

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 1254
STATE OF NEW JERSEY
219th LEGISLATURE

DATED: JULY 29, 2020

SUMMARY

Synopsis: Establishes geriatric parole for certain eligible inmates.

Type of Impact: Annual State expenditure impact

Agencies Affected: Department of Corrections; State Parole Board

Office of Legislative Services Estimate

Fiscal Impact	
Annual State Expenditure Impact	Indeterminate

- The Office of Legislative Services (OLS) estimates that the bill would result in: 1) an indeterminate annual decrease in expenditures for the Department of Corrections (DOC) from no longer housing and providing healthcare to certain geriatric inmates and 2) an indeterminate annual increase in expenditures for the State Parole Board (SPB) from hearing more cases and supervising additional parolees. The OLS lacks sufficient information to quantify the net fiscal impact on State expenditures of these two countervailing effects as it is not known how many inmates would be granted parole under the program and what it costs the State to provide healthcare to this population while in DOC facilities.

BILL DESCRIPTION

This bill establishes geriatric parole for inmates 65 years of age or older who have served a minimum of one-third of their sentence. The appropriate board panel reviewing a request for geriatric parole is to consider the inmate’s risk to public safety. Inmates who are serving a sentence for a sex offense as defined in Megan’s Law or for committing or attempting to commit the following offenses are not eligible for geriatric parole: murder, manslaughter, kidnapping, robbery, second degree arson, or terrorism. Additionally, inmates are not eligible for geriatric parole if serving a sentence for theft by deception, racketeering, or misapplication of entrusted property by fiduciary in which the inmate caused the victim to suffer a loss of personal monetary savings as a result of fraud, misrepresentation, or violation of a fiduciary duty.

This bill requires the board panel to notify the appropriate sentencing court, county prosecutor or Attorney General, and any victim or member of the family of a victim who are entitled to notice regarding parole. The sentencing court, county prosecutor or Attorney General, and any victim or member of the family of a victim would be afforded the opportunity to submit comments to the board panel.

Under this bill, denial of a request for geriatric parole does not preclude an inmate's eligibility for parole under current law.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that the bill would result in: 1) an indeterminate annual decrease in expenditures for the DOC from no longer housing and providing healthcare to geriatric inmates and 2) an indeterminate annual increase in expenditures for the SPB from hearing more cases and supervising additional parolees. The OLS lacks sufficient information to quantify the net fiscal impact on State expenditures of these two countervailing effects as it is not known how many inmates would be granted parole under the program and what it costs the State to provide healthcare to this population while in DOC facilities.

The DOC data on offender characteristics on January 1, 2020, report a total of 480 offenders age 65 and older, the population to be affected by geriatric parole policy. However, how many of these inmates would be eligible for and granted geriatric parole is indeterminate.

The OLS estimates that the likely reduction in prison population by instituting geriatric parole would lower healthcare and housing costs by reducing the number of the most expensive inmates in terms of healthcare costs in DOC facilities and care. The geriatric population, as of January 2020, was 3 percent of the total offender population. In response to a FY 2020 budget question, the DOC budgeted \$166.8 million for healthcare expenditures for FY2020. Based on the budgeted healthcare expenditures, the approximate cost of healthcare for the geriatric population would be \$5 million in FY2020. However, this number does not take into account the fact that medical costs for the 65 and older population would likely be considerably higher. It is not possible to precisely quantify these costs due to a lack of data, but research suggests that healthcare costs of inmates 65 years and older would be two to three times that of the younger population.

In terms of housing costs, data obtained from the DOC indicate that the average annual cost to house an inmate in a State prison facility during FY 2019 totals \$50,191. However, this total savings would not be realized unless the population declines by a number large enough for the DOC to lower bed space capacity and reduce its fixed costs. Savings to be generated by a small number of inmates not returning to State prison and not reducing bed spaces would total \$8.60 per day or \$3,139 annually per inmate in marginal costs, for food, wages and clothing.

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.).