

SENATE, No. 550

STATE OF NEW JERSEY

INTRODUCED MARCH 14, 1968

By Senators FORSYTHE, WALLWORK, DOWD, GIULIANO,  
DELTUFO and WALDOR

Referred to Committee on Judiciary

AN ACT to amend and supplement "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  
2 amended to read as follows:

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

1 2. The Public Defender, the deputy public defender, the assistant  
2 deputy public defenders and investigators attached to the Office  
3 of the Public Defender shall have the power to administer oaths  
4 and affirmations in relation to any matter within the jurisdiction  
5 of the Office of the Public Defender.

1 3. Except as hereinafter provided, the Public Defender shall in  
2 the manner prescribed by P. L. 1967, chapter 43 (N. J. S. 2A :158A-1,  
3 et seq.) provide for the legal representation of any other person

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

4 under the age of 18 who is formally charged with the commission  
5 of an act of juvenile delinquency and where in the opinion of the  
6 juvenile judge the prosecution of the complaint may result in the  
7 institutional commitment of such person.

1 4. Whenever a person formally charged with an indictable  
2 offense, or coming within this act, is under the age of 21 years,  
3 the question of eligibility for services shall be measured not only  
4 in terms of the financial circumstances of the individual, but also  
5 in terms of the financial circumstances of the individual's parents  
6 or legal guardians. The Office of the Public Defender shall be en-  
7 titled to recover the cost of legal services from the parents or legal  
8 guardians of such persons to the same extent and in the same  
9 manner as is provided under P. L. 1967, chapter 43, and shall have  
10 authority to require parents or legal guardians of such to execute  
11 and deliver such written requests or authorization as may be  
12 requisite under applicable law in order to provide the office with  
13 access to records of public or private sources, otherwise confiden-  
14 tial, as may be of aid to it in evaluating eligibility.

1 5. There is appropriated to the Office of the Public Defender for  
2 the purposes of this act such sums as shall be included in any  
3 general or special appropriation act.

1 6. This act shall take effect July 1, 1968, except that sections 1  
2 and 2 of this act shall take effect immediately.

CORRECTED COPY  
SENATE, No. 550

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FISCAL NOTE TO  
**SENATE, No. 550**

**STATE OF NEW JERSEY**

DATED: MAY 13, 1968

Senate Bill No. 550 supplements and amends an existing law and provides for the Public Defender to supply legal representation to any person under the age of 18 formally charged with the commission of an act of juvenile delinquency, who, in the opinion of the juvenile judge, may be institutionally confined as a result of prosecution of a complaint against him.

The Department of Institutions and Agencies estimates that enactment of Senate Bill No. 550 would require an additional State expenditure of \$639,060.00 for fiscal 1968-69. This is \$28,000.00 less than the estimate for that year on the fiscal note worksheet. The \$28,000.00 in question was for rent, building and grounds. This item has been omitted from this fiscal note, as a departmental opinion has been expressed that existing facilities would likely be sufficient.

By the same token, it is estimated that an additional State expenditure of \$601,829.00 would be required for fiscal 1969-70 if this legislation is enacted.

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In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1962, c. 27.

SENATE COMMITTEE AMENDMENT TO

**SENATE, No. 550**

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**STATE OF NEW JERSEY**

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ADOPTED JUNE 3, 1968

Amend page 1, section 1, line 6, omit "may" insert "shall, whenever the reasonable value of the services rendered to a defendant appears to exceed \$150.00 and may, where the reasonable value of those services appears to be less than \$150.00".

CHAPTER 371 LAWS OF N. J. 1968

APPROVED 12/27/68  
[OFFICIAL COPY REPRINT]

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9 *of those services appears to be less than \$150.00\** submit to the court  
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