

FISCAL NOTE TO
ASSEMBLY, No. 860

STATE OF NEW JERSEY

DATED: August 6, 1996

Assembly Bill No. 860 of 1996 eliminates the authority of the prosecutor to enter into plea agreements for lesser sentences in cases dealing with the distribution, dispensing or possession of controlled dangerous substances or controlled substance analogs within 1,000 feet of school property.

The Administrative Office of the Courts (AOC) states that based on the number of sentences handed down for this offense in 1994, about 2,548 offenders per year could be affected by the provisions of this bill. However, no information was provided concerning the number of offenders receiving minimum mandatory terms.

In a fiscal note prepared for the prior Legislative session, the Department of Corrections stated that in 1992, 2,020 sentences were handed down for the above mentioned offense. Of those sentences, 347 received no custodial time, or custodial terms in county facilities, 1,090 received custodial terms without a mandatory minimum term, and 620 received custodial terms with a mandatory minimum term. If the court were required to hand down a mandatory minimum term of three years of imprisonment to all offenders, the department estimates that it would be required to increase its bedspace by 347 beds during the first year, 1,747 beds during the second year, and 2,057 beds during the third year of this bill's enactment. At a one-time capital cost of \$80,000 per bed, and an ongoing operational cost of \$25,000 per inmate per year, the first year cost of this program would total \$36 million. Second- and third-year costs would increase to \$183 million and \$216 million, respectively. During the fourth and succeeding years after the bill's enactment, the costs would be reduced to \$51 million per year, plus inflation, due to the fact that construction costs would no longer be incurred.

The Office of Legislative Services concurs and adds that the bill's sponsor believes that upon enactment, the deterrent effect of this bill would result in reduced number of individuals being convicted of and imprisoned for the aforementioned crimes.

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