

“Social justice should be the underlying goal of all humanity.”
-Alan V. Lowenstein, Institute Founder



March 21, 2022

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**TESTIMONY OF YANNICK WOOD
NEW JERSEY INSTITUTE FOR SOCIAL JUSTICE
IN OPPOSITION TO S513
NEW JERSEY SENATE LAW AND PUBLIC SAFETY COMMITTEE
MONDAY, MARCH 21, 2022**

Chair Greenstein, Vice-Chair Sacco and members of the Law and Public Safety Committee:

Thank you for the opportunity to present this testimony in opposition to S513, a bill that undermines the Criminal Justice Reform Act (CJRA).

My name is Yannick Wood, and I am the Director of the Criminal Justice Reform Program at the New Jersey Institute for Social Justice (the “Institute”). The Institute uses cutting-edge racial and social justice advocacy to empower people of color by building reparative systems that create wealth, transform justice and harness democratic power – from the ground up – in New Jersey.

After two years that have put a strain on the daily lives of everyone and especially those in under-resourced communities, it is not surprising that we have seen a rise in certain crimes – and it is understandable that people are concerned. We all want to be safe.

But a knee-jerk response to the failed “tough on crime” policies of the past will not make us safer in the long run and will only bolster a racist system of mass incarceration.

We strongly oppose S513 for four primary reasons. First, it will exacerbate the racial disparities that exist in criminal justice in New Jersey. Second, it will undermine the CJRA. Third, it is unnecessary because the current law is already sufficient to detain people. And fourth, S513 fails to address the root causes of crime.

We also strongly oppose the amendments made to A2426, the assembly companion bill to S513, because it adds No Early Release Act offenses. We urge this committee to not amend S513 accordingly.

Lastly, we urge this committee to commission a racial impact assessment of S513, as required by law, to understand the full impact of this legislation on New Jersey's communities of color.

I. We strongly oppose S513

A. S513 will exacerbate the racial disparities already present in criminal justice in New Jersey

New Jersey is home to stark racial disparities – disparities that will worsen if S513 becomes law. Black people in the Garden State are three times more likely to have the police use force against them compared to white people.¹ Black people are also disproportionately detained in county jails, accounting for 42% of all jailed individuals.² Even though Black people are only 15% of the population,³ Black people account for 61% of individuals in Department of Corrections custody.⁴ Black youth are almost 18 times more likely to be incarcerated than white youth – the highest disparity rate in the nation – despite committing most offenses at similar rates.⁵ Black adults are 12 times more likely to be incarcerated than white adults – again, the highest disparity rate in the nation.⁶

The New Jersey Administrative Office of the Courts (AOC) provided an assessment of the potential impacts of this legislation on its criminal cases which is attached to this testimony. According to AOC, from 2018 to 2021, judges detained individuals who were charged with Graves Act (firearm possession) offenses between 39.3% and 48.8% of the time⁷ and over that same period between 75.4% and 76.9% of those detained were Black.⁸ If S513 were to pass, AOC predicted that it would result in the doubling of the percentage of individuals who are detained for Graves Act offenses⁹ – going from between 39.3% and 48.8% detained to between 78.6% and 97.6% detained. AOC believes that of this doubled percentage of people that would be detained for Graves Act offenses, over 70% will be Black.¹⁰ Using 2021 numbers, this would mean that there would be an additional nearly 800 people detained over a six-month period,¹¹ over 560 of whom would be Black. The undeniable impact of this legislation is that it will increase the racial disparities in our jail system. It will make our jails Blacker. In this moment of racial reckoning, we should not be looking to increase mass incarceration.

B. S513 will undermine the Criminal Justice Reform Act

The CJRA has been a shining example of a bipartisan effort to correct the unjust system of cash bail – a system where people who have the funds are sprung from jail and those who do not languish in jails awaiting trial.¹² The goal of the CJRA was to prevent unnecessary incarceration. The law was explicit that for only a select few offenses – including murder and offenses with life imprisonment – there would be a rebuttable presumption that the defendant should be detained.¹³ For all other offenses, there would be, in essence, a presumption of release.¹⁴

S513 upends the CJRA for several reasons. First, it adds Graves Act offenses¹⁵ – which are wholly dissimilar to homicide and offenses with life imprisonment – to this list. Graves Act offenses involve the possession of firearms.¹⁶ While we all want to reduce gun violence, most Graves Act offenses do not lead to life imprisonment or prison sentences close to those for homicide.¹⁷ Rather, possession of a defaced firearm could result in an 18-month sentence, if convicted.¹⁸

Second, this bill limits the discretion of judges to release individuals charged with Graves Act offenses and essentially requires a defendant to overcome the rebuttable presumption to be released.¹⁹ Ultimately, AOC

believes this bill will result in between 78.6% and 97.6% of these individuals being detained,²⁰ which may imply that many defendants will not be able to overcome the rebuttable presumption.

Third, this bill fails to recognize that not all charges for Graves Act offenses will result in a Graves Act offense conviction; some detained individuals will have their charges dismissed or reduced and their pre-trial detention will have been unnecessary.

Fourth, S513 will result in people being detained at a time where there is a backlog of trials due to COVID-19.²¹ There are significant backlogs in post-indictment criminal cases in every county, totaling over 13,000 cases.²² It is concerning that the legislature is considering a measure that will increasingly detain hundreds of disproportionately Black defendants – who are presumed innocent – and have them wait at the mercy of a backlogged court system.

Lastly, this bill may act as a “Trojan Horse” for subsequent efforts to add offenses to the list of those where there is a presumption of detention. Today, your committee is considering Graves Act offenses. Tomorrow, your committee may consider other offenses, again undermining the very reason for the CJRA.

C. S513 is unnecessary because the current law is already sufficient to detain people

Judges are already empowered to detain individuals in Graves Act cases after considering a variety of factors.²³ They can consider factors that relate to the charges or whether the offenses relate to domestic violence.²⁴ New Jersey even allows judges to consider dangerousness,²⁵ a practice that has drawn heavy criticism²⁶ and is prohibited in New York State.²⁷ Prosecutors in New Jersey already have more than enough tools to make arguments to detain individuals.

D. S513 fails to address the root causes of crime

This bill is a return to the failed “tough on crime” approach which led to mass incarceration and has had a devastating impact, particularly on Black families.²⁸ Instead, we need to increase sustained investment in community-based anti-violence programs which reduce crime.²⁹ As we outline in our recent [Refunding Communities report](#), these programs have trusted messengers who know their communities, know all the players and will work to disrupt violence before it occurs. These programs need to be funded in times of high crime and low crime. Governor Murphy recently took a positive step in pouring millions of dollars into community-based violence-interrupter programs.³⁰ New Jersey should build upon these programs to create a state-wide model for community-based investments that will provide opportunities for restorative justice and not return us to a failed 1990’s model of overincarceration and continuing harm which has been shown to be ineffective at preventing crime.³¹

II. We strongly oppose the amendments made to A2426, the Assembly companion bill to S513, because it adds No Early Release Act offenses and we urge this committee to not amend S513 accordingly.

On March 14, 2022, A2426, the companion bill to S513, was amended and passed out of the Assembly Law and Public Safety Committee.³² Significantly, the bill expanded the offenses for which there would be a rebuttable presumption of detention to No Early Release Act (NERA) offenses,³³ many of which have little to no nexus to the gun violence that the bill’s supporters argue this bill is meant to address.³⁴ Curiously, the bill was amended to reduce the firearm offenses that it previously covered.³⁵ Our fear that A2426 would

be a “Trojan Horse” for efforts to eliminate the CJRA were thus instantly realized. The amendments to A2426 are not about addressing gun violence, but about bringing New Jersey back to an antiquated system of pretrial detention where – for many offenses – people will have no hope of pretrial release. And because the Assembly Law and Public Safety Committee approved these amendments without seeking any analysis from AOC as to their impact, the legislature does not know how many additional people will be detained under the amendments, whether jails are equipped to handle any influx of newly detained individuals and whether the courts are able to handle any influx of detained defendant cases which will most certainly be impacted by the case backlog. For all these reasons, the Institute urges this committee to not adopt the amendments to A2426.

III. Lastly, we urge this committee to commission a racial impact assessment of S513, as required by law, to understand the full impact of this legislation on New Jersey’s communities of color.

We urge this committee to commission a racial impact assessment for S513, as required by law.³⁶ The law requires that the Office of Legislative Services “prepare a racial and ethnic community criminal justice and public safety impact statement for each proposed criminal justice bill, resolution, or amendment that would affect pretrial detention.”³⁷ A preliminary review of the bill by the Administrative Office of the Courts revealed that this bill will affect pretrial detention by increasing it and may have significant racial implications.³⁸ This committee must consider these issues and the law compels this legislature to assess the racial impact of this legislation.

Conclusion

In conclusion, we call on legislators to hold the line on New Jersey’s hard fought CJRA which eliminated cash bail. Legislators should refuse all efforts to roll back this reform which would bring us back to a system that led to unnecessary incarceration. We urge you to not support S513, which will disproportionately lead to Black New Jerseyans being detained before trial, will unravel the CJRA, is unnecessary and fails to address the root causes of crime. We also oppose the inclusion of the A2426 amendments to S513. Lastly, we urge this committee to commission a racial impact assessment of S513.

Thank you for your consideration.

¹ Disha Raychaudhuri & Stephen Stirling, *Black People in N.J. say they’re more likely to be punched, kicked by cops. Now data backs that up*, NJ.COM (Sep. 24, 2019, 2:38 PM), <https://www.nj.com/news/erry-2018/12/69f209781a9479/black-people-in-nj-say-theyre.html>.

² INCARCERATION TRENDS IN NEW JERSEY, VERA INSTIT. OF JUST. 1 (2019), <https://www.vera.org/downloads/pdfdownloads/state-incarceration-trends-new-jersey.pdf>.

³ *QuickFacts New Jersey*, U.S. CENSUS BUR., <https://www.census.gov/quickfacts/NJ> (last visited Mar. 11, 2022).

⁴ OFFENDERS IN NEW JERSEY CORRECTIONAL INSTITUTIONS ON JANUARY 1, 2021, BY RACE/ETHNIC IDENTIFICATION, N.J. DEPT. OF CORR., 1 (2021), https://www.state.nj.us/corrections/pdf/offender_statistics/2021/By%20Race_Ethnicity%202021.pdf.

⁵ JOSHUA ROVNER, THE SENT’G PROJECT, BLACK DISPARITIES IN YOUTH INCARCERATION (2021), <https://www.sentencingproject.org/publications/black-disparities-youth-incarceration/>; JOSHUA ROVNER, THE SENT’G PROJECT, RACIAL DISPARITIES IN YOUTH COMMITMENTS AND ARRESTS (2016), <https://www.sentencingproject.org/publications/racial-disparities-in-youth-commitments-and-arrests/>.

⁶ ASHLEY NELLIS, *THE COLOR OF JUSTICE: RACIAL AND ETHNIC DISPARITY IN STATE PRISONS*, THE SENT’G PROJECT 10 (2021), <https://www.sentencingproject.org/wp-content/uploads/2016/06/The-Color-of-Justice-Racial-and-Ethnic-Disparity-in-State-Prisons.pdf>.

⁷ NEW JERSEY ADMINISTRATIVE OFFICE OF THE COURTS GRAVES ACT ANALYSIS MARCH 2022, N.J. CTS. 4, 5 (2022), <https://www.njcourts.gov/courts/assets/criminal/graves03042022.pdf?c=wfz>.

⁸ *Id.* at 7.

⁹ *Id.* at 10.

¹⁰ *Id.* at 11.

¹¹ 787 people were detained from January to June 2021. Since the AOC believes the rate of detention will be doubled by adding Graves Act offenses to the list of offenses that receive rebuttable presumptions of detention, this number should be doubled. *Id.* at 6.

¹² Stuart Rabner, *Bail reform puts N.J. at the forefront of fairness*, NJ.COM (Jan. 6, 2019, 6:33 PM), https://www.nj.com/opinion/2017/01/nj_chief_justice_bail_reform_puts_nj_at_the_forefr.html (addressing the unfairness of the bail system).

¹³ N.J. Stat. Ann. § 2A:162-19(b) (West 2014).

¹⁴ *Id.* at § 2A:162-15 (stating that “the provisions of [the law] shall be liberally construed to effectuate the purpose of primarily relying upon pretrial release by non-monetary means to reasonably assure an eligible defendant’s appearance in court when required).

¹⁵ Sen. B. No. 513, 220th Leg. (N.J. 2022), https://www.njleg.state.nj.us/Bills/2022/S1000/513_11.HTM.

¹⁶ N.J. Stat. Ann. § 2C:43-6(c) (West 2013) (Provides a list of firearms offenses for which there are mandatory minimum prison sentences).

¹⁷ *Id.* at § 2C:11-3(b) (Murder is a crime of the first degree with a mandatory minimum sentence of 30 years without parole); *Id.* at § 2C:43-6(c) (Provides a list of firearms offenses for which there are mandatory minimum prison sentences and requires serving one-half the sentence or 42 months whichever is greater); N.J. CT, *supra* note 7, at 16 (AOC provides a list of Graves Act Offenses and the corresponding degree offense; many of the offenses are second, third or fourth degree offenses). N.J. Stat. Ann. § 2C:43-7(a) (West 2003) (Provides a list of sentence ranges for crimes of the first degree down to crimes of the fourth degree).

¹⁸ N.J. Stat. Ann. § 2C: 39-3(d) (West 2019) (Knowing possession of a defaced firearm is a crime of the fourth degree); *Id.* at § 2C:43-6(c) (The minimum term of imprisonment for a fourth-degree crime is 18 months).

¹⁹ Sen. B. No. 513, *supra* note 15 (adds Graves Act offenses to list of offenses with rebuttable presumptions).

²⁰ NEW JERSEY ADMINISTRATIVE OFFICE OF THE COURTS GRAVES ACT ANALYSIS MARCH 2022, *supra* note 7, at 10.

²¹ Nikita Biryukov, *N.J. courts chip away at backlog, but COVID surge could imperil efforts*, N.J. MONITOR (Jan. 4, 2022, 7:00 AM), <https://newjerseymonitor.com/2022/01/04/n-j-courts-chip-away-at-backlog-but-covid-surge-could-imperil-efforts/>.

²² *New Jersey Trial Courts Backlog: Current*, N.J. CTS., <https://www.njcourts.gov/public/backlogcurrent.html> (last visited Mar. 11, 2022) (Information on criminal post-indictment case backlog can be found through selecting the criminal post-indictment radio button).

²³ N.J. Stat. Ann. § 2A:162-19(a) (West 2014).

²⁴ *Id.*

²⁵ *Id.* at § 2A:162-19(a)(7)(b).

²⁶ *Bail Reform FAQs*, N.Y. SEN., <https://www.nysenate.gov/newsroom/press-releases/brad-hoylman/bail-reform-faqs> (last visited Mar. 11, 2022).

²⁷ The types of factors that judges may consider is part of an exclusive list which does not include “dangerousness.” N.Y. CRIM. PROC. LAW § 510.30 (McKinney 2019).

²⁸ 65% of Black families have had an immediate family incarcerated. Peter K. Enns et al., *What Percentage of Americans Have Ever Had a Family Member Incarcerated?: Evidence from the Family History of Incarceration Survey (FamHIS)* 5 *Socius* 1 (2019), <https://journals.sagepub.com/doi/pdf/10.1177/2378023119829332>; 1 in 9 Black children have had an incarcerated parent. Press Release, ChildTrends, Five Million U.S. Children Have Had a Parent Incarcerated (Oct. 26, 2015), <https://www.childtrends.org/news-release/five-million-u-s-children-have-had-a-parent->

incarcerated#:~:text=The%20report%2C%20Parents%20Behind%20Bars,those%20from%20higher%2Dincome%20fa milies.

²⁹ After Newark Community Street Team, a community based anti-violence program was founded in 2015, Newark had a decrease in crime culminating with a “30-year low in homicides and a 50-year low in overall crime.” JOSHUA JORJA LEAP ET. AL, NEWARK COMMUNITY STREET TEAM NARRATIVE EVALUATION 51 (2020), https://www.newarkcommunitystreetteam.org/wp-content/uploads/2021/02/NCST-Evaluation_FINAL.pdf; A 2017 evaluation of CURE Violence in two New York City neighborhoods showed a 37% decrease in gun injuries and a 63% decrease in shooting compared with a 29% decrease and 17% decrease in a comparable neighborhood without CURE violence. CURE VIOLENCE GLOB., THE EVIDENCE OF EFFECTIVENESS 10 (2021), <https://cvg.org/wp-content/uploads/2021/09/Cure-Violence-Evidence-Summary.pdf>.

³⁰ *Governor Murphy and Acting Attorney General Bruck Announce \$7 Million Investment in Gunshot Detection Technology and Other Police Equipment to Reduce Gun Violence*, ST. N.J. OFF. GOV., <https://www.nj.gov/governor/news/news/562022/20220127a.shtml> (last visited Mar. 18, 2022).

³¹ The interviewed author describes how Tough on Crime policies do not address the root cause of why individuals commit crime and have not prevented recidivism which is over 65% nationwide. *Why ‘Tough on Crime’ Failed*, THE CRIME REPORT, <https://thecrimereport.org/2015/06/09/2015-06-why-tough-on-crime-failed/> (last visited Mar. 11, 2022).

³² Assemb. B. No. 2426, 220th Leg. (N.J. 2022), https://www.njleg.state.nj.us/Bills/2022/A2500/2426_R1.HTM

³³ *Id.*

³⁴ T.A. DeFeo, *Groups advocate for measure to keep defendants facing gun charges behind bars while awaiting trial*, LONGVIEW NEWS J. (Feb. 9, 2022), https://www.news-journal.com/groups-advocate-for-measure-to-keep-defendants-facing-gun-charges-behind-bars-while-awaiting-trial/article_844bca37-748a-561b-b966-92ce12a7d35b.html.

³⁵ Assemb. B. No. 2426, *supra* note 32.

³⁶ N.J. Stat. Ann. § 52:11-57.1 (West, 2018).

³⁷ *Id.*

³⁸ NEW JERSEY ADMINISTRATIVE OFFICE OF THE COURTS GRAVES ACT ANALYSIS MARCH 2022, *supra* note 7, at 5.

ATTACHMENT:

Administrative Office of the Courts Graves Act Analysis
26 Pages



New Jersey Administrative Office of the Courts Graves Act Analysis

March 4, 2022

In response to several requests for information related to the number of defendants charged with Graves Act offenses as well as the rate of their detention, release, and rearrest, the Administrative Office of the Courts (AOC) gathered and analyzed relevant data, with findings presented herein. In particular, the AOC examined the number of defendants charged with Graves Act offenses, and released pretrial, who committed new serious offenses while on pretrial release.

First, lists of charges were compiled to complete an analysis focused on Graves Act offenses. As set forth in Attachment A, this included nineteen (19) weapons related offenses and sixty-two (62) other offenses that, when combined with a firearms offense, would qualify as Graves Act.

Next, in order to provide a comparison over several years, the AOC identified a base sample of defendant arrest events for individuals issued complaint-warrants that included Graves Act offenses. Selection criteria were designed to include the most serious charge on a complaint-warrant by defendant for the periods under study. Defendants charged with murder or certain aggravated sexual assault offenses which, if convicted, would subject a defendant to a term of life imprisonment were not included in the base defendant group as such charges are currently subject to presumptive detention under the Criminal Justice Reform Act.

It should be noted that the overall number of complaint-warrants issued decreased substantially between 2019 and 2020. It is likely this decrease is at least partially due to the outbreak of the COVID-19 pandemic and the subsequent stay-at-home orders. In 2021, complaint-warrants increased modestly after the low in 2020 but have not returned to pre-pandemic levels.

Defendants issued a complaint-summons were not included in this study as those individuals are not eligible for detention. Complaint-summons are often used for less serious charges, and those charged on summons are released directly by law enforcement rather than booked into a county jail. Furthermore, many defendants issued a summons are not fingerprinted, and matching those individuals with reasonable accuracy could not be accomplished in the short time allotted for this research project. Had summonses been included, overall percentages would likely

have decreased based on a larger overall total population of complaints against which to calculate all percentages.

To compare activity pre-pandemic to the current year, a review was then conducted using data from 2018 through 2021. The base period studied is January 1st through June 30th of each year, with a follow-up until the case was disposed or through January 31st of the next year, whichever occurred first. This allows for a consistent comparison of the most recently available data (2021) to prior years.

Finally, a second charge list was compiled to complete a rearrest analysis focused on certain serious offenses charged on a complaint-warrant. Attachment B identifies these crimes, which were categorized into several groups of offenses: 1) charges subject to a term of life imprisonment; 2) serious violent and serious Graves Act / weapons charges; 3) No Early Release Act (NERA) charges; 4) lesser Graves Act / weapons charges; and 5) other Graves Act charges. Again, selection criteria were designed to select the most serious charge on a complaint-warrant by defendant for the periods under study. Complaint-summonses were not included in this rearrest analysis.

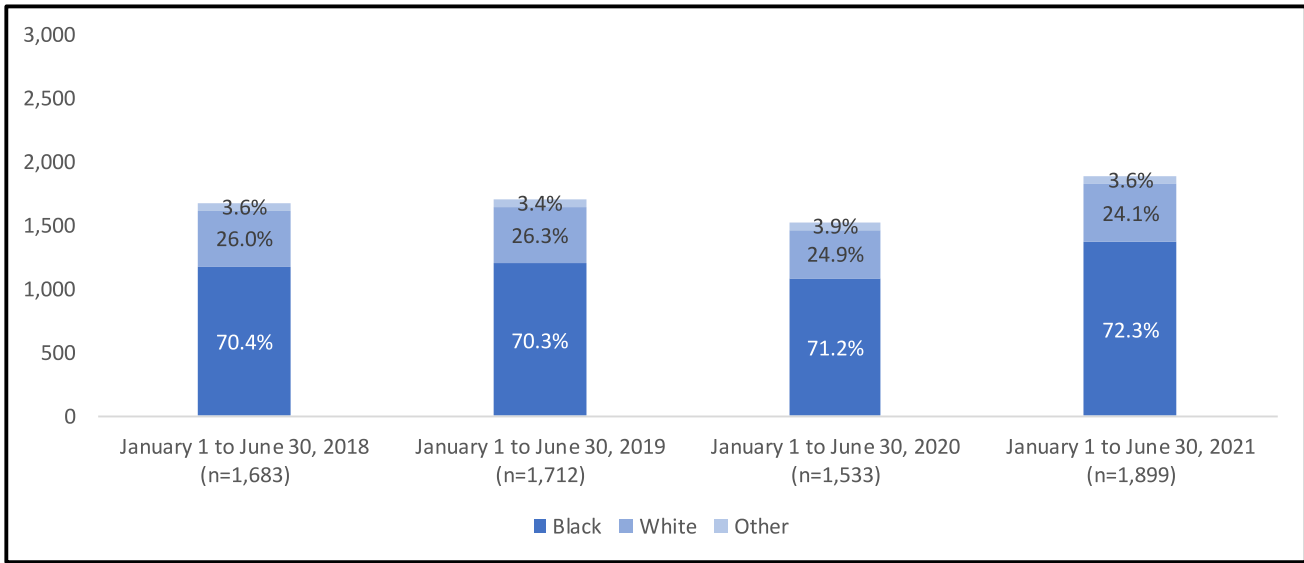
Defendants Issued Complaint-Warrants that Include Graves Act Offenses

For the January through June time periods studied, the number of defendants charged on complaint-warrants with offenses that would qualify as Graves Act has ranged from 1,683 in 2018 to 1,899 in 2021. Approximately 70% of these individuals were black, while close to 25% were white. (See Fig.1)

By comparison, the number of defendants charged on complaint-warrants with other non-Graves offenses in the same time periods has ranged from 13,088 to 18,862. Approximately 50% of these individuals were black, while approximately 45% were white. (See Fig.2)

Fig. 1

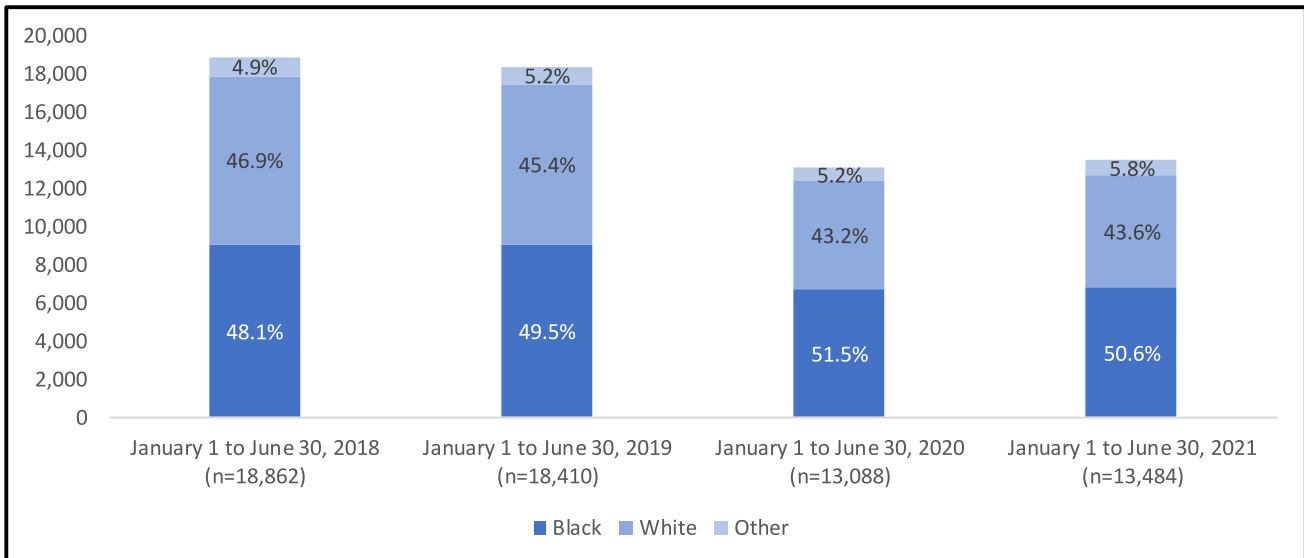
Defendants Issued Complaint- Warrants with Graves Act Offenses



Note: Includes defendants that were detained and defendants that were released.

Fig.2

Defendants Issued Complaint- Warrants with Non-Graves Act Offenses



Note: Includes defendants that were detained and defendants that were released.

Detention Rates for Defendants Charged with Graves Act Offenses

To evaluate risk, trial judges in New Jersey consider a Public Safety Assessment (PSA) prepared for each defendant, which evaluates the circumstances of the current offense and the defendant's criminal history, among other things. Judges also consider any detention motions filed by a prosecutor, the arguments presented by the defense, and the recommendation of a Pretrial Services officer, which is based on the existing Decision Making Framework (DMF).¹

The Framework is not static and has been modified in the area of gun violence in particular. After reviewing data in mid-2017, the Supreme Court specifically addressed Graves Act and weapons charges by way of the DMF. Since then, defendants accused of more serious gun charges automatically receive a "no release recommendation" from Pretrial Services; those charged with lesser weapons offenses may be recommended for release, but at an increased level of monitoring.

After the Framework was changed, the Attorney General in 2017 revised guidance to prosecutors related to the filing of a motion for detention. That guidance created a presumption that prosecutors file for detention for Graves Act offenses, certain persons offenses, and 2nd degree eluding cases.²

The AOC has analyzed both the rate of detention motion filings and the rate of detention for defendants charged with Graves Act offenses. For detention motions filed, available data are limited to 2020 and 2021 as system changes to capture and connect such data were not implemented until 2019. For the number of defendants detained, data is available from 2018 to 2021 and is presented below.

From January through June 2020, prosecutors filed detention motions in 81.7% of matters where the defendant was charged with Graves Act offenses as compared to 39% of other non-Graves matters. Similarly, from January through June 2021, prosecutors filed detention motions in 79.4% of matters where the defendant was charged with Graves Act offenses as compared to 38% of other non-Graves matters. (See [Fig.3](#))

Judges detain defendants charged with Graves Act offenses at more than twice the rate of other defendants. More particularly for the 2018 – 2021 time period studied, judges detained from 39.3% to 48.8% of defendants charged with Graves

¹ The Pretrial Release Recommendation Decision Making Framework - [decmakframwork.pdf \(njcourts.gov\)](#)

² [Attorney General Law Enforcement Directive NO. 2016-6 v.2.0, Modification of Directive Establishing Interim Policies, Practices, and Procedures to Implement Criminal Justice Reform Pursuant to P.L. 2014, c. 31, p. 61 \(May 24, 2017\).](#)

Act offenses. By contrast, judges detained from 14.9% to 16.1% of all other defendants charged on a complaint warrant. (See Fig.4)

Fig.3

Percent of Defendants with Detention Motions Filed by Prosecutors

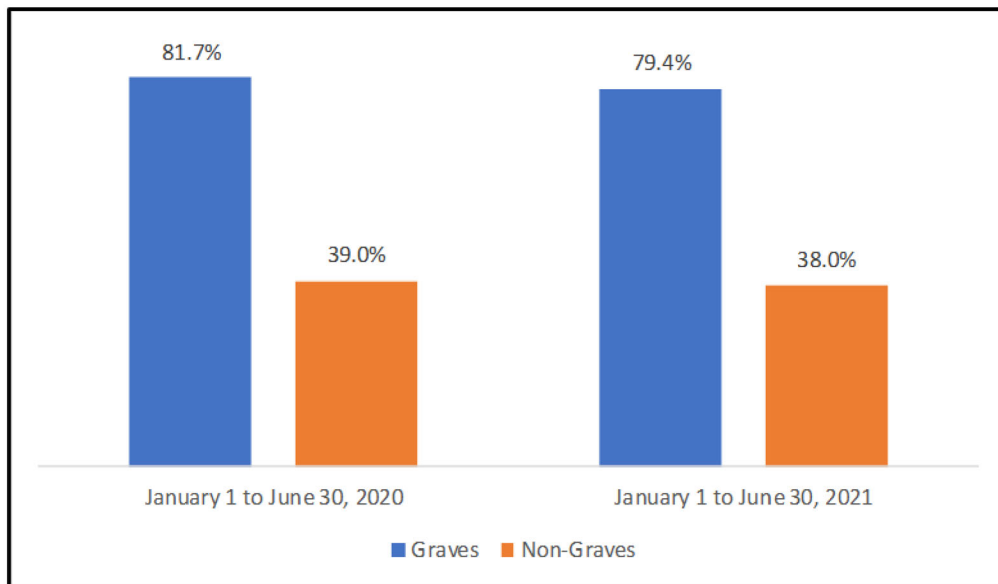
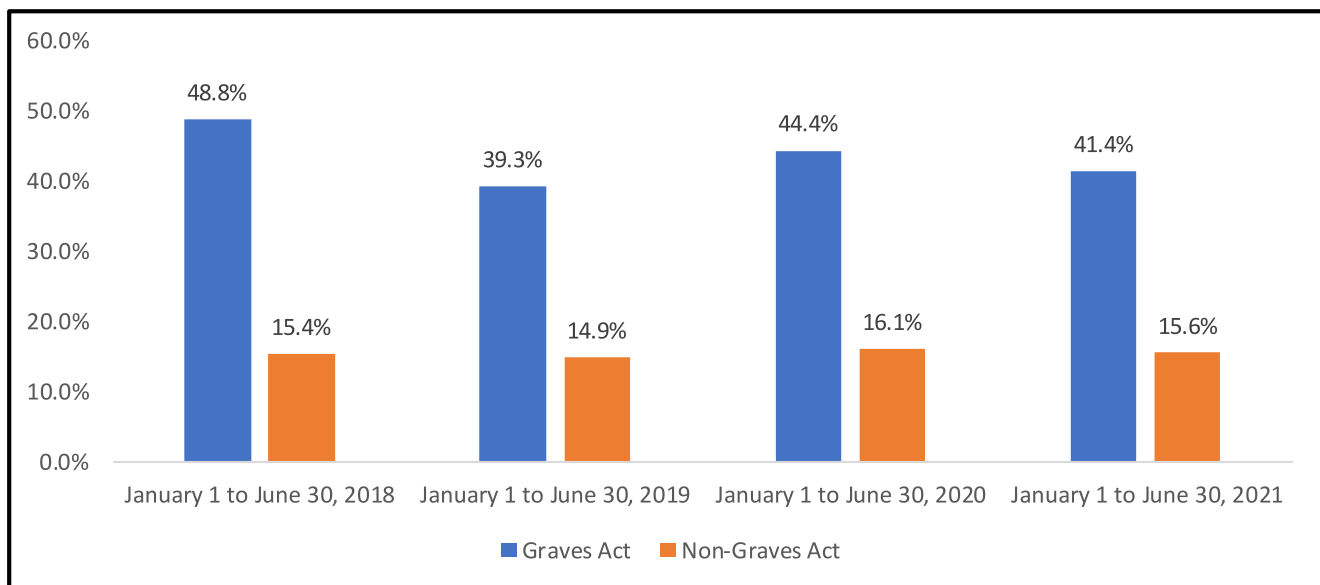


Fig.4

Percent of Defendants with Complaint-Warrants Detained



In summary, the number of defendants charged on a complaint-warrant with Graves Act offenses then subsequently detained or released are as follows:

- January – June 2018 - 1,683 defendants charged with Graves Act offenses
 - 822 were detained
 - 861 were released
- January – June 2019 - 1,712 defendants charged with Graves Act offenses
 - 672 were detained
 - 1,040 were released
- January – June 2020 - 1,533 defendants charged with Graves Act offenses
 - 681 were detained
 - 852 were released
- January – June 2021 - 1,899 defendants charged with Graves Act offenses
 - 787 were detained
 - 1,112 were released

Over 75% of individuals charged with Graves Act offenses and then detained were black, while approximately 20% were white. (See Fig.5) By comparison, over 50% of individuals charged with other non-Graves offenses and then detained were black, while approximately 40% were white. (See Fig.6)

Fig.5

Graves Act Defendants with Complaint-Warrants Detained

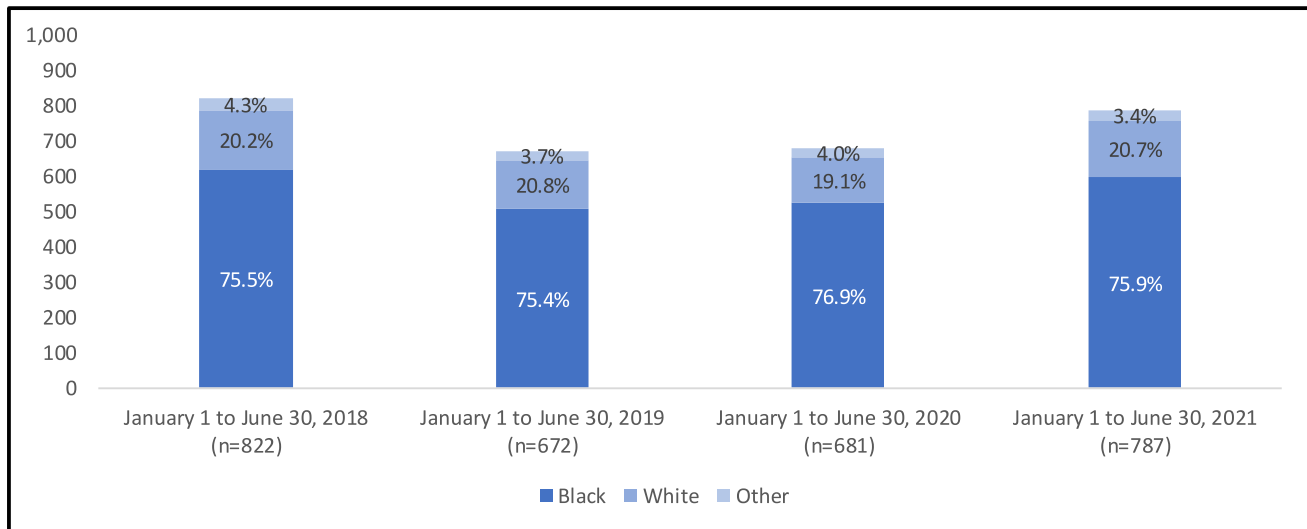
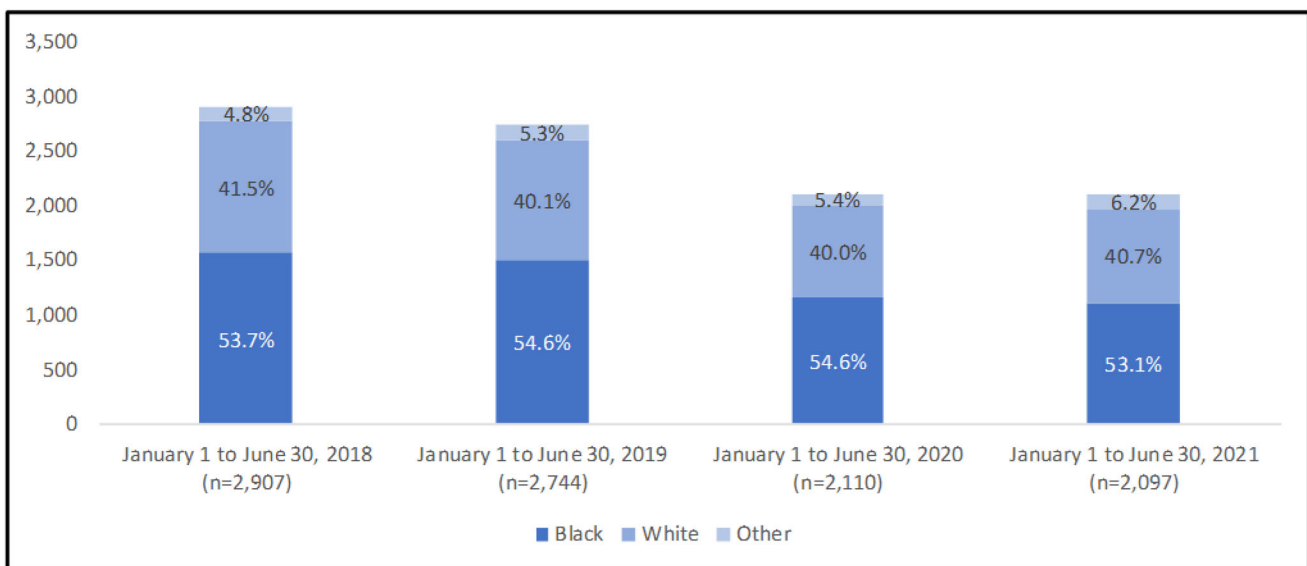


Fig.6

Non-Graves Act Defendants with Complaint-Warrants Detained



Complaint-Warrant Rearrest Rates for Serious Life Imprisonment, No Early Release, Graves Act, or Lesser Gun Offenses

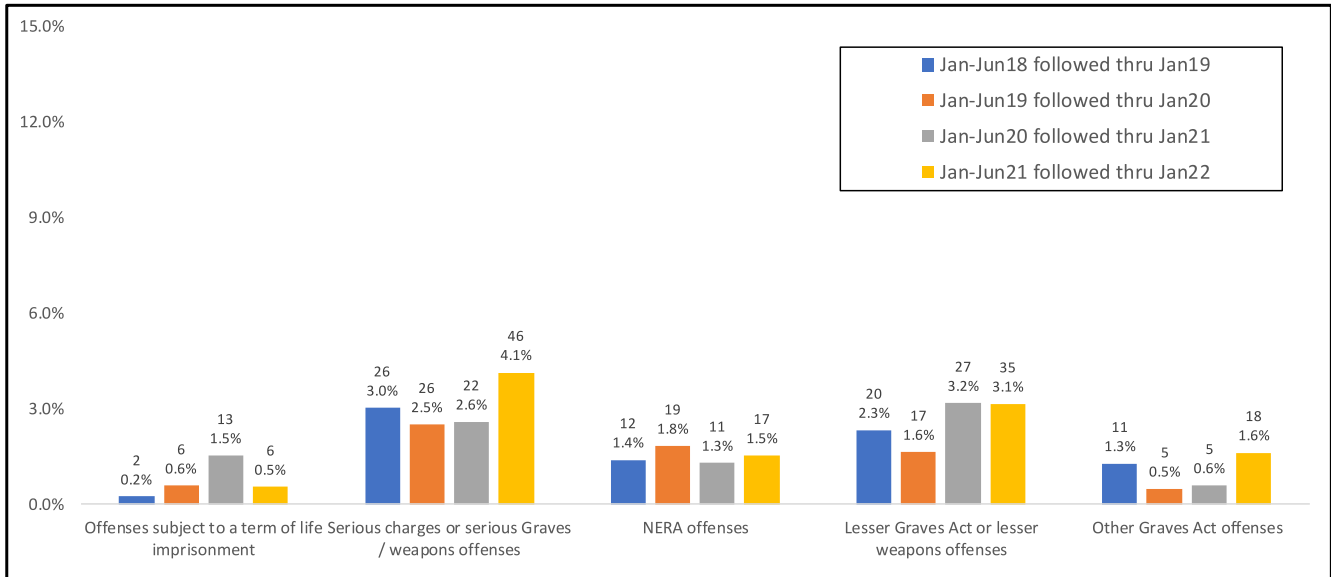
The AOC next analyzed rearrests of those defendants charged by way of a complaint-warrant for Graves Act offenses who were then released. Specifically, the AOC determined the percentage of those defendants rearrested on complaint-warrants that included serious matters as follows: 1) offenses subject to a term of life imprisonment; 2) serious violent and serious Graves Act offenses; 3) No Early Release Act (NERA) offenses; 4) lesser Graves Act / weapons offenses; and 5) other Graves Act offenses. The full list of charges analyzed has been provided as Attachment B.

The data set forth in Fig.7 reveal that, for defendants charged on a complaint-warrant with certain Graves Act offenses who were released and then charged on a subsequent complaint-warrant:

- 0.2% to 1.5% included offenses subject to a term of life imprisonment
- 2.5% to 4.1% included serious charges or serious Graves/weapons offenses
- less than 2% included NERA offenses
- 1.6% to 3.2% included lesser Graves Act or lesser weapons offenses
- 0.5% to 1.6% included other Graves Act offenses

Fig.7

**Percentage of Graves Act Defendants with Complaint-Warrants
Who were Rearrested for Certain Serious and Weapons Offenses**



Note: Each bar provides the number rearrested and the percentage released that was rearrested.

Taken together, the percentage of defendants initially charged on a complaint-warrant with certain Graves Act offenses who were then released had a rearrest rate on a complaint-warrant that ranged from 7.0% to 11.0% for the charges identified in Attachment B.

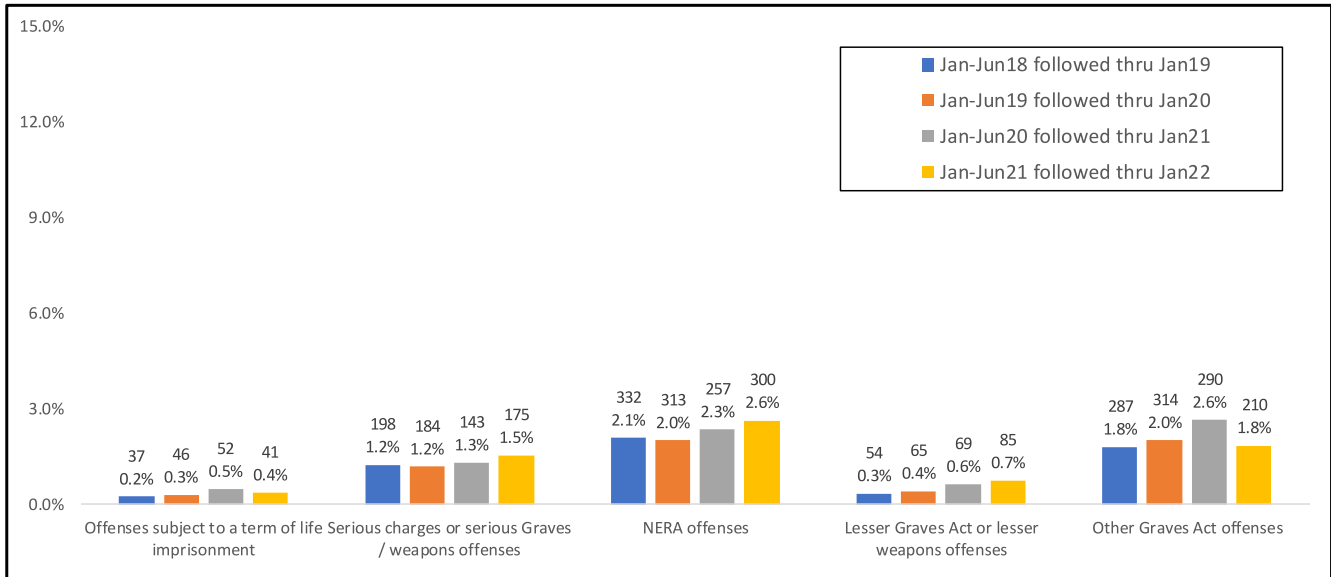
By comparison, as detailed in Fig.8, for defendants initially charged on a complaint-warrant with no offenses subject to the Graves Act who were subsequently released and then charged on a subsequent complaint-warrant:

- 0.2% to 0.5% included offenses subject to a term of life imprisonment
- 1.2% to 1.5% included serious charges or serious Graves/weapons offenses
- 2.0% to 2.6% included NERA offenses
- 0.3% to 0.7% included lesser Graves Act or lesser weapons offenses
- 1.8% to 2.6% included other Graves Act offenses

These categories taken together, the percentage of rearrest on a complaint-warrant for those defendants initially charged on a complaint-warrant that did not include Graves Act offenses ranged from 5.7% to 7.4% for the charges identified in Attachment B.

Fig.8

**Percentage of Non-Graves Act Defendants with Complaint-Warrants
Who were Rearrested for Certain Serious and Weapons Offenses**



Note: Each bar provides the number rearrested and the percentage released that was rearrested.

Conclusions

Data reveals that judges in New Jersey are exercising their discretion to detain high-risk defendants and also release lower-risk defendants on non-monetary conditions. The greater the risk, the greater the rate of detention. Defendants charged with Graves Act offenses have been detained at more than twice the rate of other defendants charged on a complaint-warrant.

Moreover, the data reveals that, for defendants charged during the period January through June 2021 and followed until January 2022, about 11% of the 1,112 defendants initially charged by way of a complaint-warrant with a Graves Act offense were later rearrested for a serious or weapons related offense set forth in Attachment B.

As a result, if the Criminal Justice Reform Act provided that all defendants charged with Graves Act offenses were subject to a rebuttable presumption of detention, one could reasonably expect the following outcome based on recent data:

*a substantially higher number of defendants would be detained pretrial -- as much as double the current rate of 39 to 48 percent of defendants charged with Graves Act offenses;

*that would result in a reduction in new serious criminal activity because most of the roughly 1 in 10 Graves Act defendants who were charged on a complaint-warrant with new serious offenses while awaiting trial -- 122 in all for the period studied in 2021 -- would be detained pretrial;

*in addition, most of the remaining Graves Act defendants who were not charged on a complaint-warrant for new serious offenses while on pretrial release -- roughly 1,000 individuals for the period studied in 2021 -- would also be held in custody; and

*a large majority of those defendants -- 70 percent or more -- would be black.

Key elements of the AOC’s analysis as provided in this report are summarized as follows:

Summary Table 1

Defendants Issued Complaint-Warrants for Graves Act Offenses

	Defendants Issued Complaint-Warrants	Defendants Detained	Defendants Released
January 1 - June 30, 2018	1,683	822	861
Percent Black	70.4%	75.5%	65.5%
Percent White	26.0%	20.2%	31.6%
Percent Other	3.6%	4.3%	2.9%
January 1 - June 30, 2019	1,712	672	1,040
Percent Black	70.3%	75.4%	67.0%
Percent White	26.3%	20.8%	29.8%
Percent Other	3.4%	3.7%	3.2%
January 1 - June 30, 2020	1,533	681	852
Percent Black	71.2%	76.9%	66.5%
Percent White	24.9%	19.1%	29.6%
Percent Other	3.9%	4.0%	3.9%
January 1 - June 30, 2021	1,899	787	1,112
Percent Black	72.3%	75.9%	69.8%
Percent White	24.1%	20.7%	26.4%
Percent Other	3.6%	3.4%	3.8%

Summary Table 2

Defendants Released on Graves Acts Offenses

	Released	Defendants Who Were Rearrested with Complaint-Warrants for Certain Serious and Weapons Offenses (Offenses listed in Attachment B)	
		number	percent
January 1 - June 30, 2018 and followed through January 31, 2019	861	71	8.2%
January 1 - June 30, 2019 and followed through January 31, 2020	1,040	73	7.0%
January 1 - June 30, 2020 and followed through January 31, 2021	852	78	9.2%
January 1 - June 30, 2021 and followed through January 31, 2022	1,112	122	11.0%

Summary Table 3

Defendants Issued Complaint-Warrants for Non-Graves Act Offenses

	Defendants Issued Complaint-Warrants	Defendants Detained	Defendants Released
January 1 - June 30, 2018	18,862	2,907	15,955
Percent Black	48.1%	53.7%	47.1%
Percent White	46.9%	41.5%	47.9%
Percent Other	4.9%	4.8%	4.9%
January 1 - June 30, 2019	18,410	2,744	15,666
Percent Black	49.5%	54.6%	48.5%
Percent White	45.4%	40.1%	46.3%
Percent Other	5.2%	5.3%	5.1%
January 1 - June 30, 2020	13,088	2,110	10,978
Percent Black	51.5%	54.6%	50.9%
Percent White	43.2%	40.0%	43.9%
Percent Other	5.2%	5.4%	5.2%
January 1 - June 30, 2021	13,484	2,097	11,387
Percent Black	50.6%	53.1%	50.2%
Percent White	43.6%	40.7%	44.1%
Percent Other	5.8%	6.2%	5.7%

Summary Table 4

Defendants Released on Non-Graves Acts Offenses

	Released	Defendants Who Were Rearrested with Complaint-Warrants for Certain Serious and Weapons Offenses (Offenses listed in Attachment B)	
		number	percent
January 1 - June 30, 2018 and followed through January 31, 2019	15,955	908	5.7%
January 1 - June 30, 2019 and followed through January 31, 2020	15,666	922	5.9%
January 1 - June 30, 2020 and followed through January 31, 2021	10,978	811	7.4%
January 1 - June 30, 2021 and followed through January 31, 2022	11,387	811	7.1%

Attachment A

Graves Act Offenses Used in this Analysis

The Graves Act offenses used in this analysis are set forth below in two parts and should be cross-referenced.

Table 1- Graves Act Offenses

Table 2 – Firearms Offenses for Combination to be Graves Act Offense

Note that, in order to qualify as Graves Act, those charges indicated as “Yes” in the “Combined” column of Table 1 must also be charged in combination with a firearms offense indicated in Table 2.

Defendants charged with attempting (statutes beginning with 2C:5-1 for any degree) to commit these offenses are also included.

Where a statute can be charged for more than one degree, the description for the highest degree is shown.

Table 1

Graves Act Offenses			
Statute	Degree	Short Description	Combined
2C:39-3b	3	PROHIBITED WEAPONS AND DEVICES - SAWED-OFF SHOTGUN	
2C:39-3d	4	PROHIBITED WEAPONS AND DEVICES - DEFACED FIREARMS	
2C:39-4a(1)	2	POSS OF WEAPON FOR UNLAWFUL PURPOSE-FIREARM-ANYONE	
2C:39-4a(2)	2	POSS OF WEAPON FOR UNLAWFUL PURPOSE-COMMUNITY GUN	
2C:39-4.1a	2	POSSESSION OF FIREARM WHILE COMMITTING CDS/BIAS CRIME	
2C:39-5a	2	UNLAWFUL POSS WEAP- MACHINE GUN	
2C:39-5b(1)	1,2	UNLAWFUL POSS WEAPON-HANDGUNS WITHOUT PERMIT	
2C:39-5b(2)	3	UNLAWFUL POSS WEAPON - HANDGUNS AIR/SPRING/PISTOL	
2C:39-5c(1)	3	UNLAWFUL POSS WEAP - RIFLES/SHOTGUNS	
2C:39-5c(2)	3	UNLAWFUL POSS WEAP - RIFLE/SHOTGUN LOADED	
2C:39-5f	2	UNLAWFUL POSSESSION OF WEAPONS - ASSAULT FIREARM	
2C:39-5j	1	UNLAWFUL POSS WEAPON- PRIOR CONV IN NERA	
2C:39-7a	4	CERTAIN PERSONS NOT TO HAVE WEAP-CONVICTED CRIME	
2C:39-7b(2)	3	CERTAIN PERSONS NOT TO HAVE WEAPONS PRIOR DP DV	
2C:39-7b(3)	3	CERTAIN PERSONS NOT TO HAVE WEAP-PROHIBITED BY DVA 1991	
2C:39-9a	3	WEAPONS-MANU/TRANSPORT/DISP/DEFACEMENT- MACHINE GUN	

Graves Act Offenses			
Statute	Degree	Short Description	Combined
2C:39-9b	3	WEAPONS-MANU/TRANSPO/DISP/DEFACEMENT-SAWED OFF SHOTGUN	
2C:39-9e	3,4	WEAPONS-MANU/TRANSPO/ DISP/DEFACEMENT-DEFACED FIREARM	
2C:39-9g	3	WEAPONS-MANU/TRANSPO/DISP/DEFACEMENT-ASSAULT FIREARMS	
2C:11-4	1,2	MANSLAUGHTER (GENERIC)	Yes
2C:11-4a(1)	1	AGGRAVATED MANSLAUGHTER-EXTREME INDIFFERENCE HUMAN LIFE	Yes
2C:11-4a(2)	1	AGGRAVATED MANSLAUGHTER-WHILE FLEE/ELUDE LAW OFFICER	Yes
2C:11-4b(1)	2	MANSLAUGHTER - COMMITTED RECKLESSLY	Yes
2C:11-4b(2)	2	MANSLAUGHTER-PASSION/PROVOCATION	Yes
2C:12-1b	2,3,4	AGGRAVATED ASSAULT (GENERIC)	Yes
2C:12-1b(1)	2	AGG ASSAULT-ATTEMPT/CAUSE SBI PURP/KNOW/RECKLESS	Yes
2C:12-1b(2)	3	AGG ASSAULT-ATTEMPT/CAUSE BI W/DEADLY WEAPON PURP/KNOW	Yes
2C:12-1b(3)	4	AGG ASSAULT-CAUSE INJURY WITH WEAPON-RECKLESS	Yes
2C:12-1b(4)	4	AGG ASSAULT W/ FIREARM	Yes
2C:12-1b(5)(a)	3,4	AGG ASSAULT-ON LAW ENFORCEMENT OFFICER-BODILY INJURY	Yes
2C:12-1b(5)(b)	3,4	AGG ASSAULT-ON PAID/VOLUNTEER FIREMAN-BODILY INJURY	Yes
2C:12-1b(5)(c)	3,4	AGG ASSAULT-EMERGENCY 1ST AID/MEDICAL SERVE PERSON-BI	Yes
2C:12-1b(5)(d)	3,4	AGG ASSAULT-ASSAULT ON SCHOOL EMPLOYEE-BODILY INJURY	Yes
2C:12-1b(5)(e)	3,4	AGG ASSAULT-ASSAULT ON DCPD/DYFS EMPLOYEE W/ BI	Yes
2C:12-1b(5)(f)	3,4	AGG ASSAULT-AGAINST A JUDGE/JUSTICE W/SBI	Yes
2C:12-1b(5)(g)	3,4	AGG ASSAULT-ASSAULT ON BUS DRIVER/SUPERVISOR W/ BI	Yes
2C:12-1b(5)(h)	3,4	AGG ASSAULT-ASSAULT ON CORREC/PROB/SHERIFF OFC. W/ BI	Yes
2C:12-1b(5)(i)	3,4	AGGRAVATED ASSAULT ON A UTILITY COMPAN W/SBI	Yes
2C:12-1b(5)(j)	3,4	AGG ASSAULT-ASSAULT ON A HEALTH CARE WORKER W/ BI	Yes
2C:12-1b(5)(k)	3,4	AGG ASSAULT-ON DIRECT CAREWORKER W/BI,PERP NOT PATIENT	Yes
2C:12-1b(6)	2	AGG ASSAULT-CAUSE BODILY INJURY-FLEEING LAW ENFORCEMENT	Yes
2C:12-1b(7)	3	AGG ASSAULT-ATTEMPT/CAUSE SIGNIFICANT BODILY INJURY	Yes
2C:12-1b(8)	3	AGG ASSAULT-FIRE/EXPLOSION-BI TO EMERGENCY PERSONNEL	Yes
2C:12-1b(9)	3	AGG ASSAULT-POINT FIREARM AT LAW ENFORCEMENT OFFICER	Yes
2C:12-1b(10)	3	AGG ASSAULT-POINT, ETC. IMITATION FIREARM AT OFFICER	Yes
2C:12-1b(11)	3	AGG ASSAULT-USE, ETC. LASER SIGHTING DEVICE AT OFFICER	Yes
2C:12-1b(12)	3	AGG ASSAULT - ON DOMESTIC VIOLENCE VICTIM	Yes
2C:12-1b(13)	2,3	AGG ASSAULT - STRANGLE DOMESTIC VIOLENCE VICTIM	Yes
2C:13-1	1,2	KIDNAPPING (GENERIC)	Yes

Graves Act Offenses			
Statute	Degree	Short Description	Combined
2C:13-1a	1,2	KIDNAPPING-FOR RANSOM OR TO HOLD AS SHIELD/HOSTAG	Yes
2C:13-1b	1,2	KIDNAPPING (GENERIC)	Yes
2C:13-1b(1)	1,2	KIDNAPPING-FACILITATE CRIME/FLIGHT	Yes
2C:13-1b(2)	1,2	KIDNAPPING-BODILY INJURY OR TERRORIZE VIC/ANOTHER	Yes
2C:13-1b(3)	1,2	KIDNAPPING-INTERFERE W/ GOV'T/POLITICAL FUNCTION	Yes
2C:13-1b(4)	1,2	KIDNAPPING-DEPRIVE PARENT, ETC. OF CUSTODY	Yes
2C:13-1c(2)	1	KIDNAPPING - VICTIM UNDER 16 AND SEX ASSAULT	Yes
2C:14-2a	1	AGGRAVATED SEXUAL ASSAULT (GENERIC)	Yes
2C:14-2a(2)	1	AGGRAVATED SEXUAL ASSAULT (GENERIC)	Yes
2C:14-2a(2)(a)	1	AGG SEX ASSAULT-VIC >=13 & <16-DEF & VIC RELATED	Yes
2C:14-2a(2)(b)	1	AGG SEX ASSAULT-V >=13 & < 16-D W/ SUPERV/DISC POWER	Yes
2C:14-2a(2)(c)	1	AGG SEX ASSAULT-V>=13 & <16-D RESOURCE PARENT/GUARDIAN	Yes
2C:14-2a(3)	1	AGG SEX ASSAULT-DURING ROBBERY/KIDNAP/HOMICIDE/ETC.	Yes
2C:14-2a(4)	1	AGG SEX ASSAULT-D ARMED W/ & THREATENS USE OF WEAPON	Yes
2C:14-2a(5)	1	AGG SEX ASSAULT-DEF AIDED BY >=1 PERSONS-FORCE/COERCION	Yes
2C:14-2a(6)	1	AGG SEX ASSAULT-FORCE/COERCION & SEVERE INJURY TO VIC	Yes
2C:14-2a(7)	1	AGG SEX ASSAULT-V HELPLESS, INCAPACITATED, ETC.	Yes
2C:14-3a	3	AGGRAVATED CRIMINAL SEXUAL CONTACT	Yes
2C:15-1	1,2	ROBBERY-BI/FEAR/WHILE 1ST/2ND DEG CRIME W/ WEAP, ETC	Yes
2C:15-1a(1)	1,2	ROBBERY-INFLECTS BI OR USES FORCE - ARMED	Yes
2C:15-1a(2)	1,2	ROBBERY-THREAT OR FEAR OF BI - ARMED	Yes
2C:15-1a(3)	1,2	ROBBERY-THREAT OR COMMITS - ARMED	Yes
2C:18-2	2,3	BURGLARY (GENERIC)	Yes
2C:18-2a	2,3	BURGLARY (GENERIC)	Yes
2C:18-2a(1)	2,3	BURGLARY-ENTERING STRUCTURE ETC-INFLECT/ATMPT BI/ARMED	Yes
2C:18-2a(2)	2,3	BURGLARY-REMAIN IN STRUCTURE ETC-INFLECT/ATMPT BI/ARMED	Yes
2C:18-2a(3)	2,3	BURGLARY-TRESPSS UTILITY CO PROP-INFLECT/ATMPT BI/ARMED	Yes
2C:18-2b(1)	2	BURGLARY-INFLECT/ATTEMPT TO INFLECT BI	Yes
2C:18-2b(2)	2	BURGLARY (GENERIC)	Yes
2C:29-5a	2,3	ESCAPE-FROM DETENTION-USING FORCE/THREAT/DEADLY WEAPON	Yes
2C:29-5(b)	3	ABSCONDING FROM PAROLE	Yes
2C:29-5(c)	2,3	ESCAPE-PERMITTING ESCAPE-USING FORCE/DEADLY WEAPON/ETC	Yes

Table 2

Firearms Offenses for Combination to be Graves Act Offense		
Statute	Degree	Short Description
2C:39-14	2	WEAPONS-2ND DEGREE CRIMES, TEACHING/ASSEMBLE
2C:39-14B	2	WEAPONS-2ND DEGREE CRIMES-ASSEMBLES
2C:39-16	1	LEADER OF FIREARMS TRAFFICKING NETWORKS
2C:39-3(M)	3	PROHIBITED WEAP/DEVICES COVERT/UNDETECTABLE FIREARMS
2C:39-3B	3	PROHIBITED WEAPONS AND DEVICES - SAWED-OFF SHOTGUN
2C:39-3D	4	PROHIBITED WEAPONS AND DEVICES - DEFACED FIREARMS
2C:39-3N	3	PROHIBITED WEAPONS - FIREARM WITHOUT SERIAL NUMBER
2C:39-4.1A	2	POSSESSION OF FIREARM WHILE COMMITTING CDS/BIAS CRIME
2C:39-4A(1)	2	POSS OF WEAPON FOR UNLAWFUL PURPOSE-FIREARM-ANYONE
2C:39-4A(2)	2	POSS OF WEAPON FOR UNLAWFUL PURPOSE-COMMUNITY GUN
2C:39-4E	4	POSS OF WEAPON FOR UNLAWFUL PURPOSE-IMITATION FIREARM
2C:39-5A	2	UNLAWFUL POSS WEAP- MACHINE GUN
2C:39-5B(1)	1	UNLAWFUL POSS WEAPON-HANDGUNS WITHOUT PERMIT
2C:39-5B(1)	2	UNLAWFUL POSS WEAPON-HANDGUNS WITHOUT PERMIT
2C:39-5B(2)	3	UNLAWFUL POSS WEAPON - HANDGUNS AIR/SPRING/PISTOL
2C:39-5C(1)	3	UNLAWFUL POSS WEAP - RIFLES/SHOTGUNS
2C:39-5C(2)	3	UNLAWFUL POSS WEAP - RIFLE/SHOTGUN LOADED
2C:39-5E(1)	3	UNLAWFUL POSSESSION OF WEAPONS AT EDU INSTIT.
2C:39-5E(2)	4	FIREARMS/WEAPONS IN EDU INSTIT - NOT APPROPRIATE
2C:39-5E(3)	D	UNLAWFUL POSSESSION OF WEAPON AT EDU INSTIT - IMITATION
2C:39-5F	2	UNLAWFUL POSSESSION OF WEAPONS - ASSAULT FIREARM
2C:39-5J	1	UNLAWFUL POSS WEAPON- PRIOR CONV IN NERA
2C:39-7A	4	CERTAIN PERSONS NOT TO HAVE WEAP-CONVICTED CRIME
2C:39-7B(1)	2	CERT PERSON NOT TO HAVE WEAP PRIOR CONV 2C:16-1, ETC.
2C:39-7B(2)	3	CERTAIN PERSONS NOT TO HAVE WEAPONS PRIOR DP DV
2C:39-7B(3)	3	CERTAIN PERSONS NOT TO HAVE WEAP-PROHIBITED BY DVA 1991
2C:39-7B(4)	3	CERTAIN PERSONS NOT TO HAVE WEAPONS PURSUANT TO ERPO
2C:39-9(K)	3	PURCHASE FIREARM PARTS/MANU UNTRACEABLE FIREARM
2C:39-9(L)(1)	3	WEAPONS-MANUFACTURE USING 3D PRINTER - UNLICENSED
2C:39-9(M)	3	WEAPONS/MANU/TRANSPORTS COVERT/UNDETECTABLE FIREARMS

Firearms Offenses for Combination to be Graves Act Offense

Statute	Degree	Short Description
2C:39-9A	3	WEAPONS-MANU/TRANSPORT/DISP/DEFACEMENT- MACHINE GUN
2C:39-9B	3	WEAPONS-MANU/TRANSP/DISP/DEFACEMENT-SAWED OFF SHOTGUN
2C:39-9E	3	WEAPONS-MANU/TRANSP/DISP/DEFACEMENT-DEF DEFACED FIREARM
2C:39-9E	4	WEAPONS-MANU/TRANSP/ DISP/DEFACEMENT-DEFACED FIREARM
2C:39-9G	3	WEAPONS-MANU/TRANSP/DISP/DEFACEMENT-ASSAULT FIREARMS
2C:39-9I	2	WEAPONS-MANU/TRANSP/DISP/DEFACEMENT-INTO STATE
2C:39-9M	3	WEAPONS-MANU/TRANSP /DISP - GHOST/3D PRINTED GUN
2C:39-9N	3	WEAPONS-TRANSPORTS/SHIPS/SELLS/DISP W/O SERIAL NO.

Attachment B

Life Imprisonment, Serious Graves / Weapons, NERA, and Other Graves Offenses Used for Rearrest Analysis

Defendants charged on a complaint-warrant with committing or attempting (statutes beginning with 2C:5-1 for any degree) to commit these offenses are included.

Group 1 Offenses - Serious Charges Subject to Life Imprisonment		
Statute	Degree	Short Description
2C:11-3	1	MURDER
2C:11-3A	1	MURDER/FELONY MURDER
2C:11-3A(1)	1	MURDER - PURPOSELY
2C:11-3A(2)	1	MURDER - KNOWINGLY
2C:11-3A(3)	1	MURDER - DURING COMMISSION OF A CRIME
2C:13-8	1	HUMAN TRAFFICKING
2C:13-8A	1	HUMAN TRAFFICKING
2C:13-8A(2)	1	HUMAN TRAFFICKING-RECEIVES VALUE AS ORGANIZER, ETC
2C:13-8A(3)	1	HUMAN TRAFFICKING-HOLDS, ETC. CHILD <18 FOR SEX
2C:14-2A	1	AGG SEX ASSAULT
2C:14-2A(1)	1	AGGRAVATED SEXUAL ASSAULT - VICTIM < 13
2C:17-7	1	TAMPERING W/NUCLEAR POWER PLANT OR EQUIP
2C:17-7	3	TAMPERING W/NUCLEAR POWER PLANT OR EQUIP
2C:17-8	1	TAMPER W/NUCLEAR PLANT OR EQUIP CAUSING DEATH
2C:35-3	1	LEADER OF NARCOTICS TRAFFICKING NETWORK
2C:38-2	1	CRIME OF TERRORISM
2C:38-2A	1	CRIME OF TERRORISM
2C:38-2A(1)	1	TERRORISM-PROMOTING AN ACT OF TERROR
2C:38-2A(2)	1	TERRORISM-TERRORIZE 5 OR MORE PERSONS
2C:38-2A(3)	1	TERRORISM-INFLU POLICY/AFFECT CONDUCT OF GOV BY TERROR
2C:38-2A(4)	1	TERRORISM-TERROR ACT-IMPAIR/INTERRUPT PUBLIC COMMS
2C:38-3	1	PRODUCING OR POSSESSING CHEMICAL WEAPONS, ETC
2C:38-3	2	CHEMICAL WEAPONS-RECKL ALLOW PERSON TO OBTAIN MATERIALS
2C:38-3A	1	PRODUCE/ACQUIRE/POSSESS CHEMICAL WEAPONS, ETC.
2C:39-16	1	LEADER OF FIREARMS TRAFFICKING NETWORKS

Group 2 Offenses – Serious Charges and Serious Graves / Weapons Charges

Statute	Degree	Short Description
2C:11-4	1	AGGRAVATED MANSLAUGHTER
2C:11-4	2	MANSLAUGHTER
2C:11-4A	1	AGGRAVATED MANSLAUGHTER-EXTREME INDIFFERENCE HUMAN LIFE
2C:11-4A(1)	1	AGGRAVATED MANSLAUGHTER-EXTREME INDIFFERENCE HUMAN LIFE
2C:11-4A(2)	1	AGGRAVATED MANSLAUGHTER-WHILE FLEE/ELUDE LAW OFFICER
2C:11-4B	1	MANSLAUGHTER
2C:11-4B(1)	1	MANSLAUGHTER - COMMITTED RECKLESSLY
2C:11-4B(1)	2	MANSLAUGHTER - COMMITTED RECKLESSLY
2C:11-4B(2)	1	MANSLAUGHTER-PASSION/PROVOCATION
2C:11-4B(2)	2	MANSLAUGHTER-PASSION/PROVOCATION
2C:11-4B(3)	1	MANSLAUGHTER-CAUSE DEATH WHILE FLEE/ELUDE LAW OFFICER
2C:14-2	1	AGGRAVATED SEXUAL ASSAULT
2C:14-2	2	SEXUAL ASSAULT
2C:14-2A(2)	1	AGG SEX ASSAULT-V >=13 & <16-D RELATIVE/DISC POWER/GUAR
2C:14-2A(2)(A)	1	AGG SEX ASSAULT-VIC >=13 & <16-DEF & VIC RELATED
2C:14-2A(2)(B)	1	AGG SEX ASSAULT-V >=13 & < 16-D W/ SUPERV/DISC POWER
2C:14-2A(2)(C)	1	AGG SEX ASSAULT-V>=13 & <16-D RESOURCE PARENT/GUARDIAN
2C:14-2A(3)	1	AGG SEX ASSAULT-DURING ROBBERY/KIDNAP/HOMICIDE/ETC.
2C:14-2A(4)	1	AGG SEX ASSAULT-D ARMED W/ & THREATENS USE OF WEAPON
2C:14-2A(5)	1	AGG SEX ASSAULT-DEF AIDED BY >=1 PERSONS-FORCE/COERCION
2C:14-2A(5)(A)	1	AGG SEX ASSAULT - D AIDED BY >=1 PPL + FORCE/COERCION
2C:14-2A(5)(B)	1	AGG SEX ASSAULT-AIDED BY >=1 PPL- V HELPLESS/DEFECTIVE
2C:14-2A(6)	1	AGG SEX ASSAULT-FORCE/COERCION & SEVERE INJURY TO VIC
2C:14-2A(7)	1	AGG SEX ASSAULT-V HELPLESS, INCAPACITATED, ETC.
2C:15-1	1	ROBBERY-BI/FEAR/WHILE 1ST/2ND DEG CRIME W/ WEAP, ETC
2C:15-1A(1)	1	ROBBERY-INFLICTS BI OR USES FORCE - ARMED
2C:15-1A(2)	1	ROBBERY-THREAT OR FEAR OF BI - ARMED
2C:15-1A(3)	1	ROBBERY-THREAT OR COMMITS - ARMED
2C:15-1B	1	ARMED ROBBERY
2C:15-2	1	CARJACKING
2C:15-2A	1	CARJACKING
2C:15-2A(1)	1	CARJACKING-INFLICT BI OR USES FORCE UPON OCCUPANT

Group 2 Offenses – Serious Charges and Serious Graves / Weapons Charges

Statute	Degree	Short Description
2C:15-2A(2)	1	CARJACKING-THREATEN OCCUPANT /W BODILY INJURY
2C:15-2A(3)	1	CARJACKING: THREATENS/COMMITTS 1ST-2ND DEGREE CRIME
2C:15-2A(4)	1	CARJACKING AND RETAIN DRIVER OR OCCUPANT
2C:29-5	2	ESCAPE - USES FORCE/THREAT/DEADLY WEAPON
2C:29-5	3	ESCAPE:NO FORCE/THREAT/DEADLY WEAPON
2C:29-5A	2	ESCAPE-FROM DETENTION-USING FORCE/THREAT/DEADLY WEAPON
2C:29-5A	3	ESCAPE-FROM DETENTION
2C:39-3B	3	PROHIBITED WEAPONS AND DEVICES - SAWED-OFF SHOTGUN
2C:39-4B	2	POSS OF WEAPON FOR UNLAWFUL PURPOSE-EXPLOSIVES
2C:39-4C	2	POSS OF WEAPON FOR UNLAWFUL PURPOSE-DESTRUCTIVE DEVICE
2C:39-5A	2	UNLAWFUL POSS WEAP- MACHINE GUN
2C:39-5A	3	UNLAWFUL POSS WEAP- MACHINE GUN
2C:39-5E(1)	3	UNLAWFUL POSSESSION OF WEAPONS AT EDU INSTIT.
2C:39-5F	2	UNLAWFUL POSSESSION OF WEAPONS - ASSAULT FIREARM
2C:39-5F	3	UNLAWFUL POSSESSION OF WEAPONS - ASSAULT FIREARM
2C:39-7A	4	CERTAIN PERSONS NOT TO HAVE WEAP-CONVICTED CRIME
2C:39-7B(1)	2	CERT PERSON NOT TO HAVE WEAP PRIOR CONV 2C:16-1, ETC.
2C:39-7B(2)	3	CERTAIN PERSONS NOT TO HAVE WEAPONS PRIOR DP DV
2C:39-7B(3)	3	CERTAIN PERSONS NOT TO HAVE WEAP-PROHIBITED BY DVA 1991
2C:39-9A	3	WEAPONS-MANU/TRANSPORT/DISP/DEFACEMENT- MACHINE GUN
2C:39-9B	3	WEAPONS-MANU/TRANSP/DISP/DEFACEMENT-SAWED OFF SHOTGUN
2C:39-9E	3	WEAPONS-MANU/TRANSP/DISP/DEFACEMENT-DEF DEFACED FIREARM
2C:39-9E	4	WEAPONS-MANU/TRANSP/ DISP/DEFACEMENT-DEFACED FIREARM
2C:39-9G	3	WEAPONS-MANU/TRANSP/DISP/DEFACEMENT-ASSAULT FIREARMS
2C:39-9I	2	WEAPONS-MANU/TRANSP/DISP/DEFACEMENT-INTO STATE

Group 3 Offenses – Serious NERA Charges

Statute	Degree	Short Description
2C:11-5	1	DEATH BY AUTO OR VESSEL (VEHICULAR HOMICIDE)
2C:11-5	2	DEATH BY AUTO OR VESSEL (VEHICULAR HOMICIDE)
2C:11-5A	1	DEATH BY AUTO OR VESSEL (VEHICULAR HOMICIDE)
2C:11-5A	2	DEATH BY AUTO OR VESSEL (VEHICULAR HOMICIDE)
2C:11-5A	2	RECKLESS DEATH BY AUTO OR VESSEL (VEHICULAR HOMICIDE)
2C:11-5B(3)(A)	1	VEHICULAR HOMICIDE-DWI/REFUSAL-ON/NEAR SCHOOL PROPERTY
2C:11-5B(3)(B)	1	VEHICULAR HOMICIDE-DWI/REFUSAL-THROUGH SCHOOL CROSSING
2C:11-5B(3)(C)	1	VEHICULAR HOMICIDE-DWI/REFUSAL-SCHOOL CROSSING-JUVENILE
2C:12-1	2	ASSAULT SIGNIFICANT BI
2C:12-11B(1)	1	DISARMING LAW OFFICER-FIRES/DISCHARGES FIREARM
2C:12-11B(2)	1	DISARMING LAW OFFICER-DISCHARGE/THREAT USE FIREARM/SBI
2C:12-11B(3)	1	DISARMING LAW OFFICER-OFFICER/OTHER SUFFERS SBI
2C:12-1B	2	AGG ASSAULT
2C:12-1B(1)	2	AGG ASSAULT-ATTEMPT/CAUSE SBI PURP/KNOW/RECKLESS
2C:12-1B(13)	2	AGG ASSAULT - STRANGLE DOMESTIC VIOLENCE VICTIM
2C:12-1B(6)	2	AGG ASSAULT-CAUSE BODILY INJURY-FLEEING LAW ENFORCEMENT
2C:12-1B(8)	2	AGG ASSAULT-FIRE/EXPLOSION-SBI TO EMERGENCY PERSONNEL
2C:13-1	1	KIDNAPPING
2C:13-1	2	KIDNAPPING - VICTIM RELEASED UNHARMED
2C:13-1A	1	KIDNAPPING-FOR RANSOM OR TO HOLD AS SHIELD/HOSTAGE
2C:13-1A	2	KIDNAPPING-RANSOM/SHIELD/HOSTAGE-VIC RELEASED UNHARMED
2C:13-1B	1	KIDNAPPING-HOLD FOR OTHER PURPOSES
2C:13-1B	2	KIDNAPPING-HOLD FOR OTHER PURPOSE-VIC RELEASED UNHARMED
2C:13-1B(1)	1	KIDNAPPING-FACILITATE CRIME/FLIGHT
2C:13-1B(1)	2	KIDNAPPING-FACILITATE CRIME/FLIGHT-VIC RELEASED UNHARMD
2C:13-1B(2)	1	KIDNAPPING-BODILY INJURY OR TERRORIZE VIC/ANOTHER
2C:13-1B(2)	2	KIDNAPPING-BODILY INJURY/TERRORIZE VIC/ANOTHER-RELEASED
2C:13-1B(3)	1	KIDNAPPING-INTERFERE W/ GOV'T/POLITICAL FUNCTION
2C:13-1B(3)	2	KIDNAPPING-INTERFER W/ GOV'T/POLITICAL FUNCTN-V RELEASD
2C:13-1B(4)	1	KIDNAPPING-DEPRIVE PARENT, ETC. OF CUSTODY
2C:13-1B(4)	2	KIDNAPPING-DEPRIVE PARENT, ETC. OF CUSTODY- VIC RELEASD
2C:13-1C(2)	1	KIDNAPPING - VICTIM UNDER 16 AND SEX ASSAULT
2C:14-2C	2	SEXUAL ASSAULT-PENETRATION BY FORCE OR VICTIM STATUS
2C:15-1A	2	ROBBERY BY FORCE, BI, THREAT OF BI OR THREAT OF CRIME

Group 3 Offenses – Serious NERA Charges

Statute	Degree	Short Description
2C:15-1A(1)	2	ROBBERY-INFLICTS BI OR USES FORCE
2C:15-1A(2)	2	ROBBERY-THREAT OR FEAR OF BI
2C:15-1A(3)	2	ROBBERY-THREAT OR COMMITS A 1ST OR 2ND DEGREE CRIME
2C:17-1A	1	AGGRAVATED ARSON
2C:17-1A	2	AGGRAVATED ARSON
2C:17-1A(1)	1	AGG ARSON-PURP/KNOW DANGER OF DEATH/BI+HOUSE OF WORSHIP
2C:17-1A(1)	2	AGG ARSON-PURPOSE OR KNOWING DANGER OF DEATH OR BI
2C:18-2	2	BURGLARY-INFLICT/ATTEMPT TO INFLICT BI OR ARMED
2C:18-2A	2	BURGLARY-INFLICT/ATTEMPT TO INFLICT BI OR ARMED
2C:18-2A(1)	2	BURGLARY-ENTERING STRUCTURE ETC-INFLICT/ATMPT BI/ARMED
2C:18-2A(2)	2	BURGLARY-REMAIN IN STRUCTURE ETC-INFLICT/ATMPT BI/ARMED
2C:18-2A(3)	2	BURGLARY-TRESPSS UTILITY CO PROP-INFLCT/ATMPT BI/ARMED
2C:18-2B	2	BURGLARY-INFLICT/ATTEMPT TO INFLICT BI OR ARMED
2C:18-2B(1)	2	BURGLARY-INFLICT/ATTEMPT TO INFLICT BI
2C:18-2B(2)	2	BURGLARY-ARMED
2C:20-5A	2	THEFT BY EXTORTION-INFLICT BI/CONFINE/RESTRAIN
2C:24-4B(3)	1	ENDANGERING-PERMIT CHILD TO ENGAGE IN PORNOGRAPHY
2C:24-4B(3)	2	ENDANGERING WELFARE OF CHILDREN
2C:35-4.1	1	BOOBY TRAP IN MANU/DIST FACILITY CAUSES-BODILY INJURY
2C:35-4.1	2	BOOBY TRAP-CAUSES BODILY INJURY
2C:35-4.1B	1	BOOBY TRAPS IN CDS MANU/DIST FACILITY - CAUSE BODILY IN
2C:35-4.1B	2	BOOBY TRAPS IN CDS MANU/DIST FACILITY
2C:35-9A	1	DRUG-INDUCED DEATH - STRICT LIABILITY
2C:38-3B	2	CHEMICAL WEAPONS-RECKL ALLOW PERSON TO OBTAIN MATERIALS
2C:41-2	1	RACKETEERING - PROHIBITED ACTIVITIES
2C:41-2A	1	RACKETEERING - THRU VIOLENCE/1ST DEGREE CRIME/FIREARM
2C:41-2B	1	RACKETEERING-CONTROL OF BUSINESS-VIOLENCE/1ST DEG/ETC
2C:41-2C	1	RACKETEERING-EMPLOYEE PARTICIPATES-VIOLENCE/1ST DEG/ETC
2C:41-2D	1	RACKETEERING-CONSPIRE IN RACKETEERING-VIOL/1ST DEG/ETC
2C:41-3	1	RACKETEERING-CRIME VIOLENCE/1ST DEGREE/USE OF FIREARMS

Group 4 Offenses – Lesser Graves / Weapon Charges

Statute	Degree	Short Description
2C:39-3A	3	PROHIBITED WEAPONS AND DEVICES-DESTRUCTIVE DEVICE
2C:39-3D	4	PROHIBITED WEAPONS AND DEVICES - DEFACED FIREARMS
2C:39-4.1A	2	POSSESSION OF FIREARM WHILE COMMITTING CDS/BIAS CRIME
2C:39-4A(1)	2	POSS OF WEAPON FOR UNLAWFUL PURPOSE-FIREARM-ANYONE
2C:39-4A(2)	2	POSS OF WEAPON FOR UNLAWFUL PURPOSE-COMMUNITY GUN
2C:39-5B(1)	1	UNLAWFUL POSS WEAPON-HANDGUNS WITHOUT PERMIT
2C:39-5B(1)	2	UNLAWFUL POSS WEAPON-HANDGUNS WITHOUT PERMIT
2C:39-5C(1)	3	UNLAWFUL POSS WEAP - RIFLES/SHOTGUNS
2C:39-5C(2)	3	UNLAWFUL POSS WEAP - RIFLE/SHOTGUN LOADED

Group 5 Offenses – Other Graves Act Charges

Statute	Degree	Short Description
2C:12-1B	3	AGG ASSAULT
2C:12-1B	4	AGG ASSAULT
2C:12-1B(10)	3	AGG ASSAULT-POINT, ETC. IMITATION FIREARM AT OFFICER
2C:12-1B(11)	3	AGG ASSAULT-USE, ETC. LASER SIGHTING DEVICE AT OFFICER
2C:12-1B(12)	3	AGG ASSAULT - ON DOMESTIC VIOLENCE VICTIM
2C:12-1B(13)	3	AGG ASSAULT - STRANGLE DOMESTIC VIOLENCE VICTIM
2C:12-1B(2)	3	AGG ASSAULT-ATTEMPT/CAUSE BI W/DEADLY WEAPON PURP/KNOW
2C:12-1B(3)	4	AGG ASSAULT-CAUSE INJURY WITH WEAPON-RECKLESS
2C:12-1B(4)	4	AGG ASSAULT W/ FIREARM
2C:12-1B(5)	3	AGG ASSAULT-SIMPLE ASSAULT ON CERTAIN PEOPLE
2C:12-1B(5)	4	AGG ASSAULT-SIMPLE ASSAULT ON CERTAIN PEOPLE
2C:12-1B(5)(A)	3	AGG ASSAULT-ON LAW ENFORCEMENT OFFICER-BODILY INJURY
2C:12-1B(5)(A)	4	AGG ASSAULT-ON LAW ENFORCEMENT OFFICER
2C:12-1B(5)(B)	3	AGG ASSAULT-ON PAID/VOLUNTEER FIREMAN-BODILY INJURY
2C:12-1B(5)(B)	4	AGG ASSAULT-ON PAID/VOLUNTEER FIREMAN
2C:12-1B(5)(C)	3	AGG ASSAULT-EMERGENCY 1ST AID/MEDICAL SERVE PERSON-BI
2C:12-1B(5)(C)	4	AGG ASSAULT-EMERGENCY 1ST AID/MEDICAL SERVICE PERSON
2C:12-1B(5)(D)	3	AGG ASSAULT-ASSAULT ON SCHOOL EMPLOYEE-BODILY INJURY
2C:12-1B(5)(D)	4	AGG ASSAULT-ASSAULT ON SCHOOL EMPLOYEE
2C:12-1B(5)(E)	3	AGG ASSAULT-ASSAULT ON DCPD/DYFS EMPLOYEE W/ BI
2C:12-1B(5)(E)	4	AGG ASSAULT-ASSAULT ON DCPD/DYFS EMPLOYEE
2C:12-1B(5)(F)	3	AGG ASSAULT-AGAINST A JUDGE/JUSTICE W/SBI
2C:12-1B(5)(F)	4	AGG ASSAULT-AGAINST A JUDGE/JUSTICE
2C:12-1B(5)(G)	3	AGG ASSAULT-ASSAULT ON BUS DRIVER/SUPERVISOR W/ BI
2C:12-1B(5)(G)	4	AGG ASSAULT-ASSAULT ON BUS DRIVER/SUPERVISOR
2C:12-1B(5)(H)	3	AGG ASSAULT-ASSAULT ON CORREC/PROB/SHERIFF OFC. W/ BI
2C:12-1B(5)(H)	4	AGG ASSAULT-ASSAULT ON CORREC/PROB/SHERIFF OFC.
2C:12-1B(5)(I)	3	AGGRAVATED ASSAULT ON A UTILITY COMPAN W/SBI
2C:12-1B(5)(I)	4	AGGRAVATED ASSAULT ON A UTILITY COMPAN
2C:12-1B(5)(J)	3	AGG ASSAULT-ASSAULT ON A HEALTH CARE WORKER W/ BI
2C:12-1B(5)(J)	4	AGG ASSAULT-ASSAULT ON A HEALTH CARE WORKER
2C:12-1B(5)(K)	3	AGG ASSAULT-ON DIRECT CAREWORKER W/BI,PERP NOT PATIENT
2C:12-1B(5)(K)	4	AGG ASSAULT-ON DIRECT CARE WORKER + PERP IS NOT PATIENT
2C:12-1B(7)	3	AGG ASSAULT-ATTEMPT/CAUSE SIGNIFICANT BODILY INJURY

Group 5 Offenses – Other Graves Act Charges

Statute	Degree	Short Description
2C:12-1B(8)	3	AGG ASSAULT-FIRE/EXPLOSION-BI TO EMERGENCY PERSONNEL
2C:12-1B(9)	3	AGG ASSAULT-POINT FIREARM AT LAW ENFORCEMENT OFFICER
2C:14-3	3	AGG CRIMINAL SEXUAL CONTACT-VICTIM OVER 13 Y/O, ETC
2C:14-3	4	AGG CRIMINAL SEXUAL CONTACT-FORCE W/O SERIOUS INJRY ETC
2C:14-3A	3	AGGRAVATED CRIMINAL SEXUAL CONTACT
2C:29-5B	3	ABSCONDING FROM PAROLE
2C:29-5C	3	ESCAPE-PERMITTING ESCAPE
2C:39-14	2	WEAPONS-2ND DEGREE CRIMES, TEACHING/ASSEMBLE
2C:39-14B	2	WEAPONS-2ND DEGREE CRIMES-ASSEMBLES
2C:39-3(M)	3	PROHIBITED WEAP/DEVICES COVERT/UNDETECTABLE FIREARMS
2C:39-3N	3	PROHIBITED WEAPONS - FIREARM WITHOUT SERIAL NUMBER
2C:39-4E	4	POSS OF WEAPON FOR UNLAWFUL PURPOSE-IMITATION FIREARM
2C:39-5B(2)	3	UNLAWFUL POSS WEAPON - HANDGUNS AIR/SPRING/PISTOL
2C:39-5E(2)	4	FIREARMS/WEAPONS IN EDU INSTIT - NOT APPROPRIATE
2C:39-5E(3)	D	UNLAWFUL POSSESSION OF WEAPON AT EDU INSTIT - IMITATION
2C:39-5J	1	UNLAWFUL POSS WEAPON- PRIOR CONV IN NERA
2C:39-7B(4)	3	CERTAIN PERSONS NOT TO HAVE WEAPONS PURSUANT TO ERPO
2C:39-9(K)	3	PURCHASE FIREARM PARTS/MANU UNTRACEABLE FIREARM
2C:39-9(L)(1)	3	WEAPONS-MANUFACTURE USING 3D PRINTER - UNLICENSED
2C:39-9(M)	3	WEAPONS/MANU/TRANSPORTS COVERT/UNDETECTABLE FIREARMS
2C:39-9M	3	WEAPONS-MANU/TRANSPO /DISP - GHOST/3D PRINTED GUN
2C:39-9N	3	WEAPONS-TRANSPORTS/SHIPS/SELLS/DISP W/O SERIAL NO.