

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 3199

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 14, 2022

The Assembly Appropriations Committee reports favorably and with committee amendments Assembly Bill No. 3199 (1R).

As amended by the committee, this bill establishes the “Health Care Heroes Violence Prevention Act.” Specifically, the bill expands the aggravating factors a court may consider pursuant to N.J.S.2C:44-1 in sentencing a defendant to include consideration of whether a defendant committed an offense against any health care professional or any volunteer for or employee of a health care professional or health care facility while the professional, volunteer, or employee was engaged in professional duties.

As amended, this bill also establishes the criminal offense of threats against a health care professional, a 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. Specifically, a person is guilty of a disorderly persons offense if the person knowingly and willfully makes a threat against a covered person with the intent to intimidate, interfere with, or impede the performance of the covered person’s official duties. Further, a person is guilty of a disorderly persons offense if that person knowingly sends, delivers, or makes for the purposes of sending or delivering a threat to intimidate, interfere with, or impede the official duties of a health care professional or a volunteer for or employee of a health care professional or health care facility. A disorderly persons offense is punishable by imprisonment for up to six months, a fine of up to \$1,000, or both.

As amended, the bill defines “health care facility” as a health care facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et al.), a State or county psychiatric hospital, a State developmental center, or a health care service firm registered by the Division of Consumer Affairs in the Department of Law and Public Safety pursuant to P.L.1960, c.39 (C.56:8-1 et seq.). The amended bill defines “health care professional” as a person licensed or certified to practice a health care profession pursuant to Title 45 or Title 52 of the Revised Statutes.

The amended bill additionally provides that a person who commits assault against a health care professional or a volunteer for or employee of a health care professional or a health care facility may be sentenced to an anger management course of up to 12 months' duration and up to 30 days of community service. A sentence of community service may stand in lieu of part of a sentence to incarceration.

Finally, as amended, the bill requires health care facilities and certain physicians to display a written notice stating the following: "It is a crime to assault a health care professional, any volunteer working for a health care professional or working at a health care facility, or any employee of a health care professional or a health care facility, while the health care professional, volunteer, or employee is performing official duties. Any person who assaults a health care professional, volunteer, or employee in violation of this prohibition shall be subject to a fine, imprisonment, or both under the New Jersey Code of Criminal Justice, N.J.S.2C:1-1 et seq."

COMMITTEE AMENDMENTS

The committee amendments revise the bill to ensure consistent use of terminology throughout the bill. The bill also clarifies that the court may impose community service of up to 30 days.

FISCAL IMPACT:

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.