

# SENATE JUDICIARY COMMITTEE

## STATEMENT TO

### SENATE, No. 3385

# STATE OF NEW JERSEY

DATED: FEBRUARY 23, 2023

The Senate Judiciary Committee reports favorably Senate Bill No. 3385.

This bill establishes, for a one-year period, a rebuttable presumption of pretrial detention for defendants for the crimes of: (1) theft of a motor vehicle; (2) burglary (entering or trespassing in or upon a structure or certain property, or a separately secured or occupied portion thereof) in furtherance of motor vehicle theft; and (3) carjacking (taking a vehicle by means of violence or threats of violence, or committing or threatening to commit another serious crime at the time of the taking, or the person inside the vehicle remains inside at the time of the taking). In cases involving (1) theft of a motor vehicle or (2) burglary, the presumption would only apply if the defendant also had a prior conviction within the preceding 12 months, or prior pending charges, for a crime of theft of a motor vehicle or burglary.

As with the existing pretrial detention process set forth in P.L.2014, c.31 (C.2A:162-15 et al.), the prosecutor would be required to move to have a defendant detained based on the alleged offense, and the court would be required to find probable cause that the defendant committed that offense. Regarding the timing on moving for pretrial detention based on the temporary expansion of the rebuttable presumption categories, the bill indicates that the presumption would apply to any crime committed during the one-year expansion period, regardless of when the motion for pretrial detention was filed.

The bill would also require, after expiration of the temporary expansion period, the Administrative Office of the Courts to report to the Legislature and the Governor on “the number of individuals detained under the presumption of pretrial detention after an individual commits the crime of car theft, carjacking, or burglary, the rehabilitation of offenders, and other related objectives of pretrial detention.”