

SUPREME COURT OF NEW JERSEY

Pursuant to N.J. Const. Art. VI., sec. 2 par. 3, it is ORDERED that effective January 1, 2017 and until further order, the provisions of **Rule 1:38-3** ("Court Records Excluded from Public Access") of the Rules Governing the Courts of New Jersey are relaxed and supplemented such that records relating to the Pretrial Services Program shall be excluded from public access, except as follows: (a) certain records, such as motions or exhibits, the results of any risk assessment instrument, shall be made available to the attorneys of record for the purposes of determining, setting, or modifying conditions of release, determining violations of conditions of release, determining whether pretrial detention is appropriate, and sentencing of the defendant; if the records sought are otherwise obtainable under these Court Rules, such records will be made available to the public; (b) recommendations of release provided by the Pretrial Services Program shall be made available to the attorneys of record; and (c) orders pertaining to conditions of pretrial release or pretrial detention shall be available to the public.

The provisions of this order shall remain in effect pending development and adoption of appropriate amendments to Rule 1:38, with the Criminal Practice Committee and Municipal Court Practice Committee to make recommendations in that regard, subject to subsequent review and recommendation by the Advisory Committee on Public Access to Court Records.

For the Court,



Chief Justice

Dated: December 6, 2016