

**LEGISLATIVE FISCAL ESTIMATE**  
**SENATE COMMITTEE SUBSTITUTE FOR**  
**SENATE, No. 2690**  
**STATE OF NEW JERSEY**  
**215th LEGISLATURE**

DATED: DECEMBER 18, 2013

**SUMMARY**

**Synopsis:** Establishes supervised community reintegration program for certain victims of domestic abuse.

**Type of Impact:** General fund savings and expenditure.

**Agencies Affected:** Department of Corrections, Division of Parole

**Office of Legislative Services Estimate**

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

- The Office of Legislative Services (OLS) agrees that there is no data with which to determine the number of individuals who were convicted and incarcerated for committing crimes against their abusers. Unknown costs include the cost of reentry training and the cost of supervision of program participants. Parole Board costs would include the cost of placement in a residential facility or the cost of operating electronic monitoring.
- The OLS also notes that these costs would be offset by the savings realized by the Department of Corrections (DOC) upon the transfer of a participant from a State Correctional facility into the program. According to DOC data, the marginal cost is \$8.17 per day, or \$2,982 annually for inmate food, wages and clothing.
- Information obtained informally from the DOC indicates that the DOC does not manage Day Reporting Centers or the Electronic Bracelet Program. Further, DOC assumes that the offender/victim would be released on parole status based on the provisions of the bill. If DOC absorbed health care cost prior to the release of the offender/victim, DOC projects that any increase to costs would be negligible and absorbed by the existing medical structure.
- Information obtained informally from the State Parole Board (SPB) indicates that the SPB does not administer programs for inmates incarcerated by the DOC. Based on the provisions of this substitute, the SPB indicates that it would be required to contract or employ

professionals trained in domestic violence and community reintegration and develop a program to meet the criteria of the substitute. The cost would be determined based on the number of inmates projected to be eligible for the program by the DOC.

- The SPB states that the substitute permits the State Parole Board to place the inmate on Electronic Monitoring (EM), Global Positioning Satellite (GPS) and residential programs (STEPS). The per diem cost for EM is \$7.99; GPS - \$31.15; and STEPS - \$19.32. However, without learning the number of inmates eligible for the program, the State Parole Board cannot determine the cost.

## **BILL DESCRIPTION**

The Senate Committee Substitute for Senate Bill No. 2690 of 2013 establishes a program to facilitate the reintegration of certain domestic violence victims back into the community.

This program, known as the supervised community reintegration program, is designed to assist individuals who have been convicted and incarcerated for committing crimes against their abusers. To qualify for the program, an inmate must be found to present a low risk of re-offense and must have served one-third of the sentence imposed by the court or 10 years, whichever is less.

Under the provisions of the committee substitute, inmates selected for the program are to undergo reentry training, agree to a reentry plan outlining their responsibilities under the program, and follow a transition plan that might include assignment to a residential facility, as deemed appropriate by the State Parole Board, or home confinement with global positioning system monitoring and work release as appropriate. Under the committee substitute, eligible inmates are prohibited from being assigned to residential community release programs, also known as halfway houses.

When reviewing an inmate's application to participate in the program, the State Parole Board is to give notice to the sentencing court, along with the prosecuting authority (either the county prosecutor or the Attorney General) and any victim or member of the victim's family, advising the parties that they may submit comments to the board.

The committee substitute requires that the reintegration plan for each participant must include the name of the inmate's community sponsor, verification of the availability of appropriate placement in a residential facility or home confinement with global positioning system monitoring, when necessary, and any other conditions the board deems appropriate.

Under the provisions of the committee substitute, participants who fail to fulfill their responsibilities under their reintegration plan or who violate the provisions of the program are to be removed from the program.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

#### **Department of Corrections**

Information obtained informally from the Department of Corrections (DOC) indicates that the DOC does not manage Day Reporting Centers or the Electronic Bracelet Program. Further, DOC assumes that the victim-offender would be released on parole status based on the provisions of the committee substitute. If DOC absorbed health care cost prior to the release of

the victim-offender, DOC projects that any increase to costs would be negligible and absorbed by the existing medical structure.

The DOC states that there are currently 4,097 male and 246 female inmates currently incarcerated for a violent crime as described in the committee substitute. An independent review of the available fifty-one Pre-Sentence Investigations (PSI) reports at Edna Mahan Correctional Facility for Women identified two female offenders as potentially matching the enumerated criteria. The DOC projects that it would be a rare occasion that incarcerated male offenders would meet the criteria under the provisions of the bill.

The DOC notes that based on the provisions of the committee substitute, the department projects that an "ex-offender" would not fit the criteria for residential assistance in a domestic violence shelter. The department projects that health care cost would be minimal if psychological examination were required to be performed by DOC prior to the release of an inmate. Identification of someone to provide medical care in the community is already done as part of release planning.

The DOC states that in FY 2012, the average annual per capita cost to house an inmate was \$42,531. However, DOC does not project that a sufficient number of offenders could be released to realize the full savings that might result by closing a fully staffed housing unit. Therefore, DOC projects that the savings would only be the marginal cost for food, wages and clothing. The inmate cost per day for food, wages and clothing was \$8.17 in FY 2012. The department is unable to project the total savings to the department based on existing available information, however, it is assumed that it would be minimal.

### **State Parole Board**

Information obtained informally from the State Parole Board (SPB) indicates that the SPB does not administer programs for inmates incarcerated by the DOC. Based on the provisions of this substitute, the SPB indicates that it would be required to contract or employ professionals trained in domestic violence and community reintegration and develop a program to meet the criteria of the substitute. The cost would be determined based on the number of inmates projected to be eligible for the program by the DOC. Furthermore, the DOC would need to provide or lease the SPB classroom space in DOC correctional facilities for the program to be conducted. The SPB does not currently occupy or lease classroom space from the DOC; therefore the cost is unknown.

The SPB notes that the eligibility criteria for the substitute would likely cause some inmates to be eligible for this program prior to being eligible for parole consideration. This would require the SPB to conduct victim input hearings at the time of the program consideration and then, again, when the inmate is eligible for parole consideration. The substitute would also require the full SPB to provide the inmate with a program consideration hearing which would necessitate the DOC to transport the inmate to a prison suitable to accommodate all 15 members and staff of the State Parole Board.

The SPB states that the substitute permits the State Parole Board to place the inmate on Electronic Monitoring (EM), Global Positioning Satellite (GPS) and residential programs (STEPS). The SPB indicates that it does not have the authority to place inmates on EM, GPS or STEPS. The DOC has sole jurisdiction over all inmates until such time they are released from incarceration. The State Parole Board can utilize these programs once the inmate is released to parole supervision. The per diem cost for EM is \$7.99; GPS - \$31.15; and STEPS - \$19.32. However, without learning the number of inmates eligible for the program, the State Parole Board cannot determine the cost.

***OFFICE OF LEGISLATIVE SERVICES***

The OLS agrees that there is no data with which to determine the number of individuals who were convicted and incarcerated for committing crimes against their abusers. Unknown costs include the cost of reentry training and the cost of supervision of program participants. Parole Board costs would include the cost of placement in a residential facility or the cost of operating electronic monitoring.

The OLS also notes that these costs would be offset by the savings realized by the Department of Corrections upon the transfer of a participant from a State Correctional facility into the program. According to DOC data, the average annual fixed per capita cost to house an inmate in a State prison facility totals \$42,531. This fixed cost includes marginal costs of \$8.17 per day, or \$2,982 annually for inmate food, wages and clothing.

*Section:           Judiciary*

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This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).