

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 4884

STATE OF NEW JERSEY
219th LEGISLATURE

DATED: MARCH 2, 2021

SUMMARY

Synopsis: Establishes "Sexual Violence Restorative Justice Pilot Program."

Type of Impact: Three-Year Expenditure Increase to the State.

Agencies Affected: Department of Law and Public Safety

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost Increase	Indeterminate		

- The Office of Legislative Services (OLS) finds the bill will result in a three-year indeterminate State cost increase to implement the Sexual Violence Restorative Justice Pilot Program. State costs will increase through the bill’s requirement that the State contract with and compensate organizations to design and conduct the three-year program. The bill will also increase the workload of the Office of the Attorney General in the Department of Law and Public Safety during the duration of the program.
- Under the bill, the Office of the Attorney General is to implement this three-year pilot program in one northern county, one central county, and one southern county by entering into an agreement, which is to include compensation, with two separate organizations: 1) an organization to design the program and provide technical assistance; and 2) an organization to conduct the program. The OLS does not have information regarding the costs associated with these contracts, the scope of the program, or the number of individuals who may participate.
- The bill requires the department to submit a report evaluating the effectiveness of the pilot program to the Governor and the Legislature within 90 days after the completion of the pilot program. The report is to recommend whether the pilot program should be continued, expanded, or made permanent.

BILL DESCRIPTION

This bill requires the Attorney General to establish a three-year Sexual Violence Restorative Justice Pilot Program to implement a restorative justice program for survivors of sexual violence.

The Attorney General is to implement this program by entering into an agreement with an organization to design the program and provide technical assistance and an agreement with a separate organization to conduct the program. Under the bill, the Attorney General is to select the organizations through requests for proposals. The organizations are to have expertise in trauma informed care and are not to be associated with any law enforcement agency. In addition, the bill requires that both organizations be compensated.

Under the bill, through the direct participation of survivors of sexual violence, including survivors who have chosen not to report the act of sexual violence to law enforcement, the program is required to implement restorative justice practices which include, but are not limited to, upholding the principles of survivor autonomy, restoring a sense of control and independence to survivors, and emphasizing outcomes that are essential to the survivor's healing process. The bill provides that a survivor of sexual assault and a person accused of sexual assault are not to be required to participate in the restorative justice program. In addition, if a survivor of sexual assault chooses to participate in the restorative justice program, the survivor may choose to no longer participate at any time.

The bill defines "restorative justice" as an approach to repairing the harm caused by a crime through direct involvement of those affected, including the victim, the victim's family and friends, and the community, for the purpose of fulfilling the victim's expectations for justice while also holding accountable the person who caused the harm. Restorative justice may be implemented through varying formats, such as sharing circles, victim impact panels, and facilitated conferences.

Finally, the bill requires the Attorney General, in conjunction with the organizations selected pursuant to the provisions of the bill, to submit a report evaluating the effectiveness of the pilot program to the Governor and the Legislature within 90 days of completion of the program. The report is to evaluate the pilot program and recommend whether the pilot program should be continued, expanded, or made permanent.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds the bill will result in a three-year indeterminate State cost increase to implement the Sexual Violence Restorative Justice Pilot Program. State costs will increase through the bill's requirement that the State contract with and compensate organizations to design and conduct the three-year program. The bill will also increase the workload of the Office of the Attorney General during the duration of the program.

Expenditures: Under the bill, the Office of the Attorney General is to implement a three-region, three-year pilot program. The program is required to be implemented in one northern county, one central county, and one southern county. The State is to enter into an agreement with two separate organizations to implement the program: 1) an organization to design the program and provide technical assistance; and 2) an organization to conduct the program. The bill requires the department to submit a report evaluating the effectiveness of the pilot program to the Governor

and the Legislature within 90 days after the completion of the pilot program. The report is to recommend whether the pilot program should be continued, expanded, or made permanent.

The OLS estimates that the requirements of the bill will increase the workload of the Office of the Attorney General in the Department of Law and Public Safety. Additionally, the OLS estimates the costs associated with bidding the two contracts and the final costs of the three-year contracts will increase State costs by an indeterminate amount. The OLS does not have information regarding the costs associated with the program, the program's final scope, or the number of individuals who may participate.

Finally, nationwide restorative justice appears to be a more recent initiative in the modern criminal justice toolkit. The OLS is not certain how this three-year pilot program may impact the number of sexual violence criminal justice cases. Criminal justice cases may be resolved at greater numbers with the available restorative justice tools for those opting to participate, which may bring attention and resolution to the occurrence between the survivor and the perpetrator.

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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.).