

CHAPTER 69

AN ACT concerning Public Defender fees, supplementing Title 2A of the New Jersey Statutes, and repealing various parts of statutory law.

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

1. Section 5 of P.L.1967, c.43 (C.2A:158A-5) is amended to read as follows:

C.2A:158A-5 Duties of public defender.

5. It shall be the duty of the Public Defender to provide for the legal representation of any indigent defendant who is formally charged with the commission of an indictable offense without expense to the defendant.

All necessary services and facilities of representation (including investigation and other preparation) shall be provided in every case. The factors of need and real value to a defense may be weighed against the financial constraints of the Public Defender's office in determining what are the necessary services and facilities of representation.

Representation as herein provided for shall include any direct appeal from conviction and such post-conviction proceedings as would warrant the assignment of counsel pursuant to the court rules.

Representation for indigent defendants (a) may be provided in any federal court in any matter arising out of or relating to an action pending or recently pending in a court of criminal jurisdiction of this State and (b) may be provided in any federal court in this State where indigent defendants are charged with the commission of a federal criminal offense and where the representation is under a plan adopted pursuant to the Criminal Justice Act of 1964 (18 U.S.C. s. 3006A).

The Public Defender also shall provide for the legal representation of any eligible inmate who is serving a custodial prison sentence and requests assistance in petitioning the Superior Court for compassionate release in accordance with section 1 of P.L.2020, c.106 (C.30:4-123.51e).

C.2A:158A-21.1 Unpaid outstanding balance, services rendered, Public Defender, unenforceable, uncollectable.

2. On or after the effective date of P.L.2023 c.69 (C.2A:158A-21.1 et al.):

- a. Any unpaid outstanding balance of court-ordered fees for services rendered by the Office of the Public Defender shall be unenforceable and uncollectable and any portion of a judgement that imposes fees shall be vacated.

- b. All unsatisfied civil judgements based on court-ordered fees for services rendered by the Office of the Public Defender are deemed to be null and void and shall be vacated and discharged.

- c. All warrants issued solely based on the alleged failure to pay or to appear on a court date set for the sole purpose of payment of statutory or court-ordered fines, fees, costs, or other monetary penalties previously assessed or imposed for services rendered by the Office of the Public Defender shall be reviewed and vacated consistent with the provisions of P.L.2023 c.69 (C.2A:158A-21.1 et al.).

- d. Any outstanding liens entered, in accordance with the provisions of sections 17 and 18 of P.L.1967, c.43 (C.2A:158A-17 and C.2A:158A-18), on any and all property to which the defendant shall have or acquire an interest, are deemed to be null and void and shall be vacated and discharged by the Office of the Public Defender, pursuant to the provisions of section 30 of P.L.1993, c.318 (C.2A:44A-30).

Repealer.

3. The following sections are repealed:

Sections 16 through 20 of P.L.1967, c.43 (C.2A:158A-16 through C.2A:158A-20).

4. This act shall take effect immediately.

Approved June 30, 2023.