LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 5084
STATE OF NEW JERSEY
219th LEGISLATURE

DATED: DECEMBER 22, 2020

SUMMARY

Synopsis: Reclassifies possession of psilocybin as disorderly persons offense.

Type of Impact: Annual expenditure and revenue decreases to the State. Annual expenditure increases and decreases to counties. Annual expenditure and revenue increases to municipal governments.

Agencies Affected: The Judiciary; Department of Law and Public Safety; Office of the Public Defender; Department of Corrections; State Parole Board; County and Municipal Governments.

Office of Legislative Services Estimate

Fiscal Impact	Annual
State Expenditure Decrease	Indeterminate
State Revenue Decrease	Indeterminate
Local Expenditure Increase	Indeterminate
Local Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) estimates that downgrading the possession of psilocybin to a disorderly persons offense would reduce annual State expenditures by an indeterminate amount, as the Judiciary would have to adjudicate fewer cases and fewer individuals would be incarcerated in State correctional facilities.

- The OLS lacks sufficient information to accurately forecast the savings that would be realized in State correctional facilities. According to data available on the Department of Corrections (DOC) website, as of January 2020, approximately 13 percent of the offender population was incarcerated for drug offenses. However, the OLS does not have data for exactly how many of these offenders were incarcerated specifically for possession of psilocybin. Furthermore, the DOC points out that "virtually all drug offenses are for sale and distribution rather than for mere possession."

- An indeterminate decrease in annual State revenues would occur from the downgrading of this psilocybin offense, as collections from court filing fees and penalties would decline by indeterminate amounts.

- Annual county expenditures would increase, as defendants would be sent to county jails for a disorderly persons offense instead of being incarcerated in State prisons for a crime of the third degree. There would also be a decrease in county expenditures, attributable to a reduction in the number of cases county prosecutor's offices would have to prosecute, as the cases would instead be tried in municipal courts.

- Municipalities would incur indeterminate caseload and expenditure increases, as cases would move to the municipal courts. Annual municipal revenue would increase in the form of court filing fees and penalties as more cases enter municipal court.

BILL DESCRIPTION

This bill would reclassify possession of one ounce or less of psilocybin, a mushroom with hallucinogenic effects when consumed, as a disorderly persons offense, punishable by a term of imprisonment, a fine of up to $1,000, or both. Currently, possession of any amount of psilocybin, a Schedule I controlled dangerous substance, is a crime of the third degree. A crime of the third degree is punishable by a term of imprisonment of three to five years, and this particular crime is subject to an enhanced fine of up to $35,000 (the standard fine is $15,000), or both.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

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Municipalities would incur indeterminate caseload and expenditure increases, as cases would move to the municipal courts. Annual municipal revenue would increase in the form of court filing fees and penalties as more cases enter municipal court.

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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.).