

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 3150 STATE OF NEW JERSEY 220th LEGISLATURE

DATED: NOVEMBER 15, 2022

SUMMARY

- Synopsis:** Establishes strict liability criminal penalties for firearm trafficking that results in injury or death.
- Type of Impact:** Annual State expenditure and revenue increases.
- Agencies Affected:** Department of Law and Public Safety; the Judiciary; Department of Corrections; State Parole Board; Office of the Public Defender.

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 under the provisions of the bill.
- The State may receive indeterminate annual revenue from fines and penalties imposed on individuals violating the provisions of the bill; however, the State's ability to collect criminal fines and penalties has historically been limited.

BILL DESCRIPTION

This bill establishes strict liability criminal penalties for firearm trafficking that results in serious or significant bodily injury or death from the discharge of an illegally trafficked firearm used in the course of committing a crime.

A person who commits a firearm trafficking violation resulting in a death would be guilty of a crime of the first degree. A person who commits a firearm trafficking violation resulting in serious or significant bodily injury would be guilty of a crime of the second degree. A crime of the first degree is punishable by 10 to 20 years imprisonment, a fine of up to \$200,000, or both. A crime

of the second degree punishable by five to 10 years imprisonment, a fine of up to \$150,000, or both. Under current State law, a firearm trafficking violation can be a crime of the second or fourth degree depending on the circumstances.

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 under the provisions of this bill.

The following State agencies would incur caseload and expenditure increases under the bill: a) the Department of Law and Public Safety would likely have to prosecute additional cases because the increased charges may make defendants reluctant to enter a guilty plea; b) the Judiciary would have to adjudicate additional offenders and monitor additional probationers because conviction for crimes of a higher degree could create a reluctance for a defendant to enter a guilty plea, thereby generating additional court costs; 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 potentially longer prison terms; and e) the State Parole Board would have to supervise the return to society of additional convicts.

A presumption of non-incarceration applies to crimes of the third and fourth degree but not to crimes of the first and second degree. The OLS notes that to the extent that the bill will result in additional incarcerations or incarcerations for longer periods of time, based on information provided by the Department of Corrections, the FY 2021 average annual costs for housing an inmate were \$55,389, whereas the average daily cost was \$151.75. The OLS, however, cannot project the number of future prosecutions, trials, and incarcerations that will occur based on the provisions of this bill.

Additional indeterminate annual State revenue will accrue from fine and penalty payments from convicted violators of the bill's provisions. Crimes of the first degree are punishable by a fine of up to \$200,000, a term of imprisonment between 10 years and 20 years, or both. Crimes of the second degree are punishable by a fine of up to \$150,000, a term of imprisonment of five to 10 years, or both. The OLS cannot determine the number of convictions under the bill, and by extension, the total of any resultant fine and penalty revenue. The OLS additionally notes that due to financial constraints of those convicted of crimes, many penalties go unpaid.

Section: Law and Public Safety

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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.).