SENATE, No. 896

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JANUARY 27, 2020

Sponsored by:
Senator NELLIE POU
District 35 (Bergen and Passaic)
Senator SHIRLEY K. TURNER
District 15 (Hunterdon and Mercer)

SYNOPSIS

Expands Office of Public Defender representation of juveniles.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 2/24/2020)

AN ACT concerning legal representation of certain juveniles and amending and supplementing P.L.1968, c.371.

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

1. (New section) Any person under the age of 18 years arrested or charged with an indictable offense or act of delinquency shall automatically be eligible, at no expense to that person, for representation by the Office of the Public Defender.

2. Section 4 of P.L.1968, c.371 (C.2A:158A-25) is amended to read as follows:

Whenever a person formally charged with an indictable offense, or coming within this act, is at least 18 years of age but under the age of 21 years, the question of eligibility for services shall be measured not only in terms of the financial circumstances of the **[**individual**]** person, but also in terms of the financial circumstances of the **[**individual's**]** person's parents or legal guardians. The Office of the Public Defender shall be entitled to recover the cost of legal services from the parents or legal guardians of **[**such**]** these persons to the same extent and in the same manner as is provided under P.L.1967, chapter 43, and shall have authority to require these parents or legal guardians **[**of such**]** to execute and deliver **[**such**]** written requests or authorization as may be requisite under applicable law in order to provide the office with access to records of public or private sources, otherwise confidential, as may be of aid to it in evaluating eligibility.

(cf: P.L.1968, c. 371, s.4)

3. This act shall take effect on the first day of the fourth month next following enactment.

STATEMENT

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.

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.

Under the bill, these juveniles automatically would be represented by the OPD if they are under 18 years old. If the juveniles are 18 to 20 years old, representation by the OPD would continue to be based on the financial means of the parents or guardians.