

NOTICE TO THE BAR

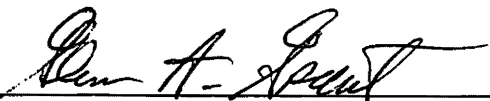
CRIMINAL JUSTICE REFORM -- PRESUMPTION OF A COMPLAINT-WARRANT FOR CERTAIN AUTO THEFT OFFENSES AND CERTAIN VIOLATIONS OF PRETRIAL MONITORING CONDITIONS

The Supreme Court has relaxed and supplemented the Court Rules to establish a presumption that a complaint-warrant, not a complaint-summons, would be issued upon a finding of probable cause that a defendant has committed (1) certain auto theft offenses; or (2) certain violations of the conditions of pretrial release.

The Court's action implements two unanimous recommendations of the Reconvened Joint Committee on Criminal Justice. It responds to ongoing public safety concerns about car thefts, as well as the high rate of repeat offenses by defendants charged with such offenses. In addition, the rule relaxation also streamlines the process for law enforcement response to defendants who violate a pretrial release condition of electronic monitoring, home detention, or to avoid all contact with the victim. Further, the Court's adjustment to the criminal justice reform process aligns with legislative efforts to support public safety through tougher enforcement of those offenses.

The Court's February 26, 2024 Order relaxing Rule 3:3-1(f) ("Issuance of a Complaint-Warrant (CDR-2) or a Complaint Summons (CDR-1); Offenses Where Issuance of a Complaint-Warrant is Presumed") and Rule 7:2-2 ("Issuance of a Complaint-Warrant (CDR-2) or Summons") is attached. The relaxation of the Court Rules is effective as of April 1, 2024.

Questions regarding this notice should be directed to the Administrative Office of the Courts Criminal Practice Division at (609) 815-2900 x55300 or Municipal Court Services Division at (609) 815-2900 x54850.



Glenn A. Grant, J.A.D.

Acting Administrative Director of the Courts

Dated: February 26, 2024

SUPREME COURT OF NEW JERSEY

IT IS ORDERED, pursuant to N.J. Const., Art. VI, sec. 2, par. 3, that effective April 1, 2024, the provisions of Rule 3:3-1(f) ("Issuance of a Complaint-Warrant (CDR-2) or a Complaint-Summons (CDR-1); Offenses Where Issuance of a Complaint-Warrant (CDR-2) is Presumed") and Rule 7:2-2 ("Issuance of Complaint-Warrant (CDR-2) or Summons") of the Rules Governing the Courts of the State of New Jersey are relaxed and supplemented as follows:

1. Rule 3:3-1(f) shall include a presumption that a complaint-warrant shall issue upon a finding of probable cause to believe that the defendant committed (a) theft of a motor vehicle (N.J.S.A. 2C:20-10.1) or (b) receiving a stolen motor vehicle (N.J.S.A. 2C:20-10.2); and
2. Rules 3:3-1(f) and 7:2-2 shall include a presumption that a complaint-warrant shall issue upon a finding of probable cause to believe that the defendant committed contempt (N.J.S.A. 2C:29-9(a)) involving (a) a violation of a condition of pretrial release to avoid contact with an alleged victim or (b) a violation of a condition of home detention with or without the use of an

approved electronic monitoring device ordered pursuant to

N.J.S.A. 2A:162-17; and

3. The Rule 7:2-2 presumption that a complaint-warrant shall issue may be overcome using the factors and analysis set forth in Rule 3:3-1(g) (“Grounds for Overcoming the Presumption of Issuance of a Complaint-warrant [CDR-2]”).

These rule relaxations shall remain in effect pending adoption of conforming rule amendments.

For the Court,

A handwritten signature in blue ink, appearing to read "Sharon R. ...", is written over the text "For the Court,".

Chief Justice

Dated: February 26, 2024