

FISCAL NOTE TO  
**ASSEMBLY, No. 241**

**STATE OF NEW JERSEY**

DATED: JULY 5, 1996

Assembly Bill No. 241 of 1996 would make adult inmates in State correctional institutions responsible for their own support and maintenance and authorizes the State to place liens against the property and income of these inmates for the total cost of their care and maintenance. The cost of each prisoner would be fixed annually by the Commissioner of the Department of Corrections.

The Department of Corrections states that during calendar year 1993, there were 10,560 releases of adult inmates from State custody. These inmates served average custodial terms of approximately two years. At an average per capita cost of \$26,000 per year, under the bill these inmates would be liable for an obligation of \$52,000 each and the total amount owed to the State would be \$549 million.

The department further states that it is probable that the State would be able to recoup only a very small fraction of the costs of support and maintenance. Most inmates have few or no assets, and their financial situation generally does not improve significantly upon release. According to the Office of the Public Defender, approximately 85 percent of all defendants indicted for criminal offenses are represented by counsel from that office. A criterion for such representation is that the defendant must be considered indigent.

Finally, the department states that it would be necessary to enforce any liens placed against the inmate's property and financial assets. An undetermined amount for additional staff would be required to enable the department or the courts to follow-up on this activity.

The Office of Legislative Services concurs with the fact that most inmates are indigent and, therefore, unable to pay for the cost of their maintenance. However, since 15 percent, or 1,584 of those indicted did not require the services of a public defender, they presumably had access to financial resources and assets. Assuming that one-half, or 792 of those indicted were eventually convicted and incarcerated, and that these defendants had not exhausted all of their assets in their legal defense prior to incarceration, the State may be able to recoup a portion of the \$41 million that it costs to incarcerate them.

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