LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 4870

STATE OF NEW JERSEY
221st LEGISLATURE

DATED: JANUARY 5, 2026

SUMMARY

Synopsis: Establishes new mitigating factor, reduced sentencing, and resentencing for certain defendants who are victims of abuse.

Type of Impact: Annual State and local expenditure decreases and increases. Annual State and local revenue increases.

Agencies Affected: The Judiciary; Office of the Public Defender; Department of Corrections; State Parole Board; Counties; Municipalities.

Office of Legislative Services Estimate

Fiscal Impact	Annual
Net State Expenditure Impact	Indeterminate
State Revenue Increase	Indeterminate
Net Local Expenditure Impact	Indeterminate
Local Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) concludes that the bill will result in an indeterminate annual impact on State and local expenditures, as well as State and local revenue increases. The OLS lacks sufficient information to quantify the fiscal impact, as it is not possible to estimate how many individuals will be eligible to apply for reduced sentencing or resentencing based on the establishment of a new mitigating factor.

- The OLS determines that to the extent the bill results in reduced incarcerations, there will be savings to the State and county governments.

- The OLS finds that additional resentencing cases may result in the following State and local agencies incurring caseload and expenditure increases: i) the Judiciary primarily from adjudicating additional cases for defendants who are now eligible for resentencing; ii) county and municipal prosecutors may have to prosecute additional resentencing cases; iii) the Office of the Public Defender would have to represent additional low-income criminal defendants.

- Any increase in the number of defendants who are eligible for and seek resentencing under the bill may result in additional revenues from court fees for the Judiciary and municipalities.

BILL DESCRIPTION

This bill establishes a new mitigating factor, reduced sentencing, and resentencing for certain defendants who were victims of domestic violence or abuse at the time the crime was committed, and the domestic violence or abuse was a contributing factor in the commission of the crime.

The bill amends the current law to establish an additional mitigating factor that a court may consider in determining the appropriate sentence to impose on a defendant who has been convicted of a crime.

A defendant for whom the new mitigating factor would apply, but who was convicted prior to the date the new mitigating factor became applicable, may be eligible for resentencing.

If the court determines that a change in the defendant's original sentence is not warranted, the court is required to issue a written order stating the reasons for denying modification.

A defendant who seeks resentencing under the bill is to be represented by the Office of the Public Defender, unless the defendant retains other counsel.

The court is required to set a hearing for the resentencing within 30 days of the filing of amotion. The hearing is to take place within 180 days of the filing. However, if the prosecutor does not file a written objection to the motion for resentencing, the defendant's application is deemed unopposed and the court may grant relief without a hearing.

The Director of the Administrative Office of the Courts, in consultation with the State Domestic Violence Working Group, is required to develop and promulgate a form for a defendant to use to initiate an application for resentencing. This form is to be readily available in all State correctional facilities; county jails; and all superior and municipal courts, and is to be made available in at least the five most common languages spoken in the State.

If the court finds by a preponderance of the evidence that these factors apply, the court is required to modify, reduce, or suspend the defendant's original sentence, including any minimum or mandatory sentence or a portion of the sentence imposed upon the defendant, in accordance with the sentencing provisions set forth under the bill.

A new sentence imposed under the bill would not be final for 10 days in order to permit the prosecutor to appeal the sentence. A defendant may be granted only one motion for resentencing under the bill.

The Department of Corrections is required to notify each incarcerated person who was convicted of a crime prior to the effective date of the provisions establishing the new mitigating factor. The department is also required to provide the notification to the public defender or the defendant's attorney, as appropriate.

Under the bill, the Administrative Office of the Courts is required to develop and approve a training course and a curriculum to implement the provisions of the bill. The training course is to be reviewed at least every two years and modified, as needed.

The Administrative Office of the Courts is required to report to the Governor and the Legislature annually on the number of applications for resentencing that were received, considered, granted, and denied.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that the bill will result in an indeterminate annual impact on State and local expenditures, as well as State and local revenue increases. The OLS lacks sufficient information to quantify the fiscal impact, as it is not possible to know how many individuals will be eligible to apply for reduced sentencing or resentencing from the establishment of a new mitigating factor.

The OLS determines that to the extent the bill results in reduced incarcerations, there will be savings to the State and county governments. Based on information provided by the Department of Corrections, the FY 2024 average annual cost for housing, ensuring security, and providing services to an incarcerated individual was $75,254, with an average marginal cost of housing one additional incarcerated person, accounting for food, clothes and wages, of $11.39. Non-indictable offenses are adjudicated in municipal courts and defendants are sentenced to county jails. According to information provided by the Administrative Office of the Courts, the median daily cost to house an inmate in a county jail is $228.

According to some estimates, more than 70 percent of women incarcerated in the Edna Mahan Correctional Facility for Women have been victims of some sort of partner violence or other kind of abuse. As of January 2025, there were 396 women incarcerated in Edna Mahan, which means more than 250 women could potentially become eligible for resentencing upon release. This, of course, would be conditional on individual cases and other qualifying conditions, as required by the bill.

The OLS finds that additional resentencing cases may result in the following State and local agencies incurring caseload and expenditure increases:

1. the Judiciary from: i) an increase in caseload and increased court time from defendants who are now eligible for resentencing but were convicted prior to the date the new mitigating factor became applicable; ii) the requirement that the Administrative Office of the Courts would have to develop and promulgate a form to be made available in at least the five most common languages spoken in the State for defendants to use to initiate an application for resentencing; and iii) from the provisions that require the Administrative Office of the Courts to provide the training course, curriculum, and supporting materials to be made available, through annual in-service judicial training programs or other means, to appropriate judges and judicial personnel who may be involved with the court-related aspects of representing a defendant who may be a victim of domestic violence or any other substantial abuse;

2. county and municipal prosecutors may have to prosecute additional resentencing cases; and

3. the Office of Public Defender would have to provide representation to additional low-income criminal defendants.

The OLS also finds that any increase in the number of defendants who are eligible for and seek resentencing under the bill may result in additional revenues from court fees for the Judiciary and municipalities.

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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.).