

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 4369

STATE OF NEW JERSEY 220th LEGISLATURE

DATED: JUNE 30, 2022

SUMMARY

- Synopsis:** Prohibits possession and requires registration of body armor in certain circumstances.
- Type of Impact:** Annual State expenditure and revenue increases.
- Agencies Affected:** Department of Law and Public Safety; Judiciary; Department of Corrections; Office of the Public Defender; State Parole Board.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost Increase		Indeterminate	
State Revenue Increase		Indeterminate	

- The Office of Legislative Services (OLS) concludes that making the possession or purchase of body armor crimes of the third degree will result in an indeterminate annual increase in State expenditures and revenues. The OLS lacks sufficient information to quantify the fiscal impact, as it is not possible to know how many individuals will be prosecuted, tried, and sentenced for the crimes established by the bill.
- The following State agencies would incur caseload and expenditure increases: a) the Department of Law and Public Safety (DLPS) would have to prosecute additional cases; b) the Judiciary would have to adjudicate additional complaints 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 (DOC) would have to house and care for more individuals who are sentenced to prison terms; and e) the State Parole Board would have to supervise the return to society of additional formerly incarcerated persons. The OLS notes that crimes of the third degree carry a presumption of non-incarceration for first time offenders.
- The DLPS will incur indeterminate, annual cost increases to establish and maintain the body armor registration and application and permitting processes. The OLS notes that the State or local law enforcement agencies may also incur indeterminate costs to store or destroy body

armor surrendered by individuals who do not wish to register body armor owned prior to the effective date of the bill.

- The OLS also notes the State may receive indeterminate revenue from fines, fees, and civil penalties imposed on individuals violating the provisions of this bill; however, the State's ability to collect these monetary penalties has historically been limited.

BILL DESCRIPTION

This bill establishes prohibitions on the possession and purchase of body armor by certain persons, a registration requirement for body armor, and a permit to purchase body armor.

The bill provides that it is unlawful for a person to own or otherwise possess body armor unless the person has registered the body armor in accordance with the bill's provisions. The bill requires the Attorney General to effectuate the provisions of this bill, including establishing a permit to purchase body armor and an application process for a person to obtain the permit.

Under current law, it is a crime of the second or third degree, depending on circumstances, to use a body vest during the commission of certain crimes. The bill redefines the term "body vest" as "body armor" and expands the current law to include all body armor.

The bill provides certain permit requirements for the sale or other transfer of body armor and any seller who violates these provisions would be subject to a civil penalty of up to \$500 for a first offense and up to \$1,000 for a second or subsequent offense.

Further, the possession or purchase of body armor in violation of the bill's provisions are both crimes of the third degree. A crime of the third degree is punishable by three to five years imprisonment, a fine of up to \$15,000, or both.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that making the possession or purchase of body armor crimes of the third degree will result in an indeterminate annual increase in State expenditures and revenues. The OLS lacks sufficient information to quantify the fiscal impact, as it is not possible to know how many individuals will be prosecuted, tried, and sentenced for the crimes established by the bill.

The following State agencies would incur caseload and expenditure increases: a) the Department of Law and Public Safety (DLPS) would have to prosecute additional cases; b) the Judiciary would have to adjudicate additional complaints 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 (DOC) would have to house and care for more individuals who are sentenced to prison terms; and e) the State Parole Board would have to supervise the return to society of additional formerly incarcerated persons.

A crime of the third degree is punishable by three to five years imprisonment, a fine of up to \$15,000, or both. However, for crimes of the third degree a presumption of non-incarceration

applies to first-time offenders. Based on information provided by the DOC, the FY 2021 average annual costs for housing an inmate were \$55,389, whereas the average daily cost was \$151.75.

The DLPS will incur indeterminate, annual cost increases to establish and maintain the body armor registration and application and permitting processes. The OLS notes that the State or local law enforcement agencies may also incur indeterminate costs to store or destroy body armor surrendered by individuals who do not wish to register body armor owned prior to the effective date of the bill.

The OLS also notes the State may receive indeterminate revenue from fines, fees, and civil penalties imposed on individuals violating the provisions of this bill; however, the State's ability to collect monetary penalties has historically been limited.

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.).