

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

ASSEMBLY, No. 3117

STATE OF NEW JERSEY 220th LEGISLATURE

DATED: AUGUST 28, 2023

SUMMARY

Synopsis: Clarifies juvenile's right to attorney representation.

Type of Impact: Annual State expenditure increase.

Agencies Affected: The Judiciary; Office of the Public Defender.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Expenditure Increase	Indeterminate

- 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.

BILL DESCRIPTION

The bill 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 bill, a juvenile has the right to an attorney at every critical stage of a court proceeding. The bill defines “critical stage 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.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The OLS has not received a formal fiscal note on this bill. However, the Office of the Public Defender indicated in an informal response to the OLS that the enactment of this bill is not expected to impact the office’s workload in any significant manner, and that no additional staff hiring would be required. Additionally, the Office of the Public Defender stated that all juvenile representation required under this bill would be performed by the office’s existing staff attorneys, and would not require cases to be assigned to outside pool attorneys unless there is a conflict of interest.

OFFICE OF LEGISLATIVE SERVICES

The 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.

In light of the information received from the Office of the Public Defender, the OLS estimates the implementation of the bill’s provisions may result in a modest increase in annual expenditures for the State. Under current law, a juvenile has a right to an attorney at every critical stage of a court proceeding in a delinquency case. This bill clarifies and defines “critical stage of a court proceeding” as every court appearance by the juvenile, including all post dispositional appearances; and any interrogation, identification procedure, or other investigative activity involving the juvenile taken by law enforcement or prosecutorial personnel subsequent to the filing of the complaint. The OLS finds that this may result in an indeterminate, likely insignificant, increase in the use of judicial resources, as additional attorney representation may lead to additional matters being brought to the courts’ attention.

According to Judiciary data, there were 13,214 juvenile delinquency cases filed Statewide during FY 2023. This is a 22 percent increase over the 10,834 cases filed in FY 2022. The OLS notes, however, that because Office of the Public Defender representation is provided only to juveniles who meet the low-income qualification, the office’s actual juvenile caseload is presumably lower than these figures.

Section: Judiciary
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Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).