

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 812

STATE OF NEW JERSEY

DATED: DECEMBER 7, 2020

The Assembly Judiciary Committee reports favorably Assembly Bill No. 812.

This bill provides that if a municipality requires by ordinance that a person applying for representation by a municipal public defender pay an application fee, the municipal court would be required to provide notice to the applicant of the fee and any additional potential fees, as well as the process to waive the fees in the event of an inability to pay.

Under the provisions of section 17 of P.L.1997, c.256 (C.2B:24-17), a municipality may require by ordinance that a person applying for municipal public defender representation pay an application fee of not more than \$200. The statute provides that the fee must be in an amount necessary to pay the costs of municipal public defender services. The municipal court may waive the application fee if the court determines upon a clear and convincing showing by the applicant that the fee represents an unreasonable burden on the person seeking representation.

The bill would take effect 60 days after enactment.

This bill was pre-filed for introduction in the 2020-2021 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.