

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 2586

STATE OF NEW JERSEY 219th LEGISLATURE

DATED: AUGUST 31, 2020

SUMMARY

- Synopsis:** Implements sentencing recommendations of the Criminal Sentencing and Disposition Commission to eliminate certain mandatory minimum terms of imprisonment; eliminates mandatory minimum term of imprisonment for crime of official misconduct.
- Type of Impact:** Indeterminate Impact to the State General Fund.
- Agencies Affected:** Judiciary; Department of Corrections; State Parole Board.

Office of Legislative Services Estimate

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

- The Office of Legislative Services (OLS) concurs with the Administrative Office of the Courts (AOC) that this legislation would result in an indeterminate fiscal impact on the courts.
- The OLS notes that it is unknown how many individuals will be convicted of the enumerated crimes after implementation of the bill and therefore not subject to the mandatory minimum terms of imprisonment under current law. However, the Department of Corrections (DOC) would have an indeterminate reduction in expenditures as these individuals would be incarcerated for less time.

BILL DESCRIPTION

This bill implements several of the recommendations contained in the first annual report of the New Jersey Criminal Sentencing and Disposition Commission (the CSDC). The CSDC is a legislative body charged with conducting a thorough analysis of New Jersey’s sentencing laws for consideration of possible recommendations for revisions, and considering issues regarding disparity in the criminal justice process. The first annual report produced a total of nine

recommendations. The bill concerns three of these recommendations that involve changes to provisions in Title 2C of the New Jersey Statutes.

This bill, among other things, eliminates mandatory minimum terms of imprisonment for certain nonviolent property and drug-related crimes and reduces the mandatory term for second degree robbery and second degree burglary from 85 percent to 50 percent of the sentence imposed.

FISCAL ANALYSIS

EXECUTIVE BRANCH

Judiciary

None received. However, upon request, the AOC has indicated that this legislation, which will eliminate mandatory minimum sentences for certain crimes, will result an indeterminate fiscal impact on the courts. The reduced sentences may result in changes in the number of plea bargains and/or criminal trials, but this is unknown.

Department of Corrections

None received.

State Parole Board

None received. However, upon request, the State Parole Board states that the FY20 Budget is \$98,797,000. As of June 26, 2020, there are 15,984 parolees. The total cost of a parolee is \$6,181.

OFFICE OF LEGISLATIVE SERVICES

The OLS concurs with the AOC that this legislation would result in an indeterminate fiscal impact on the courts.

The OLS notes that it is unknown how many individuals will be convicted of the enumerated crimes after implementation of the bill and therefore not subject to the mandatory minimum terms of imprisonment under current law. However, the DOC would have an indeterminate reduction in expenditures, as these individuals would be incarcerated for less time. DOC data indicates that the average annual cost to house an inmate in the State prison facility during FY2019 totaled \$50,590. The marginal cost per inmate for food, wages and clothing is approximately \$8.74 per day, or \$3,190 annually.

In addition, for each individual who remains on parole as opposed to incarceration, the State Parole Board has indicated that the total cost of a parolee is \$6,181 per year. The OLS notes that it is unknown how many individuals would remain on parole as opposed to incarceration as a result of this bill.

Section: Judiciary

*Analyst: Anuja Pande Joshi
Assistant Research Analyst*

*Approved: Frank W. Haines III
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.).