LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 2396

STATE OF NEW JERSEY
219th LEGISLATURE

DATED: OCTOBER 21, 2020

SUMMARY

Synopsis: Expands Office of Public Defender representation of juveniles; repeals section 4 of P.L. 1968, c.371.

Type of Impact: Annual State Expenditure and Revenue Increases.

Agencies Affected: Department of the Treasury.

Office of Legislative Services Estimate

Fiscal Impact	Year 1	Year 2	Year 3
State Expenditure Increase		Indeterminate	
State Revenue Increase		Indeterminate	

- The Office of Legislative Services (OLS) estimates the implementation of the bill's provisions will result in an indeterminate impact on State expenditures. Specifically, the OLS concludes that the potential increase in cases may result in workload increases to the New Jersey Office of the Public Defender (NJOPD) in the Department of the Treasury. Additionally, the OLS estimates that because of increased cases the State may experience additional revenues from collections pursuant to State law.

BILL DESCRIPTION

This bill makes juveniles under 18 years of age who are arrested or charged with an indictable offense or act of delinquency automatically eligible for representation by the NJOPD.

Under current law, the family court determines whether persons under the age of 21 years who are charged with an indictable offense or act of delinquency are eligible for representation by the NJOPD based on a review of the parents' or guardians' financial resources. Under the bill, juveniles under 18 years old automatically would be eligible to be represented by the NJOPD.

The bill clarifies that there would be no change to the law concerning NJOPD representation of 18 to 20 year olds. This provision was not updated when the age of majority in this State was reduced from 21 to 18 years old. As such, this section of law is obsolete.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates the implementation of the bill's provisions will result in an indeterminate impact on State expenditures. Specifically, the OLS concludes that the potential increase in cases may result in workload increases to the NJOPD in the Department of the Treasury. Additionally, the OLS estimates the State may experience additional revenues from collections pursuant to State law.

A study commissioned by the NJOPD in 1999 resulted in the establishment of the Office of Juvenile Defense Services within the NJOPD, whose primary purposes are to provide a specialized and coordinated approach to representing juveniles and to function as a central information clearinghouse.

According to correspondence from the NJOPD, the family court currently determines a juvenile's eligibility for NJOPD's services by reviewing the financial resources of the juvenile's parent or guardian. The NJOPD indicated several reasons why a parent or guardian may not submit to the financial review, leaving the juvenile without legal representation. In addition, the NJOPD indicated that those families with the ability to pay for a defense for their child often decide to hire private attorneys. The NJOPD indicated that there was no presumption that automatic eligibility for a public defender would change those parents' decision.

State Expenditures:

The OLS concludes the NJOPD may experience recurring workload increases resulting from increased juvenile cases. At this time, the OLS does not have enough information to determine how many additional cases may result from the implementation of the bill.

The NJOPD indicates in correspondence, however, that it has determined that there is "enough capacity to absorb any additional assignments" based on its current estimate of those individuals who take advantage of the office's services as well as the Juvenile Detention Alternatives Initiative's success in decreasing the number of juveniles who enter the court system.

State Revenues:

The OLS estimates the State may experience additional revenues from collections pursuant to section 19 of P.L.1967, c.43 (C.2A:158A-19).

The bill provides that there would be automatic eligibility for representation by the NJOPD, at no expense to the juvenile. The OLS is uncertain, however, if the NJOPD would attempt to collect for reimbursements of service.

Section:	*Law and Public Safety*
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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.).