LEGISLATIVE FISCAL ESTIMATE

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, No. 275

STATE OF NEW JERSEY
219th LEGISLATURE

DATED: MARCH 18, 2021

SUMMARY

Synopsis: Allows persons owing certain court-imposed financial obligations and ordered by court to serve term of probation or diversionary program to earn transformative credit against amount owed by participating in treatment programs, educational or vocational services, or service to community.

Type of Impact: Annual State and local government revenue decrease.

Agencies Affected: The Judiciary; municipal courts.

Office of Legislative Services Estimate

Fiscal Impact	Annual
State Revenue Decrease	Indeterminate
Local Revenue Decrease	Indeterminate

- The Office of Legislative Services (OLS) estimates this bill would result in an indeterminate decrease in annual revenue to the Judiciary and municipal courts. Under the bill, any person required to pay a court-imposed financial obligation resulting from a conviction, placement in a diversion program, or adjudication of delinquency and ordered by the court to a term of probation or a diversionary program would be eligible to earn transformative credit against the amount owed in court-ordered fines and other financial obligations. The OLS does not have an estimate as to how many persons would be eligible for reduced court-ordered fines and other financial obligations under this bill. Furthermore, the bill does specify how much transformative credit a person may earn by participating in certain programs.

BILL DESCRIPTION

This bill would allow persons owing certain court-imposed financial obligations and ordered by the court to serve a term of probation or participate in a diversionary program to earn "transformative credit" against the amount owed by participating in treatment programs, educational or vocational services, or service to the community.

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The bill provides that a person required to pay a court-imposed financial obligation resulting from a conviction, placement in a diversion program, or adjudication of delinquency for a violation of any offense defined under Title 2C of the New Jersey Statutes or other applicable law and ordered by the court to a term of probation or a diversionary program would be eligible to earn transformative credit against the amount owed on the court-imposed financial obligation. Transformative credit could not be earned if the financial obligation is restitution, amounts due to the Victims of Crime Compensation Office, or child support or other support or maintenance ordered by a court. The bill provides that transformative credit may be earned by participation in the following programs and services, including but not limited to: approved substance abuse treatment, mental health treatment, educational or vocational services, employment training or services, family counseling, and service to the community.

The court would determine the amount of the transformative credit applied against the court-imposed financial obligation based on consideration of the following factors:

(1) The nature and circumstances of the crime, offense, or adjudication of delinquency;

(2) Successful participation in treatment, education services, counseling, or community service;

(3) Convictions or adjudications of delinquency during the probationary term or diversion program period;

(4) Substantial compliance with the terms of the sentence; and

(5) Any other information the court deems relevant.

Under the bill, any person required to pay a court-imposed financial obligation resulting from a conviction, placement in a diversion program, or adjudication of delinquency and ordered by the court to a term of probation or a diversionary program would be eligible to earn transformative credit against the amount owed. There would be no requirement that the person successfully complete the diversionary program.

The bill also adds the transformative credit provisions to current State law, which imposes special fines, in addition to any other disposition, for persons convicted of drug offenses. The monies collected under current law are forwarded to the Department of the Treasury for deposit in the Drug Enforcement and Demand Reduction Fund.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS projects that this bill would result in an indeterminate decrease in annual revenue to the Judiciary and municipal courts. Under the bill, any person required to pay a court-imposed financial obligation resulting from a conviction, placement in a diversion program, or adjudication of delinquency and ordered by the court to a term of probation or a diversionary program would be eligible to earn transformative credit against the amount owed in court-ordered fines and other financial obligations.

Transformative credit may be earned by participation in the following programs and services, including but not limited to: approved substance abuse treatment, mental health treatment, educational or vocational services, employment training or services, family

counseling, and service to the community. The OLS does not have an estimate as to how many defendants are currently participating in these programs in the State of New Jersey. To provide some context, in just one program alone, in response to FY 2020 OLS Discussion Points, the Judiciary provided that in FY 2018, 574 defendants graduated from the drug court program. According to the Judiciary, as of August 7, 2020, Drug Court had 6,154 active participants. However, the OLS does not have an estimate as to how many persons would be eligible for reduced court-ordered fines and other financial obligations under this bill. Furthermore, the bill does not specify how much credit a person may earn by participating in these programs and therefore, pay reduced fines.

Under the provisions of this bill, the workload of the courts is likely to increase as the courts would have the discretion to determine the amount of the transformative credit applied against the court-imposed financial obligation. This could be an involved and time-consuming determination based on several different factors, including but not limited to, the nature and circumstance of the crime, successful participation in treatment, education services, counseling, or community services.

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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.).