

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 3390
STATE OF NEW JERSEY
220th LEGISLATURE

DATED: JANUARY 13, 2023

SUMMARY

Synopsis: Expands criminal penalties related to illegal use of motor vehicle master key.

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 expanding criminal penalties related to illegal use of a motor vehicle master key 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 expands criminal penalties related to the illegal use of a motor vehicle master key.

Under current law, it is a crime of the fourth degree to knowingly possess a motor vehicle master key or device designed to operate a lock on a motor vehicle; start a motor vehicle without an ignition key; or to offer or advertise for sale, sell, or give to a person a motor vehicle master key or device designed to operate a lock on a motor vehicle or start a motor vehicle without an ignition key. 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.

This bill amends current law and expands criminal penalties making it a crime of the fourth degree for: i) a person to, for an unlawful purpose, knowingly possess a key fob, a computer program or other technology that operates a lock on or starts a motor vehicle owned by another person; ii) a person offers or advertises for sale, sells, or gives to any person, a motor vehicle master key or device designed to operate a lock on a motor vehicle or start a motor vehicle without an ignition key or key fob, or who otherwise causes a prohibited item to enter into commerce; and iii) offers or advertises for sale, sells, or gives to any person a computer program, application, software, or other device adapted, designed, or commonly used to operate a lock on or start a motor vehicle without an ignition key or key fob, or to copy, store information relating to, or interfere with those functions, or who otherwise causes any such item to enter into commerce in this State.

FISCAL ANALYSIS

The Judiciary

None received. The OLS has not received a formal fiscal note on this bill. However, upon request, the Judiciary indicated that it would incur expenses. The Judiciary noted that the legislation would be creating several new offenses, however, the Judiciary is unable to estimate with any certainty the impact this bill would have on the court system (e.g. number of new cases, impact on pleas, impact on trial rate, increase in first appearance and release hearings, increase in number of motions for pretrial detention etc.). Therefore, the Judiciary is unable to estimate the impact on the Judiciary's revenue or expenditures.

The Judiciary added that, recognizing most of these new criminal offenses would be charged pursuant to a complaint-warrant and subject to a motion for pretrial detention, there would be an increase in the number of defendants detained pretrial. Per the Judiciary, as each of these defendants would be subject to the strict speedy trial provisions set forth in the Criminal Justice Reform Act, the Judiciary would incur a significant increase in bench time and court resources to ensure these additional cases are processed and heard in a timely fashion.

OFFICE OF LEGISLATIVE SERVICES

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This bill expands current law making it a crime of the fourth degree to possess a key fob, master key, or other technology for unlawful purposes to access or operate a motor vehicle. The bill also makes it a crime of the fourth degree to advertise or sell the technology or devices to

access and operate a motor vehicle. 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, a presumption of non-incarceration applies for first-time offenders for crimes of the fourth degree.

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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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.).