

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 3796
STATE OF NEW JERSEY
219th LEGISLATURE

DATED: MAY 21, 2021

SUMMARY

- Synopsis:** Makes it aggravated sexual assault or sexual contact for transportation network company or taxicab driver to commit act of sexual penetration or sexual contact using coercion or without permission on passenger.
- Type of Impact:** Annual State expenditure and revenue increases.
- Agencies Affected:** The Judiciary; Department of Law and Public Safety; Department of Corrections; Office of the Public Defender; State Parole Board.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Cost Increase	Indeterminate
State Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) estimates that this bill would result in an indeterminate annual State expenditure increase. 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 offenders and monitor additional probationers; c) the Office of the Public Defender would have to represent additional low-income criminal defendants; d) the Department of Corrections (DOC) would have to house and care for more individuals sentenced to prison terms; and e) the State Parole Board would have to supervise the return to society of additional convicts.
- The State may also receive indeterminate revenue from additional fines and penalties imposed on individuals convicted for the crimes of aggravated sexual assault or sexual contact by a transportation network company or taxicab driver; however, the State’s ability to collect criminal fines and penalties has historically been limited.
- The OLS lacks sufficient information to quantify the fiscal impact as it is not possible to know how many transport network company or taxicab drivers would be prosecuted, tried, and sentenced for crimes established by the bill.

BILL DESCRIPTION

This bill provides that if a transportation network company driver or a taxicab driver commits an act of sexual penetration or sexual contact using coercion or without the victim's affirmative and freely-given permission and the victim is a passenger, the driver is guilty of the crime of aggravated sexual assault. If the driver commits an act of sexual contact under these circumstances, the driver is guilty of aggravated sexual contact. Aggravated sexual assault is a crime of the first degree, which is punishable by 10-20 years imprisonment, up to a \$200,000 fine, or both. Aggravated criminal sexual contact is a crime of the third degree, which is punishable by three to five years imprisonment, up to a \$15,000 fine, or both.

A "transportation network company driver" is defined in the bill as having the same meaning as provided in section 2 of P.L.2017, c.26 (C.39:5H-2): a person who receives connections to potential riders and related services from a transportation network company in exchange for payment of a fee to the transportation network company, and uses a personal vehicle to offer or provide a prearranged ride to a rider upon connection through a digital network controlled by a transportation network company in return for compensation or payment of a fee.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

This bill establishes the crime of aggravated sexual assault or sexual contact for transportation network company or taxicab driver when committing an act of sexual penetration or sexual contact using coercion or without permission on passenger. Aggravated sexual assault is a crime of the first degree, which is punishable by 10-20 years imprisonment, up to a \$200,000 fine, or both. Aggravated criminal sexual contact is a crime of the third degree, which is punishable by three to five years imprisonment, up to a \$15,000 fine, or both. A crime of the third degree carries a presumption of non-incarceration for first time offenders. The DOC would have to house and care for more individuals sentenced to prison terms. While it is unknown how many drivers would be convicted under the provisions of the bill, according to data provided by the DOC, the average annual cost of housing an inmate in a State prison for FY 2019 totaled \$50,191, whereas the marginal costs per day were approximately \$8.60.

The following State agencies would also 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 offenders and monitor additional probationers; c) the Office of the Public Defender would have to represent additional low-income criminal defendants; and d) the State Parole Board would have to supervise the return to society of additional convicts.

The State may also receive indeterminate revenue from additional fines and penalties imposed on individuals convicted by expanding the jurisdiction for certain crimes; however, the State's ability to collect criminal fines and penalties has historically been limited.

Section: *Judiciary*

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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.).