

LEGISLATIVE FISCAL ESTIMATE

ASSEMBLY, No. 4542

STATE OF NEW JERSEY

222nd LEGISLATURE

DATED: JUNE 10, 2026

SUMMARY

- Synopsis:** Makes it fourth degree crime to engage in certain tracking and location activities.
- Type of Impact:** Annual State expenditure and revenue increases. Annual local expenditure increase.
- Agencies Affected:** Department of Law and Public Safety; county and municipal governments; the Judiciary; Office of the Public Defender; Department of Corrections; State Parole Board.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Cost Increase	Indeterminate
State Revenue Increase	Indeterminate
Local Cost Increase	Indeterminate

- The Office of Legislative Services (OLS) concludes that making the use of an electronic tracking device or tracking application for an unlawful purpose a crime of the fourth degree 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 for the crime established by the bill.
- The following State and local agencies would incur caseload and expenditure increases: a) the Department of Law and Public Safety would issue additional guidance and other information related to the investigation and prosecution of the cases; b) municipal police would have to make more arrests and, therefore, utilize more resources; c) county prosecutors would have to prosecute additional cases; d) the Judiciary would have to adjudicate additional complaints and monitor additional probationers; e) the Office of the Public Defender would have to represent additional low-income criminal defendants; f) the Department of Corrections would have to house and care for more individuals who are sentenced to prison terms; and g) 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

Under the bill, it is a crime of the fourth degree for a person to knowingly install or place, or cause to be installed or placed, an electronic tracking device or tracking application to track or determine the location of another person in order to initiate or facilitate an unlawful act. The bill specifies the uses of an electronic tracking device or tracking application that are considered useful.

The bill establishes a permissive inference (for consideration by a jury) that the use of a tracking device or application to conduct surreptitious surveillance of another person was to initiate or facilitate an unlawful act, such as stalking or harassment.

The bill would exempt actions involving State or local government entities and equipment owned, leased, or operated by those entities, as the bill indicates that the provisions which criminalize tracking or location spotting activities would not be applicable to such entities. The bill also provides that several enumerated parties, and certain uses related to those parties, would be deemed to be lawful. The bill specifies that a failure by an employer to comply with the written notice requirement established under the bill, or any other requirements pursuant to State or federal law or regulation would only be considered a violation of the law or regulation, and would not be punishable as a crime under the bill.

The bill delineates how the person to be tracked or located is required to provide consent, and specifies the instances when a person's consent is presumed to be revoked.

State or local government entities and equipment, leased, owned, or operated by those entities are excepted from the bill's provisions.

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

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that making the use of an electronic tracking device or tracking application for an unlawful purpose a crime of the fourth degree 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 for the crime established by the bill.

The following State and local agencies would likely incur caseload and expenditure increases as a result of the creation of this new crime: a) the Department of Law and Public Safety would likely issue additional guidance and other information related to the investigation and prosecution of the cases; b) municipal police would have to make more arrests and, therefore, utilize more resources; c) as an indictable offense, county prosecutors would have to prosecute additional cases;

d) the Judiciary would have to adjudicate additional complaints and monitor additional probationers; e) the Office of the Public Defender would have to represent additional low-income criminal defendants; f) the Department of Corrections would have to house and care for more individuals who are sentenced to prison terms; and g) the State Parole Board would have to supervise the return to society of additional offenders. The OLS notes that there could be instances in which the Department of Law and Public Safety prosecutes the cases, under special circumstances.

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 to first-time offenders of crimes of the fourth degree. The OLS finds that to the extent that the bill will result in additional incarcerations, based on information provided by the Department of Corrections, the average annual cost of incarceration is projected to be \$78,848 per incarcerated person in FY 2026 and the marginal cost of housing one additional incarcerated person, accounting for food, clothing, and wages is projected to be \$4,385.

According to the State Parole Board, the annual average marginal cost to supervising one additional parolee is estimated at \$4,002 for FY 2026. The average cost per parolee, with all overhead costs included, is estimated at \$6,884 for FY 2026.

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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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.).