

Governor Phil Murphy

# Governor Murphy Signs Bill Eliminating Public Defender Service Fees

06/30/2023

Continues Steps Towards Creating a Fairer Criminal Justice System

**TRENTON** – In another monumental step for one of the most progressive criminal justice systems in the nation, Governor Phil Murphy today signed A5587/S3771, which eliminates fees, liens, and warrants issued for public defender services in New Jersey.

Today's bill signing not only eliminates public defender fees going forward but applies retroactively to all unpaid outstanding costs previously assessed or imposed upon a defendant, as well as any unsatisfied civil judgements, liens on property, and warrants issued based on the unpaid balances, for services rendered by the Office of the Public Defender.

"The right to an attorney should be a universal right for those who are navigating our criminal justice system. For too long, we have witnessed many residents suffer from the steep prices of a public defender, many times causing them to go into debt just to cover their legal fees, and disproportionately affecting people of color. The elimination of these fees gives them the chance to defend themselves against charges without worry of their finances," **said Governor Murphy**. "I am grateful to our legislative partners who recognize the significant toll public defender fees have on those awaiting a verdict and share this Administration's goal to create a fairer criminal justice system in our state."

In his proposed Fiscal Year 2024 budget, Governor Murphy proposed eliminating public defender fees assessed on indigent clients regardless of whether they are ultimately found guilty or not. Previously, public defender clients were assessed fees starting at \$150 and escalating based on a number of factors. A total of \$4 million has been allocated in the signed Fiscal Year 2024 budget for to implement this bill.

Additionally, the budget provides funding for the Parole Revocation Defense Unit and to increase the rates paid to attorneys assisting the Office of the Public Defender to help ensure that residents of limited means have access to an effective legal defense.

The effort to eliminate public defender fees was spearheaded by the Wealth Disparity Task Force ([https://urldefense.com/v3/\\_\\_\\_https://t.e2ma.net/click/3nd3oj/nrddit/ft1ms4\\_\\_\\_!!J30X0ZrnC1oQtba!JXbxtVdcD2v2H8mNSslgwGUfO3hso93aaVdf6d-7qV08rE1higMpkqqu4GH0geUjrxhxYfijWwDNIeIzj3TnmU43BiYz\\$](https://urldefense.com/v3/___https://t.e2ma.net/click/3nd3oj/nrddit/ft1ms4___!!J30X0ZrnC1oQtba!JXbxtVdcD2v2H8mNSslgwGUfO3hso93aaVdf6d-7qV08rE1higMpkqqu4GH0geUjrxhxYfijWwDNIeIzj3TnmU43BiYz$)). The issue was discussed during several of the Task Force's listening sessions raising awareness to the challenges to reentry and wealth building affecting Black and Hispanic or Latino New Jerseyans.

"The Constitution guarantees any criminal defendant the right to an attorney. This guarantee is one of the bedrocks of our justice system, and is emblematic of the values set forth in our founding document," **said Senator Nellie Pou**. "This bill serves to ensure that all defendants, including those of limited means, have access to legal services without having to pay burdensome fees."

"Residents who are represented in the courtroom by a Public Defender do not have the means to pay fees for the services rendered," **said Assemblywoman Annette Chaparro**. "By eliminating any costs imposed upon a defendant as well as any unpaid civil judgements or liens, we are giving individuals an opportunity for a fresh start."

"This is a huge win for the people of New Jersey that will move the constitutional right to an attorney out from behind a paywall," **said Marleina Ubel, Policy Analyst at New Jersey Policy Perspective (NJPP) and author of a 2022 report** ([https://urldefense.com/v3/\\_\\_\\_https://t.e2ma.net/click/3nd3oj/nrddit/vl2ms4\\_\\_\\_!!J30X0ZrnC1oQtba!JXbxtVdcD2v2H8mNSslgwGUfO3hso93aaVdf6d-7qV08rE1higMpkqqu4GH0geUjrxhxYfijWwDNIeIzj3TnmRSqULk9\\$](https://urldefense.com/v3/___https://t.e2ma.net/click/3nd3oj/nrddit/vl2ms4___!!J30X0ZrnC1oQtba!JXbxtVdcD2v2H8mNSslgwGUfO3hso93aaVdf6d-7qV08rE1higMpkqqu4GH0geUjrxhxYfijWwDNIeIzj3TnmRSqULk9$)) detailing the high cost of "free" legal representation. "With this new law, New Jersey is one step closer to ensuring that justice is accessible to all, regardless of their socioeconomic status. Thank you to Senators Pou and Zwicker, and Assemblymembers Chaparro, Wimberly, and Verrelli for championing this legislation, and to Governor Murphy for signing it into law."

"The elimination of fees for Public Defender clients represents a substantial step towards making our criminal justice system fairer and leveling the playing field for those who cannot afford attorneys," **Joseph E. Krakora, Esq., Public Defender for the State of New Jersey**. "The imposition of these fees has long been a burden on our indigent clients, particularly those trying get back on their feet after involvement in the criminal justice system. I want to thank the Legislature for passing this important bill and the Governor for supporting it."

"The right to counsel is meaningless if it depends on the size of one's wallet," **said Sarah Fajardo, Policy Director, ACLU-NJ**. "We applaud the Governor and Legislature for recognizing that and relieving the most vulnerable New Jerseyans of unjust and unnecessary financial and legal burdens as a result of exercising a constitutional right. Low-income communities and communities of color are disproportionately harmed by justice system fees and fines, and removing some of these punitive mechanisms is a racial and economic justice win for New Jersey. We urge our elected leaders to further eliminate fines and fees and continue the necessary work of creating a more just criminal legal system."

"Funding free public defender services is a necessary step to eliminating a two-tiered justice system which unfairly saddles those lacking financial resources with debt and liens," **said Yannick Wood, Director of the Criminal Justice Reform Program at the New Jersey Institute for Social Justice**. "Today, New Jersey joins the ranks of New York and Pennsylvania in doing the right thing on this important issue."

**Cuqui Rivera, Chair of the Criminal Justice Reform Committee of the Latino Action Network stated**, "We have advocated collectively with many for a very long time to get this done. This is a great step forward towards fairness for those in our communities with the least of resources to defend themselves in the judiciary system. Thank you to the Legislature and to the Murphy Administration for this milestone. Let us be swift in its implementation."



"Today, New Jersey takes a much needed step forward to eliminating hardships created due to taking advantage of one of the most basic promises to New Jerseyans, access to legal representation when unable to afford one. As fees, liens, and warrants for Public Defender services are removed, New Jersey chips away at the extreme racial and wealth disparities experienced by Black people in particular across the state. I applaud the many people of faith, impacted New Jerseyans, community organizers, Governor Murphy and the Legislature for demonstrating how to love our neighbor within our legal system through the passage of this legislation," said **Charlene Walker, Executive Director of Faith in New Jersey**.

## Governor Phil Murphy

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