

BAIL CONTACT INFORMATION
For County

SUPERIOR COURT – CRIMINAL RECORDS

SUPERIOR COURT OMBUDSMAN

COUNTY CORRECTION CENTER

COUNTY PROSECUTOR'S OFFICE

COUNTY PUBLIC DEFENDER'S OFFICE

NOTICE

This brochure provides general information about bail procedures in Superior Court. Contact the appropriate office for information on a specific case. This brochure does not address bail procedures in municipal court.

New Jersey Judiciary

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Frequently Asked Questions About Superior Court Bail

**NEW JERSEY
JUDICIARY**



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THE NEW JERSEY SUPERIOR COURT BAIL PROCESS

1. WHAT IS BAIL AND ITS PURPOSE?

Bail is money or other security, such as a bail bond, provided to the court to obtain an adult defendant's release from jail and ensure his/her appearances in court. Bail is not a fine or court fee. The purpose of bail is to ensure that a defendant attends all required court dates. If the defendant keeps all scheduled court dates, the court releases/returns bail at the conclusion of the case to the person who posted/paid it.

2. HOW IS BAIL SET?

A judge sets a bail after obtaining information about the charge and background of a defendant. The judge makes a decision as to what amount and type of bail is necessary to guarantee that a defendant will attend court. The judge bases the decision upon factors such as:

- the nature and seriousness of the charge;
- the apparent likelihood of conviction;
- the likely sentence if convicted;
- the defendant's criminal record, if any;
- the defendant's ties to the community;
- the defendant's dangerousness;
- any prior history of missing court dates; and
- whether the defendant was out on bail when arrested on the present charge.

3. WHAT ARE THE TYPES OF BAIL?

When bail is set, the court will specify one or more of the following types of bail:

- **Cash Only** – The full amount of the bail must be posted in cash.
- **Cash with 10 Percent Option** – Ten percent of the set bail amount must be posted in cash. The remaining 90 percent does not have to be paid unless the defendant fails to appear for a required court date, and the court issues an order that the rest be paid.

- **Release on Own Recognizance (ROR)** – No money is posted, but the defendant signs a written promise to appear as required.
- **Property Bond** – A *lien* is placed against real property that is posted as a property bail bond. The property owner must have the required equity so that, if the defendant fails to appear in court, the lien can be paid from the equity. There are specific requirements that must be met in order to post property as bail. Information about these requirements is available from the Superior Court Bail Unit.
- **Bail Bond** – In exchange for a non-refundable fee, a licensed bail bondsman posts a surety bond (written obligation) with the court.

All bails require a non-refundable filing fee of \$30 unless the fee is waived by the court.

4. CAN THE COURT ORDER ADDITIONAL REQUIREMENTS BESIDES BAIL?

Yes, a judge can impose conditions on a defendant's release. These conditions may be set as conditions of the bail. In such cases, if a person does not comply with the conditions set by the judge, the bail may be revoked and the defendant rearrested.

5. WHO CAN POST BAIL, AND WHAT ARE THE RESPONSIBILITIES OF SOMEONE WHO POSTS BAIL?

Bail can be posted by the defendant or another adult. A person who posts bail is responsible for making sure that the defendant attends all required court appearances. The person who posts bail also agrees that if the defendant does not appear in court as required the bail posted will be forfeited.

The person posting bail should obtain and keep the receipt for the bail.

6. WHERE AND WHEN CAN BAIL BE POSTED?

Bail can be posted at the designated court location during court business hours. At other times, only cash or bail bond may be posted at the county correctional facility/jail. (Contact information is listed on the other side of this brochure.)

7. WHAT IS A BAIL SOURCE INQUIRY QUESTIONNAIRE?

Individuals charged with certain first or second degree crimes must provide a completed "Bail Source Inquiry Questionnaire" to the prosecutor before bail can be accepted. The forms are available at the county correctional facility/jail and other offices where bail can be posted.

8. WHAT HAPPENS IF BAIL IS NOT POSTED?

A defendant who is not "bailed out" remains in jail while the charge is being resolved.

9. CAN A BAIL AMOUNT OR TYPE BE CHANGED?

Yes, a judge may change the amount and/or type of bail. The defendant or the prosecutor may file a motion to request a change in bail. In response to a motion, a judge decides whether to change the bail.

10. WHEN AND WHERE ARE BAIL MOTIONS HEARD?

The court hears bail motions at specified times and locations. Contact the local Superior Court Bail Unit for information on hearing times. There is a list of telephone numbers for the Bail Unit and other offices on the reverse side of this brochure.

11. WHAT HAPPENS IF A DEFENDANT OUT ON BAIL DOES NOT APPEAR IN COURT AS REQUIRED?

When a defendant does not come to court for a required appearance, the court will usually issue a warrant for the defendant's arrest. The court will revoke the defendant's bail and order that any bail posted be forfeited. When the defendant is rearrested and appears before the court, the judge then will decide whether to reinstate the original bail or set a new bail.