

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 3199

STATE OF NEW JERSEY  
220th LEGISLATURE

DATED: JUNE 3, 2022

SUMMARY

- Synopsis:** Establishes “Health Care Heroes Violence Prevention Act.”
- Type of Impact:** Annual State and local expenditure and revenue increases.
- Agencies Affected:** Local governments; Administrative Office of the Courts; Department of Corrections; State Parole Board.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Cost Increase	Indeterminate
State Revenue Increase	Indeterminate
Local Cost Increase	Indeterminate
Local Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) finds that local governments will incur an indeterminate amount of annual cost increases to prosecute, defend, and adjudicate individuals for the disorderly persons offense established in the bill. Disorderly persons offenses are adjudicated in municipal court.
- A presumption of non-incarceration usually applies to first-time offenders convicted of disorderly persons offenses. However, the bill’s expansion of the aggravating factors that the court may consider at sentencing to include the victim’s status as a health care professional or volunteer could result in the defendant being sentenced to county jail, resulting in increased county costs.
- The Department of Corrections could incur additional costs if defendants are given prison sentences or are sentenced to longer prison terms than they otherwise would have been absent the bill’s provision expanding the aggravating factors the court may consider in sentencing a defendant. The State Parole Board may also incur increased expenditures.

- The Administrative Office of the Courts will incur additional, indeterminate one-time costs to develop and approve a list of anger management courses and establish standards and procedures for their certification.
- The State and local governments are also likely to realize an indeterminate increase in annual revenues from the collection of fines and court fees; however, their ability to collect these penalties and fees has historically been limited.

## **BILL DESCRIPTION**

This bill establishes the Health Care Heroes Violence Prevention Act and expands the aggravating factors a court may consider in sentencing a defendant to include whether a defendant committed an offense against any volunteer for or employee of a health care facility while the person was engaged in professional duties.

This bill also establishes the disorderly persons offense of threats against a health care professional, volunteer working for a health care professional or working at a health care facility, or an employee of a health care professional or health care facility. A disorderly persons offense is punishable by imprisonment of up to six months, a fine of up to \$1,000, or both.

Further, the bill establishes additional penalties for any person who commits assault against a volunteer for or employee of a health care facility. A court may sentence a defendant to satisfactorily complete an anger management course of up to 12 hours or perform up to 30 days of community service. The Administrative Office of the Courts will establish the standards and procedures for certification of anger management courses.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

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

The OLS finds that the bill will result in annual expenditure and revenue increases for the State and local governments. However, the OLS is unable to determine how many cases involving threats against a health care worker there will be in a given year, or how many additional incarcerations there will be under the bill, to quantify the extent of these increases.

The OLS finds that local governments will incur an indeterminate amount of annual cost increases to prosecute, defend, and adjudicate individuals for the disorderly persons offense established in the bill. A disorderly persons offense is adjudicated in municipal court and is punishable by a term of imprisonment of up to six months, a fine of up to \$1,000, or both. A presumption of non-incarceration usually applies to first-time individuals convicted of disorderly persons offenses. However, the bill's expansion of the aggravating factors that the court may consider at sentencing to include the victim's status as a health care professional or volunteer could result in the defendant being sentenced to county jail, resulting in increased county costs.

The Department of Corrections could incur additional costs if there are additional incarcerations or defendants are sentenced to longer prison terms than they otherwise would have been absent the bill's provision expanding the aggravating factors the court may consider in sentencing a defendant. The Department of Corrections indicated that the average annual cost of housing an inmate in a State prison for FY 2021 totaled \$55,389, whereas the marginal costs per day were approximately \$151.75. The State Parole Board may also incur increased expenditures if additional defendants are sentenced to prison terms.

Further, under the bill, a court may sentence a defendant to satisfactorily complete an anger management course of up to 12 hours or perform up to 30 days of community service. Since the Administrative Office of the Courts will need to establish standards and procedures for certification of anger management courses required by this bill, the office will incur additional, indeterminate one-time costs.

The State and local governments are also likely to realize an indeterminate increase in annual revenues from the collection of fines and court fees; however, their ability to collect these penalties and fees has historically been limited.

For context, according to media reports, prior to the COVID-19 pandemic, health care workers were five times more likely to suffer a workplace violence injury than other professions. Furthermore, according to surveys by the American College of Emergency Physicians and the Emergency Nurses Association, almost half of emergency physicians reported being physically assaulted at work, while about 70 percent of emergency nurses report being hit and kicked while on the job.

*Section:           Judiciary*  
*Analyst:         Anuja Pande Joshi*  
*Associate Research 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.).