

FISCAL NOTE TO  
**ASSEMBLY, No. 395**  
**STATE OF NEW JERSEY**

DATED: SEPTEMBER 13, 1996

Assembly Bill No. 395 of 1996 would provide that an assault which results in injuries that are less severe than "serious bodily injuries" will constitute a crime of the fourth degree. The new category would include assaults causing the victim to suffer severe bodily injury, disfigurement, a fractured bone, disease, incapacitating mental anguish or chronic pain. An individual convicted of fourth degree crime would receive a fine of up to \$7,500, a term of imprisonment of up to eighteen months, or both. Currently, a person is guilty of the second degree crime of aggravated assault only if he inflicts "serious bodily injury" upon another. A second degree conviction carries a fine of up to \$100,000, a term of imprisonment of five to ten years, or both.

The Administrative Office of the Courts (AOC) states that based on the number of sentences handed down during 1995, for the offense set forth in this bill, it can be anticipated that about 278 individuals could be subjected to the additional sanctions provided for in this bill.

The Department of Corrections states that currently, offenders targeted by this bill could receive terms of incarceration of up to six months. Offenders so sentenced would serve their terms in County Jails, not impacting upon the Department of Corrections. Upgrading the offense to a fourth degree crime subjects offenders to terms of incarceration of up to 18 months. However, there is a presumption against incarceration for first time offenders and most that receive custodial terms get a presumptive nine month sentence, which would be served as County Jail time. Only those offenders receiving terms between one year and 18 months would impact upon the Department of Corrections.

The Office of Legislative Services (OLS) concurs and adds that the cost of incarcerating an offender in one of the State's institutions totals about \$26,000 annually. If it becomes 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.