

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 2163

STATE OF NEW JERSEY
222nd LEGISLATURE

DATED: SEPTEMBER 28, 2026

SUMMARY

- Synopsis:**
- Creates disorderly persons offense for persons who conceal or attempt to conceal their identity while committing another crime or offense.
- Type of Impact:**
- Annual local expenditure and revenue increases.
- Agencies Affected:**
- Local Governments; the Judiciary.

Office of Legislative Services Estimate

Fiscal Impact	Annual
Local Expenditure Increase	Indeterminate
Local Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) finds that the bill’s establishment of a new disorderly persons offense would result in annual indeterminate increases in local government expenditures and revenues. The OLS lacks sufficient information to quantify the scale of the increases as it is not possible to know how many individuals will be prosecuted under the provisions of this bill.
- Disorderly persons offenses are adjudicated in municipal courts and defendants are sentenced to county jails. Annual municipal revenue would increase by an indeterminate amount due to an increase in court fees and penalties from additional disorderly persons cases.

BILL DESCRIPTION

This bill creates a disorderly persons offense for persons who conceal or attempt to conceal their identity while committing another crime or offense. A disorderly persons offense is punishable by up to six months imprisonment, a fine of up to \$1,000, or both.

Under the provisions of the bill, it is a disorderly persons offense for a person to conceal or attempt to conceal the person’s identity by wearing a mask or disguise with the purpose of instilling fear, hindering prosecution, or avoiding apprehension while committing another crime or offense.

The bill provides that a person who wears a mask or disguise for medical, religious, or expressive purposes is not to be deemed to have acted with the purpose to instill fear, hinder prosecution, or avoid apprehension.

A person would not be charged with a disorderly persons offense pursuant to the bill's provisions unless the person was charged with an underlying crime or offense and was wearing a mask or disguise at the time the person committed the underlying crime or offense.

Finally, the bill also prohibits the merger of this offense with any other criminal offense for the purpose of reducing a defendant's sentence.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that annual expenditures would increase at the local level since disorderly persons offenses are adjudicated in municipal courts and defendants are sentenced to county jails. The OLS lacks sufficient information to quantify the scale of the increase as it is not possible to know how many individuals will be prosecuted under the provisions of this bill. According to information provided by the Administrative Office of the Courts, as of FY 2024, the median daily cost to house an inmate in a county jail is \$228.

The OLS notes that annual municipal revenue would also increase by an indeterminate amount due to an increase in court fees and penalties from disorderly persons cases.

Disorderly person offenses are adjudicated by municipal courts, in most circumstances, while crimes of the first, second, third, and fourth degree are adjudicated by the Superior Court. Under the bill, a person would not be charged with a disorderly persons offense unless the person was charged with an underlying crime or offense and was wearing a mask or disguise at the time the person committed the underlying crime or offense. To the extent that a defendant is charged with an additional crime of the first, second, third, or fourth degree, the case would be adjudicated in Superior Court rather than municipal court.

Section: *Judiciary*
Analyst: *Anuja Pande Joshi*
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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.).