

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2720

with Assembly Floor Amendments
(Proposed By Assemblyman RUSSO)

ADOPTED: FEBRUARY 27, 1997

The bill requires each municipality to have a municipal public defender to represent indigent defendants in certain municipal court proceedings.

The floor amendments provide in section 4 of the bill that the municipal public defender shall serve for a term of one year. In addition, the amendments would provide that failure to reappoint a municipal public defender for a second or subsequent term does not constitute a "removal from office" within the meaning of this section.

Section 5 of the bill, concerning compensation, would be amended to provide that the municipal public defender may be paid on an hourly, per diem, annual or other basis.

Section 6 of the bill would be amended to delete the language which specified the services.

Section 7 of the bill would be amended to eliminate the use of the phrase "consequence of magnitude".

Section 16 of the bill would be amended to authorize the municipal public defender to collect costs and counsel fees from the defendant so that the costs are not borne by the municipality. In addition, the amendments eliminate that provision which allowed a defendant to contest the value of the services rendered by the municipal public defender.

And, finally section 17 of the bill would be amended to provide that the court determines upon a clear and convincing showing by the applicant whether the application fee represents an unreasonable burden on the person seeking representation.