

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 3345
STATE OF NEW JERSEY
220th LEGISLATURE

DATED: FEBRUARY 13, 2023

SUMMARY

Synopsis: Upgrades crime of leader of auto theft trafficking network; establishes second 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 for longer terms of imprisonment 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 if the upgraded penalties create a reluctance on the part of a defendant to enter a guilty plea; 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 would upgrade the crime of leader of an auto theft trafficking network to a crime of the first degree and establish a second 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 would upgrade and expand the scope of the crime of leader of an auto theft trafficking network, and establish a new crime of participant in an auto theft trafficking network.

This bill upgrades the crime of leader of an auto theft trafficking network from a crime of the second degree to a crime of the first degree. Secondly, 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. Lastly, the bill establishes a new second degree crime of participant in an auto theft trafficking network.

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 for longer terms of imprisonment 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 if the upgraded penalties create a reluctance on the part of a defendant to enter a guilty plea; 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 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.

This bill upgrades the crime of leader of an auto theft trafficking network from a crime of the second degree to a crime of the first degree. A first degree crime is punishable by a term of imprisonment of 10 to 20 years and a fine of up to \$200,000 may generally be imposed in addition

to or instead of imprisonment. The bill, however, provides for an enhanced fine of up to \$500,000 or five times the retail value of the stolen automobile or automobile parts seized at the time of arrest, whichever amount is greater. Secondly, 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. Lastly, the bill establishes a new second degree crime of participant in an auto theft trafficking network. This new crime would be punishable by a term of imprisonment of five to 10 years, an enhanced fine of up to \$250,000 or five times the retail value of the motor vehicles or motor vehicle parts seized at the time of arrest, whichever amount is greater, or both imprisonment and a fine.

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.).