

**LEGISLATIVE FISCAL ESTIMATE**  
**ASSEMBLY, No. 4368**  
**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

DATED: JULY 29, 2020

**SUMMARY**

- Synopsis:** Expands municipal court conditional dismissal program to include defendants charged with certain drug offenses; requires defendant’s participation in various programs and services; allows dismissal of charges after one-year probationary period.
- Type of Impact:** Annual State expenditure increase
- Agencies Affected:** Municipal courts; the Judiciary

**Office of Legislative Services Estimate**

| Fiscal Impact              |               |
|----------------------------|---------------|
| Annual State Cost Increase | Indeterminate |

- The Office of Legislative Services (OLS) estimates that the bill would result in an indeterminate increase in annual State expenditures. The bill would expand the current conditional dismissal program in municipal court to include certain drug offenses, thereby increasing the number of defendants under probation monitoring status. However, the OLS does not have sufficient information to determine how many individuals would qualify under the expanded conditional dismissal program to project the cost of the bill.
- Under the provisions of the bill, participation in the conditional dismissal program requires court mandated participation in appropriate programs and services free of cost to the defendant. The services include, but are not limited to, health and mental health services, substance abuse treatment, housing assistance, and educational assistance. The OLS is unable to project the fiscal cost to the State as there is no available data on the number of eligible individuals who would participate in these programs.
- The conditional dismissal program requires a \$75 application fee, which is payable to the Municipal Court Diversion Fund. The OLS is unable to project the revenue increase due to a lack of information regarding the number of applicants and their ability to pay the fee. The OLS notes that many fees go unpaid due to the financial condition of the applicants.

## **BILL DESCRIPTION**

The bill would expand the current conditional dismissal program in municipal court to include certain drug offenses.

Under the current conditional dismissal program, first-time offenders charged with certain disorderly persons or petty disorderly persons offenses may, at the discretion of the municipal court, apply to the municipal court for entry into the program after a plea of guilty or a finding of guilt, but prior to the entry of a judgment of conviction and with appropriate notice to the prosecutor. As a condition of the application, the defendant must submit to fingerprint identification procedures to allow verification of criminal history.

Under the conditional dismissal program, the municipal court will place the defendant under a probation monitoring status for a period of one year. The court also may impose financial obligations and other terms and conditions. A defendant may apply to the court for an extension of a term of conditional dismissal to allow sufficient time to pay financial obligations imposed by the court. A judge may extend a defendant's conditional dismissal term for good cause. If a participant is convicted of any crime or offense during participation, or otherwise fails to comply with the terms and conditions imposed by the court, the court may enter a judgment of conviction and impose a fine, penalty, or other assessment which may be imposed in accordance with the defendant's prior guilty plea or finding of guilt.

At the end of the term of conditional dismissal, if the defendant has not been convicted of any subsequent crime or offense, and has complied with all other terms and conditions imposed by the municipal court, the court may terminate probation and dismiss the proceedings against the defendant. Once the proceedings are dismissed, the offense is not deemed a conviction.

Currently, a defendant is not eligible for participation in the municipal court conditional dismissal program if the defendant is charged with certain offenses, including, among others, any disorderly persons offense or petty disorderly persons offense involving controlled dangerous substances under Chapter 35 or 36 of Title 2C of the New Jersey Statutes. The bill eliminates this provision, so that a defendant charged with any of these offenses would be eligible to participate in conditional dismissal.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS has insufficient information to estimate the fiscal impact of this bill. However, State costs are likely to increase by an indeterminate amount as the bill would expand the current conditional dismissal program to include certain drug offenses thereby increasing the number of defendants under probation. The OLS does not have information on the cost of probation or the number of eligible individuals who are likely to qualify under the expanded program.

Participation in the conditional dismissal program requires court mandated participation in appropriate programs and services free of cost to the defendant. The services include, but are not limited to, health and mental health services, substance abuse treatment, housing assistance, educational assistance, and transportation assistance. These free services are likely to increase State expenditures by an indeterminate amount.

The bill will lead to an increase in the number of eligible individuals for conditional dismissal, which is likely to increase the number of applicants to the program. The program requires a \$75 application fee which is payable to the Municipal Court Diversion Fund. The OLS is unable to project the revenue increase due to a lack of information regarding the number of applicants and their ability to pay the fee. The OLS notes that many fees go unpaid due to the financial condition of the applicants.

*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.).