

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

SENATE, No. 3319

STATE OF NEW JERSEY
219th LEGISLATURE

DATED: JULY 1, 2021

SUMMARY

- Synopsis:** Eliminates certain juvenile justice fines, fees, costs, and other monetary penalties.
- Type of Impact:** Expenditure and revenue decreases to State, municipal, and county governments.
- Agencies Affected:** Department of Law and Public Safety; Office of the Public Defender; Superior Courts; Administrative Office of the Courts; Municipalities; State, County, and Municipal law enforcement agencies.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Net Expenditure Impact		Indeterminate	
Local Net Expenditure Impact		Indeterminate	
State Revenue Decrease		Indeterminate	
Local Revenue Decrease		Indeterminate	

- The Office of Legislative Services (OLS) concludes that State, county, and municipal governments will experience a decrease in revenues resulting from the elimination of certain statutory costs, fees, and penalties imposed on juveniles involved in the juvenile justice system. However, the OLS also anticipates a decrease in expenditures resulting from the decreased workload related to the collections of the same statutory costs, fees, and penalties.

BILL DESCRIPTION

This bill eliminates certain statutory costs, fees, and penalties imposed on juveniles involved in the juvenile justice system.

The bill specifically eliminates the following fees, fines, costs, and other monetary penalties:

(1) The Drug Enforcement and Demand Reduction (DEDR) penalty required pursuant to N.J.S.2C:35-15 when the court dismisses a complaint against a juvenile who has made a satisfactory adjustment during a period of continuance of up to 12 months.

(2) The costs of the juvenile's serological test for acquired immune deficiency syndrome (AIDS), infection with the human immunodeficiency virus (HIV), or other related virus identified as a probable causative agent of AIDS when a law enforcement officer, victim, or other person suffered a prick from a hypodermic needle or had contact with the juvenile which involved or was likely to involve the transmission of bodily fluids.

(3) The costs of an approved remedial education or counseling program to which a juvenile is diverted by the court.

(4) The civil penalty of at least \$2,000 or actual costs, whichever is higher, incurred by law enforcement and emergency services in responding to a false public alarm.

(5) The \$25 forensic laboratory fee imposed on juveniles adjudicated delinquent.

(6) The \$15 Law Enforcement Officers Training and Equipment Fund fee imposed on juveniles adjudicated delinquent.

On and after the effective date of the bill, any unpaid outstanding balances of statutory or court-ordered fines, fees, costs, or other monetary penalties previously assessed or imposed upon a juvenile or the juvenile's parent or guardian are vacated, as are any unsatisfied civil judgments based on these monetary penalties.

Further, all warrants based on the alleged failure of the juvenile or parent or guardian to pay or to appear in court to pay these monetary penalties are to be reviewed and vacated consistent with the provisions of the bill. This provision is both retroactive and prospective. The bill makes this provision effective in nine months to give the Administrative Director of the Courts the necessary time to complete the manual process of identifying, vacating, and discharging the fines, fees, costs, and other monetary penalties.

Additionally, the bill prohibits a warrant from being issued for a juvenile defendant or the parents or guardian of a juvenile defendant for failure to pay certain statutorily imposed assessments, probation fees, other court imposed financial obligations, restitution, or child support.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that State, county, and municipal governments will experience a decrease in revenues resulting from the elimination of certain statutory costs, fees, and penalties; however, the OLS also anticipates a decrease in expenditures resulting from the decreased workload related to the collection of the same statutory costs, fees, and penalties.

State, County, and Municipal Revenue: The OLS anticipates decreased State, county, and municipal revenue from the elimination of certain fees and fines associated with juvenile crimes.

The OLS does not have an estimate regarding the collective amount of State, county, or municipal revenue that would be lost; however, the OLS notes that due to financial constraints, many fines and penalties go unpaid by those persons convicted of crimes. Further, the OLS is of the understanding that the enactment of P.L.2019, Chapter 363 eliminated the court's discretion to

impose a majority of criminal fines, fees, and penalties on juveniles under the Code of Juvenile Justice and eliminated for the juveniles the DEDR and Victims of Crime Compensation Office penalties. This bill would eliminate additional statutorily mandated assessments that are not within the discretion of the court to dismiss.

State, County, and Municipal Expenditures: It is the understanding of the OLS that currently the imposition of statutory costs, fees, and penalties on juveniles and their families are often unpaid and may end up in a collections process. The OLS concludes that the elimination of these fees and fines may decrease the workload of State, county, and municipal government employees as it will no longer be necessary to process and engage in these collections.

Background: According to the Juvenile Law Center, five states have passed legislation that ends almost all administrative costs, as well as other fines and fees imposed on juveniles involved in the juvenile justice system. Philadelphia ended the practice of charging families child support for the cost of a child's incarceration. Washington passed legislation to eliminate some juvenile justice fines and fees, as did Utah.

Juveniles often are unable to earn enough money to pay these costs and fines, particularly if they are too young to be employed. The juveniles' families also often lack the means to pay these costs and fines, sometimes forcing them to choose between paying for necessities, such as food, housing, and utilities and paying off this debt. In addition to the emotional toll on these families, minority and low income families are disproportionately affected. While the revenue collected is minimal, the burden on families can be substantial. This State has responded to this issue by eliminating some of these costs and fees in prior legislative enactments. Further, the New Jersey Supreme Court recently issued an order dismissing hundreds of juvenile warrants for unpaid discretionary and non-mandatory assessments.

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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.).