

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 2808
STATE OF NEW JERSEY
218th LEGISLATURE

DATED: JUNE 26, 2019

SUMMARY

Synopsis: Establishes crime of soliciting transfer of firearm by disqualified person.

Type of Impact: Annual State expenditure and revenue increases; General Fund.

Agencies Affected: Department of Corrections; Department of Law and Public Safety; the Judiciary; Municipalities.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State and Local Expenditure Increase		Indeterminate	
State Revenue Increase		Indeterminate	

- The Office of Legislative Services (OLS) finds that the bill will result in indeterminate annual State and local expenditure increases by creating a new offense and making it a crime of the third degree for a disqualified person to knowingly solicit transfer and receive a firearm. The new offense may result in increased expenditures that may arise from the investigation and prosecution of criminal behavior, and State correctional system expenditures, by indeterminate amounts. The OLS lacks pertinent data on the frequency of criminal behavior to evaluate the fiscal impact, and thus has no basis for quantifying the bill’s fiscal impact.
- The OLS estimates that the bill will also increase annual State revenue collections by an indeterminate amount from the imposition of increased criminal fines by the courts as well as the mandatory civil fines found under this bill. A crime of the third degree is punishable by a term of imprisonment of 3 to 5 years, a fine of up to \$15,000, or both. The OLS notes that these fines often go unpaid because of the financial constraints of those convicted.

BILL DESCRIPTION

This bill prohibits a person who is disqualified from owning a firearm from knowingly soliciting, persuading, encouraging, or enticing a licensed dealer or other person to sell, give, transfer, or assign a firearm to the disqualified person under circumstances that would violate

State or federal law. Under the bill, the disqualified person would be guilty of a crime of the third degree, which is punishable by a three-to-five year term of incarceration, a fine of up to \$15,000, or both. The penalty established by the bill would not merge with any other penalty under current law.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

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Expenditure Increases: The OLS estimates that the bill's provisions will produce indeterminate annual expenditure increases to the Department of Corrections (DOC) to potentially incarcerate repeat violators of the new offense and possibly to the Department of Law and Public Safety (DLPS) and the Judiciary from the additional workload created when persons are charged with crimes of the third degree.

The OLS cannot project the number of future prosecutions, trials, and incarcerations related to the crime established by the bill. According to information obtained from the DOC, the average annual per capita cost to house an inmate in a State prison facility during FY 2019 totals \$50,191. However, the OLS notes that because the DOC is currently experiencing a reduction in the State sentenced prison population, the department should be able to house these additional inmates within its current institutional facilities, incurring a much lower marginal cost of \$8.60 per day or \$3,139 annually per inmate, for food, wages, and clothing.

Revenue Increases: Additional indeterminate annual State revenue may accrue from fines and penalty payments from convicted violators of the new statutory provisions. The OLS cannot determine the number of convictions under the bill's newly created crime and, by extension, the total of any subsequent fine or penalty assessment collections. The OLS additionally notes that due to financial constraints, many fines and penalties go unpaid by those persons convicted of crimes.

Section: Law and Public Safety

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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.).