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Thousands in jail await trials that are still a long way off. N.J.'s top court considers releasing some.

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New Jersey's highest court is considering releasing hundreds of people awaiting trial behind bars as the coronavirus continues to keep juries at a standstill.

Thousands of people in jail across the state have yet to be convicted, according to court records. Keeping so many locked up risked their health and violated their rights, the state's top public defender and the American Civil Liberties Union of New Jersey argued Wednesday during a nearly two-hour hearing before the state Supreme Court.

"In a system where people accused of crimes are presumed innocent, at some point it's unacceptable to keep holding them indefinitely," said New Jersey Public Defender Joseph Krakora.

Prosecutors responded that anyone who didn't pose a risk had already been released. People only await trial behind bars after a judge considered their charges and criminal history, and overruling local courts would be both dangerous and illegal, prosecutors said.

The proposal "would cause far more problems than it cured," said Anthony Robinson, First Assistant Prosecutor in Warren County.

State law generally says a trial must begin within six months, but about 1,600 people have been locked up at least since March, lawyers estimated. Hundreds had waited about a year, and dozens were approaching the two-year mark, Krakora said.

There was obviously a risk that some might flee or commit new crimes, Krakora added. But New Jersey already accepted some level of risk by letting many others await trial at home.

Those who have spent more than six months behind bars for second-, third- or fourth-degree charges would generally be released under the proposal, although prosecutors could object to individual cases.

That category includes people accused of arson, assault and robbery, among other charges.

Others facing some first-degree charges, the most serious, could also receive new hearings under the plan.

The state attorney general's office and county prosecutors said the extended wait did not mean many people were in grave danger.

Less than 2% of jail inmates, about 160 people statewide, had tested positive at different times last month, the county prosecutors association argued in a court documents.

New Jersey inmates and officers are also part of the first wave of vaccinations.

Hudson and Passaic county jails will begin offering shots this week and Burlington should start next week, according to Deputy Attorney General Claudia DeMitro.

"COVID-19 is not an issue in the county jails," Robinson said.

Some jail officers, inmates and their families who spoke with NJ Advance Media in recent weeks said this is not true. One officer in Cumberland County recently said their jail was refusing to test many inmates.

"There is a five-alarm fire growing at the Cumberland County jail with no viable means of rescue," Stuart Alterman, a lawyer for the local officers' union, said last week.

The justices acknowledged that new juries were likely months away.

While they asked pointed questions to both sides, several seemed open to at least setting people free who had already waited the same amount of time behind bars they would be sentenced to if they were eventually convicted.

The justices did not give a timeline for when they'll make a decision.