

406A-1

LEGISLATIVE HISTORY CHECKLIST  
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NJSA: 40:6A-1 (Legal expenses on indigents--paid by municipality)

LAWS OF: 1991 CHAPTER: 337

Bill No: S3134

Sponsor(s): O'Connor

Date Introduced: December 31, 1990

Committee: Assembly: County & Municipal Government

Senate: Municipal Government

Amended during passage: No

Date of Passage: Assembly: December 2, 1991

Senate: March 14, 1991

Date of Approval: January 6, 1992

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

KBG/dgw

P.L.1991, CHAPTER 337, approved January 6, 1992  
1990 Senate No. 3134

1 AN ACT concerning the defense of indigent persons and amending  
2 P.L.1981, c.364.

3  
4 BE IT ENACTED by the Senate and General Assembly of the  
5 State of New Jersey:

6 1. Section 1 of P.L.1981, c.364 (C.40:6A-1) is amended to read  
7 as follows:

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

29 b. Whenever a county or municipality voluntarily pays the  
30 costs of the assignment of counsel or employs or contracts with  
31 counsel or pays other related costs for the defense of an indigent  
32 person pursuant to R.3:27-2 of the Rules Governing the Courts of  
33 the State of New Jersey or pursuant to any rule or law  
34 subsequently enacted, the amount paid by the county or  
35 municipality for the defense of the indigent shall be a lien on any  
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40 the superior court. The filing of said notice with the clerk of the  
41 superior court shall from the date thereof constitute a lien on

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.

S3134

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3 effect of a judgment at law. Within 10 days of the filing of the  
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5 certified mail, or serve personally a copy of such notice with a  
6 statement of the date of the filing thereof to or upon the  
7 defendant at his last known address.

8 (cf: P.L.1981, c.364, s.1)

9 2. This act shall take effect immediately.

10

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12 STATEMENT

13

14 This bill permits a county or municipality to effectuate a lien  
15 against any and all property which an indigent person has or may  
16 acquire an interest whenever a county or municipality voluntarily  
17 pays the costs of the assignment of counsel or employs or  
18 contracts with counsel or pays other related costs for the defense  
19 of an indigent person, regardless of the cost expended. Current  
20 law permits such a lien when such costs exceed \$150 only in cases  
21 in which the county or municipality is required to pay the costs  
22 associated with the assignment of counsel, either by rule of court  
23 or any law or rule subsequently enacted.

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26 LOCAL GOVERNMENT

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28 Makes voluntary county or municipal expenses for defense of  
29 indigent persons a lien against property.

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ASSEMBLY COUNTY GOVERNMENT COMMITTEE

STATEMENT TO

**SENATE, No. 3134**

**STATE OF NEW JERSEY**

DATED: JUNE 17, 1991

The Assembly County Government Committee reports favorably Senate Bill No. 3134.

Senate Bill No. 3134 permits a county or municipality to effectuate a lien against any and all property which an indigent person has or may acquire an interest in whenever a county or municipality voluntarily pays the costs of the assignment of counsel or employs or contracts with counsel or pays other related costs for the defense of an indigent person, regardless of the cost expended. Current law permits such a lien when such costs exceed \$150 only in cases in which the county or municipality is required to pay the costs associated with the assignment of counsel, either by rule of court or any law or rule subsequently enacted.

Senate Bill No. 3134 is identical to Assembly Bill No. 4296, which was reported by this committee on April 29, 1991. Senate Bill No. 3134 was reported by the Senate County and Municipal Government Committee on February 4, 1991 and approved by the Senate by a vote of 38-0 on March 14, 1991.

SENATE COUNTY AND MUNICIPAL  
GOVERNMENT COMMITTEE

STATEMENT TO

**SENATE, No. 3134**

**STATE OF NEW JERSEY**

DATED: FEBRUARY 4, 1991

The Senate County and Municipal Government Committee reports favorably Senate Bill No. 3134.

Senate Bill No. 3134 permits a county or municipality to effectuate a lien against any and all property which an indigent person has or may acquire an interest in whenever a county or municipality voluntarily pays the costs of the assignment of counsel or employs or contracts with counsel or pays other related costs for the defense of an indigent person, regardless of the cost expended. Current law permits such a lien when such costs exceed \$150 only in cases in which the county or municipality is required to pay the costs associated with the assignment of counsel, either by rule of court or any law or rule subsequently enacted.