LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 4588
STATE OF NEW JERSEY
219th LEGISLATURE

DATED: MAY 21, 2021

SUMMARY

Synopsis: Increases strangulation assault to crime of second degree.

Type of Impact: State expenditure and revenue increases.

Agencies Affected: Department of Corrections; The Judiciary.

Office of Legislative Services Estimate

Fiscal Impact	Annual
State Cost Increase	Indeterminate
State Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) estimates that this bill would generate indeterminate additional costs for the Department of Corrections (DOC). Under the provisions of the bill, this crime would be upgraded to a second degree crime, making the sentence longer by up to five years. The OLS does not have sufficient information to quantify the exact fiscal impact.

- The State may also receive indeterminate revenue from additional fines and penalties imposed on individuals convicted of the upgraded crime; however, the State's ability to collect criminal fines and penalties has historically been limited.

BILL DESCRIPTION

This bill upgrades strangulation assault to a second degree crime.

Under current law, strangulation is graded as a crime of the third degree, punishable by up to five years imprisonment, a fine of up to $15,000, or both. This bill elevates strangulation, committed in the domestic violence context against a victim of domestic violence, to a crime of the second degree, punishable by up to 10 years imprisonment, a fine of up to $150,000, or both.

FISCAL ANALYSIS

EXECUTIVE BRANCH

Although the Judiciary did not provide a formal fiscal note but noted that data collected from the Judiciary's automated criminal case tracking system (Promis/Gavel) reveals that in calendar year 2019 there were 257 convictions of an aggravated assault against a domestic violence victim involving strangulation under NJSA 2C:12-1(b)13. All 257 convictions were via a guilty plea, meaning there were no convictions for this crime resulting from a trial.

The Judiciary pointed out that "although it is logical that increasing the consequences for a conviction of this crime would lead to an increased trial rate and result in an impact on Judicial resources, the Judiciary is unable to estimate with any certainty how many additional trials (and possible appeals) may result. In this regard, the Judiciary is unable to ascertain the fiscal impact this bill would have on Judiciary revenue or expenditures."

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that this bill would generate indeterminate additional costs for the DOC. Under the provisions of the bill, this crime would be upgraded to a second degree crime, making the sentence longer by up to five years. The OLS does not have sufficient information to quantify the impact. The OLS notes that according to the DOC, the average annual cost to house an inmate in a State prison facility during FY 2019 totaled $50,191. The marginal costs for food, wages and clothing per day were approximately $8.60 per inmate.

In 2019, the New Jersey Domestic Violence Fatality Near Fatality Review Board published the 2018 Annual Report, Fatality By Strangulation. In the domestic violence context, the report declared that strangulation is one of the strongest predictors for the subsequent homicide of victims of domestic violence, and referenced research showing that victims of attempted strangulation are seven times more likely of becoming a homicide victim, when compared to victims without a strangulation history, and that non-fatal strangulation are tactics used by abusers in a coercive manner against their victims as a method of power and control.

According to the Judiciary's 2019 report to the Governor and the Legislature, in 2019, of the 34,721 complaints indicating domestic violence, 2,033 complaints (5.9 percent) alleged aggravated assault against a domestic violence victim involving strangulation. While strangulation cases are not limited to domestic violence situations, studies show a high incidence of strangulation in domestic violence cases. There is insufficient information on the exact number of individuals incarcerated for the crime of strangulation in New Jersey State prisons.

The State may also receive indeterminate revenue from additional fines and penalties imposed on individuals convicted of the upgraded crime. However, the State's ability to collect criminal fines and penalties has historically been limited.

Section:	*Judiciary*
Analyst:	*Anuja Pande Joshi* *Associate Fiscal 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.).