



NEW JERSEY STATE BAR ASSOCIATION

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Hon. Glenn A. Grant
Acting Administrative Director of the Courts
Comments on Proposed Amendments to Rule 3:26-2
Hughes Justice Complex / P.O. Box 037
Trenton, NJ 08625-0037

RE: Proposed Amendments to Rule 3:26-2 – Authority to Set Conditions
of Pretrial Release

Dear Judge Grant:

Thank you for the opportunity for the New Jersey State Bar Association (NJSBA) to submit comments on proposed amendments to Rule 3:26-2, which seek to establish a process for review of a defendant's compliance with pretrial release conditions and clarify the timeframe and process for handling violations of monitoring. We appreciate the additional time provided to allow for a thorough and thoughtful review of the proposal.

The NJSBA supports the goals of the proposed amendments and agrees wholeheartedly that these measures are needed to provide a structure for the review of pretrial release conditions and the handling of alleged violations of monitoring. The NJSBA suggests, however, that additional amendments are needed to strengthen the process that is sought to be established.

While the proposed amendments provide that the results of a pretrial compliance review be submitted to the court upon notice to all parties, the NJSBA suggests more details are needed to clarify the method of notifying the parties and to provide a defined timeframe for any party to file an objection. Additionally, the NJSBA suggests that the Rule specifically state that no changes may be granted to any no contact or no return to the scene conditions unless all parties consent in writing, or a hearing is held by the court and all parties are given the opportunity to be heard.

With regard to the procedure for addressing violations of monitoring, the NJSBA recommends language be added to the Rule to make it clear the timeframes contained in the Rule may be adjusted for appropriate reasons, factoring in the positions of the parties. There should not be steadfast, immovable hearing dates; there needs to be some flexibility to allow for rescheduling for legitimate reasons.

Again, the NJSBA appreciates the additional time provided to allow for the submission of comments on these important amendments. The NJSBA stands ready to assist the Judiciary in developing language for the suggested additional amendments to Rule 3:26-2. Thank you again for the consideration.

Sincerely,

A handwritten signature in blue ink that reads "William H. Mergner, Jr." with a stylized flourish at the end.

William H. Mergner, Jr., Esq.
President

cc: Christine A. Amalfe, Esq., NJSBA President-Elect
Angela C. Scheck, NJSBA Executive Director