LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 5458
STATE OF NEW JERSEY
219th LEGISLATURE

DATED: DECEMBER 3, 2021

SUMMARY

Synopsis:	Permits expungement of possession or distribution of hypodermic syringe or needle offense in cases of previous expungement; repeals criminal offense of possession of syringe.
Type of Impact:	Annual expenditure decrease to municipal governments; Annual State expenditure increase
Agencies Affected:	Department of Law and Public Safety; the Judiciary; Municipalities.

Office of Legislative Services Estimate

Annual Fiscal Impact	
Local Expenditure Decrease	Indeterminate
State Expenditure Increase	Indeterminate

- The Office of Legislative Services (OLS) anticipates that the bill will reduce the annual caseloads and operating expenditures of municipal courts and prosecutor offices because possession or distribution of a hypodermic syringe or needle is currently a disorderly persons offense, which is normally adjudicated in municipal court.

- It is unknown how many convictions of this offense would qualify for expungement under this bill; however, due to the fact that there have been a total of 40 convictions for this offense in the past two years, it is likely that permitting expungement for a second conviction would result in a nominal increase to the workload and costs of the Judiciary to determine eligibility and to process the expungement requests and the Division of State Police to review and process expungement applications.

BILL DESCRIPTION

This bill would allow the expungement of a criminal record for unlawful possession or distribution of a hypodermic syringe or needle in cases where the person has had a previous expungement. The bill also repeals the underlying statute concerning unlawful possession of a hypodermic syringe or needle.

Currently, it is a disorderly person offense for a person to control or possess with intent to use a hypodermic syringe unless the person has a valid prescription for the device or is a medical professional or other person authorized to possess or use the device. A disorderly persons offense is punishable by a term of imprisonment of up to six months, a fine of up to $1,000, or both.

Under current law, a person who has had a previous criminal conviction expunged is generally barred from expungement on a second occasion, with several exceptions. This bill would add an additional exception in situations when the person with a previous expungement is seeking the expungement of a conviction of an offense of unlawful possession of a hypodermic syringe or needle. Thus, a person with a previous expungement would no longer be automatically barred from expunging the offense of unlawful possession of a hypodermic syringe or needle.

FISCAL ANALYSIS

EXECUTIVE BRANCH

According to informal information provided by the Administrative Office of the Courts, there were 29 convictions for possession or distribution of hypodermic syringe or needle under in municipal court in 2019 and nine convictions in 2020. In addition, there were zero convictions in the criminal division of State court in 2019 and two convictions in 2020.

OFFICE OF LEGISLATIVE SERVICES

The OLS anticipates that the bill will reduce the annual caseloads and operating expenditures of municipal courts and prosecutor offices because possession or distribution of a hypodermic syringe or needle is currently a disorderly persons offense, which is normally adjudicated in municipal court.

In addition, the bill permits expungement of a conviction for possession or distribution of a hypodermic syringe or needle when there has been a previous expungement of a criminal conviction. It is unknown how many additional convictions of this offense would qualify for expungement under this bill; however, due to the fact that there have been a total of 40 convictions for this offense in the past two years, it is likely that permitting expungement for a second conviction would result in a nominal increase to the workload and costs of the Judiciary to determine eligibility and to process the expungement requests and the Division of State Police to review and process expungement applications.

Section: *Judiciary*

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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.).