

NOTICE TO THE BAR

NEW COURT RULES 3:28-1 TO 3:28-10 (PRETRIAL INTERVENTION) TAKE EFFECT (July 1, 2018)

In a September 15, 2017 Notice to the Bar, the Supreme Court announced that, pursuant to N.J.S.A. 2C:43-16, it had adopted new Rules 3:28-1 through 3:28-10 (deleting existing Rule 3:28) to govern the Pretrial Intervention Program. As set forth in that earlier notice, these new rules were adopted on the recommendation of the Supreme Court Criminal Practice Committee. There having been no legislative action with regard to these amendments to the Rules Governing the Courts of the State of New Jersey as provided for by N.J.S.A. 2C:43-17, these new rules became effective on July 1, 2018.

Please note that captions have been added to certain paragraphs in six of the rules published with the September 15, 2017 notice. Those added captions are as follows:

Rule 3:28-4 “Factors to Consider in Assessing Applications” - captions added to paragraph (a) “Statutory Criteria”, paragraph (b) “Additional Factors”, and paragraph (c) “Victim’s Position.”

Rule 3:28-5 “Admission into Pretrial Intervention” – captions added to paragraph (a) “Judicial Determination”, paragraph (c) “Postponement”, and paragraph (d) “Restitution; Community Service.” Additionally, the numbering contained in subparagraph (b)(2) was converted from (1), (2), (3) and (4) to (i), (ii), (iii), and (iv).

Rule 3:28-6 “Appeal of Decision by Criminal Division Manager or Prosecutor” - captions added to paragraph (c) “Appellate Review”, and paragraph (d) “Appeal After Judgment of Conviction.”

Rule 3:28-7 “Conclusion of Period of Pretrial Intervention” – captions added to paragraph (a) “Acceptance”, paragraph (b) “Disposition”, paragraph (c) “Conclusion of Term”, and paragraph (d) “Records.”

Rule 3:28-8 “Confidentiality of Pretrial Intervention Process and Records” – captions added to paragraph (a) “Records and Reports Not Admissible”, paragraph (b) “Nondisclosure”, and paragraph (c) “Expungement.”

Rule 3:28-9 “Written Reasons and Decisions” – captions added to paragraph (a) “Application”, and paragraph (b) “Termination or Dismissal.”

As set forth in the September 15, 2017 notice, in addition to deleting the previously existing Rule 3:28, the previously existing PTI Guidelines and official comments are also now deleted as of July 1, 2018.



Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts

Dated: July 2, 2018