

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

ASSEMBLY, No. 4684

STATE OF NEW JERSEY 221st LEGISLATURE

DATED: OCTOBER 30, 2024

SUMMARY

- Synopsis:** Removes certain limitations on recovery for victims of certain sexual offenses.
- Type of Impact:** Periodic State and local expenditure increase; periodic State revenue increase.
- Agencies Affected:** The Judiciary; the State and local public entities.

Office of Legislative Services Estimate

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

- The Office of Legislative Services (OLS) finds that this bill may result in periodic cost increases to the Judiciary due to an uptick in civil liability cases. This bill permits the recovery of damages to be awarded against a public entity or public employee for pain and suffering resulting from certain injuries. The OLS notes that although this bill establishes this provision, actions at law against public entities and public employees for certain sexual offenses committed against a person or a minor have previously been and continue to be filed under the New Jersey Tort Claims Act. Therefore, the increase in caseload is likely to be minimal. However, any increase in caseload will also result in an increase in revenues from court filing fees for the Judiciary.
- This bill permits the recovery of damages for pain and suffering to be awarded against a public entity or public employee from injuries from certain sexual offenses without meeting the \$3,600 threshold for physical injuries or medical treatment mandated under current law. Since this bill will remove the immunity for civil liability granted to public entities and public employees, the State and local government entities may also be liable from time to time to pay additional civil penalties under the bill. This would result in an increase in expenditures to the State and local public entities.

BILL DESCRIPTION

This bill permits the recovery of damages to be awarded against a public entity or public employee for pain and suffering resulting from certain injuries.

Under current law, no damages are awarded against a public entity or public employee for pain and suffering resulting from any injury. This limitation does not apply in cases of permanent loss of a bodily function, permanent disfigurement, or dismemberment where the medical treatment expenses are in excess of \$3,600.00.

This bill provides that the limitation against recovery also does not apply to an action at law filed pursuant to N.J.S.A.59:2-1.3. Under current law, N.J.S.A.59:2-1.3 provides that immunity for civil liability granted to public entities and public employees under the New Jersey Tort Claims Act does not apply to an action at law for damages as a result of sexual assault, any other crime of a sexual nature, a prohibited sexual act, or sexual abuse being committed against: (1) a person, which was caused by a willful, wanton, or grossly negligent act of the public entity or public employee; or (2) a minor under the age of 18, which was caused by the negligent hiring, supervision, or retention of any public employee.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that this bill may result in periodic cost increases to the Judiciary due to an uptick in civil liability cases. Current law provides that immunity for civil liability granted to public entities and public employees does not apply to an action at law for damages as a result of certain sexual offenses committed under certain circumstances. However, this bill permits the recovery of damages for pain and suffering to be awarded against a public entity or public employee from injuries from certain sexual offenses, without meeting the current \$3,600 threshold for physical injuries or medical treatment. The State and local government entities may be liable from time to time to pay additional civil penalties under the bill resulting in increased expenditures to these entities.

The OLS notes that although this bill clarifies certain sections of the current law, actions at law against public entities and public employees for certain sexual offenses committed against a person or a minor have previously been and continue to be filed under the New Jersey Tort Claims Act. Therefore, the increase in caseload is likely to be minimal. However, any increase in caseload will also result in revenues from court filing fees for the Judiciary.

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.).