LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 3895

STATE OF NEW JERSEY
221st LEGISLATURE

DATED: JANUARY 15, 2026

SUMMARY

Synopsis: Establishes crime of reckless discharge of firearm.

Type of Impact: Annual State expenditure and revenue increases; annual local expenditure and revenue increases.

Agencies Affected: Department of Law and Public Safety; County Prosecutors; the Judiciary; Office of the Public Defender; Department of Corrections; State Parole Board, Municipalities and Counties.

Office of Legislative Services Estimate

Fiscal Impact	Annual
State Cost Increase	Indeterminate
State Revenue Increase	Indeterminate
Local Cost Increase	Indeterminate
Local Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) finds that establishing the crime of reckless discharge of a firearm may result in an indeterminate annual increase in State and local expenditures and revenues. The OLS lacks sufficient information to quantify the fiscal impact, as it is not possible to estimate the number of individuals who may be prosecuted, tried, and sentenced for the crimes under the bill.
- The OLS finds that the following State and local agencies may incur caseload and expenditure increases: a) county prosecutors may have to prosecute additional cases; b) the Judiciary may have to adjudicate additional complaints and monitor additional probationers; c) the Office of the Public Defender may have to represent additional low-income criminal defendants; d) the Department of Corrections may have to house and care for additional offenders; and e) the State Parole Board may have to supervise the return to society of additional offenders.

- The OLS notes that the State may receive indeterminate revenues from fines imposed on individuals convicted of these crimes; however, the State's ability to collect fines has historically been limited.

- Annual local expenditures and revenues are likely to increase by an indeterminate amount from the establishment of the new disorderly persons offense. Disorderly persons offenses are adjudicated in municipal courts and defendants are sentenced to county jails. Annual municipal revenue would likely increase due to an increase in court fees and upgraded penalties from these disorderly persons cases.

BILL DESCRIPTION

This bill establishes that it is a crime to unlawfully discharge a firearm. Under the bill, a person commits a disorderly persons offense for recklessly discharging a firearm using live ammunition rounds as a first offense, a crime of the fourth degree for a second offense, and a crime of the third degree for a third or subsequent offense. Additionally, if the violation knowingly occurs within 100 yards of: (1) an occupied structure; or (2) a school, college, university or other educational institution, school bus, or child care facility, whether or not occupied, the violation is upgraded to one degree of crime higher than what would have been charged.

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. A crime of the fourth degree is punishable by a term of imprisonment of up to 18 months, a fine of up to $10,000, or both. A disorderly persons offense is punishable by a term of imprisonment of up to six months, a fine of up to $1,000, or both.

The bill provides that a conviction for recklessly discharging a firearm does not preclude an indictment and conviction for an offense under a different provision of law, and a subsequent conviction is not to merge with the original conviction. The bill also provides that in instances in which the court imposes multiple sentences of imprisonment for more than one offense, those sentences are to run consecutively. Under the bill, it is an affirmative defense to prosecution if while engaging in conduct otherwise prohibited by the bill, the actor was acting in lawful self-defense.

This bill implements Recommendation 3 of the State Commission of Investigation's 2024 report, *Illegal Firearms Use & Trends in New Jersey.*

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that establishing the crime of reckless discharge of a firearm may result in an indeterminate annual increase in State and local expenditures and revenues. The OLS lacks sufficient information to quantify the fiscal impact, as it is not possible to estimate the number of cases likely to be prosecuted under the provisions of this bill.

The following State and local agencies may incur caseload and expenditure increases: a) county prosecutors may have to prosecute additional cases; b) the Judiciary may have to adjudicate additional complaints and monitor additional probationers; c) the Office of the Public Defender may have to represent additional low-income criminal defendants; d) the Department of Corrections may have to house and care for additional offenders; and e) the State Parole Board

may have to supervise the return to society of additional offenders. The OLS notes that the State may receive indeterminate revenues from fines imposed on individuals convicted of these crimes; however, the State's ability to collect fines has historically been limited.

This bill establishes that the first offense is a disorderly persons offense, followed by a crime of the fourth degree for a second offense, and a crime of the third degree for a third or subsequent offenses. Generally, disorderly persons offenses and crimes of the fourth and third degree carry a presumption of non-incarceration for first-time offenders.

The OLS notes that to the extent the bill results in additional incarcerations, the Department of Corrections would incur those costs. Based on information provided by the department, the FY 2023 average annual cost for housing, ensuring security, and providing services to an incarcerated individual was $75,254, with an average marginal cost of housing one additional incarcerated person, accounting for food, clothes and wages, of $207.

The OLS finds that expenditures are likely to increase at the local level since disorderly persons offenses are adjudicated in municipal courts and defendants are sentenced to county jails. According to information provided by the Administrative Office of the Courts, the median daily cost to house an individual in a county jail is $228.

Annual municipal revenue would likely increase due to an increase in court filing fees and upgraded penalties from these disorderly persons cases.

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.).