

LEGISLATIVE FISCAL ESTIMATE
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 2284 and 3389
STATE OF NEW JERSEY
220th LEGISLATURE

DATED: MARCH 3, 2023

SUMMARY

- Synopsis:** Establishes crimes of theft of motor vehicle and receiving stolen motor vehicle as separate statutory provisions; provides extended sentences for certain persistent offenders.
- Type of Impact:** Annual State expenditure and revenue increases.
- Agencies Affected:** Department of Corrections, State Parole Board, the Judiciary, Office of the Public Defender, Department of Law and Public Safety.

Office of Legislative Services Estimate

| Annual Fiscal Impact | |
|------------------------|---------------|
| State Cost Increase | Indeterminate |
| State Revenue Increase | Indeterminate |

- The Office of Legislative Services (OLS) determines that the Department of Corrections would incur additional annual costs under the bill if individuals were sentenced to longer prison terms than they otherwise would have been absent the bill’s provisions.
- The impact the bill may have on a defendant’s willingness to plead guilty, the increase or decrease in the number of defendants offered a plea bargain or pleading to a lesser offense, or the impact on the trial rate related to crimes of theft of a motor vehicle and receiving a stolen motor vehicle cannot be determined. Consequently, the impact of the bill on the workload of the Judiciary, the Department of Law and Public Safety, the State Parole Board, and the Office of the Public Defender is also indeterminate.
- 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 establishes separate statutory provisions for the crimes of theft of a motor vehicle and receiving a stolen motor vehicle, and provides for extended sentences for certain persistent offenders. The penalties for theft of a motor vehicle remain the same as under current law with the exception that it is a crime of the second degree if the theft involves more than one vehicle.

Under current law, receiving a stolen motor vehicle, punishable under the general statute governing the receipt of stolen property, is a crime of the third degree, unless the value of the vehicle is \$75,000 or greater, in which case it is a crime of the second degree. This bill establishes receiving a stolen motor vehicle as a separate offense. Also under the bill, a permissive inference may apply to certain persons with knowledge or belief that they received a stolen motor vehicle in violation of the bill.

Per the bill, a person is a persistent motor vehicle offender if a person convicted of theft of a motor vehicle, receiving a stolen motor vehicle, or carjacking previously has been convicted of one of these crimes on two or more prior and separate occasions, regardless of the dates of the convictions. Certain persistent offenders may be sentenced to an extended prison term, upon motion of the prosecutor and under certain circumstances.

FISCAL ANALYSIS

THE JUDICIARY

The OLS has not received a formal fiscal note on this bill. However, upon request, the Judiciary indicated that it is unable to estimate the fiscal impact of the bill on the court system. The Judiciary cannot estimate the impact this bill may have on a defendant's willingness to plead guilty, the increase or decrease in the number of defendant's being offered a plea bargain or pleading to a lesser offense, or the possible increase or decrease in the trial rate.

OFFICE OF LEGISLATIVE SERVICES

The OLS determines that the Department of Corrections would incur additional annual costs under the bill if individuals were sentenced to longer prison terms than they otherwise would have been absent the bill's provisions.

Theft of a motor vehicle is currently a crime of the second degree if the value of the motor vehicle involved is \$75,000 or more, otherwise it is a crime of the third degree. A crime of the third degree is punishable by three to five years imprisonment, a fine of up to \$15,000, or both. A crime of the second degree is punishable by a fine of up to \$150,000, a term of imprisonment of five to 10 years, or both. Although the penalties for theft of a motor vehicle remain the same as under current law, this bill broadens current statute by establishing a crime of the second degree of a theft involving more than one motor vehicle regardless of the total value of the vehicles. The bill's crime of the second degree for theft of more than one motor vehicle therefore would result in longer terms of incarceration and increased costs for the Department of Corrections. Generally, crimes of the third degree carry with them the presumption of non-incarceration for first time offenders. However, the presumption of non-incarceration does not apply to crimes of the third degree involving motor vehicle theft.

The bill also provides that a persistent stolen motor vehicle offender, as described in the bill, may be sentenced to an extended prison term, upon the motion of the prosecutor and under certain circumstances. Individuals sentenced to longer prison terms would generate additional costs to the Department of Corrections. Generally, an extended term for a second-degree theft or receiving crime would be between 10 and 20 years (instead of the ordinary five to 10 years), and an extended term for a third-degree theft or receiving crime would be five to 10 years (instead of the ordinary three to five years). Carjacking is graded as a crime of the first degree, for which an extended term would be between 20 years and life imprisonment (the standard term is between 10 and 20 years, with a mandatory minimum term of at least five years). In an informal estimate previously provided by the department, 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 the Adult Diagnostic and Treatment Center that houses civilly committed residents.

The impact the bill may have on a defendant's willingness to plead guilty, the increase or decrease in the number of defendants offered a plea bargain or pleading to a lesser offense, or the impact on the trial rate related to crimes of theft of a motor vehicle and receiving a stolen motor vehicle cannot be determined. Consequently, the impact of the bill on the workload of the Judiciary, the Department of Law and Public safety, the State Parole Board, and the Office of the Public Defender is also indeterminate.

The OLS also notes that the costs under the bill may be offset somewhat by way of fines and penalties, though the State's ability to collect these has historically been limited.

Section: Judiciary
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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.).