

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 4518
STATE OF NEW JERSEY
219th LEGISLATURE

DATED: AUGUST 21, 2020

SUMMARY

Synopsis: Increases penalty for “bombing” online meeting or teleconference under certain circumstances.

Type of Impact: Annual State Expenditure and Revenue Increases. Annual Expenditure Increases to County Governments.

Agencies Affected: Department of Law and Public Safety; Judiciary; Office of the Public Defender; Department of Corrections; County Governments.

Office of Legislative Services Estimate

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

- The Office of Legislative Services (OLS) finds there may be indeterminate annual expenditure increases to the Department of Law and Public Safety, the Judiciary, the Office of the Public Defender, and county prosecutors’ offices to the extent this bill results in more trials and convictions. However, the OLS lacks sufficient information to quantify the overall fiscal impact of this bill and accurately project the number of unauthorized individuals likely to access an online video conference or teleconference.
- The Department of Corrections (DOC) would incur increased annual costs if the bill’s provisions result in more incarcerations.

BILL DESCRIPTION

This bill would amend the current law concerning computer theft to specifically address the “bombing” of online video conferences or teleconferences.

Under current law, a person is guilty of computer criminal activity if, among other provisions, the person purposely or knowingly and without authorization, or in excess of authorization, accesses and recklessly alters, damages or destroys any data, data base, computer, computer

storage medium, computer program, computer software, computer equipment, computer system or computer network. This bill amends the statute to include unauthorized access to, and disruption of, an online video conference or teleconference.

Currently, it is a crime of the fourth degree to violate this provision of law, except that it is a crime of the third degree if the value of the damage exceeds \$5,000. Under the bill, it would also be a crime of the third degree if the violation consists of accessing an online video conference or teleconference without authorization and posting or displaying obscene material in violation of N.J.S.2C:34-3 that is viewed by a minor under the age of 18.

A crime of the fourth degree is punishable by a term of imprisonment of up to 18 months or a fine up to \$10,000, or both; a crime of the third degree is punishable by a term of three to five years or a fine up to \$15,000, or both.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds there may be indeterminate annual expenditure increases to the Department of Law and Public Safety, the Judiciary, the Office of the Public Defender, and county prosecutors' offices to the extent this bill results in more trials and convictions. However, the OLS lacks sufficient information to quantify the overall fiscal impact of this bill and accurately project the number of unauthorized individuals likely to access an online video conference or teleconference.

The DOC would incur increased annual costs if the bill's provisions result in more incarcerations. Data obtained from the DOC indicate that the average annual cost to house an inmate in a State prison facility during FY 2019 totaled \$50,191. The marginal cost of housing an inmate is \$8.60 per day for food, wages and clothing.

The OLS notes that many fines go unpaid because of the financial condition of the offenders so an increase in State revenues due to fines and penalties is unlikely to be substantial.

Section: *Judiciary*

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 Associate Research Analyst

Approved: *Frank W. Haines III*
 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.).