

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 4366

STATE OF NEW JERSEY 220th LEGISLATURE

DATED: JUNE 30, 2022

SUMMARY

Synopsis:	Revises definition of destructive device to include certain .50 caliber rifles; makes certain exceptions.
Type of Impact:	Annual State and local expenditure and revenue increases.
Agencies Affected:	Department of Law and Public Safety; Judiciary; Department of Corrections; Office of the Public Defender; State Parole Board; local law enforcement agencies.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Cost Increase	Indeterminate
State Revenue Increase	Indeterminate
Local Cost Increase	Indeterminate
Local Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) concludes that expanding the definition of “destructive device” to include certain rifles capable of firing a projectile of .50 caliber or greater will result in an indeterminate annual increase in State and local expenditures and revenues.
- Possession of destructive devices is a crime of the third degree, which is punishable by three to five years imprisonment, a fine of up to \$15,000, or both. The OLS lacks sufficient information to quantify the fiscal impact, as it is not possible to know how many individuals will be prosecuted, tried, and sentenced under the provisions of this bill.
- A person who lawfully possessed such a rifle as that covered in the bill before it was prohibited by the bill will have the opportunity to register the weapon with the State Police and relevant municipal law enforcement agency, render it inoperable, surrender it, or transfer it to a party that can lawfully own it. This requirement would marginally increase the workload of the State and municipal police.

BILL DESCRIPTION

This bill expands the definition of "destructive device" to include certain rifles capable of firing a projectile of .50 caliber or greater. Specifically, the bill applies to center-fire rifles capable of firing a .50 caliber Browning machine gun cartridge.

The prohibition on this weapon would not apply to antique firearms or firearms defined as a curio or relic by federal regulation.

Under the provisions of the bill, a person who possesses a prohibited firearm may retain that weapon if the individual registers the firearm with law enforcement. A person who chooses not to register the prohibited weapon has one year in which to lawfully sell the weapon, render it inoperable, or voluntarily surrender the weapon to law enforcement.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that expanding the definition of "destructive device" to include certain rifles capable of firing a projectile of .50 caliber or greater will result in an indeterminate annual increase in State and local expenditures and revenues.

Possession of destructive devices is a crime of the third degree, which is punishable by three to five years imprisonment, a fine of up to \$15,000, or both. The following State agencies would incur caseload and expenditure increases if a person is charged with and convicted of knowingly possessing a destructive device like the one covered by the bill: a) the Department of Law and Public Safety would have to prosecute additional cases; b) the Judiciary would have to adjudicate additional complaints and monitor additional probationers; c) the Office of the Public Defender would have to represent additional low-income criminal defendants; d) the Department of Corrections (DOC) would have to house and care for more individuals who are sentenced to prison terms; and e) the State Parole Board would have to supervise the return to society of additional formerly incarcerated persons. The OLS notes that crimes of the third degree carry a presumption of non-incarceration for first time offenders. The OLS also notes the State may receive indeterminate revenue from fines, fees, and civil penalties imposed on individuals violating the provisions of this bill; however, the State's ability to collect monetary penalties has historically been limited.

A person who lawfully possessed such a rifle as that covered in the bill before it was prohibited by the bill will have the opportunity to register the weapon with the State Police and relevant municipal law enforcement agency, render it inoperable, surrender it, or transfer it to a party that can lawfully own it. This requirement would marginally increase the workload of the State and municipal police. The OLS notes that the Office of the Attorney General regularly conducts and funds gun buyback programs for these and other firearms if a current owner wishes to dispose of the weapon.

Section: Law and Public Safety

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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.).