

LEGISLATIVE FISCAL ESTIMATE
[First Reprint]
ASSEMBLY, No. 1076
STATE OF NEW JERSEY
219th LEGISLATURE

DATED: SEPTEMBER 25, 2020

SUMMARY

- Synopsis:** Requires AG to collect, record, analyze, and report certain prosecutorial and criminal justice data.
- Type of Impact:** Annual State and Local Expenditure Increases.
- Agencies Affected:** Department of Law and Public Safety; County Prosecutors Offices; Administrative Office of the Courts; Department of Corrections; County and Municipal Police Departments.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost Increase		Indeterminate	
Local Cost Increase		Indeterminate	

- The Office of Legislative Services (OLS) finds that the bill will result in indeterminate increases in annual State and local expenditures. The OLS, however, cannot assess the magnitude of the increased expenditures given the absence of information on the current statistics collected Statewide. It is unknown whether there will be additional expenditures for annual data collection and reporting, or the personnel and technology upgrades which may be associated with the collection and reporting of the required data.

BILL DESCRIPTION

This bill requires the Attorney General to establish a program to compile, record, and analyze prosecutorial and criminal justice data, which includes race, ethnicity, gender, and age-related information, and issue annual reports.

Under the bill, the Attorney General, in consultation with the Division of State Police (DSP), county prosecutors offices, the Administrative Office of the Courts (AOC), and the Department of Corrections (DOC) is required to establish a program to collect, record, and analyze data regarding defendants in this State who are age 18 or older at the time of the commission of an alleged indictable offense or disorderly persons offense. The required data is to be collected from the time

a defendant enters the State's criminal justice system, by arrest, charge, or other action, through the final disposition of the defendant's case.

In addition, the bill requires the DSP, county prosecutors offices, AOC, DOC, Office of the Public Defender, and county and municipal police departments to cooperate with the Attorney General in the implementation of this program, and to assist in data collection and compilation in furtherance of the program to the extent and in the manner required by the Attorney General.

The data required includes race, ethnicity, gender, and age of the defendant. Specifically, the data is to include, but not be limited to: (1) warrants, arrests, charges, filing of criminal complaints, and indictments; (2) dismissed or downgraded charges; (3) cases which proceed to trial, and the disposition of cases, including convictions and guilty pleas; (4) admission to diversionary programs, including data on program applications, and any prosecutorial consent or denial for a defendant's entry into diversionary programs; (5) cases involving victims, including the race, ethnicity, gender, and age of the defendant and victims in those cases; (6) plea agreement negotiations including data concerning plea offers extended and accepted or rejected by the defendant, plea agreements entered or rejected by the court, and whether the plea agreements involved probation or incarceration; (7) court fees and fines; and (8) restitution amounts ordered, including any amount collected by the court and paid to a victim.

The Attorney General is required to prepare and publish on its website annual reports summarizing the data collected, recorded, and analyzed under the bill, and is to issue annual reports to the Governor and the Legislature. The Attorney General may utilize the services of, and enter into agreements with, any public or private entity for the performance of activities in furtherance of the program.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that the bill will result in indeterminate increases in annual State and local expenditures. The OLS, however, cannot assess the magnitude of the increased expenditures given the absence of information on the current statistics collected Statewide. It is unknown whether there will be additional expenditures for annual data collection and reporting, or the personnel and technology upgrades which may be associated with the collection and reporting of the required data.

Expenditure Increases: The Attorney General, in consultation and cooperation with the Division of State Police, county prosecutor's offices, the AOC, and the DOC is required to establish a program to compile, record, and analyze data regarding defendants in this State who are age 18 or older at the time of the commission of an alleged indictable offense or disorderly persons offense.

Currently, the Department of Law and Public Safety, the AOC, and the DOC are required to collect certain racial, ethnic, and age-related data. The data collected, however, are not as comprehensive or as succinctly compiled as required in this bill and, as such, the OLS cannot assess the expenditures required for full implementation. Expenditures required may be for resources needed at the State and local levels to establish a database or modify an existing database, to train personnel on the proper collection and entry of data, to collect and retain the data, and to

complete data collection and reporting requirements Statewide from the various agencies as required in this bill.

Current State Law Requirements

Department of Law and Public Safety: Currently, the Office of the Attorney General collects certain data from the New Jersey State Police as required under State law. The Office of the Attorney General is also required to annually issue the Uniform Crime Report, a compilation of statistics necessary to present an overview of crime and the administration of criminal justice within New Jersey.

Administrative Office of the Courts: As part of criminal justice reform, the courts collect and analyze data related to pretrial release. The courts issue these statistics reports yearly, which include racial and ethnic data.

Pursuant to State law, the Administrative Director of the Courts is required to establish a program to record and analyze the recidivism of all persons sentenced to a period of probation. The purpose of this program is to assist in measuring the effectiveness of the State's rehabilitation initiatives and programs including, but not limited to, race, gender, ethnicity, and age.

Department of Corrections: Pursuant to State law, the DOC is required, in conjunction with the Juvenile Justice Commission and the State Parole Board to establish a program to record and analyze the recidivism of all inmates and juveniles adjudicated delinquent who are released from a State correctional facility or a training school for juveniles in order to measure the effectiveness of the State's reentry initiatives and programs. The program is to record the arrests for all offenses committed by releasees within three years following their release and any convictions resulting from the arrests. The data collected are to be analyzed to determine whether the rates and nature of rearrests and convictions differ according to the criminal histories and personal characteristics of releasees, the treatment they received while confined, length of sentence, conditions of parole, participation and involvement in reentry initiatives and programs, and such other relevant factors, including, but not limited to, race, gender, ethnicity, and age.

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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.).