LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 3731

STATE OF NEW JERSEY
221st LEGISLATURE

DATED: JANUARY 15, 2026

SUMMARY

Synopsis: Establishes four-year pilot program in Ocean County for electronic monitoring of certain domestic violence offenders; appropriates $2.5 million.

Type of Impact: Four-year increases in expenditures and revenue to the State and local government units.

Agencies Affected: Judiciary, Department of Law and Public Safety, Office of the Public Defender, certain units of local government.

Office of Legislative Services Estimate

Fiscal Impact	Four-Year Duration of Pilot Program
State Cost Increase	Indeterminate
State Revenue Increase	Indeterminate
Local Cost Increase	Indeterminate
Local Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) finds that that this bill would result in indeterminate annual cost and revenue increases to the State and local government units in Ocean County, or potentially a different county, for the duration of the four-year pilot program. The OLS cannot quantify the bill's costs and revenues because they depend on, among other factors, program participation levels, which would be subject to judicial discretion and victim consent to participation.

- The bill appropriates $2.5 million to the newly established Domestic Violence Victim Notification Fund which, along with other resources like fee and penalty revenues, is to be used to defray the costs of electronic monitoring and victim notification.

- In addition to the costs the State would incur for the establishment of the pilot program, there would be additional expenditures for the Department of Law and Public Safety, the Judiciary, and the Office of the Public Defender, due to the establishment of a new crime of the third degree for any person who tampers with, removes, or vandalizes the monitoring device the person is wearing pursuant to the bill. There is a presumption of non-incarceration for first-

time offenders of a crime of the third degree so no additional costs are expected to accrue to the Department of Corrections or the State Parole Board. The Department of Law and Public Safety will also incur annual costs to prepare the evaluation reports required under the bill.

BILL DESCRIPTION

This bill establishes a four-year pilot program in Ocean County, or a different county as determined by the Office of the Attorney General, for electronic monitoring of certain domestic violence offenders and notification to victims.

Electronic monitoring under the pilot program would be ordered only with the victim's informed consent and would apply to defendants convicted of contempt of a domestic violence order. The bill provides that when a defendant is convicted of such an order, the court may, in addition to any other disposition:

(1) sentence the defendant to electronic monitoring with victim notification for a period of time not to exceed the expiration of the pilot program; or

(2) sentence the defendant to probation and, concurrent to a disposition of probation, order electronic monitoring with victim notification.

The bill provides that the court may, in making the determination whether to place the defendant on electronic monitoring, hold a hearing to consider the likelihood that the defendant's participation in electronic monitoring would deter the defendant from injuring the victim. If the victim requests that the court terminate the victim's participation in the electronic monitoring program after the program has been ordered, the court shall hold a hearing to resentence the defendant. Electronic monitoring with victim notification shall continue until the court issues a resentencing decision.

The bill also amends the Local Public Contracts Law to provide that services and equipment necessary for the implementation of the pilot program could be negotiated and awarded by a governing body without public advertising for bids and bidding, and be awarded by resolution of the governing body.

Under the bill, a defendant ordered by the court to be placed on electronic monitoring may be ordered to pay the related costs and expenses, including a monitoring fee of $250, which the court could waive in cases of extreme financial hardship. The fee would be forwarded to the Domestic Violence Victim Notification Fund established under the bill and administered by the Office of the Attorney General. The fund is to be the depository of the costs and expenses imposed on the defendant and any other monies that may be available to the fund through appropriation by the Legislature or any public or private source. All monies deposited in the fund would be used to defray the costs of the pilot program.

The bill also provides for the following civil penalties which would expire at the end of the fifth year following implementation of the pilot program: (1) any person found by the court in a final domestic violence hearing to have committed an act of domestic violence would be required to pay a civil penalty of $200, but this penalty may be waived in cases of extreme financial hardship; and (2) in addition, the court would impose a civil penalty of $250 on any person convicted of a crime or offense involving domestic violence, or convicted of contempt of a domestic violence order, unless the person was previously assessed the $250 monitoring fee.

Additionally, the bill would make it a crime of the third degree to tamper with, remove, or vandalize an electronic monitoring device. A crime of the third degree is punishable by a term of imprisonment of three to five years, a fine of up to $15,000, or both.

The bill requires the Office of the Attorney General, in consultation with the State Parole Board, to develop procedures to determine, investigate, and respond to a defendant's

noncompliance with the terms and conditions of the electronic monitoring program on a 24-hour-per-day basis.

The bill provides that the Office of the Attorney General is to submit a report to the Governor and Legislature annually during the pilot program containing an evaluation of the pilot program, whether the program should be continued as a Statewide program, and a cost impact analysis of the costs and expenses used to help pay for electronic monitoring program, the monitoring fee, and civil penalties imposed by the court on defendants to defray the costs of the program.

Additionally, the bill requires the Office of the Attorney General, in conjunction with the Division of Probation Services and the State Parole Board, and in consultation with the Ocean County Prosecutor and Sheriff and local victim service providers and abuse intervention programs, to promulgate rules and regulations to effectuate the bill. The bill would permit the Office of the Attorney General, while promulgating these rules and regulations, to change the county in which the pilot program is located if the Office of the Attorney General determines that a different county may be a more effective venue for the pilot program.

The bill appropriates $2.5 million from the General Fund to the Domestic Violence Victim Notification Fund and provides that following the expiration of the four-year pilot program, any unexpended funds are to be returned to the General Fund.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that that this bill would result in indeterminate annual cost and revenue increases to the State and local units in Ocean County, or potentially a different county as determined by the Office of the Attorney General, for the duration of the four-year pilot program.

The bill would establish new State revenue streams over the pilot program's four-year period. Collections of criminal penalties for tampering with the electronic monitoring device would accrue to the State General Fund while cost reimbursements paid by participating defendants along with monitoring fees and civil penalties would be deposited into the dedicated Domestic Violence Victim Notification Fund in support of the pilot program. The OLS does not have enough information to quantify the revenues that would be collected because program participation levels would be subject to judicial discretion and victim participation. The bill provides for the waiving of certain required payments based on the defendant's inability to pay, which would also be subject to judicial discretion, and as such the OLS would not be able to quantify the waiver's impact on those revenue streams.

The OLS notes that the State would likely transfer a portion of the Domestic Violence Victim Notification Fund balances to local government units in Ocean County, or potentially a different county as designated by the Office of the Attorney General, to help offset the costs the local government units would incur in implementing the pilot program. The OLS, however, cannot determine the magnitude of this revenue gain to concerned local government units, as it would depend on unknown program participation levels, program costs, Domestic Violence Victim Notification Fund revenues, and State decisions regarding the allocation of fund balances to local government units.

The OLS also cannot determine the cost of the four-year pilot program, given that judges would have discretion over the decision whether to sentence defendants to program participation and that victims would have to consent. Accordingly, the OLS cannot project the number of program participants. But the following State costs could accrue: a) to the Department of Law and Public Safety from developing the procedures for monitoring and reporting a defendant's noncompliance with the electronic monitoring pilot program and drafting annual reports on the pilot program; b) to the Judiciary, Department of Law and Public Safety, and Ocean County Prosecutor's Office, or another county prosecutor's offices, in preparing for and holding court hearings to determine whether a defendant is to participate in the pilot program; c) to State and local government law enforcement agencies from monitoring, supervising, and ensuring compliance with any conditions imposed by courts on defendants; and d) to the Judiciary, Department of Law and Public Safety, and county prosecutor's offices in preparing for and holding court hearings on allegations of third-degree crimes of tampering with, removing, or vandalizing an electronic monitoring device. In addition, the bill would appropriate $2.5 million from the State General Fund to the dedicated Domestic Violence Victim Notification Fund to support the pilot program.

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.).