

**RULES GOVERNING THE COURTS OF THE STATE OF NEW JERSEY
PART V. RULES GOVERNING PRACTICE IN THE CHANCERY DIVISION,
FAMILY PART
CHAPTER II. SPECIFIC CIVIL ACTIONS
RULE 5:7C. LIMITATIONS ON PRETRIAL INCARCERATION**

Rule 5:7C. Limitations on Pretrial Incarceration

(a) Defendants Subject to Limitations on Pretrial Incarceration. This rule applies to a defendant for whom a Complaint-Warrant (CDR-2) has been issued and who: (1) has been charged with any offense under N.J.S.A. 2C:29-9b or N.J.S.A. 2C:29-9d, along with any underlying offense, and is detained pursuant to R. 3:4A, or (2) is detained in jail due to an inability to post monetary bail on the initial offense charged on a Complaint-Warrant (CDR-2). This rule only applies to defendants arrested on or after January 1, 2017, regardless of when the offense giving rise to the arrest was allegedly committed.

(b) Limitation on Pretrial Incarceration. A defendant as described in paragraph (a) above may not be incarcerated for a time period longer than the maximum period of incarceration for which the defendant could be sentenced for the initial offense charged on the Complaint-Warrant (CDR-2).

(c) Time Period of Pretrial Incarceration. This time period of incarceration starts on the day the defendant was initially taken into custody.

(d) Release. If a defendant is detained pursuant to paragraph (a) of this rule and the maximum period of incarceration is reached pursuant to paragraph (b) of this rule, the Superior Court shall establish conditions of pretrial release pursuant to R. 3:26 and release the defendant. For matters in which the defendant was issued a Complaint-Warrant (CDR-2), was charged with any offense under N.J.S.A. 2C:29-9b or N.J.S.A. 2C:29-9d along with any underlying offense, and was detained pursuant to R. 3:4A, a Superior Court judge shall conduct a release hearing and make the release decision. In matters in which the defendant has been issued a Complaint-Warrant (CDR-2) and detained in jail due to an inability to post monetary bail on the initial offense charged, a judge with authority to modify the conditions of release shall make the release decision.

Note: Adopted July 28, 2017 to be effective September 1, 2017.