

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 4444 and 4471
STATE OF NEW JERSEY
220th LEGISLATURE

DATED: JANUARY 30, 2023

SUMMARY

- Synopsis:** Upgrades certain types of assault against sports officials and participants to aggravated assault.
- Type of Impact:** Annual State expenditure and revenue increases.
- Agencies Affected:** The Judiciary; Department of Law and Public Safety; Department of Corrections; Office of the Public Defender; State Parole Board.

Office of Legislative Services Estimate

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

- The Office of Legislative Services (OLS) concludes that upgrading simple assault committed against certain sports officials, players, or participants to aggravated assault will result in an indeterminate annual increase in State expenditures and revenues. 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 expanded criminal penalties.
- The following State agencies would incur caseload and expenditure increases: 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 defendants; d) the Department of Corrections 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 offenders.
- The OLS also notes the State may receive indeterminate revenue from fines imposed on individuals convicted of this crime; however, the State’s ability to collect fines has historically been limited.

BILL DESCRIPTION

This bill upgrades simple assault committed against a sports official, player, or participant to aggravated assault if the assault occurs while the sports official, player, or participant is clearly identifiable as being engaged in the performance of the duties of a sports official or while being engaged as a player or participant; or while the official, player, or participant is traveling to or from a school or community sponsored youth sports event; or because of the person's status as a sports official, player, or participant. The bill defines "sports official" as any person who serves as a referee, umpire, timer, scorer, coach, athletic trainer, manager, or assistant for a school or community sponsored youth sports event, or serves in a similar capacity but may be known by a different title, whether the person is compensated or a volunteer.

Aggravated assault against a sports official, player, or participant would be upgraded to a crime of the third degree if the person suffers bodily injury. If no bodily injury results from the assault, the assault would be upgraded to a crime of the fourth degree.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that upgrading criminal penalties for assault committed against a sports official, player, or participant will result in an indeterminate annual increase in State expenditures and revenues. 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 upgraded crime.

This bill expands current law making it a crime of the third degree if the person assaulted suffers bodily injury. A crime of the third degree is punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both. If no bodily injury results from the assault, the assault would be upgraded to a crime of the fourth degree. A crime of the fourth degree is punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000 or both. Generally, third and fourth degree crimes carry a presumption of non-incarceration for first-time offenders.

The following State agencies would incur caseload and expenditure increases: the Department of Law and Public Safety, the Judiciary, the Office of the Public Defender, the Department of Corrections, and the State Parole Board. In an informal estimate provided by the Department of Corrections previously, the average annual cost of housing an inmate in a State correctional facility is \$55,389, with a daily cost of \$151.75. The cost is based on FY 2021 actual expenditures and is an average of all facilities, with an exception of the Special Treatment Unit at Adult Diagnostic and Treatment Center that houses the civilly committed residents.

The OLS also notes the State may receive indeterminate revenue from fines imposed on individuals convicted of this crime; however, the State's ability to collect fines has historically been limited.

Section: Judiciary

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Legislative Budget and Finance Officer

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.).