

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 4771
STATE OF NEW JERSEY
219th LEGISLATURE

DATED: JUNE 29, 2021

SUMMARY

Synopsis: Expands offenses eligible for expungement upon successful discharge from drug court.

Type of Impact: Annual State and local expenditure increases.

Agencies Affected: The Judiciary; Department of Law and Public Safety, Department of Corrections; municipalities.

Office of Legislative Services Estimate

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

- The Office of Legislative Services (OLS) estimates that under this bill, the State would incur indeterminate annual cost increases to multiple departments and, in particular, the Judiciary to review and process a higher volume of expungement applications. The OLS notes that expanding the number of offenses that are eligible for expungement upon a defendant’s successful discharge from drug court is anticipated to encourage increased petitions for expungement. There is insufficient information to estimate the impact that this may have on the administrative costs of the agencies that have custody and control of the records that would have to be removed from public access.

BILL DESCRIPTION

This bill would expand the offenses that are eligible for expungement upon a defendant’s successful discharge from special probation (drug court).

Current law bars the expungement of records that include a conviction for endangering the welfare of a child by causing the child harm if the person was a drug or alcohol dependent at the time of the commission of the offense. However, this bill would permit the expungement of such crimes upon successful completion of drug court. Furthermore, an individual who, prior to the effective date of P.L.2015, c.261, was successfully discharged from drug court may seek an

expungement of all records and information relating to all arrests, detentions, convictions, and proceedings for any offense provided in Title 2C of the New Jersey Statutes that existed at the time of discharge.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

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According to data made available on the Administrative Office of the Courts (AOC) website, as of April 2021, there were 5,806 active participants in the drug court program. Since the drug court program went Statewide in April 2002, 6,770 participants successfully graduated from all phases of the drug court program. Furthermore, 1,987 graduates have successfully had their criminal records expunged after completing their term. However, the OLS does not have information on how many participants in the program could potentially have their records expunged upon successful completion of drug court as mandated by this bill.

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 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.).