

CHAPTER 213

AN ACT concerning bail sufficiency hearings and supplementing Title 2A of the New Jersey Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

C.2A:162-13 Bail sufficiency hearings.

1. When a person charged with an offense posts cash bail or secures a bail bond, 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. 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, including, but not limited to, the following:

- a. The character, background and reputation of the person posting cash bail;
- b. The relationship of the person posting cash bail or securing a bail bond to the defendant;
- c. The source of any money posted as cash bail and whether any such money constitutes the fruits of criminal or unlawful conduct;
- d. The character, background and reputation of any person who has indemnified or agreed to indemnify and obligor on the bond;
- e. The character, background and reputation of any obligor, or, in the case of a surety bond, the qualifications of the surety and its executing agent;
- f. The source of any money or property deposited by any obligor as security and whether such money or property constitutes the fruits of criminal or unlawful conduct; and
- g. The source of any money or property delivered or agreed to be delivered by any obligor as indemnification on the bond and whether such money or property constitutes the fruits of criminal or unlawful conduct.

At the conclusion of the inquiry, the court shall issue an order either approving or disapproving the bail.

C.2A:162-14 Procedure; governed by court rules.

2. The procedure to determine the sufficiency of bail shall be governed by rules adopted by the Supreme Court.

3. This act shall take effect immediately.

Approved January 9, 2004.