

FISCAL NOTE TO
[First Reprint]
ASSEMBLY, No. 697

STATE OF NEW JERSEY

DATED: May 24, 1996

Assembly Bill No. 697 (1R) of 1996 upgrades the penalties for the offense of resisting arrest. Currently, resisting arrest is considered a disorderly persons offense. The bill would upgrade the offense to a crime of the fourth degree if the actor, by flight, purposely prevents or attempts to prevent an arrest. The bill also provides that if the offender uses or threatens to use physical force or violence against the law enforcement officer or another, or uses any other means to create a substantial risk of causing physical injury to the officer or another, the offense would be upgraded from the fourth degree to the third degree.

In a fiscal note prepared during the previous Legislative Session, the Department of Corrections stated that according to statistics obtained from the Department of Law and Public Safety, there were 1,283 convictions for resisting arrest during calendar year 1993, 559 of which were for that offense only. (i.e. not in conjunction with concurrent convictions for other offenses).

The department noted that of the 559 convictions cited above, a total of 203 were given custodial terms. Of these, only 15 received State sentences. Based on this information, it is anticipated that the portion of the bill which would upgrade a disorderly person resisting arrest by flight offense to a fourth degree crime would probably not result in any additional commitments.

The department stated that the bill's primary impact would come as a result of upgrading the current fourth degree offense to third degree. Anticipating that 25 percent, or 50 of the 200 custodial terms imposed would result in State commitments due to the bill's third degree upgrade, the department would experience an increase of 50 admissions during each year. Assuming that an average length of stay would be one year, at an average cost of \$25,000 per year per inmate, the department would require an additional \$1,250,000 in operating expenses to house these inmates.

The Office of Legislative Services concurs and adds that any individual convicted of a third degree offense would be sentenced to three to five years in prison. An individual convicted of a fourth degree offense would receive a sentence of up to 18 months. In each case, the inmate usually serves about one-third of the sentence imposed.

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