

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 2503
STATE OF NEW JERSEY
219th LEGISLATURE

DATED: JANUARY 19, 2021

SUMMARY

Synopsis: Increases strangulation assault to crime of second degree.

Type of Impact: State expenditure and revenue increases.

Agencies Affected: Department of Corrections; Judiciary.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Cost Increase	Indeterminate
State Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) estimates that this bill would generate indeterminate additional costs for the Department of Corrections (DOC). Under the provisions of the bill, this crime would be upgraded to a second degree crime, making the sentence longer by up to five years. The OLS does not have sufficient information to quantify the impact.
- The State may also receive indeterminate revenue from additional fines and penalties imposed on individuals convicted of the upgraded crime; however, the State’s ability to collect criminal fines and penalties has historically been limited.

BILL DESCRIPTION

This bill upgrades strangulation assault to a second degree crime.

Under current law, strangulation is a third degree crime, punishable by up to five years imprisonment, a fine of up to \$15,000, or both. This bill elevates strangulation, committed in the domestic violence context against a victim of domestic violence, to a second degree crime, punishable by up to 10 years imprisonment, a fine of up to \$150,000, or both.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that this bill would generate indeterminate additional costs for the DOC. Under the provisions of the bill, this crime would be upgraded to a second degree crime, making the sentence longer by up to five years. The OLS does not have sufficient information to quantify the impact. The OLS notes that according to the DOC, the average annual cost to house an inmate in a State prison facility during FY 2019 totaled \$50,191. The marginal costs for food, wages and clothing per day were approximately \$8.60 per inmate.

According to the Judiciary's 2019 report to the Governor and the Legislature, in 2019, of the 34,721 complaints indicating domestic violence, 2,033 complaints (5.9 percent) alleged aggravated assault against a domestic violence victim involving strangulation. It is unclear as to how many individuals were convicted on the basis of these complaints. While strangulation cases are not limited to domestic violence situations, studies show a high incidence of strangulation in domestic violence cases. There is insufficient information on the exact number of individuals incarcerated for the crime of strangulation in New Jersey State prisons.

The State may also receive indeterminate revenue from additional fines and penalties imposed on individuals convicted of the upgraded crime. However, the State's ability to collect criminal fines and penalties has historically been limited.

Section: Judiciary
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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.).