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**LEGISLATIVE FISCAL ESTIMATE**

**SENATE, No. 2284**

**STATE OF NEW JERSEY**

**220th LEGISLATURE**

DATED: FEBRUARY 14, 2023

**SUMMARY**

- Synopsis:** Upgrades motor vehicle theft to second degree crime.
- Type of Impact:** Annual State expenditure and revenue increase.
- 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**

<b>Fiscal Impact</b>	<b>Annual</b>
<b>State Cost Increase</b>	Indeterminate
<b>State Revenue Increase</b>	Indeterminate

- The Office of Legislative Services (OLS) determines that the Department of Corrections would incur indeterminate annual costs under the bill as individuals are 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 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 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 would make the crime of theft of a motor vehicle a crime of the second degree, regardless of the value of the vehicle stolen.

Under current law, theft of a motor vehicle is generally graded as a crime of the third degree, punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both. However, if the value of the stolen motor vehicle (and its contents) is \$75,000 or more, the act may be graded as a crime of the second degree, punishable by a term of imprisonment of five to 10 years, a fine of up to \$150,000, or both.

The bill would add motor vehicles to the list of categories of property for which the theft thereof would constitute a crime of the second degree, and as such, every motor vehicle theft could be so graded, regardless of the value of the vehicle stolen.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

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

The bill upgrades the crime of theft of a motor vehicle to a crime of the second degree. Under current statute, theft of a motor vehicle is a crime of the third degree and upgraded to a crime of the second degree only if the value of the stolen motor vehicle is \$75,000 or more. This bill removes the requirement on the value of the stolen property, making it a crime of the second degree regardless of the value of the stolen motor vehicle. Therefore, this bill will result in a longer period of incarceration for individuals convicted of motor vehicle theft. According to the Department of Corrections, the FY 2021 average annual cost of housing an inmate in a State correctional facility was \$55,389, with a daily cost of \$151.75.

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 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 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.

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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.).