LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 4368

STATE OF NEW JERSEY
219th LEGISLATURE

DATED: AUGUST 3, 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

This bill would expand the current conditional dismissal program in municipal court to include certain drug offenses. Disorderly persons offenses and petty disorderly persons drug offenses would be added to the conditional dismissal program under the bill.

The bill also requires the defendant to successfully complete any programs and services as directed by the court, and to provide the court with proof of such completion.

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.

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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.).