

**RESOLUTION 2017- 215**

**RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN,  
STATE OF NEW JERSEY, SUPPORTING LEGISLATIVE ACTION REQUIRING THE  
STATE PUBLIC DEFENDER’S OFFICE TO REPRESENT DEFENDANTS IN THE  
SUPERIOR COURT BAIL HEARING FOR THOSE ELIGIBLE DEFENDANTS  
CHARGED WITH DISORDERLY PERSON OFFENSES OR PETTY DISORDERLY  
OFFENSES IN LIEU OF THE MUNICIPAL PUBLIC DEFENDER**

**WHEREAS**, the Bail Reform Act became effective January 1, 2017; and

**WHEREAS**, the Bail Reform Act requires bail hearings to be conducted in the Superior Court;  
and

**WHEREAS**, bail hearings for Disorderly Persons Offenses and Petty Disorderly Offenses are held in the Superior Court notwithstanding jurisdiction for these offenses being in the Municipal Courts; and

**WHEREAS**, the State Public Defenders who has attorneys routinely appearing in the Superior Court does not represent defendants charged with Disorder Persons Offenses or Petty Disorderly Offenses even in Superior Court; and

**WHEREAS**, the foregoing necessitates Municipal Public Defenders being required to appear in Superior Court at considerable inconvenience and expense to local municipalities; and

**WHEREAS**, this results in an unfunded State Mandate.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, as follows;

1. The Township of Barnegat Committee hereby supports legislative action requiring the State Public Defender’s Office to represent defendants in the Superior Court bail hearings for those eligible defendants charged with Disorderly Persons Offenses or Petty Disorderly Offenses in lieu of the Municipal Public Defender.
2. That upon the adoption of this resolution, the Municipal Clerk is authorized and directed to forward a certified copy of said resolution to the Governor of the State of New Jersey, the 3<sup>rd</sup>, 9<sup>th</sup>, 10<sup>th</sup> and 30<sup>th</sup> Legislative Districts representatives, Ocean County Freeholders, all Ocean County Mayors and the New Jersey League of Municipalities.

## **CERTIFICATION**

I, Michele A. Rivers Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify that the foregoing resolution was duly adopted by the Township Committee of the Township of Barnegat at their regular meeting held on the 2<sup>nd</sup> day of May, 2017 in the Municipal Complex, 900 West Bay Avenue, Barnegat, New Jersey.

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Michele A. Rivers, RMC  
Municipal Clerk