

# New Jersey Leads the Way In Bail Reform

by Peter M. Weiner, Esq.

In the past, when a person was arrested, he or she was often released "on bail" while awaiting trial or other required appearances before the court. This allowed the defendants to retain their freedom until they were acquitted, a jury declared them guilty of a crime, or they entered into a plea bargain with the State (Prosecutor).



Bail usually took the form of money paid to the court or property (such as land) pledged to secure the defendant's appearance at later proceedings. If the defendant did not appear, the bail money (or property) was forfeited; additionally, the defendant could be charged with the separate crime of failure to appear in court.

Although this basic system was followed in New Jersey for many years, the state legislature passed bail reform legislation in 2014 that significantly changed the existing bail system.



**Peter M. Weiner, Esq.** focuses his practice in New Jersey Municipal Court and Superior Court Criminal matters. He served for 19 years as Public Defender in Secaucus, NJ Municipal Court. He received a Juris Doctorate from Seton Hall Law School.

## <sup>the</sup>*Advocate*

LEGAL NEWSLETTER

April 2017 - Issue No. 47

a publication of



**The dePalma Law Firm LLC**

www.advocate.org  
973-837-1488

Bail reform was on the State ballot on November 4, 2014, when the voters of New Jersey made it law by voting to amend the New Jersey Constitution, Article 1, and called it **The Bail Reform Law - New Jersey Public Law 2014, Chapter 31.**

### **The Bail Reform Act**

Also known as the **Bail Reform Act**, it encompassed sweeping changes to New Jersey's criminal laws. As a result, this highly unprecedented reform enacted in 2014 did not become effective until January 1, 2017.

*Continued on reverse page ...*



"If I've learned anything in my seventy years it's that nothing's as good or as bad as it appears."

- Bushrod H. Campbell

"No good deed ever goes unpunished."

- Brooks Thomas

"That best portion of a good man's life,  
His little, nameless, unremembered acts  
Of kindness and of love.."

- William Wordsworth

## Bail Reform

... Continued from first page

The Attorney General's directive was aimed to prepare the police, prosecutors, and defense attorneys for a sweeping system-wide change on pretrial release, and how cases are handled at each step in the criminal process.

The Bail Reform Act focuses on what criteria and issues judges will need to assess the level of risk each individual defendant poses and what would be the best pre-trial release conditions, or in some cases, the reasons for pre-trial detention.

### Factors To Be Considered

The duties and responsibilities of pretrial services will be based on the level of risk a judge will assess for each individual defendant. The factors which are considered is the defendant's prior record, the seriousness of the charges against the defendant, and whether a judge will classify a defendant's risk as high, moderate or low.

The defendant may also be released on conditions that a judge would determine, without the need for posting any monetary bail. The more serious a risk of flight that a defendant may pose, or the more serious a risk a defendant may pose to the community, the possibility of pretrial detention without bail is likewise increased .

This new law is designed to be a more fair system, in that it allows low risk defendants who are at a low level of income to be released without posting even a modest amount of monetary bail due to their financial condition.

Another very important part of the Bail Reform Act is the Speedy Trial component. This is designed to limit the amount of time that a defendant can remain incarcerated before he or she is given a trial on the charges.



If you need legal advice or are facing criminal charges, reach out to the dePalma Law Firm, LLC and speak with Peter M Weiner, an attorney with over 25 years experience in criminal defense.

He has experience representing New Jersey clients in State and Federal Court in a variety of criminal matters, including drug crimes, theft offenses, sex crimes, weapons charges, assault, domestic violence, driving under the influence and fraud.

Call us today to schedule and appointment to discuss your case.