

ASSEMBLY, No. 3774

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Lowers standard of evidence needed to waive public defender application fee and increases fee limit.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT reducing standard of evidence to waive the application fee
2 for municipal public defenders and increasing the limit on the
3 fee, and amending P.L.1997, c.256.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. Section 17 of P.L.1997, c.256 (C.2B:24-17) is amended to
9 read as follows:

10 17. a. A municipality may require by ordinance a person
11 applying for representation by a municipal public defender or court
12 approved counsel to pay an application fee of not more than
13 **[\$200.00]** \$250, but only in an amount necessary to pay the costs
14 of municipal public defender services. In accordance with
15 guidelines promulgated by the Supreme Court, the municipal court
16 may waive any required application fee, in whole or in part, only if
17 the court determines, in its discretion, upon a **[clear and**
18 **convincing]** showing by a preponderance of the evidence by the
19 applicant that the application fee represents an unreasonable burden
20 on the person seeking representation. The municipal court may
21 permit a person to pay the application fee over a specific period of
22 time not to exceed four months.

23 b. Funds collected pursuant to subsection a. of this section shall
24 be deposited in a dedicated fund administered by the chief financial
25 officer of the municipality or in the case of a joint municipal court
26 in a manner agreed to by the constituent municipalities. Such funds
27 shall be used exclusively to meet the costs incurred in providing the
28 services of a municipal public defender including, when required,
29 expert and lay investigation and testimony.

30 c. Beginning in 1999, if it is determined by the Division of
31 Local Government Services during its annual review of a municipal
32 budget that the amount of money in a dedicated fund established
33 pursuant to this section exceeds by more than 25% the amount
34 which the municipality expended during the prior year providing
35 the services of a municipal public defender, the amount in excess of
36 the amount expended shall be forwarded to the Criminal
37 Disposition and Review Collection Fund administered by Victims
38 of Crime Compensation **[Board]** Office.

39 (cf: P.L.1997, c.256, s.17)

40
41 2. This act shall take effect immediately.

42
43 STATEMENT

44
45 The bill lowers the standard of evidence needed by an applicant
46 to prove the application fee would be an unreasonable burden. If an

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 applicant can show by a preponderance of the evidence that the
2 application fee represents an unreasonable burden, the municipal
3 court may wave the fee

4 This bill also increases the limit on the application fee a
5 municipality may charge a person applying for representation by a
6 municipal public defender to \$250. The increase ensures that
7 municipalities are able to meet growing costs associated with
8 providing a municipal public defender.

9 While the Office of the Public Defender is funded by the State
10 and provides services for New Jersey's Supreme Court and Superior
11 Court, municipal courts are required to provide their own
12 representation to indigent defendants without support from State
13 funds. When municipalities were first required to provide public
14 defenders for their courts, they were permitted to charge an
15 application fee to pay for the costs of the service. The initial \$200
16 limit that a municipality could charge was set in 1997 and has not
17 been updated since.

18 The bill also updates the agency name of the Victims of Crime
19 Compensation Office pursuant to 40 N.J.R. 913(a).