

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

SENATE, No. 2437

STATE OF NEW JERSEY 221st LEGISLATURE

DATED: OCTOBER 16, 2024

SUMMARY

- Synopsis:** Directs Office of Public Defender to provide legal representation for certain criminal contempt violations.
- Type of Impact:** Annual State expenditure increase.
- Agencies Affected:** Office of the Public Defender.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Annual State Cost Increase		Indeterminate	

- The Office of Legislative Services (OLS) concludes that requiring the Office of the Public Defender to provide legal representation for defendants charged with contempt for certain violations of domestic violence restraining orders would result in indeterminate annual cost increases to the State.
- The Office of the Public Defender has indicated that the estimated cost to provide legal representation for defendants charged with contempt for certain violations of domestic violence restraining orders would be \$5.0 million in the first fiscal year, \$7.0 million in the second fiscal year, and \$7.5 million in the third fiscal year. The OLS does not have sufficient information to confirm this cost estimate.

BILL DESCRIPTION

This bill would direct the Office of the Public Defender to provide legal representation for indigent defendants charged with contempt for certain violations of domestic violence restraining orders that may be prosecuted as a crime of the fourth degree or a disorderly persons offense under State law, except those which violations are not considered to be a crime or disorderly persons offense.

FISCAL ANALYSIS***EXECUTIVE BRANCH***

The OLS has not received a formal fiscal note on this bill. However, the Office of the Public Defender has provided the following data:

Representation for Domestic Violence Contempt Cases				
#	<u>Titles</u>	<u>Year 1 *</u>	<u>Year 2</u>	<u>Year 3</u>
1	Deputy Public Defender 1	\$ 75,000	\$ 161,708	\$ 174,331
1	Deputy Public Defender 2	\$ 63,226	\$ 136,321	\$ 146,962
21	Assistant Deputy Public Defender 2	\$ 1,050,482	\$ 2,264,957	\$ 2,441,750
21	Assistant Deputy Public Defender 1	\$ 833,207	\$ 1,796,487	\$ 1,936,713
15	Investigator 1, Public Defender	\$ 518,640	\$ 1,118,246	\$ 1,205,532
<u>10</u>	Sr. Clerk Typist	<u>\$ 185,730</u>	<u>\$ 400,455</u>	<u>\$ 431,713</u>
69	Total Positions	\$ 2,726,284	\$ 5,878,174	\$ 6,337,000
	Rent	\$ 690,000	\$ 731,400	\$ 775,284
	Software, Materials & Supplies	\$ 163,577	\$ 352,690	\$ 380,220
	<u>One-Time Expense</u>			
	Telephone Equipment	\$ 82,800		
	Computer Equipment/Laptops	\$ 379,500		
	Workspace Set Up	\$ 483,000		
	Vehicles	<u>\$ 495,000</u>		
		\$ 1,440,300		
		\$ 5,020,161	\$ 6,962,264	\$ 7,492,504

* Salaries are for 6 months assuming a Jan 2025 effective date

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that requiring the Office of the Public Defender to provide legal representation for defendants charged with contempt for certain violations of domestic violence restraining orders would result in indeterminate annual cost increases to the State.

Under current law, the office is charged with providing legal representation to any indigent defendant charged with committing an indictable offense, disorderly person offense, or with the violation of any law that would be subject to imprisonment or any other “consequence of magnitude.” A person charged with contempt under State law for violating a domestic violence restraining order or an order entered under a substantially similar law of another state, could be convicted of a crime of the fourth degree or a disorderly person offense, which could result in imprisonment or other consequence of magnitude.

As noted above, the office has indicated that the estimated cost to provide legal representation for defendants charged with contempt for certain violations of domestic violence restraining orders would be \$5.0 million in the first fiscal year, \$7.0 million in the second fiscal year, and \$7.5 million in the third fiscal year. The OLS does not have sufficient information to confirm this cost estimate,

but notes that the Office of the Public Defender cost estimate indicates that the office anticipates hiring staff to serve at all of its 21 offices.

Section: Judiciary

*Analyst: Sheree Henderson
 Section Chief*

*Approved: Thomas Koenig
 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.).