

FISCAL NOTE TO
ASSEMBLY, No. 162
STATE OF NEW JERSEY

DATED: AUGUST 2, 1996

Assembly Bill No. 162 of 1996 classifies the distributing, dispensing or possessing of controlled dangerous substances or controlled substance analogs in or within 500 feet of a public housing facility a crime of the second degree. The bill also provides that it is no defense to a charge of trafficking near a public housing facility that the person was unaware that the prohibited conduct took place within 500 feet of a public housing facility. In addition, the bill provides that a prosecution for trafficking near a public housing facility does not preclude a prosecution for any other drug-related criminal offense.

The Department of Corrections states that there are no data available to determine the number of drug offenses which occur within the vicinity of public housing facilities. However, since most public housing facilities are located in economically disadvantaged urban areas, and since most crimes of the second degree carry a presumption of incarceration, it can be expected that this bill would result in an increase in commitments and lengths of stay in the State prison system.

The Administrative Office of the Courts (AOC) states that it does not possess the data to determine the number of drug offenses which occur within the vicinity of public housing facilities. However, based on the number of sentences handed down during the first six months of 1994, for the offenses set forth in this bill, it can be anticipated that about 4,016 individuals could be subjected to the additional sanctions if these offenses occurred within the prohibited area.

The Office of Legislative Services concurs and adds that the cost of incarcerating an offender in one of the State's institutions totals about \$26,000 annually. If it become necessary to construct additional bed space to house these offenders, the State would incur one-time capital construction costs of \$80,000 per bed.

This fiscal note has been prepared pursuant to P.L.1980, c.67.