

**LEGISLATIVE FISCAL ESTIMATE**  
**ASSEMBLY COMMITTEE SUBSTITUTE FOR**  
**ASSEMBLY, No. 1964**  
**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

DATED: DECEMBER 23, 2021

**SUMMARY**

- Synopsis:** Expands training for judges, law enforcement officers and assistant county prosecutors concerning handling of domestic violence cases.
- Type of Impact:** Annual expenditure increase for the State and counties.
- Agencies Affected:** Department of Law and Public Safety; The Judiciary; Municipalities; Counties.

**Office of Legislative Services Estimate**

| <b>Fiscal Impact</b>                 | <b><u>Year 1</u></b> | <b><u>Year 2</u></b> | <b><u>Year 3</u></b> |
|--------------------------------------|----------------------|----------------------|----------------------|
| <b>Potential State Cost Increase</b> |                      | Indeterminate        |                      |
| <b>Local Cost Increase</b>           |                      | Indeterminate        |                      |

- The Office of Legislative Services (OLS) projects that this bill could result in an increase in State expenditures to implement the requirements on training for judges and judicial personnel, as well as for law enforcement agencies on the handling of domestic violence matters to include such topics as the impact of trauma on survivors, high risk indicators for potential lethality, and the impact of racial bias and discrimination on survivors and communities. However, the OLS notes that some or all components of this training requirement may have already been implemented by the Judiciary and the Department of Law and Public Safety. As such, it is unclear if the bill’s specific requirements would have a fiscal impact.
- The bill requires training for assistant county prosecutors involved in the handling of domestic violence cases. The training would be consistent with the training requirement for judges and judicial personnel. This may be an unfunded mandate for the counties. The OLS assumes that this would result in workload increase for county prosecutors, however does not have any further information on whether or not this would lead to any overtime or other administrative costs for the counties.

## **BILL DESCRIPTION**

This bill expands training for judges, law enforcement officers, and assistant county prosecutors in the handling of domestic violence cases.

Under the bill, the Attorney General would be responsible for ensuring training as follows:

(a) all law enforcement officers would attend initial training within 90 days of appointment or transfer and annual in-service training of at least four hours. Once every three years, this in-service training requirement would be required to be satisfied through in-person instructor-led training.

(b) all assistant county prosecutors involved in the handling of domestic violence cases would attend initial training within 90 days of appointment or transfer and annual in-service training of at least four hours.

The bill also requires the Administrative Director of the Courts to develop and approve a training course and a curriculum for all municipal court judges, Superior Court judges responsible for the adjudication of domestic violence matters, and judicial personnel involved with the intake and processing of domestic violence complaints. All judges and judicial personnel would be required to participate in core training regarding issues such as the dynamics of domestic violence, the impact of domestic violence on children, trauma-informed danger assessments, batterer intervention programs, and domestic violence risk factors and lethality. In addition, municipal court judges would receive specific training related to the issuance of temporary restraining orders in emergent situations. Superior Court judges responsible for the adjudication of domestic violence matters would receive supplemental training related to the issuance and enforcement of temporary and final restraining orders, including factors considered when determining if a final restraining order should be issued, child custody and parenting plans, the setting of child support, distribution of property and ongoing housing expenses, and counseling. The core curriculum and individualized training programs would be reviewed at least every two years and modified by the Administrative Director of the Courts from time to time as need may require.

In addition, the Administrative Director of the Courts would be responsible for ensuring that all municipal court judges, Superior Court judges responsible for the adjudication of domestic violence matters, and judicial personnel involved with the intake and processing of domestic violence complaints attend initial training within 90 days of appointment or transfer and annual in-service training as described.

Finally, the bill requires that the Attorney General and the Administrative Director of the Courts provide that all training on the handling of domestic violence matters include information concerning the impact of domestic violence on society, and include topics regarding the dynamics of domestic violence, the impact of domestic violence on children, the impact of trauma on survivors, risks for lethality in domestic violence cases, safety planning and services for survivors of domestic violence, the impact of racial bias and discrimination on survivors and marginalized communities, the statutory and case law concerning domestic violence, the necessary elements of a protection order, and the guidelines regarding when domestic violence incidents trigger mandatory or discretionary arrest.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

**OFFICE OF LEGISLATIVE SERVICES**

The OLS projects that this bill could result in an increase in State expenditures to implement the requirements on training for judges and judicial personnel, as well as for law enforcement agencies on the handling of domestic violence matters to include such topics as the impact of trauma on survivors, high risk indicators for potential lethality, and the impact of racial bias and discrimination on survivors and communities. However, the OLS notes that some or all components of this training requirement may have already been implemented by the Judiciary and the Department of Law and Public Safety. It is unclear if the revised requirement would have a fiscal impact.

In response to another bill, A-317 of the 2018-2019 session, also implementing Recommendation 12 of the Report of the Supreme Court Ad Hoc Committee on Domestic Violence issued June 2016, the Administrative Office of the Courts (AOC) noted that upon review of the existing domestic violence training curriculum administered by the Judiciary's Judicial Education and Performance Unit and the Organizational Development and Training Unit, all aspects of the domestic violence training specified in the proposed bill are currently being provided to all Superior Court judges, Municipal Court judges and all Judiciary staff responsible for adjudicating domestic violence matters (including intake and processing of domestic violence complaints). In addition, the Judiciary's current domestic violence training for Superior Court judges, Municipal Court judges and Judiciary staff responsible for the intake, processing and adjudication of domestic violence complaints are provided within the timeframes specified in the bill. As a result, the Judiciary did not anticipate the bill would have any impact on revenue or expenditures.

Under this bill, for the judges and judicial personnel, as well as for law enforcement agencies, training on the handling of domestic violence matters would also be revised to include such topics as the impact of trauma on survivors, high risk indicators for potential lethality, and the impact of racial bias and discrimination on survivors and communities. According to the Department of Law and Public Safety, N.J.S.A. 2C:25-20 requires annual in-service training of at least four hours on domestic violence. Officers transferring to a new agency must receive training within 90 days from the date of transfer. Initial training now occurs as part of the Basic Course for Police Officers.

The OLS does not have sufficient information on the costs associated with this requirement or if some or all of these requirements are being met via different training programs.

Furthermore, this bill requires training for assistant county prosecutors involved in the handling of domestic violence cases. The training would be consistent with the training requirement for judges and judicial personnel. Initial training would be within 90 days of appointment or transfer and the prosecutors would attend an annual in-service training of at least four hours. This may be an unfunded mandate for the counties. The OLS assumes that this would result in workload increase for county prosecutors, however does not have any further information on whether or not this would lead to any overtime or other administrative costs for the counties.

*Section:           Judiciary*  
*Analyst:          Anuja Pande Joshi*  
*Associate Research Analyst*  
*Approved:       Thomas Koenig*  
*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.).