

2A:158A-5.1 ET AL.

LEGISLATIVE HISTORY CHECKLIST

NJSA 2A:158A-5.1 & 5.2; 2A:158-24

Laws of 1974 Chapter 33

Bill No. A 1298

Sponsor(s) Hawkins & others

Date Introduced Feb. 15

Committee: Assembly Judiciary, Law, Public Safety & Defense

Senate Judiciary

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

Date of passage: Assembly April 22

Senate May 16

Date of approval May 31

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

ASSEMBLY, No. 1298

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 15, 1974

By Assemblymen HAWKINS, CODEY, PATERO, HAMILTON,  
OWENS, RUANE, HICKS, BURSTEIN, BAER, HYNES,  
PERSKIE and SWEENEY

Referred to Committee on Judiciary

AN ACT providing for representation of certain persons by the  
Public Defender, amending P. L. 1968, c. 371, and supplementing  
P. L. 1967, c. 43.

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

1 1. Section 3 of P. L. 1968, c. 371 (C. 2A:158A-24) is amended to  
2 read as follows:

3 2A:158A-24. Except as hereinafter provided, the Public  
4 Defender shall in the manner prescribed by P. L. 1967, c. 43  
5 ([N. J. S.] C. 2A:158A-1, et seq.) provide for the legal representa-  
6 tion of any [other] person [under the age of 18] who is [formally]  
7 charged [with the commission of an act of juvenile delinquency] as  
8 *a juvenile delinquent or juvenile in need of supervision* and where  
9 in the opinion of the juvenile judge the prosecution of the complaint  
10 may result in the institutional commitment of such person.

1 2. *Violation of parole; legal representation.* The Public Defender  
2 shall in the manner prescribed by P. L. 1967, c. 43 (C. 2A:158A-1,  
3 et seq.) provide for the legal representation of any person on parole  
4 from a correctional institution of this State or otherwise under the  
5 parole supervision of this State who is charged with violation of  
6 that parole or under consideration for revocation of parole.

1 3. *Offenses and violations; legal representation.* The Public  
2 Defender shall in the manner prescribed by P. L. 1967, c. 43  
3 (C. 2A:158A-1 et seq.) provide for the legal representation of any  
4 person charged with a disorderly persons offense or the violation

7 subject to imprisonment or, in the opinion of the court, any other  
8 consequence of magnitude.

1 4. *Effective dates.*

2 a. Section 1 of this act shall take effect immediately.

3 b. Section 2 of this act shall take effect on the first day of the  
4 twelfth month following its enactment, provided, however, that  
5 the Public Defender may furnish legal representation as provided  
6 herein on pilot or experimental basis in some or all cases  
7 immediately.

8 c. Section 3 of this act shall take effect on the first day of the  
9 twenty-fourth month following its enactment, provided, however,  
10 that the Public Defender may furnish legal representation as  
11 provided herein on pilot or experimental basis in some or all  
12 cases immediately.

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#### STATEMENT

This bill expands the jurisdiction of the Office of the Public Defender to include persons charged as juvenile delinquents or juveniles in need of supervision, persons charged with parole violation, and indigent disorderly persons.

The effective dates reflect the time needed to expand the personnel and expertise of the Office of the Public Defender, but permit the Public Defender to assume the expanded jurisdiction as quickly as he is able to.

FISCAL NOTE TO  
**ASSEMBLY, No. 1298**

[OFFICIAL COPY REPRINT]

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**STATE OF NEW JERSEY**

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DATED: MAY 6, 1974

The Official Copy Reprint of Assembly Bill No. 1298 provides for representation of certain juveniles, parolees and disorderly persons by the Public Defender.

The Office of the Public Defender estimates that enactment of the legislation would require an additional State expenditure of \$68,490.00 during the remainder of the current fiscal year, \$410,938.00 in fiscal 1974-75 and \$440,863.00 in fiscal 1975-76.

The estimates are based on statistical reports from the Administrative Office of the Courts detailing the municipal court case load and appeals from the municipal courts to the county courts. Case load figures were also obtained from the Parole Board on the number of revocation hearings being heard per month. In addition, the amounts were established by evaluating the previous experience of the Office of the Public Defender.

The executive proposes to implement section 3 of this bill by setting up a "pilot project" to establish "how best to represent the interests of indigents at the least cost to the State". The results of this pilot project could cause costs to vary significantly when section 3 is fully implemented.

No reference has been made to the possible increase in municipal court costs or costs for the Division of Corrections and Parole as the estimates for Assembly Bill No. 1298 are for the Public Defender's Office only.

Possible increased municipal court and Division of Corrections costs were included in the estimated costs for the Department of Public Advocate (Assembly Bill No. 1409). Thus this phase of the costs for Assembly Bill No. 1298 is part of but not in addition to the estimated costs for Assembly Bill No. 1409.

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ASSEMBLY COMMITTEE AMENDMENTS TO  
**ASSEMBLY, No. 1298**

**STATE OF NEW JERSEY**

ADOPTED APRIL 1, 1974

Amend page 1, section 1, line 8, after "or", insert "as a".

Amend page 1, section 2, line 6, after "or", insert "who is".

Amend page 1, section 3, line 4, after "or", insert "with".

[OFFICIAL COPY REPRINT]  
**ASSEMBLY, No. 1298**

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**STATE OF NEW JERSEY**

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INTRODUCED FEBRUARY 15, 1974

By Assemblymen HAWKINS, CODEY, PATERO, HAMILTON,  
OWENS, RUANE, HICKS, BURSTEIN, BAER, HYNES,  
PERSKIE and SWEENEY

Referred to Committee on Judiciary

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4 Defender shall in the manner prescribed by P. L. 1967, c. 43  
5 ([N. J. S.] C. 2A:158A-1, et seq.) provide for the legal representa-  
6 tion of any [other] person [under the age of 18] who is [formally]  
7 charged [with the commission of an act of juvenile delinquency] as  
8 *a juvenile delinquent or \*as a\* juvenile in need of supervision* and  
9 where in the opinion of the juvenile judge the prosecution of the  
10 complaint may result in the institutional commitment of such  
11 person.

1 2. *Violation of parole; legal representation.* The Public Defender  
2 shall in the manner prescribed by P. L. 1967, c. 43 (C. 2A:158A-1,  
3 et seq.) provide for the legal representation of any person on parole  
4 from a correctional institution of this State or otherwise under the  
5 parole supervision of this State who is charged with violation of  
6 that parole or *\*who is\** under consideration for revocation of  
7 parole.

1 3. *Offenses and violations; legal representation.* The Public  
2 Defender shall in the manner prescribed by P. L. 1967, c. 43

5 violation of any law, ordinance or regulation of a penal nature  
6 where there is a likelihood that the persons so charged, if convicted,  
7 will be subject to imprisonment or, in the opinion of the court, any  
8 other consequence of magnitude.

1 4. *Effective dates.*

2 a. Section 1 of this act shall take effect immediately.

3 b. Section 2 of this act shall take effect on the first day of the  
4 twelfth month following its enactment, provided, however, that  
5 the Public Defender may furnish legal representation as provided  
6 herein on pilot or experimental basis in some or all cases  
7 immediately.

8 c. Section 3 of this act shall take effect on the first day of the  
9 twenty-fourth month following its enactment, provided, however,  
10 that the Public Defender may furnish legal representation as  
11 provided herein on pilot or experimental basis in some or all  
12 cases immediately.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1298**

[OFFICIAL COPY REPRINT]

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**STATE OF NEW JERSEY**

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DATED: MAY 13, 1974

This bill amends the jurisdiction of the Public Defender's office.

It amends N. J. S. 2A:158A-24 to conform that law to the new category of juveniles in need of supervision created by P. L. 1973, c. 306.

The bill also adds to the public defender's jurisdiction those who are charged with a violation of parole or are being considered for revocation of parole. Except for pilot programs, this would be effective in one year.

In addition, those charged with disorderly persons offenses or charged with a violation which could result in imprisonment or any other "consequence of magnitude", could be represented by the Public Defender, effective 24 months following enactment, except for pilot projects which could begin immediately.



SENATE AMENDMENTS TO  
**ASSEMBLY, No. 1298**

[OFFICIAL COPY REPRINT]

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**STATE OF NEW JERSEY**

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ADOPTED MAY 16, 1974

Amend page 1, title, line 2, omit "and".

Amend page 1, title, line 3, after "c. 43", insert ", and making an appropriation".

Amend page 1, section 1, line 3, omit "2A:158A-24", insert "3".

Amend page 2, section 3, after line 8, insert a new section as follows:  
"4. There is hereby appropriated the sum of \$500,000.00 for the balance of the fiscal year 1973-74 and for the fiscal year 1974-75 to implement the provisions of this act."

Amend page 2, section 4, line 1, omit "4.", insert "5."

Amend page 2, section 4, line 2, omit "Section", insert "Sections"; after "1.", insert "and 4".

[SENATE REPRINT]

# ASSEMBLY, No. 1298

[OFFICIAL COPY REPRINT]

with Senate amendments adopted May 16, 1974

## STATE OF NEW JERSEY

INTRODUCED FEBRUARY 15, 1974

By Assemblymen HAWKINS, CODEY, PATERO, HAMILTON,  
OWENS, RUANE, HICKS, BURSTEIN, BAER, HYNES,  
PERSKIE and SWEENEY

Referred to Committee on Judiciary

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plementing P. L. 1967, c. 43\*\*, and making an appropriation\*\*.

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2 read as follows:

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4 Public Defender shall in the manner prescribed by P. L. 1967, c. 43  
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6 tion of any **[other]** person **[under the age of 18]** who is **[formally]**  
7 charged **[with the commission of an act of juvenile delinquency]** *as*  
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5 violation of any law, ordinance or regulation of a penal nature  
6 where there is a likelihood that the persons so charged, if convicted,  
7 will be subject to imprisonment or, in the opinion of the court, any  
8 other consequence of magnitude.

1 *\*\*4. There is hereby appropriated the sum of \$500,000.00 for the*  
2 *balance of the fiscal year 1973-74 and for the fiscal year 1974-75 to*  
3 *implement the provisions of this act.\*\**

1 *\*\*[4.]\*\* \*\*5.\*\* Effective dates.*

2 a. *\*\*[Section]\*\* \*\*Sections\*\* 1 *\*\*and 4\*\** of this act shall take*  
2A *effect immediately.*

3 b. Section 2 of this act shall take effect on the first day of the  
4 twelfth month following its enactment, provided, however, that  
5 the Public Defender may furnish legal representation as provided  
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[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 1298

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 15, 1974

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1 *\*\*[4.]\*\* \*\*5.\*\* Effective dates.*

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