

FISCAL NOTE
ASSEMBLY, No. 1761
STATE OF NEW JERSEY
217th LEGISLATURE

DATED: JUNE 23, 2016

SUMMARY

Synopsis: Creates fencing crime involving stolen domestic companion animals.

Type of Impact: General Fund expenditure.

Agencies Affected: Judiciary, Department of Corrections

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate – See comments below		

- The Office of Legislative Services (OLS) states that because this is a new offense, there is no information with which to determine the cost of implementing this bill. However, the OLS disagrees with the Administrative Office of the Courts’ (AOC) statement that the crimes enumerated in the bill would carry a mandatory minimum term of imprisonment because crimes of the third degree carry with them the presumption of non-incarceration for first time offenders. The OLS notes that the Judiciary would incur indeterminate costs to bring these cases to trial. In addition, the Department of Corrections (DOC) would incur minimal cost for housing offenders who are convicted for second and subsequent offenses.
- The AOC states that the Judiciary is unable to estimate the number of cases that might fall under the provisions of the bill and the subsequent number of trials that might occur as a result of the bill’s enactment. As a result it is not possible to estimate the potential fiscal impact.
- The bill would create a specific crime for fencing involving a stolen domestic companion animal. A person would be guilty of such an act, referred to in the bill as “dealing in stolen domestic companion animals,” if the person “traffics in, or initiates, organizes, plans, finances, directs, manages or supervises trafficking in stolen property consisting of a domestic companion animal.”

BILL DESCRIPTION

Assembly Bill No. 1761 of 2016 would create a specific crime for fencing involving a stolen domestic companion animal. A person would be guilty of such an act, referred to in the bill as “dealing in stolen domestic companion animals,” if the person “traffics in, or initiates, organizes, plans, finances, directs, manages or supervises trafficking in stolen property consisting of a domestic companion animal.”

Unlike the existing crime of dealing in stolen property, graded anywhere from a disorderly persons offense up to a second degree crime based upon the value of the property involved, fencing involving a stolen domestic companion animal would be graded as a crime of the third degree. This grading of the new fencing crime corresponds to the third degree grading of theft of a domestic companion animal as currently established under the law. A crime of the third degree is generally punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The AOC states that as the new crime created by this bill would carry a mandatory minimum term of imprisonment, there is the possibility the trial rate may increase, which would impact Judiciary resources. Unfortunately, the Judiciary cannot determine how many “dealing in stolen property” offenses have involved stolen domestic companion animals. Further, the Judiciary is unable to estimate how many defendants charged with this new crime would opt to go to trial. As a result, the Judiciary is unable to estimate the number of cases that might fall under the provisions of the new crime and the subsequent number of trials that might occur. In this regard, estimating the potential impact the bill would have on the Judiciary is not feasible.

OFFICE OF LEGISLATIVE SERVICES

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Section: Judiciary

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