

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2396

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 5, 2020

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 2396.

As amended and reported by the committee, Assembly Bill No. 2396 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 Office of the Public Defender (OPD).

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 OPD based on a review of the parents' or guardian's financial resources. Under the bill, juveniles under 18 years old automatically would be represented by the OPD.

As introduced, the bill also amended N.J.S.A.2A:158A-25 to clarify that there would be no change to the law concerning OPD representation of 18 to 20 year olds. However, this provision was not updated when the age of majority in this State was reduced from 21 to 18 years old. Since these juveniles currently are criminally charged as adults, not juvenile delinquents, this section of law is obsolete and therefore is repealed by the committee amendments.

COMMITTEE AMENDMENTS

The committee amended the bill to repeal section 2 of the bill, as it is obsolete.