

ASSEMBLY, No. 2396

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

Sponsored by:

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Assemblywoman BRITNEE N. TIMBERLAKE

District 34 (Essex and Passaic)

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

SYNOPSIS

Expands Office of Public Defender representation of juveniles.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/5/2020)

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

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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

11
12 2. Section 4 of P.L.1968, c.371 (C.2A:158A-25) is amended to
13 read as follows:

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

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

30
31 3. This act shall take effect on the first day of the fourth month
32 next following enactment.

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34
35 STATEMENT

36
37 This bill makes juveniles under 18 years of age who are arrested
38 or charged with an indictable offense or act of delinquency
39 automatically eligible for representation by the Office of the Public
40 Defender (OPD).

41 Under current law, the family court determines whether persons
42 under the age of 21 years who are charged with an indictable
43 offense or act of delinquency are eligible for representation by the
44 OPD based on a review of the parents' or guardian's financial
45 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.

A2396 WIMBERLY, TIMBERLAKE

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