% Permissible
2C:33-11	Desecrating Religious or Sectarian Premises	Actor purposely defaces or damages, without authorization of the owner or tenant, any private premises or property primarily used for religious, educational, residential, memorial, charitable, or cemetery purposes, or for assembly by persons for purpose of exercising any right guaranteed by law or by the New Jersey Constitution or United States Constitution by placing thereon a symbol, an object, a characterization, an appellation, or graffiti that exposes another to threat of violence.	4th Degree	\$1,000 to \$3,500	10% Permissible

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2C:33-12(a-c)	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 persons offense unless the premises are 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	\$500 to \$2,500	10% permissible
			Disorderly Persons	\$100 to \$1,000	10% permissible

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2C:33-14(a-e)	Interference with Transportation	a. Actor interferes with transportation if the person purposely or knowingly: <ol style="list-style-type: none"> <li>1. Casts, shoots or throws anything at, against or into any vehicle, including, but not limited to, a bus, light rail vehicle, railroad locomotive, railroad car, jitney, trolley car, subway car, ferry, airplane, or other facility of transportation; or</li> <li>2. Casts, shoots, throws or otherwise places any stick, stone, object or other substance upon any street railway track, trolley track or railroad track; or</li> <li>3. Endangers or obstructs the safe operation of motor vehicles by casting, shooting, throwing or otherwise placing any stick, stone, object or other substance upon any highway or roadway; or</li> <li>4. Unlawfully climbs into or upon any light rail vehicle, railroad locomotive or railroad car, either in motion or standing on the track of any railroad company in this State; or</li> <li>5. Unlawfully disrupts, delays or prevents the operation of any vehicle, including, but not limited to, a bus, light rail vehicle, railroad locomotive, train, bus, jitney, trolley, subway, airplane or any other facility of transportation. The term "unlawfully disrupts, delays or prevents the operation of" does not include non-violent conduct growing out of a labor dispute as defined in N.J.S. 2A:15-58; or</li> <li>6. Endangers or obstructs the safe operation of motor vehicles by using a traffic control preemption device to interfere with or impair the operation of a traffic control signal as defined in R.S. 39:1-1; or</li> </ol>	2nd Degree	\$50,000 to \$150,000	10% Permissible
			3rd Degree	\$25,000 to \$75,000	10% Permissible

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2C:33-14(a-e) (continued)	Interference with Transportation (continued)	<p>7. Shines, points or focuses a laser lighting device beam, directly or indirectly, upon a person operating any vehicle, including, but not limited to, a bus, light rail vehicle, railroad locomotive, railroad car, jitney, trolley car, subway car, ferry, airplane, or other facility of transportation. As used in this paragraph, "laser lighting device" means a device which emits a laser beam that is designed to be used by the operator as a pointer or highlighter to indicate, mark or identify a specific position, place, item or object.</p> <p>As used in this subsection, "traffic control preemption device" means an infrared transmitter or other device which transmits an infrared beam, radio wave or other signal designed to change, alter, or disrupt in any manner the normal operation of a traffic control signal.</p>	4th Degree	\$2,500 to \$7,500	10% Permissible
		<p>b. Interference with transportation is a disorderly persons offense.</p> <p>c. Interference with transportation is a crime of the fourth degree if the person purposely, knowingly or recklessly causes bodily injury to another person or causes pecuniary loss in excess of \$500 but less than \$2,000.</p> <p>d. Interference with transportation is a crime of the third degree if the person purposely, knowingly or recklessly causes significant bodily injury to another person or causes pecuniary loss of \$2,000 or more, or if the person purposely or knowingly creates a risk of significant bodily injury to another person.</p> <p>e. Interference with transportation is a crime of the second degree if the person purposely, knowingly or recklessly causes serious bodily injury to another person.</p>	Disorderly Persons	\$500 to \$1,000	10% Permissible

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2C:33-28	Soliciting or Recruiting Gang Members	a. An actor who solicits or recruits another to join or actively participate in a criminal street gang with the knowledge or purpose that the person who is solicited or recruited will promote, further, assist, plan, aid, agree, or attempt to aid in the commission of criminal conduct by a member of a criminal street gang commits a crime of the fourth degree.	2nd Degree	\$75,000 to \$200,000	No 10%
		b. An actor who, in the course of violating subsection a. of this section, threatens another with bodily injury on two or more separate occasions within a 30-day period commits a crime of the third degree.	3rd Degree	\$25,000 to \$50,000	10% Permissible
c. An actor who, in the course of violating subsection a. of this section, inflicts serious bodily injury upon another commits a crime of the second degree.					
		d. Any defendant convicted of soliciting, recruiting, coercing or threatening a person under 18 years of age in violation of subsection a. or b. of this section shall be guilty of a crime of the second degree.			

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2C:33-28 (continued)	Soliciting or Recruiting Gang Members (continued)	e. An actor who violates subsection a. of this section while under official detention commits a crime of the second degree.	4th Degree	\$5,000 to \$25,000	10% Permissible
2C:34-1	Prostitution	Actor has 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



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2C:34-1 (continued)	Prostitution (continued)		Disorderly Persons	\$500 to \$1,000	10% permissible
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 a high level organizer or supervisor of at least one other person.	1st Degree	\$200,000 to \$350,000	No 10%
2C:35-4	Maintaining / Operating CDS Production Facility	Actor knowingly maintains or operates or aids, promotes, finances or otherwise participates in the maintenance or operation of a premise, place or facility that produces CDS.	1st Degree	\$200,000 to \$350,000	No 10%

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2C:35-5(a)(b)	Manufacturing, Distributing, Dispensing or Possessing CDS with Intent to Distribute	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; or LSD or its analog, in a quantity of 100 milligrams or more; or phencyclidine or its analog, in a quantity of 10 grams or more; or methamphetamine or its analog, 5 ounce or more; or marijuana, 25 pounds or more; or 50 marijuana plants or more; or 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, in a quantity of less than 100 milligrams, or where the amount is undetermined; or phencyclidine or its analog in a quantity of less than 10 grams, or where the amount is undetermined; or methamphetamine or its analog, 1/2 ounce or more but less than 5 ounces; or marijuana, 5 pounds but less than 25 pounds; or 10 or more marijuana plants but less than 50 marijuana plants; or hashish, 1 pound or more but less than 5 pounds.	2nd Degree	\$75,000 to \$150,000	No 10%

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2C:35-5(a)(b) (continued)	Manufacturing, Distributing, Dispensing or Possessing CDS with Intent to Distribute (continued)	Heroin or cocaine, less than 1/2 ounce; or methamphetamine or its analog, less than 1/2 ounce; or marijuana, 1 ounce or more but less than 5 pounds; or hashish, 5 grams or more but less than 1 pound; or any other substances, or their analogs, in Schedule 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
2C:35-6	Employing a Juvenile in a Drug Distribution Scheme	Actor solicits or employs a person, age 17 years or younger, in a drug distribution scheme.	2nd Degree	\$50,000 to \$100,000	No 10%

## 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) requires warrants on the Bail Schedule 2 charges of robbery, criminal sexual contact, second degree aggravated assault, aggravated arson, arson, burglary, first or second degree violations of Chapter 35 (drug offenses), any crime involving the possession or use of a firearm, or conspiracies or attempts to commit such crimes. Rule 3:3-1(c)(2-6) (indictable offenses) and Rule 7:2-2(b)(1-6) delineate factors regarding whether a warrant or summons should issue for other offenses.**

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**Bail Ranges for attempts or conspiracies should generally be the same as the actual substantive crime.**

<u>Statute</u>	<u>Charge</u>	<u>Description</u>	<u>Degree</u>	<u>Bail Range</u>	<u>10% Cash Bail Option</u>
2C:35-7	Distributing, Dispensing or Possessing CDS with Intent to Distribute Near or On School Property or School Bus	Actor distributes, dispenses or possesses with the intent to distribute CDS while on or within 1000 feet of school property or while on 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 while on or within 500 feet of public property. Public property means public park, public housing facility or public building; second degree unless CDS is less than 1 ounce of marijuana; then third degree.	2nd Degree	\$25,000 to \$50,000	No 10%
			3rd Degree	\$10,000 to \$25,000	10% permissible

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2C:35-9a	Strict Liability for Drug-Induced Deaths	Actor manufactures, distributes or dispenses methamphetamine, lysergic acid diethylamide, phencyclidine or any other controlled dangerous substance classified in Schedules I or II, or any controlled substance analog thereof, in violation of subsection (a) of 2C:35-5, Distribution of CDS, is strictly liable for a death which results from the injection, inhalation or ingestion of that substance.	1st Degree	\$75,000 to \$200,000	No 10%
2C:35-10a	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 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:35-13	Obtaining CDS by Fraud	Actor obtains CDS by fraud, forgery or deception.	3rd Degree	\$5,000 to \$10,000	10% permissible

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2C:39-3(a-f)	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

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2C:39-4(a-e)	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

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<u>Statute</u>	<u>Charge</u>	<u>Description</u>	<u>Degree</u>	<u>Bail Range</u>	<u>10% Cash Bail Option</u>
2C:39-5(a-j)	Unlawful Possession of Weapons	Actor: a. Possesses a machine gun without a license; second degree.  b. Possesses a handgun , including any antique handgun without a permit to carry same (unless an air gun, spring gun or pistol or other weapon of a similar nature as described in statute), second degree; Possesses a handgun without a permit to carry and handgun is air gun, spring gun or pistol or other weapon as described in the statute, third degree.  c. Possesses a rifle or shotgun without firearm purchase identification card, third degree.  (1) Possession of a rifle or shotgun without obtaining firearm purchaser identification card, third degree.  (2) Unless otherwise permitted by law, possesses a loaded rifle or shotgun, third degree.	1st Degree	\$50,000 to \$150,000	10% Permissible



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2C:39-5(a-j) (continued)	Unlawful Possession of Weapons (continued)	d. Possesses any other weapon under circumstances not manifestly appropriate, fourth degree.	2nd Degree	\$25,000 to \$100,000	10% permissible
		e. Possesses a firearm or other weapon in educational institution, third degree.			
		(1) Possesses a firearm in or on grounds of educational institution, without prior authorization, third degree, irrespective of whether he possesses a permit to carry or a firearms purchaser identification card.			
		(2) Possesses weapon or components which can be readily assembled into firearm or other weapon described in 2C:39-1, or any other weapon under circumstances not manifestly	3rd Degree	\$7,500 to \$20,000	10% permissible

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2C:39-5(a-j) (continued)	Unlawful Possession of Weapons (continued)	appropriate for such lawful use that it may have, while on or in educational institution without prior written authorization, fourth degree.  (3) Possesses any imitation firearms while on or in educational institution without prior written authorization, or while on any school bus, irrespective of whether he possesses a carry permit or a firearms purchaser identification card, disorderly persons.  f. Possesses an assault firearm without a license, second degree.  j. A violation of subsections a., b., c. or f. by a person who has a prior conviction under 2C:43-7.2 (No Early Release Act), first degree.	4th Degree	\$1,000 to \$2,500	10% permissible

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2C:39-5(a-j) (continued)	Unlawful Possession of Weapons (continued)		Disorderly Persons	\$500 to \$1,000	10% Permissible

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2C:39-7(a)(b)	Certain Persons Not to Have Weapons	a. Actor previously convicted in this state or elsewhere of a designated offense in the statute, or who has previously been committed for a mental disorder to any hospital, mental institution or sanitarium or who has previously been convicted for indictable use, possession or sale of CDS who purchases, owns, possesses or controls a weapon other than a firearm, fourth degree.	2nd Degree	\$25,000 to \$100,000	10% permissible
		b. (1) Actor previously convicted in this state or elsewhere of a requisite offense who purchases, owns, possesses or controls a firearm, second degree.	3rd Degree	\$7,500 to \$20,000	10% permissible
		(2) Actor previously convicted in this state or elsewhere of a disorderly persons offense involving domestic violence, who purchases, owns, possesses or controls a firearm, third degree.	4th Degree	\$1,000 to \$7,500	10% permissible

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2C:40-26(a)(b)	Operating Motor Vehicle During Period of License Suspension	<p>a. Actor operates a motor vehicle during the period of license suspension or revocation in violation of R.S. 39:3-40, and the actor's license was suspended or revoked for a first violation of R.S. 39:4-50 or R.S. 39:4-50.4a, and the actor had previously been convicted of violating R.S. 39:3-40 while under suspension for that first offense.</p> <p>b. Actor operates a motor vehicle during the period of license suspension in violation of R.S. 39:3-40, and the actor's license was suspended or revoked for a second or subsequent violation of R.S. 39:4-50 or R.S. 39:4-50.4a</p>	4th Degree	\$2,500 to \$25,000	10% permissible

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2C:40-22(a)(b)	Causing Death or Injury while Driving with Suspended License or without a License	a. Actor operates a motor vehicle while driver's license is suspended or revoked in this or any other state, the District of Columbia or the United States Territories of American Samoa, Guam, Puerto Rico, or the Virgin Islands, or by another country, or without ever having been issued a driver's license, and is involved in a motor vehicle accident resulting in the death of another person, third degree.	3rd Degree	\$15,000 to \$50,000	10% permissible
		b. Actor operates a motor vehicle while driver's license is suspended or revoked in this or any other state, the District of Columbia or the United States Territories of American Samoa, Guam, Puerto Rico, or the Virgin Islands, or by another country, or without ever having been issued a driver's license, and is involved in a motor vehicle accident resulting in serious bodily injury, fourth degree.	4th Degree	\$2,500 to \$20,000	10 % permissible
2C:41-2	Racketeering	Actor receives income from pattern of racketeering activity, as defined in 2C:41-1, or through collection of an unlawful debt, and uses or invests income or proceeds to acquire interest in or establish or operate any enterprise which is engaged in activities which affect trade or	1st Degree	100,000 to 400,000	No 10%

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2C:41-2 (continued)	Racketeering (continued)	commerce; or conspires to do so.  If pattern of racketeering activity involves a crime of violence, or a crime of the first degree or the use of firearms, first degree. All other violations, second degree.	2nd Degree	50,000 to 200,000	No 10%
2C:43-6.4d	Violation of Community Supervision for Life / Parole Supervision for Life	Actor knowingly commits violation of conditions of Community Supervision for Life / Parole Supervision for Life.	4th Degree	\$2,500 to \$7,500	10% permissible
N.J.S. 30:4-123.94	Non-Compliance with Sex Offender Monitoring	Actor who is monitored under Sex Offender Monitoring by the State Parole Board fails to comply with requirements.	3rd Degree	\$25,000 to \$50,000	10% permissible

## Bail Schedule 2

### DISORDERLY PERSONS OFFENSES AND PETTY DISORDERLY PERSONS OFFENSES

Note: Some of these offenses are listed elsewhere in Bail Schedule 2 as lesser included offenses

**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**

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2C:5-5(a)(b)	Burglar's Tools	Actor possesses tools commonly used to commit theft or burglary with purpose to so employ.	Disorderly Persons	\$500 to \$2,500	10% permissible
2C:12-1a(1)(2)(3)	Simple Assault	Actor 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	\$500 to \$2,500	10% permissible
2C:14-4a	Lewdness	Actor commits a flagrantly rude or offensive conduct likely to be observed by a non-consenting person.	Disorderly Persons	\$500 to \$1,000	10% permissible
2C:17-3(a)(b)(2)	Criminal Mischief	Actor purposely or knowingly damages property of another or recklessly or negligently causes such damage by the employment of fire or explosives or other dangerous means, and the pecuniary loss is \$500 or less.	Disorderly Persons	\$500 to \$1,000	10% permissible



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2C:18-3(a)(b)	Unlicensed Entry of Structures; Defiant Trespass	a. Actor enters or surreptitiously remains in any structure or separately secured or occupied portion thereof; disorderly persons offense.	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% permissible
2C:20-3/2C:20-2b(4)a	Theft	Actor unlawfully takes property valued at less than \$200.	Disorderly Persons	\$500 to \$1,000	10% permissible
2C:20-7a	Receiving Stolen Property	Actor knowingly receives or brings into this State moveable property of another, in a value of less than \$200, knowing that it has been stolen or believing that it is probably stolen.	Disorderly Persons	\$500 to \$1,000	10% permissible
2C:20-10a	Unlawful Taking of a Means of Conveyance	Actor unlawfully takes a means of conveyance other than a motor vehicle.	Disorderly Persons	\$500 to \$1,000	10% permissible
2C:20-11(b)(c)(4)	Shoplifting	Actor 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.	Disorderly Persons	\$500 to \$1,000	10% permissible
2C:21-5(a)(b)(c)(4)	Bad Checks	Actor issues or passes check in an amount less than \$200 knowing it would not be honored or if no account to draw on.	Disorderly Persons	\$500 to \$1,000	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. 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.

<u>Statute</u>	<u>Charge</u>	<u>Description</u>	<u>Degree</u>	<u>Bail Range</u>	<u>10% Cash Bail Option</u>
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	\$500 to \$2,500	10% permissible
2C:28-4(a)(b)	False Reports to Law Enforcement Authority	Actor gives false information to law enforcement (other than with purpose to implicate another – which would be a fourth degree crime).	Disorderly Persons	\$500 to \$1,000	10% permissible
2C:29-1(a)(b)	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 the element of actor obstructing investigation or prosecution of a crime – which would make it a fourth degree).	Disorderly Persons	\$500 to \$1,000	10% permissible
2C:29-2a(1)	Resisting Arrest	Actor purposely prevents or attempts to prevent a law enforcement officer from effecting an arrest (other than by the use of physical force or violence or flight).	Disorderly Persons	\$500 to \$1,000	10% permissible

## Bail Schedule 2

### DISORDERLY PERSONS OFFENSES AND PETTY DISORDERLY PERSONS OFFENSES

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<u>Statute</u>	<u>Charge</u>	<u>Description</u>	<u>Degree</u>	<u>Bail Range</u>	<u>10% Cash Bail Option</u>
2C:29-3(a)(b)	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.	Disorderly Persons	\$500 to \$1,000	10% permissible
		b. Actor hinders own apprehension or investigation by suppressing evidence or by giving false information to police; a disorderly persons offense if the conduct which the actor has been charged with or is liable to be charged against him would constitute a crime of the fourth degree or less.			
2C:29-9b	Contempt of Domestic Violence Restraining Order	Actor purposely or knowingly violates any provision of Domestic Violence Restraining Order and conduct does not constitute a crime or disorderly persons offense. <sup>1</sup>	Disorderly Persons	\$500 to \$2,500	No 10%

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. Otherwise, bail must be set by a Superior Court Judge.

## Bail Schedule 2

### DISORDERLY PERSONS OFFENSES AND PETTY DISORDERLY PERSONS OFFENSES

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2C:33-2(a)(b)	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	\$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	\$500 to \$2,500	10% permissible
2C:33-4(a-c)	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 alarming or such repeated conduct.	Petty Disorderly Persons	\$100 to \$500	10% permissible

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<u>Statute</u>	<u>Charge</u>	<u>Description</u>	<u>Degree</u>	<u>Bail Range</u>	<u>10% Cash Bail Option</u>
2C:33-7(a)(b)	Obstructing Highways and Other Public Places	Actor purposely or recklessly obstructs a public passage or, in a gathering, refuses to obey a reasonable official request to move.	Petty Disorderly Persons	\$500 to \$1,000	10% permissible
2C:33-12(a-c)	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 Persons	\$100 to \$1,000	10% permissible
2C:33-13.1	Sale of Cigarettes to Persons Under Age 19	Actor sells or gives cigarettes or tobacco to any person under age 19.	Petty Disorderly Persons	\$100 to \$500	10% permissible

## Bail Schedule 2

### DISORDERLY PERSONS OFFENSES AND PETTY DISORDERLY PERSONS OFFENSES

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<u>Statute</u>	<u>Charge</u>	<u>Description</u>	<u>Degree</u>	<u>Bail Range</u>	<u>10% Cash Bail Option</u>
2C:33-15(a)(b)	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	\$500 to \$1,000	10% permissible
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	\$500 to \$1,000	10% permissible
2C:33-17(a)(b)	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(a)(b)(c)(4)	Prostitution	Actor has 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

## Bail Schedule 2

### DISORDERLY PERSONS OFFENSES AND PETTY DISORDERLY PERSONS OFFENSES

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<u>Statute</u>	<u>Charge</u>	<u>Description</u>	<u>Degree</u>	<u>Bail Range</u>	<u>10% Cash Bail Option</u>
2C:35-10a(4)	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	\$500 to \$1,000	10% permissible
2C:35-10c	Failure to Turn Over CDS to Law Enforcement Officer	Actor knowingly obtains or possesses a controlled dangerous substance or controlled substance analog and who fails to voluntarily deliver the substance to the nearest law enforcement officer.	Disorderly Persons	\$500 to \$1,000	10% permissible
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	\$500 to \$1,000	10% permissible
2C:36-6a	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. (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, or owner or lessor or person in control of property knowingly allows said items to remain.	Petty Disorderly Persons	\$100 to \$500	10% permissible

## Bail Schedule 2

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<u>Statute</u>	<u>Charge</u>	<u>Description</u>	<u>Degree</u>	<u>Bail Range</u>	<u>10% Cash Bail Option</u>
N.J.S. 54:52-18	Possession of Goods (Including Cigarettes) Without Paying Tax	Actor knowingly possesses goods, including cigarettes, which are required to be taxed and on which tax has not been paid.	Disorderly Persons Offense	\$500 to \$1,000	10% permissible



## SUMMARY OF RULES AND STATUTES REGARDING BAIL FOR INDICTABLE OFFENSES

Rule or Statute	Description
Rule 2:9-4 Bail After Conviction	<p>This Rule provides that the defendant, after conviction, shall be admitted to bail on motion and notice to the county prosecutor pending the prosecution of an appeal or proceedings for certification only if it appears that the case involves a substantial question that should be determined by the appellate court, that the safety of any person or of the community will not be seriously threatened if the defendant remains on bail, and that there is no significant risk of defendant's flight.</p> <p>A trial court denying bail shall state briefly its reason therefore. A judge allowing bail may at any time revoke the order admitting the defendant to bail.</p>
Rule 3:3-1 Determination on Whether to Issue a Summons or Warrant	<p>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<sup>1</sup> 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.</p>
Rule 3:4-1(b) Arrest on Warrant	<p>This Rule provides that if bail was not set when an arrest warrant was issued, the person who was arrested on that warrant shall have bail set without unnecessary delay, and no later than 12 hours after arrest. See, however, 2C:25-26(d), which provides that in domestic violence cases, bail shall be set as soon as feasible, but in all cases within 24 hours of arrest.</p>
	<p>1. Chapter 35 is the Comprehensive Drug Reform Act of 1986.</p>

## SUMMARY OF RULES AND STATUTES REGARDING BAIL FOR INDICTABLE OFFENSES

Rule or Statute	Description
<p>Rule 3:26-1 Right to Bail Before Conviction. (Includes Option of R.O.R. Bail)</p>	<p>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.</p> <p>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.<sup>2</sup> 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.</p>
<p>Rule 3:26-2 Authority to Set Bail.</p>	<p>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.<sup>3</sup> 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 Court judge or, in the absence of the judge, a municipal court administrator or deputy court administrator.</p>
<p>Rule 3:26-3 Bail for Witness.</p>	<p>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.</p>
	<p>2. The death penalty was repealed in New Jersey in 2007.</p> <p>3. 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.</p>

## SUMMARY OF RULES AND STATUTES REGARDING BAIL FOR INDICTABLE OFFENSES

Rule or Statute	Description
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.” <sup>4</sup>
Rule 3:26-8(a–g) Bail Sufficiency; Source Hearing  (See also 2A:162-13, page 97 herein)	<p>This Rule provides that the State may request either orally or in writing, at any time prior to the commencement of trial, a hearing pursuant to N.J.S.A. 2A: 162-13. The State shall provide notice to the defendant’s counsel, or to the defendant if he or she is unrepresented at the time the request is made.</p> <p>The court shall grant the State’s request for a hearing if the defendant is charged with a crime enumerated in paragraph (a) of N.J.S.A. 2A:162-12. If the defendant is not charged with a crime enumerated in paragraph (a) in N.J.S.A. 2A:162-12, the State must demonstrate a reasonable and well grounded basis to warrant an inquiry by the court regarding:</p> <p>(1) 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 bail is not forfeited, or</p> <p>(2) whether the funds used to post the cash bail or secure the bail bond were acquired as a result of criminal or unlawful conduct. If the court grants the State’s request for a hearing as to a defendant who is not charged with a crime enumerated in paragraph (a) of N.J.S.A. 162-12, the court shall set forth on the record and in the bail order the reasons for granting the request.</p> <p>The court shall conduct a hearing within three (3) business days after bail is posted or proffered if the defendant is incarcerated, or within a reasonable period of time after granting the request if the defendant has been released on bail.</p>
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 provides 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. But see <i>State v. Steele</i> , 430 N.J. Super. 24 (App. Div. 2013), which prohibits the consideration of danger as a factor when setting the monetary amount of bail. Danger may be considered when setting forth other conditions of bail, for example, no victim contact. Note – the New Jersey Supreme Court granted certification on this case on May 23, 2013, 213 N.J. 569 (2013).
	4. See box for N.J.S.A. 2A:162-12, page 96 herein, regarding bail restrictions on domestic violence contempt charges.

## SUMMARY OF RULES AND STATUTES REGARDING BAIL FOR INDICTABLE OFFENSES

Rule or Statute	Description
2C:14-12 (Nicole's Law) Conditions Placed Upon Release of Certain Defendants	This statute provides that when a defendant charged with a sex offense, as defined in 2C:7-2, is released from custody before trial on bail or personal recognizance, the court authorizing the release may issue a written restraining order prohibiting the defendant from having any contact with the victim including, but not limited to, restraining the defendant from entering the victim's residence, place of employment or business, or school, or from harassing or stalking the victim or the victim's relatives.
2C:25-26(d)(e); 2C:25-31a; 2C:29-9b Bail in Domestic Violence Cases	2C:25-26d provides that when setting bail in a domestic violence case, the court must conduct a search of the Domestic Violence Central Registry. Bail shall be set as soon as feasible, but in all cases within 24 hours of arrest. 2C:25-26e 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.
2C:35-5.7 Drug Offender Restraining Order Act	This statute provides that when a person is charged with any of the designated offenses in 2C:35-5.6c, and the person is released from custody on bail or recognizance, or is otherwise issued a summons, the court may, upon application of a law enforcement officer or prosecuting attorney, issue a written restraining order prohibiting the person from entering the designated area surrounding the place of the alleged offense. This order shall provide a prohibition on the person from entering an area up to 500 feet surrounding the place unless the court rules that a different buffer zone would better effectuate the purposes of this Act. The court has discretion to permit the person to enter the area during specified times for specified purposes, such as attending school during regular school hours.
2A:160(1-25) Uniform Criminal Extradition Act -Extradition Proceeding	The court may withhold bail or grant bail to a fugitive charged in another state; if the person is charged with a crime punishable by death or life imprisonment, no bail shall be granted.

## SUMMARY OF RULES AND STATUTES REGARDING BAIL FOR INDICTABLE OFFENSES

Rule or Statute	Description
<p>2A:162-12 Crimes with Bail Restrictions.</p> <p>(See next box for bail restrictions on Domestic Violence Contempts)</p>	<p>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, weapons training for illegal activities, soliciting or recruiting gang members, and human trafficking. 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.</p> <p>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:</p> <ol style="list-style-type: none"> <li>(1) Has two other indictable offenses pending at the time of the arrest; or</li> <li>(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</li> <li>(3) Has one prior conviction for murder, aggravated manslaughter, aggravated sexual assault, kidnapping, or bail jumping; or</li> <li>(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."</li> </ol> <p>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."</p>
<p>2A:162-12 Crimes with Bail Restrictions – Domestic Violence Cases</p> <p>(Amended on November 7, 2011 as to domestic violence cases where the defendant was already subject to a temporary or permanent restraining order under the Prevention of Domestic Violence Act – 2C:25-17)</p>	<p>No 10% bail for any crime or offense involving domestic violence, as defined in 2C:25-19, where the defendant was already subject to a temporary or permanent restraining order, pursuant to 2C:25-17, and is charged with a crime committed against a person protected under the order or where the defendant is charged with contempt pursuant to 2C:29-9.</p> <p>There is a presumption of full cash bail under some specific circumstances. This presumption exists, unless the court finds on the record that another form of bail authorized in subsection (b), surety bond or property bond, will ensure the defendant's presence in court when required, if the actor was already subject to a temporary or permanent restraining order, pursuant to 2C:25-17, and is charged with a crime committed against a person protected under that order, including a charge of contempt pursuant to 2C:29-9; and either (a) is charged with the commission of a domestic violence crime that resulted in serious bodily injury to the victim; or (b) has at least one prior conviction for a crime or offense involving domestic violence against the same victim or has previously violated a final restraining order protecting the same victim.</p> <p>Section (e), does give the judge the discretion to impose an R.O.R. bail "when the court determines that such person is deserving."</p>

## SUMMARY OF RULES AND STATUTES REGARDING BAIL FOR INDICTABLE OFFENSES

Rule or Statute	Description
<p>2A:162-13 Bail Sufficiency; Source Hearing.  (See also Rule 3:26-8(a–g), page 94 herein.)</p>	<p>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.</p> <p>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.</p> <p>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.</p>
<p>2A:162-14 Procedures.</p>	<p>This statute, effective on January 9, 2004, provides that the inquiry as authorized in 2A:162-13 be governed by Rules adopted by the New Jersey Supreme Court. (See Rule 3:26-8, page 94 herein, effective Sept. 1, 2008, which established the procedures.)</p>

## 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. <sup>5</sup>
Rule 7:4-8 Bail After Conviction.	This Rule provides that when a sentence has been imposed and an appeal from the judgment of conviction has been taken, the trial judge may admit the appellant to bail within 20 days from the date of conviction or sentence, whichever occurs later. Bail after conviction may be imposed only if the trial judge has significant reservations about the appellant's willingness to appear before the appellate court.
	5. See box for N.J.S.A. 2A:162-12, page 96 herein, regarding bail restrictions for domestic violence contempts.