

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 3149

STATE OF NEW JERSEY  
219th LEGISLATURE

DATED: JUNE 21, 2021

SUMMARY

<b>Synopsis:</b>	Increases penalty for hazing; clarifies that prohibited conduct includes causing, coercing, or forcing consumption of alcohol or drugs.
<b>Type of Impact:</b>	Annual expenditure and revenue increases to the State General Fund; annual expenditure and revenue impacts to municipal governments.
<b>Agencies Affected:</b>	Department of Law and Public Safety; the Judiciary; Office of the Public Defender; Department of Corrections; State Parole Board; Municipalities.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Expenditure Increase	Indeterminate
State Revenue Increase	Indeterminate
Local Expenditure Decrease	Indeterminate
Local Revenue Decrease	Indeterminate

- The Office of Legislative Services (OLS) anticipates that this bill will increase annual State operating expenditures by an indeterminate amount by upgrading hazing to a crime of the fourth degree and by upgrading aggravated hazing to a crime of the third degree. However, the OLS is unable to estimate how the upgraded offenses will impact the number of new cases adjudicated in State court or the impact the bill will have on pleas or the trial rate.
- Currently, hazing is considered a disorderly persons offense and cases are adjudicated in municipal courts. Since the crime of hazing will be upgraded from a disorderly persons offense to a crime of the fourth degree, the OLS also determines that the annual caseloads and operating expenditures of municipal courts and prosecutors’ offices will decrease by indeterminate amounts.
- The OLS notes that information previously shared by the Administrative Office of the Courts indicates that in 2017 and 2018, there were no convictions for hazing or aggravated hazing in the State.

## **BILL DESCRIPTION**

This bill upgrades the crime of hazing and clarifies that prohibited conduct includes causing, coercing, or forcing the consumption of alcohol or drugs. Currently, a person commits the disorderly persons offense of hazing if, in connection with initiation of applicants to or members of a student or fraternal organization, the person knowingly or recklessly organizes, promotes, facilitates, or engages in any conduct, other than competitive athletic events, which places or may place another person in danger of bodily injury. A disorderly persons offense is punishable by a term of imprisonment of up to six months, a fine of up to \$1,000, or both. A person is guilty of aggravated hazing, a crime of the fourth degree, if serious bodily injury results. A crime of the fourth degree is punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both.

This bill upgrades hazing to a crime of the fourth degree and aggravated hazing to a crime of the third degree, punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both. The bill further clarifies that prohibited conduct includes, but is not limited to, causing, coercing, or forcing the consumption of alcohol or drugs.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS determines that this bill will result in indeterminate annual expenditure and revenue increases to the State and annual indeterminate expenditure and revenue decreases for local governments.

State Government Expenditures: The bill would increase annual State operating expenditures by an indeterminate amount by upgrading hazing to a crime of the fourth degree and by upgrading aggravated hazing to a crime of the third degree. Currently, hazing is considered a disorderly persons offense and cases are adjudicated in municipal courts. The following State agencies would incur caseload and expenditure increases: a) the Department of Law and Public Safety would have to prosecute additional cases; b) the Judiciary would have to adjudicate additional complaints; c) the Office of the Public Defender would have to represent additional low-income criminal defendants; d) the Department of Corrections (DOC) would potentially have to house and care for more individuals who are sentenced to new or longer prison terms; and e) the State Parole Board would potentially have to supervise the return to society of additional convicts.

The OLS has no information on the additional caseload and expenditures that the bill may impose on affected State departments and agencies as the number of hazing crimes that will be committed is unknown. Regarding incarceration, the OLS notes that there is a presumption of non-incarceration for first-time offenders of crimes of the third and fourth degrees. If the bill results in certain individuals being incarcerated in State facilities, the DOC would incur additional costs. Data obtained from the DOC indicate that the average annual cost to house an inmate in a State prison facility during FY 2019 totaled \$50,191. However, the OLS notes that because the DOC is currently experiencing a reduction in the State-sentenced prison population, the

department should be able to house any additional inmates attributable to the bill within its current institutional facilities at a much lower marginal cost of \$8.60 per day, or \$3,139 annually, per inmate for food, wages and clothing.

Local Government Expenditures: The OLS anticipates the bill will reduce the annual caseloads and operating expenditures of municipal courts and prosecutors' offices because the act of hazing is currently a disorderly persons offense adjudicated in municipal court. Under the provisions of the bill, this crime would be upgraded to a crime of the fourth degree, and therefore transferred to a State court.

State and Local Government Revenues: Any additional State cost attributable to the bill may be offset, in part, by additional and larger fines and penalties imposed by the courts on defendants convicted of having committed the upgraded crimes; however, the State's ability to collect criminal fines and penalties has historically been limited. The State will experience a revenue increase as a result of the upgrade to a crime of the fourth degree of a hazing offense and the upgrade of an aggravated hazing offense to a crime of the third degree from a crime of the fourth degree. On the other hand, local governments will experience a revenue decline since hazing offenses will no longer be prosecuted at the municipal level and related fines and penalties no longer collected by the municipality. The OLS notes that a crime of the fourth degree is punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both; meanwhile, a crime of the third degree is punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both.

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This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).