

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 3588

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 23, 2023

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 3588.

This bill would establish a one-year pilot program, titled the “Pretrial Partnership for Community Support and Services Pilot Program,” to be operated in Monmouth and Union counties. The program would offer services and treatment to defendants on pretrial release, with the intent of bettering their health and social well-being in order to improve their court appearance rates and enhance short-term and long-term public safety.

A defendant arrested for a crime or offense in Monmouth or Union County would be eligible to participate in the program if the court granted, pursuant to the procedure set forth in P.L.2014, c.31 (C.2A:162-15 et al.), pretrial release conditioned on monitoring by the Judiciary’s Pretrial Services Program. A defendant who would qualify for release on the defendant’s own personal recognizance or on execution of an unsecured appearance bond could also voluntarily agree, upon petition to the court, to participate and be subjected to the conditions of the program.

As a condition of release established by the court, an eligible defendant would receive a biopsychosocial assessment and participate in an orientation which offers medical, psychological, or psychiatric treatment, as well as responsive services, provided by and coordinated through an approved pretrial community support provider, selected by a five-member commission established by the bill. The approved support provider would be either a non-profit or for-profit organization that has provided, for a period of at least two years prior to the implementation of the pilot program, comprehensive reentry services within the State for inmates released from prisons or county jails which are similar to services to be available to participating defendants during their pretrial release.

The biopsychosocial assessment would be required to include, but not be limited to: (1) a screening for substance use disorders; (2) a medical, mental health, and behavioral health assessment including an evaluation of the defendant’s medical needs; and (3) an evaluation of the defendant’s employment readiness, capacity for independence, and ability to manage the defendant’s personal

affairs. The assessment would be used by the support provider to develop and implement an individualized pretrial plan for community-based services and needs for the defendant, which would be submitted to the court and the Pretrial Services Program.

Successful participation by a defendant in complying with the conditions of the support provider's individualized pretrial plan would be given due consideration by prosecutors in making charging decisions, and by courts in ordering an appropriate sentence as successful participation would be considered a mitigating sentencing factor.

The aforementioned five-member commission that selected the pretrial community support provider to administer the pilot program would include the following appointees: one member appointed by the Governor based upon the recommendation of the Senate President; one member appointed by the Governor based upon the recommendation of the Speaker of the General Assembly; one member appointed by the Governor; and two public members appointed by the Governor, both of whom possess experience in the provision of assistance and services to defendants prior to, during, or after a period of incarceration. The commission would also be tasked with monitoring the program and at the program's conclusion, make a report to the Governor, Administrative Office of the Courts, and Legislature, which would include program data prepared by the support provider, and make recommendations on whether the program should continue, or be expanded or modified.

The committee amendments to the bill:

- make a defendant's participation in an orientation which offers medical, psychological, or psychiatric treatment, as well as responsive services, provided by and coordinated through an approved pretrial community support provider a condition of pretrial release under the pilot program, instead of requiring the defendant to undergo medical, psychological, or psychiatric treatment; and

- remove the requirements that the support provider submit periodic progress reports on defendants to the court and Judiciary's Pretrial Services Program, or for the support provider to notify the Pretrial Services Program when the defendant failed to attend scheduled program-related appointments or it had reason to believe that the defendant had contact with an alleged victim, possessed a firearm, committed a crime, or other reasons the court had determined that the defendant posed a risk of danger to others or the community.