

## **SENATE, No. 624**

# STATE OF NEW JERSEY

INTRODUCED FEBRUARY 5, 1996

**By Senator CAFIERO**

**1    AN ACT** concerning municipal public defenders and supplementing  
2       Title 2B of the New Jersey Statutes.

3

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

6

7       1. A municipality may enact an ordinance authorizing that any  
8 public defender employed by the municipality, or any counsel who is  
9 assigned cases in the municipal court and is paid by the municipality  
10 for such assignment, represent only those defendants who are residents  
11 of the State.

12

13        2. This act shall take effect immediately.

14

15

## STATEMENT

18 This bill provides that any municipality which spends funds for  
19 attorneys to represent indigent defendants in its municipal court may  
20 provide that only State residents be represented by these attorneys.  
21 Out-of-State residents who are indigent would then be represented by  
22 assigned counsel on a pro bono basis, as ordered by the New Jersey  
23 Supreme Court in Madden v. Delran Tp., 126 N.J. 591 (1992).

24 In Madden the Court held that, in order to ensure that indigent  
25 defendants receive adequate representation by counsel in municipal  
26 court, attorneys will be assigned to represent these defendants. The  
27 attorneys assigned under Madden do not receive compensation for  
28 their services. The Court held that, alternatively, a municipality may  
29 choose to hire a public defender to represent indigents in its own  
30 municipal court, or may choose to compensate the assigned counsel in  
31 that court, but that no municipality would be required to hire a public  
32 defender or to compensate the assigned counsel.

Under the bill, a municipality which chooses to expend funds to compensate attorneys for representing indigent defendants may also choose to require that those attorneys only represent State residents.

1

2

- 3     Allows municipalities to limit municipal public defender representation  
4     to State residents.