

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 5787
STATE OF NEW JERSEY
220th LEGISLATURE

DATED: DECEMBER 17, 2021

SUMMARY

Synopsis: Requires newly manufactured semi-automatic handguns to be micro-stamped; establishes handgun database.

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

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

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Expenditure Increase		Indeterminate	
State Revenue Increase		Indeterminate	
Local Expenditure Increase		Indeterminate	

- The Office of Legislative Services (OLS) determines that criminalizing behavior not currently defined as such would result in indeterminate annual expenditure increases to the Department of Law and Public Safety, the Judiciary, the Office of the Public Defender, and county prosecutors’ offices. The OLS lacks pertinent data on the frequency of this behavior relating to microstamping, and thus has no basis for quantifying the bill’s fiscal impact.
- This bill creates new offenses which would be crimes of either the third or fourth degree. A crime of the third degree is punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both. A crime of the fourth degree is punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both.
- The Department of Corrections (DOC) would incur increased annual costs if the bill’s provisions result in more incarcerations.
- The State would incur an indeterminate annual revenue increase from fine and penalty payments if the bill’s provisions result in more convictions.

BILL DESCRIPTION

This bill requires all newly manufactured semi-automatic handguns sold in this State by licensed retail firearms dealers to be micro-stamped.

The bill requires licensed retail firearms dealers to report their handgun sales to the State Police. The bill directs the Superintendent of State Police to establish and maintain this information in a database which would be accessible by each law enforcement agency in the State.

A licensed retail firearms dealer who sells or transfers a handgun that is not micro-stamped would be guilty of a crime of the fourth degree. In addition, it would be a third degree crime to deface or remove the microstamping mechanism of a semi-automatic handgun for the purpose of altering the appearance of its alpha-numeric or geometric code.

A person who purchases, buys, receives, disposes of or conceals a semi-automatic handgun with the knowledge that the microstamping mechanism has been defaced or removed would be guilty of a crime of the fourth degree. A crime of the third degree is punishable by a term of imprisonment of three to five years; a fine of up to \$15,000; or both. A crime of the fourth degree is punishable by a term of imprisonment of up to 18 months; a fine of up to \$10,000; or both.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS determines that criminalizing behavior not currently defined as such would result in indeterminate annual expenditure increases to the Department of Law and Public Safety, the Judiciary, the Office of the Public Defender, and county prosecutors' offices. The OLS lacks pertinent data on the frequency of this behavior relating to microstamping, and thus has no basis for quantifying the bill's fiscal impact. Increased State revenue from monetary penalties imposed upon conviction may also result.

Expenditure Increases: This bill creates new offenses which would be crimes of either the third or fourth degree. The following State agencies would incur caseload and expenditure increases: a) the Department of Law and Public Safety would have to prosecute additional cases; b) the Judiciary would have to adjudicate additional complaints and monitor additional probationers; c) the Office of the Public Defender would have to represent additional low-income criminal defendants; d) the Department of Corrections (DOC) would have to house and care for more individuals who are sentenced to prison terms or longer prison terms; and e) the State Parole Board would have to supervise the return to society of additional convicts. A crime of the third degree is punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both. A crime of the fourth degree is punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both. However, while there is a presumption of incarceration for persons convicted of a crime of the second degree, this does not usually apply to persons convicted of a crime of the third or fourth degree.

The OLS cannot project the number of future prosecutions, trials, and incarcerations related to the crimes established by the bill.

Revenue Increases: The State would incur an indeterminate annual revenue increase from fine and penalty payments if the bill's provisions result in more convictions. The OLS cannot determine the number of convictions under the bill's newly created crimes and, by extension, the total of any subsequent fine or penalty assessment collections. The OLS additionally notes that due to financial constraints, many fines and penalties go unpaid by those persons convicted of crimes.

Section: Law and Public Safety

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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.).