

SUPREME COURT OF NEW JERSEY

It is ORDERED that the attached amendments to Rule 3:25-4 of the Rules Governing the Courts of the State of New Jersey are adopted to be effective January 1, 2017.

For the Court,



Chief Justice

Dated: December 13, 2016

3:25-4. Speedy Trial for Certain Defendants

(a) Eligible Defendant. For purposes of this rule, the term “defendant” or “eligible defendant” shall mean a person for whom a complaint-warrant or complaint-warrant on indictment was issued for an initial charge involving an indictable offense or a disorderly persons offense and who: (1) is detained pursuant to R. 3:4A or R. 3:26-2(d)(1), or (2) is detained in jail due to an inability to post monetary bail pursuant to R. 3:26. This rule only applies to an eligible defendant who is arrested on or after January 1, 2017, regardless of whether the crime or offense related to the arrest was allegedly committed before, on, or after January 1, 2017. For defendants who are detained only for a disorderly persons offense, the limits on pretrial incarceration are governed by R. 7:8-11.

(b) On Failure to Indict.

(1) Time Period. Except as provided in paragraph (d), prior to the return of an indictment, an eligible defendant shall not remain detained in jail for more than 90 days following the date of the defendant’s commitment to the county jail pursuant to R. 3:4-1(a)(2) or (b) or R. 3:26-2(d)(1) not counting excludable time as set forth in paragraph (i) of this rule.

(2) ... no change

(3) ... no change

(4) Court Determination.

(A) ...no change

(B) ... no change

(C) If the court orders an eligible defendant detained pursuant to R. 3:4A or R.

3:26-2(d)(1) and the maximum period of detention is reached or if the court currently does not

find a substantial and unjustifiable risk or finds unreasonable delay by the prosecutor as described in this rule, the court shall establish conditions of pretrial release, pursuant to R. 3:26, and release the defendant.

(c) On Failure to Commence Trial.

(1) Time Period. Except as provided in paragraph (d), an eligible defendant who has been indicted shall not remain detained in jail for more than 180 days on that charge following the return or unsealing of the indictment or the detention of the eligible defendant pursuant to R. 3:26-2(d)(1), whichever is later, not counting excludable time as set forth in paragraph (i) of this rule, before commencement of the trial. For an eligible defendant whose most serious charge is a disorderly persons offense, the time period shall begin with the defendant's initial detention. See R. 7:8-11.

(2) ... no change

(3) ... no change

(4) Court Determination.

(A) ... no change

(B) ... no change

(C) If the court orders an eligible defendant detained pursuant to R. 3:4A or R. 3:26-2(d)(1) and the maximum period of detention is reached, or if the court currently does not find a substantial and unjustifiable risk or finds unreasonable delay by the prosecutor as described in this rule, the court shall establish conditions of pretrial release, pursuant to R. 3:26, and release the defendant.

(d) Period to Readiness of Prosecutor for Trial.

(1) An eligible defendant shall be released from jail upon conditions set by the court, after a release hearing if, excluding any delays attributable to the defendant, two years after the court's issuance of the pretrial detention order pursuant to R. 3:4A or R. 3:26-2(d)(1) for the eligible defendant or after the detention of the eligible defendant in jail due to an inability to post monetary bail as a condition of release, the prosecutor is not ready to proceed to voir dire or to opening argument, or to proceed to the hearing of any motions that had been reserved for the time of trial. In the case of an eligible defendant whose most serious charge is a fourth-degree offense, the maximum time period for the defendant's incarceration shall be 18 months. In the case of an eligible defendant whose most serious charge is a disorderly persons offense, the maximum time period for the defendant's incarceration shall be six months. See R. 7:8-11.

(2) ... no change

(3) ... no change

(e) ... no change

(f) ... no change

(g) ... no change

(h) ... no change

(i) ... no change

(j) ... no change

Note: Adopted August 30, 2016 to be effective January 1, 2017; paragraphs (a), (c)(1), and (d)(1) amended November 14, 2016 to be effective January 1, 2017; paragraphs (a), (b)(4)(C), (c)(1), (c)(4)(C), and (d)(1) amended December 13, 2016 to be effective January 1, 2017.