

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 4080
STATE OF NEW JERSEY
220th LEGISLATURE

DATED: DECEMBER 16, 2021

SUMMARY

- Synopsis:** Requires certain snowmobiles, all-terrain vehicles, and dirt bikes to be forfeited and destroyed.
- Type of Impact:** Annual State and local government expenditure increases; annual State and local government revenue decreases.
- Agencies Affected:** Department of Law and Public Safety; county and municipal law enforcement agencies.

Office of Legislative Services Estimate

Annual Fiscal Impact	
State Expenditure Increase	Indeterminate
State Revenue Decrease	Indeterminate
Local Government Expenditure Increase	Indeterminate
Local Government Revenue Decrease	Indeterminate

- The Office of Legislative Services (OLS) finds that to the extent the bill will result in an increase in the number of forfeited and destroyed snowmobiles, all-terrain vehicles, and dirt bikes, there may be an indeterminate cost increase to the State and local governments when compared to the current impoundment process.
- Depending on operating decisions by affected law enforcement agencies and the number of forfeited and destroyed snowmobiles, all-terrain vehicles, and dirt bikes, the bill may result in an indeterminate decrease in annual State and local government revenue collections from impoundment-related administrative, towing, and storage fees.

BILL DESCRIPTION

This bill requires certain snowmobiles, all-terrain vehicles, and dirt bikes to be forfeited and destroyed. Under current law, snowmobiles, all-terrain vehicles, and dirt bikes that are operated illegally are subject to impoundment and are released to the owner upon proof of registration and insurance and payment of a fee, plus towing and storage costs. Under the provisions of this bill,

instead of being subject to impoundment and released upon payment of a fee and towing and storage costs, a snowmobile, all-terrain vehicle, or dirt bike that is operated illegally is to be designated as prima facie contraband that is subject to civil asset forfeiture under current law.

Further, under current law, property which has been forfeited under the civil asset forfeiture law is destroyed if it can serve no lawful purpose or it presents a danger to the public health, safety, or welfare. This bill requires an illegally operated snowmobile, all terrain vehicle, or dirt bike which was forfeited under the civil asset forfeiture law to be destroyed.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that to the extent the bill will result in an increase in the number of forfeited and destroyed snowmobiles, all-terrain vehicles, and dirt bikes, there may be an indeterminate cost increase to the State and local governments when compared to the current impoundment process.

Currently, snowmobiles, all-terrain vehicles, and dirt bikes which are subject to impoundment may be released to the owner upon proof of registration and insurance and payment of a fee, plus towing and storage costs. This bill would eliminate the option for the impoundment of the snowmobiles, all-terrain vehicles, and dirt bikes. Instead, the item would be forfeited and destroyed. Under current law, property which has been forfeited under the civil asset forfeiture law is destroyed if it can serve no lawful purpose or it presents a danger to the public health, safety, or welfare. This bill requires the destruction of the item so it may not be recovered or used again. The OLS does not have access to the number of snowmobiles, all-terrain vehicles, and dirt bikes annually impounded in New Jersey to determine the magnitude of any cost increases.

Additionally, depending on operating decisions by affected law enforcement agencies and the number of forfeited and destroyed snowmobiles, all-terrain vehicles, and dirt bikes, the bill may result in an indeterminate decrease in annual State and local government revenue collections from foregone impoundment-related administrative, towing, and storage fees.

Section: *Law and Public Safety*
Analyst: *Kristin Brunner Santos*
 Lead Fiscal Analyst
Approved: *Thomas Koenig*
 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.).