

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

SENATE, No. 3707

STATE OF NEW JERSEY
219th LEGISLATURE

DATED: JANUARY 13, 2022

SUMMARY

- Synopsis:** Repeals statute criminalizing sexual penetration while infected with venereal disease or HIV under certain circumstances; requires that in prosecutions for endangering another by creating substantial risk of transmitting infectious disease, name of defendant and other person be kept confidential.
- Type of Impact:** Annual State expenditure and revenue decreases.
- Agencies Affected:** The Judiciary.

Office of Legislative Services Estimate

Fiscal Impact	
State Cost Decrease	Indeterminate
State Revenue Decrease	Indeterminate

- The Office of Legislative Services (OLS) finds that repealing the statute criminalizing an act of sexual penetration by a person infected with a venereal disease, HIV, or AIDS will result in reduced caseloads and expenditures for the Judiciary. The State may also see a reduction in revenues due to loss of fines; however, the State’s ability to collect fines and penalties has historically been limited.

BILL DESCRIPTION

This bill would repeal N.J.S.2C:34-5, the statute that makes it a crime for a person to commit an act of sexual penetration under certain circumstances while knowing that he or she is infected with a venereal disease, HIV, or AIDS. Under N.J.S.2C:34-5, it is a crime of the fourth degree for a person, knowing that he or she is infected with a venereal disease, to commit an act of sexual penetration without the informed consent of the other person. It is a crime of the third degree if the person commits the act while knowing that he or she is infected with HIV or AIDS.

The bill provides that in a prosecution under section 1 of P.L.2015, c.186 (C.2C:24-7.1) against a person who knowingly or recklessly engages in conduct which creates a substantial risk of transmitting an infectious or communicable disease to another person, all court decisions, orders, petitions, motions, and other documents filed by the parties and the prosecutor would be redacted to protect the name and other personal identifying information of the other person from public disclosure, unless the other person requests otherwise. The court would enter appropriate orders to bar the disclosure of the name or other personal identifying information of the other person by the parties, attorneys, law enforcement, and any other persons, unless the other person requests otherwise.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that repealing the statute criminalizing an act of sexual penetration by a person infected with a venereal disease, HIV, or AIDS will result in reduced caseloads and expenditures for the Judiciary. The State may also see a reduction in revenues due to loss of fines; however, the State's ability to collect fines and penalties has historically been limited. The OLS, however, lacks sufficient information to quantify the magnitude of the fiscal impact, as it is unclear how many persons are prosecuted for the crime of sexual penetration by a person infected with a venereal disease, HIV, or AIDS.

The OLS finds that the State may or may not see nominal expenditures for maintaining the confidentiality of the defendant in prosecutions for endangering another by creating substantial risk of transmitting infectious disease.

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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.).