

LEGISLATIVE FISCAL ESTIMATE
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 241 and 491
STATE OF NEW JERSEY
219th LEGISLATURE

DATED: SEPTEMBER 1, 2020

SUMMARY

Synopsis: Concerns eligibility, procedures, and post-program relief for certain drug or alcohol dependent persons sentenced to special probation, or regular probation which as a condition of such requires substance use disorders treatment.

Type of Impact: Annual State expenditure increase.

Agencies Affected: The Judiciary.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Cost increase	Indeterminate

- The Office of Legislative Services (OLS) finds that this bill would result in an indeterminate annual State expenditure increase. However, the OLS is unable to estimate the magnitude of the fiscal impact as there is insufficient data to project the increase in the number of participants for this program under the provisions of this bill. There were 6,858 active cases in the Drug Court program for FY 2019. The provisions of this bill would expand eligibility for the special probation drug court program, potentially adding to the number of eligible participants.

BILL DESCRIPTION

This bill would expand eligibility for special probation drug court, alter or eliminate procedures to provide courts with more flexibility in sentencing drug or alcohol dependent persons and determining appropriate treatment options, and provide greater expungement relief for clearing criminal and other records, and other post-program relief, for persons successfully discharged from their probation sentence following treatment.

More specifically, among other things, the bill would do the following:

-provide that a sentence to special probation would be for a term of up to five years, as opposed to the current law’s requirement of a five-year term;

-eliminate ineligibility for special probation based on having two or more previous convictions, other than if one of those past convictions was for, or there was a pending charge for: murder, aggravated manslaughter, manslaughter, kidnapping, aggravated sexual assault, or sexual assault – one past conviction for aggravated assault would also be eliminated as a disqualifier for special probation;

-indicate that, when determining a special probation sentence involving either residential or nonresidential treatment, the court would consider recommendations from a diagnostic assessment, including the level of care that is clinically appropriate to address a person’s treatment needs;

-provide that a person would be eligible for special probation, notwithstanding that the person was convicted of the crime of operating a motor vehicle during a period of license suspension.

-remove the automatic revoking of special probation for escaping from the custody of a residential treatment facility.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that this bill would result in an indeterminate annual State expenditure increase. The OLS is unable to estimate the magnitude as there is insufficient data to project the increase in the number of participants for this program under the provisions of this bill. There were 6,858 active cases in the Drug Court program for FY 2019. The provisions of this bill would expand eligibility for the special probation drug court program, potentially adding to the number of eligible participants.

The Specialized drug courts target nonviolent criminal defendants and offenders who have alcohol and other drug dependency problems. In response to the OLS Discussion Points for FY 2019-2020, the Judiciary noted the funding for the program was sufficient at the time. However, the Judiciary added that an increase in halfway house beds throughout the State would benefit the drug court clients. With the expansion of eligibility, the number of participants is likely to rise. The OLS does not have sufficient information to project the cost or the increase in the number of participants.

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.).