



LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 1998

CHAPTER: 77

NJSA: 2A:158A-15.1

"Applications for Public Defender Services -- Financial Status"

BILL NO: A1995 (Substituted for S975)

SPONSOR(S): Russo and Caraballo

DATE INTRODUCED: May 4, 1998

COMMITTEE:

ASSEMBLY: Judiciary

SENATE: ~~~~

AMENDED DURING PASSAGE:No

DATE OF PASSAGE:

ASSEMBLY: June 18, 1998

SENATE: July 30, 1998

DATE OF APPROVAL: August 14, 1998

THE FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL: Original

A1995

SPONSORS STATEMENT: *Yes* (Begins on page 3 of original bill)

COMMITTEE STATEMENT:

ASSEMBLY: *Yes*

SENATE: *No*

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *No*

S975

SPONSORS STATEMENT: *Yes* (Begins on page 3 of original bill)

(Bill and Sponsors Statement identical to A1995)

COMMITTEE STATEMENT:

ASSEMBLY: *No*

SENATE: *Yes* (Identical to Assembly Statement for A1995)

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *No*

VETO MESSAGE: *No*

GOVERNOR'S PRESS RELEASE ON SIGNING: *Yes*

THE FOLLOWING WERE PRINTED:

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Updated:Monday, April 19, 1999

ASSEMBLY, No. 1995

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED MAY 4, 1998

Sponsored by:

Assemblyman DAVID C. RUSSO

District 40 (Bergen and Passaic)

Assemblyman WILFREDO CARABALLO

District 28 (Essex)

Co-Sponsored by:

Senator Gormley

SYNOPSIS

Clarifies that the Judiciary is responsible for investigating the financial status of persons requesting public defenders.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 7/31/1998)

A1995 RUSSO, CARABALLO

2

1 AN ACT concerning the representation of indigent defendants in
2 criminal cases, amending P.L.1987, c.170 and repealing section 15
3 of P.L.1967, c.43.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7

8 1. Section 4 of P.L.1987, c.170 (C.2A:158A-15.1) is amended to
9 read as follow:

10 4. **[** Notwithstanding the provisions of section 15 of P.L.1967, c.43
11 (C.2A:158A-15) which authorizes the Office of the Public Defender
12 to make investigations of the financial status of each defendant, in**]** In
13 each county, the Assignment Judge shall designate a judge or court
14 support office who shall make **[**the determination on each request by
15 a defendant**]** an investigation of the financial status of each defendant
16 requesting the services of the Office of the Public Defender and make
17 a determination whether to grant the request for an appointed
18 attorney. A determination to grant or deny the services of the Public
19 Defender shall be subject to final review by the Assignment Judge or
20 his designated judge. The court, or a designated court support office
21 shall make an investigation of the financial status of each defendant
22 requesting an appointed attorney, which investigation shall include the
23 factors enumerated in section 14 of P.L. 1967, c. 43 (C. 2A:158A-14).
24 The court, in its discretion, may ask for the assistance of the Public
25 Defender in conducting the investigation.

26 The judge or court support office is authorized to obtain information
27 from any public record office of the State or of any subdivision or
28 agency thereof on request and without payment of the fees ordinarily
29 required by law.

30 (cf: P.L.1987, c.170, s.4)

31

32 2. Section 8 of P.L.1987, c.170 is amended to read as follows:

33 8. This act shall take effect on the 270th day after enactment
34 except for section 5 which shall take effect immediately. **[**Section 4 of
35 this act shall expire on April 3, 1998.**]**

36 (cf: P.L.1993, c.115, s.1)

37

38 3. Section 15 of P.L.1967, c.43 (C.2A:158A-15) is repealed.

39

40 4. This act shall take effect immediately.

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

Matter underlined thus is new matter.

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STATEMENT

Under the provisions of N.J.S.A.2A:158A-15.1 enacted in 1987, responsibility for investigating the financial status of criminal defendants who request the services of a public defender was shifted from the Office of the Public Defender to the Judiciary. N.J.S.A.2A:158A-15.1 is scheduled to expire on April 3, 1998. This bill would eliminate the "sunsetting" of N.J.S.A.2A:158A-15.1 and thus continue to authorize the courts to investigate the financial status of individuals requesting public defenders.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1995

STATE OF NEW JERSEY

DATED: JUNE 4, 1998

The Assembly Judiciary Committee reports favorably Assembly Bill No. 1995.

Under the provisions of N.J.S.A.2A:158A-15.1 enacted in 1987, responsibility for investigating the financial status of criminal defendants who request the services of a public defender was shifted from the Office of the Public Defender to the Judiciary. N.J.S.A.2A:158A-15.1 expired on April 3, 1998. This bill would continue to authorize the courts to investigate the financial status of individuals requesting public defenders.

SENATE, No. 975

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED APRIL 2, 1998

Sponsored by:

Senator WILLIAM L. GORMLEY

District 2 (Atlantic)

SYNOPSIS

Clarifies that the Judiciary is responsible for investigating the financial status of persons requesting public defenders.

CURRENT VERSION OF TEXT

As introduced.



S975 GORMLEY

2

1 AN ACT concerning the representation of indigent defendants in
2 criminal cases, amending P.L.1987, c.170 and repealing section 15
3 of P.L.1967, c.43.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7

8 1. Section 4 of P.L.1987, c.170 (C.2A:158-15.1) is amended to
9 read as follow:

10 4. **[**Notwithstanding the provisions of section 15 of P.L.1967, c.43
11 (C.2A:158-15) which authorizes the Office of the Public Defender to
12 make investigations of the financial status of each defendant, in **]** In
13 each county, the Assignment Judge shall designate a judge or court
14 support office who shall make **[**the determination on each request by
15 a defendant **]** an investigation of the financial status of each defendant
16 requesting the services of the Office of the Public Defender and make
17 a determination whether to grant the request for an appointed
18 attorney. A determination to grant or deny the services of the Public
19 Defender shall be subject to final review by the Assignment Judge or
20 his designated judge. The court, or a designated court support office
21 shall make an investigation of the financial status of each defendant
22 requesting an appointed attorney, which investigation shall include the
23 factors enumerated in section 14 of P.L.1967, c.43 (C.2A:158A-14).
24 The court, in its discretion, may ask for the assistance of the Public
25 Defender in conducting the investigation.

26 The judge or court support office is authorized to obtain
27 information from any public record office of the State or of any
28 subdivision or agency thereof on request and without payment of the
29 fees ordinarily required by law.

30 (cf: P.L.1987, c.170, s.4)

31

32 2. Section 8 of P.L.1987, c.170 is amended to read as follows:

33 8. This act shall take effect on the 270th day after enactment
34 except for section 5 which shall take effect immediately. **[**Section 4 of
35 this act shall expire on April 3, 1998. **]**

36 (cf: P.L.1993, c.115, s.1)

37

38 3. Section 15 of P.L.1969, c.43 (C.2A:158-15) is repealed.

39

40 4. This act shall take effect immediately.

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

Matter underlined thus is new matter.

STATEMENT

1
2
3 Under the provisions of N.J.S.A.2A:158A-15.1 enacted in 1987,
4 responsibility for investigating the financial status of criminal
5 defendants who request the services of a public defender was shifted
6 from the Office of the Public Defender to the Judiciary.
7 N.J.S.A.2A:158A-15.1 is scheduled to expire on April 3, 1998. This
8 bill would eliminate the "sunsetting" of N.J.S.A.2A:158A-15.1 and
9 thus continue to authorize the courts to investigate the financial status
10 of individuals requesting public defenders.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 975

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 14, 1998

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 975.

Under the provisions of N.J.S.A.2A:158A-15.1 enacted in 1987, responsibility for investigating the financial status of criminal defendants who request the services of a public defender was shifted from the Office of the Public Defender to the Judiciary. N.J.S.A.2A:158A-15.1 is scheduled to expire on April 3, 1998. This bill would eliminate the "sunsetting" of N.J.S.A.2A:158A-15.1 and thus continue to authorize the courts to investigate the financial status of individuals requesting public defenders.

The amendments adopted by the committee were of a technical nature correcting several statutory references.

Office of the Governor
NEWS RELEASE

PO BOX 004
TRENTON, NJ 08625

CONTACT: Jayne O'Connor
Gene Herman 609-777-2600

RELEASE: August 14, 1998

Gov. Christie Whitman today signed the following pieces of legislation:

A-2188, sponsored by Assembly Members Carol J. Murphy (R-Essex/Morris/Passaic) and Charlotte Vandervalk (R-Bergen) and Senator Jack Sinagra (R-Middlesex), allows dispensing of Schedule I I drugs for long-term care facility and hospice residents with prescriptions sent by facsimile machine. The bill provides that the requirement in current law -- that a prescription for any narcotic drug be transmitted to pharmacists in writing signed by the prescriber -- shall not apply to prescriptions for Schedule I I drugs written for long-term care facility residents and hospice patients if those prescriptions are transmitted in compliance with federal Drug Enforcement Administration regulations. The bill is intended to ensure that seniors and hospice patients receive pain medications in a timely manner.

S-251/377/725/779 makes workers' compensation fraud a crime of the fourth degree. The bill makes it a crime of the fourth degree for a person to purposely or knowingly make a false or misleading statement concerning any fact material to a claim for benefits, or for evading the full payment of workers' compensation benefits or premiums, or coercing or encouraging any individual to make a false or misleading statement for obtaining benefits or evading the full payment of the benefits or premiums. Crimes of the fourth degree are punishable by a maximum of 18 months in prison or a fine of \$10,000 or both.

The bill was sponsored Senators Anthony R. Bucco (R-Morris), Senator Gerald E. Cardinale (R-Bergen), Senator Andrew R. Ciesla (R-Monmouth/Ocean) and Senator James S. Cafiero (R-Cape May/Atlantic/Cumberland) and Assembly Members Kenneth C. LeFevre (R-Atlantic), James W. Holzapfel (R-Monmouth/Ocean), E. Scott Garrett (R-Sussex/Hunterdon/Morris) and Guy R. Gregg (R-Sussex/Hunterdon/Morris).

S-710, sponsored by Senator Andrew R. Ciesla (R-Monmouth/Ocean), which requires the Division of Motor Vehicles (DMV), to recognize the behind-the-wheel experience of secondary school driving instructors for the purpose of issuing a license to operate a commercial drivers' school. Under previous regulations, the DMV required an applicant for a drivers' school license, or an employee of the applicant, to have 500 hours' experience providing behind-the-wheel instruction in a commercial driving school. The previous DMV regulations did not recognize the behind-the-wheel instructional experience of secondary school driving instructors as satisfying the requirement.

S-642, sponsored by Senators Peter A. Inverso (R-Mercer/Middlesex) and John O. Bennett (R-Monmouth), designates the Sunday after Labor Day as "Grandparents'

Day" in New Jersey. Currently, under state law, the first full week of October is designated "Grandparents' Week." Pursuant to a federal proclamation adopted in 1978, Grandparents' Day is celebrated nationally on the second Sunday in September. The bill makes New Jersey's designation consistent with other states to allow for better coordination in honoring grandparents.

A-1995, sponsored by Assembly Members David C. Russo (R-Bergen/Passaic) and Wilfredo Caraballo (D-Essex) and Senator William L. Gormley (R-Atlantic), places the duty of investigating the financial status of persons requesting public defenders with the Administrative Office of the Courts (AOC) on a permanent basis. The function was legislatively transferred from the Office of the Public Defender to the AOC for a five-year trial period in 1988. The trial period was renewed in 1993, but expired earlier this year.