

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 4681
STATE OF NEW JERSEY
219th LEGISLATURE

DATED: MAY 20, 2021

SUMMARY

Synopsis: Expands eligibility for certain inmates to participate in residential community release programs; modifies DOC reporting requirements concerning capacity of these programs.

Type of Impact: State expenditure decrease.

Agencies Affected: Department of Corrections.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost Decrease		Indeterminate	

- The Office of Legislative Services (OLS) notes that to the extent that this bill causes a reduction in time served by State sentenced prison inmates in a State operated prison, reductions in incarceration costs could result. However, the OLS does not have adequate information on the number of inmates who would qualify under the provisions of the bill and the associated costs for housing them at residential community release program (RCRPs) facilities, also known as halfway houses.

BILL DESCRIPTION

This bill expands eligibility for certain inmates to participate in a residential community release program and modifies Department of Corrections (DOC) reporting requirements concerning capacity of these programs.

In addition to other eligibility requirements established under current law, an inmate is eligible for participation in a RCRP if the inmate is in the custody of the DOC, is scheduled to be released from custody in less than one year and the commissioner or a designee determines that the inmate's participation in a RCRP is appropriate, or the inmate is scheduled to be released in greater than 12 months but less than 24 months and the DOC determines that the inmate's participation in a substance use disorder treatment program is appropriate.

Under the bill, an inmate who is otherwise eligible under current law is eligible to participate in a RCRP if the inmate is scheduled to be released in less than 30 months, and the DOC determines that the inmate's participation in a residential community program is appropriate; or the inmate is scheduled to be released in greater than 12 months but less than 30 months and the DOC determines that the inmate's participation in a substance use disorder treatment program is appropriate.

Under current law, the DOC is required to certify on a monthly basis to the Director of the Division of Budget and Accounting that all available RCRP beds in the State are filled to contract capacity with eligible State inmates who are within 30 to 36 months of release. The provisions of the bill require the commissioner also to provide this monthly certification to the Legislature, and require the certification for eligible inmates who are within 18 to 30 months of release.

The provisions of the bill also require the DOC to prioritize the eligibility of inmates for placement in a RCRP prior to release from a State correctional facility. In prioritizing an inmate's eligibility for placement, the DOC is required to evaluate whether an inmate is eligible to receive compliance credits or public health emergency credits that may accelerate the inmate's release from a State correctional facility. The DOC also is required to make every effort to fill RCRP vacancies as they become available and maximize the provision of services to help inmates with the transition and reentry into the community.

Under the bill, an inmate, other than an inmate convicted of certain sexual offenses or arson or a related offense, who is otherwise eligible for RCRP placement is not to be deemed ineligible for participation in a RCRP solely based on the inmate's custody status.

Finally, the bill provides that the administrator of a RCRP may refuse the placement of any inmate who demonstrates an undue risk to public safety.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS notes that to the extent that this bill causes a reduction in time served by State sentenced prison inmates in a State operated prison, reductions in incarceration costs could result.

This bill expands the eligibility requirements to participate in residential community release programs resulting in possibly more inmates qualifying for participation. This would result in a remission of time of sentence served by certain inmates and, therefore, reduced housing costs for the DOC. Per the provisions of the bill, certain inmates could be released from incarceration with less than 30 months remaining on their sentence instead of 12 months per current law.

The DOC previously indicated to the OLS that the average annual cost to house an inmate in a State prison facility totaled \$50,590 in FY 2019. However, this amount would not accrue as State cost savings for each individual released unless the prison population declined by a number large enough for the DOC to lower bed space capacity, thereby reducing fixed costs. The department informed the OLS that if a single inmate had been diverted from State prison in FY 2019 without decreasing the number of bed spaces, the department would not have incurred marginal costs for food, wages, and clothing of \$8.74 per day, or \$3,190 for the fiscal year. According to data made available by the DOC, as of December 2020, there were 569 inmates

residing in halfway houses. According to some estimates, the cost of housing an inmate in a halfway house is approximately \$25,000 a year. The OLS does not have sufficient information on the number of eligible inmates who would qualify under the bill or the associated costs with housing these inmates at RCRPs.

With regard to modified reporting requirement concerning capacity of these programs, the DOC under current law is required to provide monthly reports to the Director of the Division of Budget and Accounting. With additional reporting requirements to provide reports to the Legislature with certain modified parameters per the provision of this bill, the DOC might see a nominal increase in costs.

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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.).