

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 2437 STATE OF NEW JERSEY 221st LEGISLATURE

DATED: JULY 1, 2024

SUMMARY

- Synopsis:** Directs Office of Public Defender to provide legal representation for certain criminal contempt violations.
- Type of Impact:** Annual State expenditure increase.
- Agencies Affected:** Office of the Public Defender.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Annual State Cost Increase		Indeterminate	

- The Office of Legislative Services (OLS) concludes that requiring the Office of the Public Defender to provide legal representation for defendants charged with contempt for certain violations of domestic violence restraining orders and to provide the services of licensed or certified social workers, through the office, would result in indeterminate annual cost increases to the State.
- The Office of the Public Defender has indicated that the estimated cost to provide legal representation for defendants charged with contempt for certain violations of domestic violence restraining orders would be \$5.0 million in the first fiscal year, \$7.0 million in the second fiscal year, and \$7.5 million in the third fiscal year. The OLS does not have sufficient information to confirm this cost estimate.
- The FY 2025 Governor’s Budget recommends \$750,000 to establish a Holistic Defense Pilot program within the Office of the Public Defender. The office has indicated that it anticipates hiring two or three non-lawyer advocates to serve three of its 21 offices. The office has not provided information on whether these non-lawyer advocates will be licensed or certified social workers, as required by the bill, the estimated cost to hire licensed or certified social workers in all 21 offices, or the estimated cost for any additional equipment for these new staff members.

BILL DESCRIPTION

This bill would direct the Office of the Public Defender to provide legal representation for indigent defendants charged with contempt for certain violations of domestic violence restraining orders that may be prosecuted as a crime of the fourth degree or a disorderly persons offense under State law, except those which violations are not considered to be a crime or disorderly persons offense. The bill directs the office to appoint licensed or certified social workers to assist attorneys and their clients charged with contempt for a violation of a domestic violence restraining order.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The OLS has not received a formal fiscal note on this bill. However, in response to an FY 2025 OLS Discussion Point concerning the \$750,000 recommended in the Governor’s FY 2025 Budget to establish a Holistic Defense Pilot program, the Office of the Public Defender indicated “OPD hopes to embark on a defense advocate pilot program, which involves adding two or three non-lawyer advocates to at least three of our twenty-one county offices.” Further, the office has provided the following data:

Representation for Domestic Violence Contempt Cases				
#	<u>Titles</u>	<u>Year 1 *</u>	<u>Year 2</u>	<u>Year 3</u>
1	Deputy Public Defender 1	\$ 75,000	\$ 161,708	\$ 174,331
1	Deputy Public Defender 2	\$ 63,226	\$ 136,321	\$ 146,962
21	Assistant Deputy Public Defender 2	\$ 1,050,482	\$ 2,264,957	\$ 2,441,750
21	Assistant Deputy Public Defender 1	\$ 833,207	\$ 1,796,487	\$ 1,936,713
15	Investigator 1, Public Defender	\$ 518,640	\$ 1,118,246	\$ 1,205,532
<u>10</u>	Sr. Clerk Typist	<u>\$ 185,730</u>	<u>\$ 400,455</u>	<u>\$ 431,713</u>
69	Total Positions	\$ 2,726,284	\$ 5,878,174	\$ 6,337,000
	Rent	\$ 690,000	\$ 731,400	\$ 775,284
	Software, Materials & Supplies	\$ 163,577	\$ 352,690	\$ 380,220
	<u>One-Time Expense</u>			
	Telephone Equipment	\$ 82,800		
	Computer Equipment/Laptops	\$ 379,500		
	Workspace Set Up	\$ 483,000		
	Vehicles	<u>\$ 495,000</u>		
		\$ 1,440,300		
		\$ 5,020,161	\$ 6,962,264	\$ 7,492,504

* Salaries are for 6 months assuming a Jan 2025 effective date

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that requiring the Office of the Public Defender to provide legal representation for defendants charged with contempt for certain violations of domestic violence restraining orders and to provide the services of licensed or certified social workers, through the office, would result in indeterminate annual cost increases to the State.

Under current law, the office is charged with providing legal representation to any indigent defendant charged with committing an indictable offense, disorderly person offense, or with the violation of any law that would be subject to imprisonment or any other “consequence of magnitude.” A person charged with contempt under State law for violating a domestic violence restraining order or an order entered under a substantially similar law of another state, could be convicted of a crime of the fourth degree or a disorderly person offense, which could result in imprisonment or other consequence of magnitude.

As noted above, the office has indicated that the estimated cost to provide legal representation for defendants charged with contempt for certain violations of domestic violence restraining orders would be \$5.0 million in the first fiscal year, \$7.0 million in the second fiscal year, and \$7.5 million in the third fiscal year. The OLS does not have sufficient information to confirm this cost estimate.

This bill would direct the office to appoint licensed or certified social workers to assist attorneys and their clients charged with contempt for a violation of a domestic violence restraining order. The FY 2025 Governor’s Budget recommends \$750,000 to establish a Holistic Defense Pilot program within the Office of the Public Defender. The office has indicated that it anticipates hiring two or three non-lawyer advocates to serve three of its 21 offices. The office has not provided information concerning whether these non-lawyer advocates will be licensed or certified social workers, as required by the bill, the estimated cost to hire licensed or certified social workers in all 21 offices, or the estimated cost for any additional equipment for these new staff members.

Section: Judiciary

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 Section Chief*

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 Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).