

SEP 11 2018**PETER F. BARISO, JR. A.J.S.C.**

PREPARED BY THE COURT.

**SUPERIOR COURT OF NEW JERSEY
VICINAGE 6
HUDSON COUNTY**

**ORDER ESTABLISHING PROCEDURE FOR ISSUING A WARRANT FOR FAILURE
TO APPEAR IN MUNICIPAL COURT AND REQUIRING A WARRANT REVIEW
HEARING FOR DEFENDANTS WITH ANY BAIL AMOUNT WITHIN 48 HOURS**

THIS MATTER having been opened by the Court, *sua sponte*;

Whereas, the Assignment Judge has authority pursuant to Rule 1:33-4 to administer the judicial policy of the Vicinage to ensure the fair administration of justice;

Whereas, the court has considered the negative consequences upon an individual and their families arrested based on municipal court failure to appear and failure to pay bench warrants involving minor offenses;

Whereas, the Assignment Judge has determined that it is in the interest of justice to establish a process for a hearing within 48 hours of arrest for defendants arrested on municipal court warrants with any bail amount, excluding weekends or holidays;

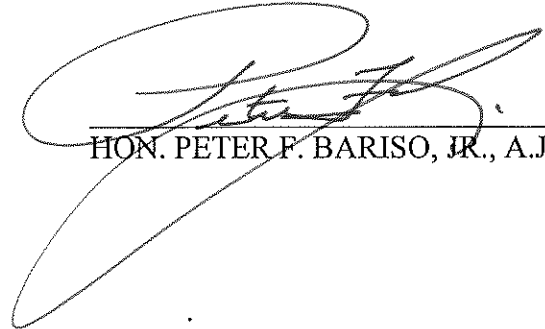
IT IS ON this 11th of SEPTEMBER, 2018, ORDERED that effective **September 11, 2018**, and until further Order of this court, this policy shall remain in effect;

IT IS FURTHER ORDERED;

1. This court's order dated August 13, 2018 is hereby vacated.
2. Municipal Court judges shall not issue a warrant for a defendant's failure to appear at the first court appearance date absent exceptional circumstances or DWI cases.
3. Other than matters involving exceptional circumstances DWI cases on defendant's first failure to appear, a Failure To Appear "FTA" notice shall be issued advising defendant of the new date and the matter shall be given a second listing notifying defendant that a warrant shall be issued for any subsequent failures to appear.
4. All defendants arrested on a Municipal Court warrant for failure to appear or failure to pay with any set bail amount and are unable to post bail shall be entitled to a hearing within 48 hours, excluding weekends or holidays

- a. The Municipal Division of the Vicinage will arrange for the hearing before the issuing municipal court within 48 hours or before the CJP detention judge.
- b. The Municipal Division of the Vicinage shall monitor the county jail list on a daily basis to ensure that all defendants arrested based on Municipal Court warrants are processed in accordance with this order.

This practice will remain in effect until further order of this court.



HON. PETER F. BARISO, JR., A.J.S.C.