

FISCAL NOTE TO  
**ASSEMBLY, No. 761**  
**STATE OF NEW JERSEY**

DATED: DECEMBER 30, 1996

Assembly Bill No. 761 of 1996 would increase the penalty for the crime of aggravated sexual assault from a term of imprisonment of 10 to 20 years, to a maximum term of imprisonment of 40 years with a presumptive term of 25 years which would include a minimum term of either one-half or one-third of the sentence imposed, during which time the defendant shall not be eligible for parole.

This bill would also increase the penalty for sexual assault from a term of imprisonment between five to 10 years to a maximum term of imprisonment of 30 years with a presumptive term of 20 years and with a mandatory minimum term of imprisonment of either one-half or one-third of the sentence imposed. In addition, the bill would require the court to weigh the aggravating and mitigating circumstances set forth in N.J.S.2C:44-131 to determine the sentence for either an aggravated sexual assault conviction or a sexual assault conviction. The bill would also increase the term of imprisonment for a person who has been convicted of a second or subsequent offense of aggravated sexual assault and sexual assault. The term of imprisonment for a second or subsequent offense of aggravated sexual would include a term of 25 years to life, with a mandatory minimum term of 25 years, during which time the person shall not be eligible for parole. The term of imprisonment for a second or subsequent conviction of sexual assault would include a term of 20 years to life, with a mandatory minimum term of 20 years.

The Department of Corrections states that the bill would result in significant increases in the length of stay for affected inmates and would substantially increase the State's prison inmate population. The department notes that assuming that all inmates would receive the bill's presumptive term of 25 years for aggravated sexual assault and 20 years for sexual assault, and that the estimated length of stay is based on the average mandatory minimums of one-third to one-half of the full sentence, the bill would require about 2,167 additional beds. This cost would begin to accrue during year two after enactment with costs increasing gradually through year eleven as the inmate population increases. Thus, the first-year cost of the bill would be nothing. At an annual cost of \$26,000 per year to house State sentenced prisoners, the second-year cost would be \$1.8 million, and increase every year thereafter to \$56.3 million per year after year eleven. Because the State's prison's currently have no additional capacity, the department notes that it would be necessary to build

additional bed spaces for the increased population. At a cost of \$80,000 per bed, the State would incur a one-time cost of \$173.4 million over the eleven year period after the bill's enactment to construct these beds.

The Office of Legislative Services concurs.

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