

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

SENATE, No. 381

STATE OF NEW JERSEY 219th LEGISLATURE

DATED: MAY 20, 2021

SUMMARY

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

Office of Legislative Services Estimate

| Annual Fiscal Impact | |
|-----------------------------------|---------------|
| State Expenditure Increase | Indeterminate |

- The Office of Legislative Services (OLS) finds that this bill would result in a marginal State net expenditure increase, as annual cost increases will outweigh nominal 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 \$8.74 per inmate. Furthermore, these savings are likely to be offset by housing inmates in community settings such as residential community release programs or halfway houses per the provisions of the bill.
- 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 are not known. The costs would be determined based on the number of inmates likely to be eligible for the program.

BILL DESCRIPTION

The bill provides that the DOC is to establish a supervised community reintegration program for eligible domestic violence victims following incarceration for crimes they committed against

their abusers. As defined in the bill “abuser” means the named perpetrator of the domestic violence in documentation an inmate is to provide in order to participate in the program.

The bill provides that the DOC is to consult with a Statewide domestic violence advocacy organization in the establishment and administration of the program.

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 that the inmate is a victim of domestic violence; 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 10 working days prior to final determination 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.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that this bill would result in a marginal State net expenditure increase, as annual cost increases will outweigh nominal 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. In 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. According to 2021 offender statistics available on the DOC website, as of January 1, there were 404 female prisoners in the Edna Mahan Correctional Facility for Women, out of which 307 were charged with violent offenses. There is no further data available on how many of these women were victims of domestic violence and were incarcerated for crimes against their abusers. According to data available on the Department of Law and Public Safety website, in 2019, a total of 59,645 domestic violence offenses were reported by the police. However, there is no further information on how many of the victims were later victim-inmates for crimes against their abusers.

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. Per the provisions of the bill, the DOC may reintegrate inmates into residential community release programs or halfway houses. As of March 2021, according to data made available by the DOC, there were 13 women each housed in the two female halfway houses contracted by the DOC. 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 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.

Section: Judiciary

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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.).