

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 5034

STATE OF NEW JERSEY  
220th LEGISLATURE

DATED: MARCH 27, 2023

SUMMARY

- Synopsis:** Expands crime of leader of auto theft trafficking network; establishes third degree crime of participant in auto theft trafficking network.
- Type of Impact:** Annual State expenditure and revenue increases.
- Agencies Affected:** Department of Corrections, State Parole Board, Department of Law and Public Safety, the Judiciary, Office of the Public Defender.

Office of Legislative Services Estimate

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

- The Office of Legislative Services (OLS) projects that this bill will result in annual State expenditure and revenue increases. The following State agencies would incur caseload and expenditure increases: i) the Department of Corrections would have to house more inmates in State prisons and the State Parole Board would have to supervise their return to society; ii) the Department of Law and Public Safety would have to prosecute additional cases; iii) the Judiciary would have to adjudicate additional cases; and iv) the Office of the Public Defender would have to represent additional low-income criminal defendants.
- The OLS does not have sufficient information on the potential increases in number of convictions and terms of imprisonment resulting from the bill’s provisions and therefore is unable to estimate the costs to the State.
- This bill expands the crime of leader of an auto theft trafficking network and establishes a third degree crime of participant in auto theft trafficking network. The OLS notes the State may receive indeterminate revenue from regular and enhanced fines imposed on individuals convicted of the crimes under this bill. However, the State’s ability to collect criminal fines and penalties has historically been limited.

## **BILL DESCRIPTION**

This bill expands the crime of leader of auto theft trafficking network and establishes a third degree crime of participant in auto theft trafficking network.

Under the bill, a person is a leader of an auto theft trafficking network if the person conspires with others as an organizer, supervisor, financier, manager, or recruiter to engage for profit or to commit other criminal activity in a scheme or course of conduct to unlawfully take, dispose of, distribute, bring into, or transport in this State automobiles or automobile parts as stolen property.

The bill establishes a new crime of participant in auto theft trafficking network if a person conspires with others as a participant to engage for profit or to commit other criminal activity in a scheme or course of conduct to unlawfully take, dispose of, distribute, bring into, or transport in this State automobiles or automobile parts as stolen property. Participant in auto theft trafficking network is a crime of the third degree.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

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

The OLS projects that this bill will result in annual State expenditure and revenue increases. The following State agencies would incur caseload and expenditure increases: i) the Department of Corrections would have to house more inmates and the State Parole Board would have to supervise their return to society; ii) the Department of Law and Public Safety would have to prosecute additional cases; iii) the Judiciary would have to adjudicate additional cases; and iv) the Office of the Public Defender would have to represent additional low-income criminal defendants.

Crime data made available on the official State website indicates that there were 10,279 motor vehicle thefts in 2020 and 4,962 motor vehicle thefts for the period January through June in 2021. However, the OLS does not have a breakdown on the sentencing of these offenders to ascertain how many are or are likely to be incarcerated in State prisons. According to statistics made available on the Department of Corrections website, as of January 2022, of the 12,492 inmates in State facilities, 526, or approximately four percent, were incarcerated for “property offenses,” which include burglary, arson, theft, forgery, embezzlement, and receiving or possessing stolen property. The data does not provide a breakdown by the number of motor vehicle thefts or number of offenders receiving stolen vehicles.

The OLS does not have sufficient information on the potential increases in number of convictions and terms of imprisonment resulting from the bill’s provisions and therefore is unable to estimate the costs to the State. Any increase in incarceration will result in increased costs to the Department of Corrections for housing inmates. In an informal estimate previously provided by the department, the average annual cost of housing an inmate in a State correctional facility was \$55,389 with a daily cost of \$151.75. The cost was based on FY 2021 actual expenditures and is an average of all facilities, not including the Special Treatment Unit at the Adult Diagnostic and Treatment Center that houses civilly committed residents. Any increase in incarceration under the bill also would result in increased costs to the State Parole Board to supervise the return to society of additional convicted persons.

The bill expands the scope of the crime of leader of an auto theft trafficking network to include automobile parts in addition to automobiles as stolen property, among other things. Currently, the crime of leader of an auto theft trafficking network is graded as a crime of the second degree. A crime of the second degree is punishable by a term of imprisonment of five to 10 years, a fine of \$150,000, or both. The bill, however, provides for an enhanced fine of up to \$250,000 or five times the retail value of the stolen automobile or automobile parts seized at the time of arrest, whichever amount is greater. The bill also establishes a new crime of participant in auto theft trafficking network if a person conspires with others as participant to engage for profit or to commit other criminal activity in a scheme to take or transport automobiles or automobile parts. Participant in auto theft trafficking network is a crime of the third degree. A crime of the third degree is punishable by a fine of up to \$15,000, a term of imprisonment of three to five years, or both. Generally, crimes of the third degree carry with them the presumption of non-incarceration for first time offenders. However, the presumption of non-incarceration does not apply to crimes of the third degree involving motor vehicle theft.

The OLS notes the State may receive indeterminate revenue from regular and enhanced fines imposed on individuals convicted of the crimes under this bill. However, the State's ability to collect criminal fines and penalties has historically been limited.

*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.).