

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR SENATE, No. 269

STATE OF NEW JERSEY

DATED: DECEMBER 14, 2023

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 269 SCS.

As referred to the committee, the committee substitute clarifies a juvenile's right to attorney representation.

Under current law, a juvenile has the right to an attorney at every critical stage in the proceeding which, in the opinion of the court, may result in the institutional commitment of the juvenile.

Under the committee substitute, a juvenile has the right to an attorney at every critical state of a court proceeding. The committee substitute defines "critical state of a court proceeding" to include every court appearance by the juvenile, including all post dispositional appearances and any interrogation, identification procedure, or other investigative activity involving the juvenile undertaken by law enforcement or prosecutorial personnel subsequent to the filing of the complaint.

As reported by the committee, Senate Bill No. 269 (SCS) is identical to Assembly Bill No. 3117 (2R), which was also reported by the committee on this date.

FISCAL IMPACT:

The Office of Legislative Services (OLS) finds that this bill may result in an indeterminate annual State expenditure increase due to the requirements concerning attorney representation for juveniles in juvenile delinquency cases. The OLS estimate is based on information received from the Office of the Public Defender, and publicly available information concerning case statistics from the Judiciary.

The Office of the Public Defender indicated in an informal response to the OLS that the implementation of the bill's provisions are not expected to significantly impact the office's workload, and thus the office does not anticipate the need to hire additional staff as a result of this bill.

The OLS notes this bill may result in an indeterminate, likely insignificant, expenditure increase for the Judiciary, as attorneys representing juveniles may bring more matters to the courts' attention, thus requiring additional judicial resources to resolve.