

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 3390

STATE OF NEW JERSEY  
220th LEGISLATURE

DATED: JUNE 22, 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 may 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 may 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**

The bill expands the scope of criminal activities associated with motor vehicle master keys or devices or starting a motor vehicle without a key, subject to prosecution under State law as a crime of the fourth degree. The bill makes 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.

## **FISCAL ANALYSIS**

### ***The Judiciary***

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 the scope of criminal activities associated with motor vehicle master keys or devices or starting a motor vehicle without a key, subject to prosecution under State law as 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, a presumption of non-incarceration applies for first-time offenders convicted of crimes of the fourth degree. However, because the circumstances of the offense and the history, character, and condition of the defendant are taken into consideration when deciding imposition of sentence, the court may order imprisonment if it finds that imprisonment is necessary to protect the public.

The following State agencies may 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, not including 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.

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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.).