

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

## SENATE, No. 381

### STATE OF NEW JERSEY 219th LEGISLATURE

DATED: SEPTEMBER 1, 2020

#### SUMMARY

- Synopsis:** Establishes supervised community reintegration program in DOC for certain victims of domestic abuse.
- Type of Impact:** Annual Net State Expenditure Impact.
- Agencies Affected:** Department of Corrections; Department of Law and Public Safety

#### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>Annual</u></b>
<b>Net State Expenditure Impact</b>	Indeterminate

- The Office of Legislative Services (OLS) finds that this bill would result in an indeterminate annual State net expenditure impact, as it will result in both nominal cost increases and savings. Due to the small number of offenders who are likely eligible to be reintegrated into the community under the bill, the savings generated as a result of reduced housing costs would be minimal to the Department of Corrections (DOC). DOC data indicate that the marginal cost per day to provide inmates with food, wages, and clothing totals approximately \$8.60 per inmate. The average annual cost to house an inmate in a State prison facility totaled \$50,590 in FY 2019.
- Given a lack of information, the OLS is unable to project the estimated cost to the DOC for supervising offenders who are reintegrated into the community under the bill. Similarly, the costs attributable to the Attorney General and county prosecutors for any additional administrative responsibilities is not known. The costs would be determined based on the number of inmates likely to be eligible for the program.

## **BILL DESCRIPTION**

This bill establishes a supervised community reintegration program in the DOC for eligible domestic violence victims following incarceration for crimes they committed against their abusers.

To be eligible for the program, the victim-inmate is required to be serving a sentence of imprisonment and meet DOC requirements for residential community programs; submit documentation identifying the abuser; and be found to present a low risk of re-offense. Inmates approved for participation in the program are to agree to participate in the program, undergo rehabilitative services, and gradually transition to supervision in the community, which may include being assigned to a residential community release program or participating in a work release program.

The victim-inmate is to apply to the DOC to participate in the program. The DOC is to conduct a psychological evaluation of the inmate and an objective risk assessment. The DOC also is required to complete a summary of the inmate's conduct in relation to the offense, history and evidence of abuse, and institutional classification while incarcerated.

At least ten working days prior to commencing its review of an inmate-victim's application for program participation, the DOC is to give notice to the county prosecutor or to the Attorney General, as appropriate. The county prosecutor or the Attorney General is authorized to submit comments to the DOC. The DOC is required to provide written notice to the county prosecutor or Attorney General of its decision regarding approval of the victim-inmate's participation in the program.

The DOC may remove from the program any victim-inmate who violates a condition of participation in the program.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS finds that this bill would result in an indeterminate annual State net expenditure impact, as it will result in both nominal cost increases and savings. The OLS notes that due to the small number of offenders who are likely to be reintegrated into the community, the savings generated to the State as a result of reduced housing costs would be nominal. Information obtained informally on a similar bill in 2016 (Senate Bill No. 1049 of 2016), the DOC stated that per an independent review of the available 51 Pre-Sentence Investigations reports at Edna Mahan Correctional Facility for Women, two female offenders were identified as potentially matching the

enumerated criteria at that time. The DOC also noted that it would be a rare occasion that incarcerated male offenders would meet the criteria under the provisions of the bill.

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. But 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.

The OLS does not have adequate information to accurately estimate the increased cost to the DOC for supervising offenders who are reintegrated into the community. The OLS also lacks information regarding the cost to the Attorney General and county prosecutors for their additional administrative responsibilities under the bill.

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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.).