

40:6A-1 to 40:6A-4

LEGISLATIVE HISTORY CHECKLIST

NJSA 40:6A-1 to 40:6A-4 (Counties--allow liens for defense of indigents accused of non-indictable crimes)

LAWS 1981 CHAPTER 364

Bill No. A1147

Sponsor(s) Flynn

Date Introduced Feb. 25, 1980

Committee: Assembly Judiciary, Law, Public Safety & Defense

Senate Judiciary

Amended during passage Yes ~~No~~ Amendments during passage denoted by asterisks

Date of Passage: Assembly March 2, 1980

Senate Dec. 7, 1981

Date of approval Dec. 30, 1981

Following statements are attached if available:

Sponsor statement Yes ~~No~~

Committee Statement: Assembly Yes ~~No~~

Senate Yes ~~No~~

Fiscal Note ~~Yes~~ No

Veto Message ~~Yes~~ No

Message on signing Yes ~~No~~

Following were printed:

Reports ~~Yes~~ No

Hearings ~~Yes~~ No

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ASSEMBLY, No. 1147

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 25, 1980

By Assemblyman FLYNN

Referred to Committee on Judiciary, Law, Public Safety and Defense

AN ACT providing counties **and municipalities** with a lien for the costs of providing assigned counsel and other related costs for the defense of indigent persons accused of a nonindictable offense.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Whenever a county **or municipality** is required to pay the
2 costs of the assignment of counsel and other related costs for the
3 defense of an indigent person pursuant to R. 3:27-2 of the Rules
4 Governing the Court of the State of New Jersey or pursuant to
5 any rule or law subsequently enacted, the amount paid by the
6 county **or municipality** for the defense of the indigent shall be a
7 lien on any and all property which the defendant shall have or
8 in which he shall acquire an interest. The county **or municipal**
9 counsel shall effectuate such lien whenever the costs of the defense
10 exceed \$150.00. To effectuate the lien, the county **or municipal**
11 counsel shall file a notice setting forth the amount **which was**
12 paid ***[by the county]*** for the defense of the indigent with the
13 clerk of the superior court. The filing of said notice with the clerk
14 of the superior court shall from the date thereof constitute a lien
15 on said property for a period of 10 years, unless sooner discharged
16 and except for such time limitations shall have the force and effect
17 of a Judgment at Law. Within 10 days of the filing of the Notice
18 of Lien, the county **or municipal** counsel shall send by certified
19 mail, or serve personally, a copy of such notice with a statement
20 of the date of the filing thereof to or upon the defendant at his
21 last known address.

1 2. The clerk of the superior court may provide separate books
2 for the filing of said liens indexed in the name of the judgment
3 debtor, or he may record the liens in the books used for filing liens
4 incurred for the services of the Public Defender.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

1 3. The county **or municipal** counsel shall have all the remedies
2 and make take all the proceedings for the collection of moneys
3 due the county **or municipality** for the cost incurred in the
4 defense of an indigent which may be had or taken for or upon the
5 recovery of a judgment in a civil action, and may institute and
6 maintain any action or proceeding in the court necessary therefor.
7 In any such proceeding or action, the costs paid by the county **or*
8 *municipality** shall be presumed to represent the true and reason-
9 able value of the services rendered to the defendant.

1 4. The county **or municipal** counsel may recommend to **[the*
2 *county]* *their respective** governing **[body]* *bodies** a com-
3 promise and settlement of any claim for payment of costs incurred
4 by the county **or municipality** in defense of an indigent whenever
5 it appears in his judgment to be in the best interests of the county
6 **or municipality**. The compromise or settlement may be approved
7 by resolution of the governing body.

1 5. This act shall take effect immediately.

4 or taken for or upon the recovery of a judgment in a civil action,
5 and may institute and maintain any action or proceeding in the
6 court necessary therefor. In any such proceeding or action, the
7 costs paid by the county shall be presumed to represent the true
8 and reasonable value of the services rendered to the defendant.

1 4. The county counsel may recommend to the county governing
2 body a compromise and settlement of any claim for payment of
3 costs incurred by the county in defense of an indigent whenever
4 it appears in his judgment to be in the best interests of the county.
5 The compromise or settlement may be approved by resolution of
6 the governing body.

1 5. This act shall take effect immediately.

STATEMENT

Presently the Public Defender's Office acquires a lien for the value of services rendered in the defense of indigents accused of indictable offenses.

The several counties are required by R. 3:27-2 to pay for the costs of assigned counsel for the defense of indigents in nonindictable offenses. The purpose of this bill is to allow the counties the same lien privileges now accorded the Office of the Public Defender.

A1147 (1980)

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND
DEFENSE COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1147
with Assembly committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 24, 1980

This bill, as amended, would cover all nonindictable cases where a county or municipality is required to pay the costs of the assignment of counsel for the defense of indigent persons.

Presently the Public Defender's Office acquires a lien for the value of services rendered in the defense of indigents accused of indictable offenses. The purpose of this bill is to allow the counties and municipalities the same lien privileges now accorded the Office of the Public Defender.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1147

STATE OF NEW JERSEY

DATED: NOVEMBER 12, 1981

Presently, the Public Defender's Office acquires a lien for the value of services rendered in the defense of an indigent person accused of an indictable offense. This bill would allow counties and municipalities to acquire a lien where the county or municipality is required to pay the costs of the assignment of counsel for the defense of an indigent person accused of a nonindictable offense.

A-3147, sponsored by Assemblyman William E. Flynn (D-Monmouth), allowing a county or municipality to place a lien on the property of an indigent where the county or municipality was required to cover the cost of the indigent's defense counsel. The bill applies to non-indictable offenses--disorderly persons or motor vehicle offenses, for example where court costs or counsel fees exceed \$150. Liens on the property of indigents are already allowed in indictable offenses.

A-2031, also sponsored by Assemblyman Flynn, permitting municipal courts to allow an indigent defendant convicted of a traffic offense to pay his fine in installments. The payment period is not to exceed six months.

The bill is in response to a court ruling that an indigent may not be jailed because of an inability to pay a fine, and must be given the opportunity to make installments payments.

A-2297, sponsored by Assemblyman Joseph D. Patero (D-Somerset), appropriating \$6,347,704 from the "1978 Emergency Flood Control Bond Fund" to the Department of Environmental Protection for grants to local governments engaged in flood control projects. The grants may not exceed fifty percent of the cost of any project.

A-3068, sponsored by Assemblyman Willie B. Brown (D-Essex), appropriating \$8,264,361 from the "Mortgage Assistance Fund" to fourteen non profit, moderate-income urban housing projects previously financed by the Housing Finance Agency.

Monies from the MAF bond fund will be used to provide "financial feasibility and stability" at projects threatened with default.

A-3083, sponsored by Assemblyman Walter Rand (D-Camden), appropriating \$2 million from the "Natural Resources Bond Fund" for harbor cleanup operations in the Delaware River. \$950,400 of the appropriation will be granted to the South Jersey Port Corporation for removal of the Spruce Street pier in Camden.

A-3092, sponsored by Assemblyman H. Donald Stewart (D-Salem), commonly known as the "Forest Fire Prevention and Control Act," the bill codifies and updates the statutes concerning the fighting of forest fires.

The bill makes little substantive change in present law. Current statutes are instead updated and enforcement is placed under the supervision of the Department of Environmental Protection