

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 4235

STATE OF NEW JERSEY
219th LEGISLATURE

DATED: JULY 31, 2020

SUMMARY

- Synopsis:

Requires public health emergency credits to be awarded to certain inmates during public health emergency; requires notice to victim and entry of “no contact” order upon release of inmate awarded credits.
- Type of Impact:

Periodic State expenditure decrease.
- Agencies Affected:

Department of Corrections, Juvenile Justice Commission.

Office of Legislative Services Estimate

Fiscal Impact	
Periodic State Cost Decrease	Indeterminate

- The Office of Legislative Services (OLS) concludes that accelerating the release date of certain inmates and juvenile offenders by up to eight months by awarding them public health emergency credits could lower the operating expenditures of the Department of Corrections (DOC) and the Juvenile Justice Commission (JJC) during times when a public health emergency is declared. However, the OLS is unable to quantify the savings from housing an offender for a reduced period of time due to lack of sufficient data.
- The OLS lacks sufficient information to quantify the overall fiscal impact as it is unclear as to how many offenders would be impacted by the provisions of this bill. Furthermore, the frequency of such widespread infectious diseases resulting in a public health emergency cannot be accurately forecast.

BILL DESCRIPTION

This bill requires public health emergency credits to be awarded to certain inmates during a public health emergency declared by the Governor. The credits would provide remission of time from the inmates’ sentences. The bill also requires notice to any identifiable victim that an inmate

who was awarded credits will be released, and requires the entry of a “no contact” order prohibiting the inmate from having contact with an identifiable victim under certain circumstances.

Under the bill, public health emergency credits are to be awarded to any inmate in the custody of the DOC who is serving a sentence or receiving jail credits applicable to the sentence. The credits would provide further remission from both the maximum and minimum term of the inmate’s sentence at the rate of four months for each month, or portion of each month, served during the declared emergency with a maximum of eight months of remission to be awarded for any declared emergency period. The award of public health emergency credits is not to limit or affect an inmate’s eligibility for parole consideration.

Public health emergency credits are not to be awarded under the bill to an inmate who has been deemed a repetitive, compulsive sex offender. The bill also provides that juvenile offenders, other than those deemed to be repetitive, compulsive sex offenders, are eligible to receive public health emergency credits.

Under the amended, the Commissioner of Corrections or Executive Director of the Juvenile Justice Commission, as appropriate, is to notify the appropriate court and the prosecutor of the county in which the inmate was convicted or the Attorney General if the matter was prosecuted by the Attorney General and provide details such as name and release date of the inmate or juvenile to be released due to public health emergency credits.

The prosecutor or Attorney General is required, not less than five days prior to the inmate or juvenile’s scheduled release date to notify any identifiable victim of the crime of the scheduled release date; that a “no contact” order will be entered prohibiting the inmate or juvenile from having any contact with the victim; the date that the order, if entered, will expire; and the penalties imposed for a violation; and provide information to the victim concerning how to dissolve a “no contact” order, the procedures for filing an application for a domestic violence final restraining order, and resources for victims of domestic violence.

The court is to enter an order prohibiting the inmate from having any contact with an identifiable victim if the prosecutor notifies the court that an identifiable victim does not oppose the entry of an order or the prosecutor was unable to contact the victim. Any order entered under the bill is to expire on the date that the inmate was scheduled to be released prior to the award of public health emergency credits. An inmate or juvenile who purposely or knowingly violates a “no contact” order is guilty of a crime of the fourth degree. A crime of the fourth degree is punishable by imprisonment of up to 18 months, a fine of up to \$10,000, or both.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that accelerating the release date of certain inmates and juvenile offenders by up to eight months by awarding them public health emergency credits could lower the operating expenditures of the DOC and the JJC during times when a public health emergency is declared. However, the OLS is unable to quantify the likely reduction in housing costs due to lack of sufficient information and the unpredictability of the frequency of such widespread infectious diseases. 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, this total savings would not be

realized unless the population declines by a number large enough for the DOC to lower bed space capacity and reduce its fixed costs. Savings to be generated by a small number of inmates released early from State prison and not reducing bed spaces would total \$8.60 per day or \$2,064 for a maximum credit of eight months per inmate in marginal costs, for food, wages and clothing.

The State may receive revenue from additional fines and penalties imposed on individuals convicted of the new crime. An inmate or juvenile who purposely or knowingly violates a “no contact” order is guilty of a crime of the fourth degree. A crime of the fourth degree is punishable by imprisonment of up to 18 months, a fine of up to \$10,000, or both. However, it is not possible to forecast the number of offenders likely to violate the “no contact” order. The OLS also notes that many fines go unpaid because of the financial condition of the offenders.

Section: Judiciary

Analyst: Anuja Pande Joshi
Assistant Research Analyst

Approved: Frank W. Haines III
Legislative Budget and Finance Officer

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.).