

LEGISLATIVE FISCAL ESTIMATE TO

[Second Reprint]
ASSEMBLY, No. 879

STATE OF NEW JERSEY

DATED: April 1, 1996

Assembly Bill No. 879 (2R) of 1996 would authorize the Commissioner of the Department of Corrections to promulgate regulations for the forfeiture of progressive time ("good time") credits when a frivolous lawsuit by a State-sentenced inmate was filed to harass or retaliate against another individual; to disrupt or interfere with the operation of a correctional institution or for some other malicious purpose.

In addition, the bill would establish a procedure requiring an inmate to pay at least a partial fee for filing a civil action. This fee would be set at 20 percent of the greater of the average monthly balance in the inmate's account or the average monthly deposits to the inmate's account for the six months immediately preceding the filing of the action.

The bill also provides that if an inmate is awarded a money judgment as a result of a civil action, that the monies derived from that judgment would be deposited in the inmate's institutional account, and used to meet any court imposed fines, restitution or penalties which are due. The funds would also be available to satisfy any medical costs for which the State or a county is entitled to for reimbursement.

In a fiscal note prepared during the 1994-1995 Legislative Session, the Department of Corrections stated that it could not estimate the number of lawsuits which were filed which may be ruled frivolous, unreasonable or groundless. The department noted that the bill's goal of discouraging the filing of frivolous civil actions by inmates may be met if the inmates view the loss of good time credits as a deterrent, thus saving money and court time. However, if civil cases continued to be filed which were afterward ruled frivolous, unreasonable, or groundless, the loss of time credits would result in additional "lengths of stay" and consequently increase the operating costs of the correctional facilities.

The Administrative Office of the Courts stated during the 1994-1995 Legislative Session that the change in filing fees for inmates would provide an additional, but indeterminate amount of revenue to the State Judiciary.

The Office of Legislative Services concurs and adds that any judgment awarded to an inmate would help to satisfy a portion of the fees, fines, restitution or medical bills owed by that inmate.

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