

FISCAL NOTE TO
ASSEMBLY, No. 2209
STATE OF NEW JERSEY

DATED: NOVEMBER 27, 1996

Assembly Bill No. 2209 of 1996 would impose a mandatory three-year term of imprisonment, without eligibility for parole, on any person convicted of motor vehicle theft. The bill also provides that a juvenile who commits a second or subsequent act which, if committed by an adult, would constitute motor vehicle theft would be required to be "waived" out of family court and tried as an adult. If convicted, the juvenile would also be subject to the mandatory three-year imprisonment term.

In addition, the bill provides that the period of driver's license suspension or postponement already in the law for motor vehicle theft would be tolled while the person is incarcerated, and the period would only begin once the offender is released.

The Administrative Office of the Courts states that it does not collect data on the nature of the object stolen. However, in 1995, there were 1,118 convictions under the statute "theft by unlawful taking or disposition", which includes auto theft. Based on this number, the AOC estimates that approximately 1,000 individuals could be affected by the mandatory minimum term specified in the bill.

The Department of Corrections states that the bill would increase both admissions to the State's prisons and length-of-stay for affected offenders. While data deficiencies preclude the development of precise estimates of the bill's impact, the department notes that the bill would generate the following results:

1) Adults who are convicted and currently receive non-custodial terms would be required to serve custodial terms with a three-year mandatory minimum, increasing the length-of-stay.

2) Adults who currently receive custodial terms and who are likely to serve approximately one year would be required to serve a three-year mandatory minimum increasing length-of-stay.

3) Juveniles with two or more convictions for auto theft who currently receive non-custodial terms or who are committed to juvenile terms would automatically be waived to adult court and serve three year mandatory minimum terms in an adult DOC facility increasing the length-of-stay.

The department further notes that the Uniform Crime Reports for 1994 reported a total of 52,132 motor vehicle thefts in New Jersey, of which 2,553 arrests were made. Of this number 1,383, or 54 percent were juveniles.

The Department of Corrections states that the following

assumptions have been made in order to develop a possible estimate of the department's future bed space needs as a result of this bill.

1) Of the approximate 2,500 arrests made for motor vehicle thefts each year, there are 1,250 adult and 1,250 juvenile arrests.

2) Of these arrests, 50 percent, or 625 adults and 625 juveniles are convicted.

3) Of the adult convictions, 312 would receive non-custodial terms and 313 would receive custodial terms.

4) Of the juvenile convictions, 438 would be first-time offenders and 187 juveniles (30 percent) would have previous auto theft convictions.

Based on these assumptions, the department estimates that 1,562 additional beds would be required for adult inmates, and 561 beds would be required for the juvenile inmates housed in adult facilities, for a total of 2,123 beds. At an annual operating cost of \$26,000 per inmate, the department estimates that it would cost \$13 million during the first year after the bill's enactment, \$34 million during the second year, and \$55 million during the third and succeeding years after the bill's enactment. In addition, at a cost of \$80,000 per bed to construct prison bed space, it would incur a one-time cost of \$170 million over three years to provide beds for these additional admissions.

The Office of Legislative Services concurs.

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