

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 653

STATE OF NEW JERSEY
220th LEGISLATURE

DATED: NOVEMBER 10, 2022

SUMMARY

- Synopsis:**

Establishes crime of “sexual extortion”: using explicit sexual images to extort victims.
- Type of Impact:**

Annual State expenditure and revenue increases.
- Agencies Affected:**

The Judiciary; Department of Law and Public Safety; Department of Corrections; Office of the Public Defender; State Parole Board.

Office of Legislative Services Estimate

Annual Fiscal Impact	
State Cost Increase	Indeterminate
State Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) concludes that the bill will result in an indeterminate annual increase in State expenditures and revenues. The OLS lacks sufficient information to quantify the fiscal impacts as it is not possible to know how many individuals will be prosecuted, tried, and sentenced for crimes established by the bill.
- The State may receive indeterminate annual revenue from fines and penalties imposed on individuals convicted for the crimes of sexual extortion and aggravated sexual extortion; however, the State’s ability to collect criminal fines and penalties has historically been limited.

BILL DESCRIPTION

This bill establishes the crime of sexual extortion and the crime of aggravated sexual extortion, which occurs when a person commits an act of sexual extortion with a child under the age of 18 or an adult with a developmental disability. Under the bill, sexual extortion is a crime of the third degree and aggravated sexual extortion is a crime of the second degree.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that the bill will result in an indeterminate annual increase in State expenditures and revenues. The OLS lacks sufficient information to quantify the fiscal impacts as it is not possible to know how many individuals will be prosecuted, tried, and sentenced for crimes established by the bill.

The following State agencies would incur caseload and expenditure increases under the bill: a) the Department of Law and Public Safety would have to prosecute additional cases; b) the Judiciary would have to adjudicate additional offenders and monitor additional probationers; c) the Office of the Public Defender would have to represent additional low-income criminal defendants; d) the Department of Corrections would have to house and care for more individuals sentenced to prison terms; and e) the State Parole Board would have to supervise the return to society of additional convicts.

A crime of the third degree is punishable by a term of imprisonment of three to five years, a fine of up to a \$15,000, or both. However, a crime of the third degree carries a presumption of non-incarceration for first-time offenders. If the victim is a minor or an adult with a disability, the charge would increase to aggravated sexual extortion and will be graded as a crime of the second degree, which is punishable by a term of imprisonment of five to ten years, a fine of up to \$150,000, or both. There is not a presumption of non-incarceration for crimes of the second degree so additional Department of Corrections costs are likely to be generated for individuals found guilty of aggravated sexual extortion. There may also be additional court costs related to cases of aggravated sexual extortion because conviction for a crime of a higher degree could create a reluctance to enter a guilty plea, thereby generating additional court cases.

The average annual cost to house an inmate in a State prison facility during FY 2020 totaled \$42,472. However, the OLS notes that because the Department of Corrections is currently experiencing a reduction in the State sentenced prison population, the department should be able to house any additional inmates attributable to the bill within its current institutional facilities at a much lower marginal cost of \$8.87 per day, or \$3,238 annually, per inmate for food, wages, and clothing.

The State may receive indeterminate annual revenue from fines and penalties imposed on individuals convicted for the crimes of sexual extortion and aggravated sexual extortion; however, the State's ability to collect criminal fines and penalties has historically been limited.

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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.).