

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2396

STATE OF NEW JERSEY

DATED: JANUARY 6, 2022

The Assembly Appropriations Committee reports favorably Assembly Bill No. 2396 (1R).

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 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 Since these juveniles currently are criminally charged as adults, not juvenile delinquents, this section of law is obsolete and therefore is repealed by the bill.

As reported by the committee, Assembly Bill No. 2396 (1R) is identical to Senate Bill No. 896 (1R), which also was reported by the committee on this date.

FISCAL IMPACT:

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. Additionally, the OLS estimates that because of the increased cases, the State may experience additional revenues from collections pursuant to State law.