

2A: 158A-17 and 19

August 5, 1969

Legislative Notes on R.S. 2A:158A-17 and 19
(Lien - Public defender must effectuate)

No similar bills were introduced in previous years.

L. 1969, Chapter 29 (A316)
Introduced January 27, 1969 by Moraites.
No statement.
Not amended during passage.

No hearings or reports located.
No clippings located.

JH /fb

ASSEMBLY, No. 316

STATE OF NEW JERSEY

INTRODUCED JANUARY 27, 1969

By Assemblyman MORAITES

(Without Reference)

AN ACT to amend "An act concerning the representation of indigent defendants in criminal cases, creating the Office of the Public Defender, prescribing its functions, powers and duties, and providing for an appropriation" approved May 2, 1967 (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 17 of the act of which this act is amendatory is amended
2 to read as follows:

3 17. The reasonable value of the services rendered to a defendant
4 pursuant to this act may in all cases be a lien on any and all
5 property to which the defendant shall have or acquire an interest.
6 **[To effectuate such lien the]** *The Public Defender shall effectuate*
7 *such lien* whenever the reasonable value of the services rendered
8 to a defendant appears to exceed \$150.00 and may *effectuate such*
9 *lien* where the reasonable value of those services appears to be less
10 than \$150.00 **[submit to the court having jurisdiction in the mat-**
11 **ter an affidavit setting forth the services rendered to the defendant**
12 **and the reasonable value thereof. The court shall determine and**
13 **adjudge the reasonable value of said services. Upon adjudication**
14 **the lien shall be filed or docketed with the Clerk of the Superior**
15 **Court and from the date thereof shall constitute a lien on said**
16 **property for a period of 10 years unless sooner discharged and**
17 **except for such time limitation shall have the force and effect of**
18 **a judgment at law].**

19 *To effectuate such a lien, the Public Defender shall file a notice*
20 *setting forth the services rendered to the defendant and the reason-*
21 *able value thereof with the Clerk of the Superior Court. The filing*
22 *of said notice with the Clerk of the Superior Court shall from the*

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

23 *date thereof constitute a lien on said property for a period of 10*
 24 *years, unless sooner discharged and except for such time limita-*
 25 *tions shall have the force and effect of a Judgment at Law. Within*
 26 *10 days of the filing of the Notice of Lien, the Public Defender*
 27 *shall send by certified mail, or serve personally, a copy of such*
 28 *notice with a statement of the date of the filing thereof to or upon*
 29 *the defendant at his last known address. If the Public Defender*
 30 *shall fail to give notice, the lien shall be void.*

1 2. Section 19 of the act of which this act is amendatory is
 2 amended to read as follows:

3 19. The Public Defender in the name of the State shall do all
 4 things necessary and proper to collect all moneys due to the State
 5 by way of reimbursement for services rendered pursuant to this
 6 act. He may enter into arrangements with one or more agencies
 7 of the State or of the counties to handle said collections on a cost
 8 basis to the extent that such arrangements are calculated to sim-
 9 plify collection procedures. He shall have all the remedies and
 10 may take all of the proceedings for the collection thereof which
 11 may be had or taken for or upon the recovery of a judgment in
 12 a civil action and may institute and maintain any action or pro-
 13 ceeding in the courts necessary therefor. *In any such proceedings*
 14 *or action, the defendant may contest the value of the service ren-*
 15 *dered by the Public Defender.*

1 3. This act shall take effect immediately.