

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

ASSEMBLY, No. 4235
STATE OF NEW JERSEY
219th LEGISLATURE

DATED: AUGUST 28, 2020

SUMMARY

- Synopsis:** Requires public health emergency credits to be awarded to certain inmates during public health emergency; requires 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 approximately eight months (244 days) 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

The bill requires public health emergency credits to be awarded to certain inmates during a public health emergency and requires the entry of a “no contact” order upon release of an inmate who is awarded credits.

The bill provides that public health emergency credits are to be awarded if a declared emergency results in the substantial modification of department-wide correctional facility

operations. The bill also provides that public health emergency credits awarded under the bill would reduce an inmate's mandatory minimum term; the provisions related to victim notification by the prosecutor or Attorney General are permissive, rather than mandatory; and a "no contact" order prohibiting an inmate or juvenile, as appropriate, from having any contact with an identifiable victim will be entered in each case in which there is an identifiable victim of the crime for which the inmate or juvenile is serving a sentence. The bill requires the court to include in the "no contact" order information concerning the procedures for filing a petition to dissolve the order; replace any references to months with the appropriate corresponding number of days; and clarify that public health emergency credits are not to be awarded to any inmate who has been deemed a repetitive and compulsive sex offender, regardless of whether the person is in treatment.

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 approximately 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 violating a "no contact" order. 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.

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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.).