

SUPREME COURT OF NEW JERSEY

WHEREAS the Criminal Justice Reform Law (P.L. 2014, c. 31) will take effect on January 1, 2017, which substantially reforms New Jersey's system of pretrial release, and which specifically provides for the adoption of Rules of Court to implement the Criminal Justice Reform Law; and

WHEREAS the new system of pretrial release will require significant changes to pretrial procedure, including the expansion of the first appearance event to include a hearing related to whether release conditions shall be set on a defendant; and

WHEREAS it is anticipated that juvenile defendants waived to adult status must be conferred the same benefits that accrue to adult defendants who fall within the class of eligible defendants as defined under the Criminal Justice Reform Law; and

WHEREAS court staff will have frequent contact with defendants, access to sensitive personal information and disclosures from the defendant, and where the Pretrial Services Program's success will in part rely on defendants' candor with Pretrial Services staff;

IT IS ORDERED pursuant to N.J. Const. (1947), Art. VI, §2, par. 3, that effective January 1, 2017, and until further order, the Rules of Court are supplemented and relaxed, as set forth below, to effectuate court procedures necessary to support the implementation and operation of the Criminal Justice Reform Law (L. 2014, c. 31):

- (1) Rule 1:2-1 is supplemented so as to include the combined first appearance/central judicial processing court event.
- (2) Rule 5:22-2(a) is supplemented so as to include the requirement to file a proposed complaint-warrant or complaint-summons with the motion papers to waive a juvenile to adult court.
- (3) Rules 3:25-4(a) and 7:8-11 are supplemented so as to include juvenile defendants within the categories of "defendant" and "eligible defendant" when the juvenile defendant's complaint is transferred to adult status and the juvenile defendant is remanded to a juvenile detention facility, jail or other detention facility.
- (4) The Part III and Part VII Rules are relaxed and supplemented such that no statement or other disclosure, written or otherwise, made or disclosed by the defendant to the Pretrial Services Program may be used at any stage of the matter for any purpose, except (a) for purposes specifically provided for under

the Rules of Court, or (b) in the prosecution of fraudulently obtaining pretrial release or the services of the Public Defender.

The provisions of this Order shall continue in effect pending development and adoption of conforming rule amendments.

For the Court,



Chief Justice

Dated: December 6, 2016