

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 5385

# STATE OF NEW JERSEY

DATED: FEBRUARY 24, 2021

The Assembly Appropriations Committee reports favorably Assembly Bill No. 5385.

This bill would eliminate mandatory minimum terms of imprisonment determined by the Legislature to be of a non-violent nature. The bill incorporates all of the drug and non-violent crimes that the New Jersey Criminal Sentencing and Disposition Commission recommended in a November 2019 report to have mandatory minimum terms eliminated, as these types of sentences, noted in the introduction to that report, contributed to “exponentially” increasing the State’s prison population and “substantially curtailed judicial discretion” in the issue of determining the appropriate level of punishment to match offender accountability. Applying the same reasoning, this bill would include a broader array of non-violent crimes not addressed in the report, which would return decision making to the courts for matching an individual’s punishment to account for the nature and circumstances of the crime committed, and to strive for a reduction in the State’s prison populations of non-violent offenders who do not pose a danger to their surrounding communities on the basis of the crimes they committed.

As reported by the committee, Assembly Bill No. 5385 is identical to Senate Bill No. 3456, which also was reported by the committee on this date.

#### FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that the bill will result in an annual net decrease in State expenditures. The Department of Corrections (DOC) would have an indeterminate reduction in annual expenditures as certain non-violent offenders would be incarcerated for less time. However, it is unknown how many individuals will be convicted of the enumerated crimes after implementation of the bill and, therefore, not subject to the mandatory minimum terms of imprisonment under current law.

For each individual who remains on parole as opposed to incarceration, the State Parole Board (SPB) will see an increase in annual expenditures. In response to a 2020 fiscal note request, the SPB indicated that the total cost of a parolee is \$6,181 per year. The OLS notes that it is unknown how many individuals would remain on parole as opposed to incarceration as a result of this bill.