

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 745

STATE OF NEW JERSEY
219th LEGISLATURE

DATED: AUGUST 3, 2020

SUMMARY

Synopsis:	Criminalizes fraudulently pretending to be transportation network company driver.
Type of Impact:	Annual expenditure and revenue increases to the State.
Agencies Affected:	Department of Law and Public Safety; Department of Corrections; The Judiciary; Office of the Public Defender; State Parole Board.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Expenditure Increase	Indeterminate
State Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) projects that establishing the crime of fraudulently pretending to be a transportation network company driver would result in indeterminate annual expenditure increases to the Department of Law and Public Safety, the Judiciary, the Office of the Public Defender, the Department of Corrections (DOC), and the State Parole Board.
- The State may also receive indeterminate revenue from additional fines and penalties imposed on individuals convicted of the new crime.
- The OLS lacks sufficient information to quantify the fiscal impact, as it is unclear as to how many individuals would be prosecuted, tried, and sentenced for having violated the provisions of the bill in any given fiscal year.

BILL DESCRIPTION

This bill criminalizes fraudulently pretending to be a transportation network company driver. Under this bill, it is a crime of the fourth degree if a person falsely pretends to be a transportation network company driver for the purpose of obtaining a benefit for himself or

another or to injure or defraud another. In addition, if the person knowingly exhibits or displays a falsely purported identifying marker or some other identification, then it is a crime of the third degree.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS projects that establishing the crime of fraudulently pretending to be a transportation network company driver would result in indeterminate annual expenditure increases to the State. Under this bill, it would be a crime of the fourth degree to fraudulently pretend to be a transportation network company driver for obtaining personal benefit, or injuring or defrauding another individual. This crime would be upgraded to a crime of the third degree if the person knowingly displays a falsely purported identifying marker on the vehicle. A crime of the fourth degree is punishable by up to 18 months imprisonment, a fine up to \$10,000, or both. A crime of the third degree carries a penalty of three to five years imprisonment, a fine of up to \$15,000, or both. However, there is a presumption of non-incarceration for first-time offenders of third and fourth degree crimes. The OLS lacks sufficient information to quantify the fiscal impact, as it is unclear as to how many individuals would be prosecuted, tried, and sentenced for having violated the provisions of the bill in any given fiscal year.

State Government Expenditures: The following State agencies would incur caseload and expenditure increase: a) the Department of Law and Public Safety would have to prosecute additional cases; b) the Judiciary would have to adjudicate additional complaints; c) the Office of Public Defender would have to represent additional low-income criminal defendants; d) the DOC would have to house and care for more individuals who are sentenced to prison terms; and e) the State Parole Board would have to supervise the return to society of additional inmates.

The OLS has no information on the additional caseload and expenditures that the bill may impose on affected State departments and agencies. The OLS notes that there is a presumption of non-incarceration for first-time offenders of third and fourth degree crimes. However, if a term of incarceration is imposed, DOC data indicates that the average annual cost to house an inmate in the State prison facility during FY 2019 totaled \$50,191. The OLS notes that because the DOC is currently experiencing a reduction in the State-sentenced prison population, the department should be able to house any additional inmates attributable to the bill within its current institutional facilities at a much lower marginal cost of approximately \$8.60 per day, or \$3,139 annually, per inmate for food, wages, and clothing.

State Government Revenue: Any additional State cost attributable to the bill may be offset, in part, by fines and penalties imposed by the courts on defendants convicted of having committed the new crime.

Section: Judiciary

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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.).