

FISCAL NOTE TO  
[First Reprint]  
ASSEMBLY, No. 1836

# STATE OF NEW JERSEY

DATED: JUNE 13, 1996

Assembly Bill No. 1836 (1R) of 1996 is the "Law Enforcement Officers' Protection Act. The provisions of the bill: (1) Provide for life imprisonment without parole for murderers convicted of killing law enforcement officers but who escape the death penalty; (2) Establish and extend certain tort coverages and immunities to law enforcement officers, most notably in rendering good faith assistance to victims of an accident or in times of emergency, for duties performed outside their employment jurisdiction, and relating to the firing of their weapon in the performance of their official duties; (3) Entitle all local law enforcement officers, including county correctional officers, to reimbursements of legal fees in certain civil suits and disciplinary hearings; (4) Require HIV and AIDS testing whenever body fluids have been transmitted between a law enforcement officer and any other person (adult or juvenile) the officer may arrest for an offense; (5) Stipulate that any person designated to hear charges filed against a law enforcement officer shall not be an officer, agent, representative, elected or appointed official, or employee of the employing governmental unit; and (6) Extend the jurisdictional law enforcement duties and responsibilities of campus police officers.

The bill also establishes a Law Enforcement Officers Training and Equipment Fund and provides for its funding by imposing additional monetary penalties upon adults convicted of crimes and juveniles adjudicated delinquent.

The Administrative Office of the Courts (AOC) states that from August 1982 to November 1995, five murder victims were law enforcement officers. Three of the five people convicted of the first degree murder of a police officer did not receive a sentence of death. Based on this total, the AOC estimates that approximately two offenders per decade would be affected by the "life without parole" provision of the proposed bill.

The AOC also notes, that with regards to the revenue to be generated for the Law Enforcement Training and Equipment Fund, based on 27,213 convictions for Title 2C offenses, the fund would realize approximately \$816,390 per year in collections.

The Office of Legislative Services (OLS) notes that many individuals convicted of crimes and incarcerated have a variety of other fees and fines imposed which take precedence over the proposed fee. Because many offenders are indigent, these fines often go unpaid. As a result, the OLS notes that the annual revenue stated by the AOC

is probably higher than what actual collections would be.

With regards to the provisions of the bill concerning tort coverages and legal fee reimbursements, the OLS notes that there are no data available to estimate the potential impact of these provisions. Likewise, it not possible to estimate the number of instances where bodily fluids have been transmitted between law enforcement officers and individuals being arrested, or the need for HIV testing. The OLS states that the average cost of HIV testing is nominal.

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