

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 1871
STATE OF NEW JERSEY
219th LEGISLATURE

DATED: DECEMBER 30, 2021

SUMMARY

Synopsis: Upgrades certain crimes of misrepresenting oneself as member or veteran of US Armed Forces or organized militia.

Type of Impact: State expenditure and revenue increases.

Agencies Affected: Department of Corrections; State Parole Board.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Cost Increase	Indeterminate
State Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) projects that upgrading the crimes of misrepresenting oneself as a member or veteran of the United States Armed Forces or organized militia from a crime of the third degree to a crime of the second degree if the actor obtains money, property or other tangible benefit in the amount of \$75,000 or more would result in indeterminate caseload and expenditure increases, as the Department of Corrections (DOC) would have to house and care for more individuals sentenced to prison terms and the State Parole Board would have to supervise the return to society of additional convicts.
- All fines collected under the bill would be deposited into the Military Dependents Scholarship Fund in the Higher Education Student Assistance Authority.

BILL DESCRIPTION

The bill would upgrade certain crimes of misrepresenting oneself as a member or veteran of the United States Armed Forces or organized militia.

Under current State law, it is a crime of the third degree, subject to a minimum fine of \$1,000, for any person to knowingly:

1) with intent to impersonate and to deceive for the purpose of obtaining money, property, or other tangible benefit, misrepresent oneself as a member or veteran of the United States Armed

Forces or organized militia by wearing the uniform or any medal or insignia authorized for use by the members or veterans of the United States Armed Forces or the organized militia, by Federal and State laws and regulations (if the person impersonated and deceived for another purpose other than to obtain money, property, or other tangible benefit, then it is a crime of the fourth degree); or

2) with intent to deceive for the purpose of obtaining money, property, or other tangible benefit, holds oneself out to be a recipient of any decoration or medal created by Federal and State laws and regulations to honor the members or veterans of the United States Armed Forces or the organized militia.

This bill would upgrade these crimes to a crime of the second degree if the actor obtains money, property or other tangible benefit in the amount of \$75,000 or more. If the actor obtains money, property or other tangible benefit less than \$75,000, then the crime would remain as a crime of the third degree, subject to a minimum fine of \$1,000.

A crime of the second degree is punishable by a term of five to 10 years imprisonment, up to a \$150,000 fine, or both. A crime of the third degree is punishable by a term of three to five years imprisonment, up to a \$15,000 fine, or both.

The bill also requires the deposit of penalties into the Military Dependents Scholarship Fund.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS projects that upgrading the crimes of misrepresenting oneself as a member or veteran of the United States Armed Forces or organized militia from a crime of the third degree to a crime of the second degree if the actor obtains money, property or other tangible benefit in the amount of \$75,000 or more would result in indeterminate caseload and expenditure increases, as the DOC would have to house and care for more individuals sentenced to prison terms and the State Parole Board would have to supervise the return to society of additional convicts.

Under current law, misrepresenting oneself as a member or veteran of the United States Armed Forces or organized militia to obtain money, property or other tangible benefit is a crime of the third degree. A crime of the third degree is punishable by a term of three to five years imprisonment, a fine of up to \$15,000, or both. There is a presumption of non-incarceration for first-time offenders of crimes of the third and fourth degree.

Under the bill, it is a crime of the second degree if the actor obtains money, property or other tangible benefit in the amount of \$75,000 or more. A crime of the second degree is punishable by a term of five to ten years imprisonment, a fine of up to \$150,000, or both. There is no presumption of non-incarceration for a first-time offender for a second degree crime.

All fines collected under the bill would be deposited into the Military Dependents Scholarship Fund in the Higher Education Student Assistance Authority. The State's ability to collect criminal fines and penalties has historically been limited, however.

Section: Judiciary

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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.).