

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 717
STATE OF NEW JERSEY
219th LEGISLATURE

DATED: MAY 20, 2021

SUMMARY

- Synopsis:** Provides for jurisdiction for prosecution for certain crimes against minors committed outside New Jersey.
- Type of Impact:** Annual increase to State expenditures and revenues.
- Agencies Affected:** The Judiciary, Department of Law and Public Safety, Department of Corrections, Office of the Public Defender; State Parole Board

Office of Legislative Services Estimate

Annual Fiscal Impact	
State Expenditure Increase	Indeterminate
State Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) estimates that the expansion of jurisdiction for certain crimes against minors would result in an indeterminate annual State expenditure increase. The following State agencies would incur caseload and expenditure increases: a) the Department of Law and Public Safety would have to prosecute additional cases; b) the Judiciary would have to adjudicate additional offenders and monitor additional probationers; c) the Office of the Public Defender would have to represent additional low-income criminal defendants; d) the Department of Corrections would have to house and care for more individuals sentenced to prison terms; and e) the State Parole Board would have to supervise the return to society of additional convicts.
- The State may also receive indeterminate revenue from additional fines and penalties imposed on individuals convicted by expanding the jurisdiction for certain crimes; however, the State’s ability to collect criminal fines and penalties has historically been limited.
- The OLS lacks sufficient information to quantify the fiscal impact as it is not possible to know how many additional people would be prosecuted, tried, and sentenced due to the expanded jurisdiction of these crimes.

BILL DESCRIPTION

This bill would allow prosecutions for certain criminal conduct against minors that takes place outside of New Jersey. The bill would expand the jurisdiction of the statutes concerning aggravated sexual assault, sexual assault, and endangering the welfare of a child. Under the bill, for the purposes of determining territorial jurisdiction, when an actor's supervisory or disciplinary power over a victim commences in this State, an act of sexual penetration or sexual contact with the victim occurring outside the State constitutes an offense as if the conduct occurred in this State. Additionally, any person having a legal duty for the care of a child or who has assumed responsibility for the care of a child who engages in sexual conduct within this State which would impair or debauch the morals of the child, or any person having a legal duty in this State for the care of a child or who has assumed responsibility in this State for the care of a child who engages in sexual conduct outside this State which would impair or debauch the morals of the child, would be guilty of a crime.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that the expansion of jurisdiction for certain crimes against minors would result in an indeterminate annual State expenditure increase. The following State agencies would incur caseload and expenditure increases: a) the Department of Law and Public Safety would have to prosecute additional cases; b) the Judiciary would have to adjudicate additional offenders and monitor additional probationers; c) the Office of the Public Defender would have to represent additional low-income criminal defendants; d) the Department of Corrections would have to house and care for more individuals sentenced to prison terms; and e) the State Parole Board would have to supervise the return to society of additional convicts.

The crimes of aggravated sexual assault (crime of the first degree), sexual assault (crime of the second degree), and certain endangering the welfare of a child charges (crime of the second degree) all carry a presumption of incarceration. A crime of the first degree is generally punishable by a term of imprisonment of 10 to 20 years or a fine of up to \$200,000, or both; a crime of the second degree, by a term of five to 10 years or a fine up to \$150,000, or both. By expanding the jurisdiction of these crimes, more people would likely be convicted and be incarcerated in a state correctional facility. While it is unknown how many additional people would be convicted under the provisions of the bill, according to data provided by the DOC, the average annual cost of housing an inmate in a State prison for FY 2019 totaled \$50,191, whereas the marginal costs per day were approximately \$8.60.

The State may also receive indeterminate revenue from additional fines and penalties imposed on individuals convicted by expanding the jurisdiction for certain crimes; however, the State's ability to collect criminal fines and penalties has historically been limited.

Section: Judiciary

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This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).