

FLOOR AMENDMENT STATEMENT:

LEGISLATIVE FISCAL ESTIMATE:

Yes 1/14/2016

LEGISLATIVE FISCAL NOTE:

Yes 10/21/2014

VETO MESSAGE:

No

GOVERNOR'S PRESS RELEASE ON SIGNING:

Yes

FOLLOWING WERE PRINTED:

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No

end

P.L.2015, CHAPTER 265, *approved January 19, 2016*
Assembly, No. 984 (*Second Reprint*)

1 AN ACT concerning tampering with the scene of an accident and
2 amending N.J.S.2C:29-3.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. N.J.S.2C:29-3 is amended to read as follows:

8 2C:29-3. Hindering Apprehension or Prosecution. a. A person
9 commits an offense if, with purpose to hinder the detention,
10 apprehension, investigation, prosecution, conviction or punishment of
11 another for an offense or violation of Title 39 of the Revised Statutes
12 or a violation of chapter 33A of Title 17 of the Revised Statutes he:

13 (1) Harbors or conceals the other;

14 (2) Provides or aids in providing a weapon, money, transportation,
15 disguise or other means of avoiding discovery or apprehension or
16 effecting escape;

17 (3) Suppresses, by way of concealment or destruction, any
18 evidence of the crime, or tampers with a witness, informant, document
19 or other source of information, regardless of its admissibility in
20 evidence, which might aid in the discovery or apprehension of such
21 person or in the lodging of a charge against him;

22 (4) Warns the other of impending discovery or apprehension,
23 except that this paragraph does not apply to a warning given in
24 connection with an effort to bring another into compliance with law;

25 (5) Prevents or obstructs, by means of force, intimidation or
26 deception, anyone from performing an act which might aid in the
27 discovery or apprehension of such person or in the lodging of a charge
28 against him;

29 (6) Aids such person to protect or expeditiously profit from an
30 advantage derived from such crime; or

31 (7) Gives false information to a law enforcement officer or a civil
32 State investigator assigned to the Office of the Insurance Fraud
33 Prosecutor established by section 32 of P.L.1998, c.21 (C.17:33A-16).

34 An offense under paragraph (5) of subsection a. of this section is a
35 crime of the second degree, unless the actor is a spouse, domestic
36 partner, partner in a civil union, parent or child to the person aided
37 who is the victim of the offense, in which case the offense is a crime of
38 the fourth degree. ²An offense under paragraphs (3) or (7) of
39 subsection a. of this section is a crime of the third degree if the
40 conduct which the actor knows has been charged or is liable to be
41 charged against another person would constitute leaving the scene of a

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ALP committee amendments adopted December 4, 2014.

²Senate SBA committee amendments adopted January 7, 2016.

1 motor vehicle accident that results in the death of another person in
2 violation of section 1 of P.L.1997, c.111 (C.2C:11-5.1).
3 Notwithstanding the presumption of non-imprisonment for certain
4 offenders set forth in subsection e. of N.J.S.2C:44-1, the actor shall
5 serve a term of imprisonment, which shall be fixed at not less than one
6 year, during which the actor shall not be eligible for parole.²
7 Otherwise, the offense ²under subsection a. of this section² is a crime
8 of the third degree if the conduct which the actor knows has been
9 charged or is liable to be charged against the person aided would
10 constitute a crime of the second degree or greater, unless the actor is a
11 spouse, domestic partner, partner in a civil union, parent or child of the
12 person aided, in which case the offense is a crime of the fourth degree.
13 The offense is a crime of the fourth degree if such conduct would
14 constitute a crime of the third degree. Otherwise it is a disorderly
15 persons offense.

16 b. A person commits an offense if, with purpose to hinder his own
17 detention, apprehension, investigation, prosecution, conviction or
18 punishment for an offense or violation of Title 39 of the Revised
19 Statutes or a violation of chapter 33A of Title 17 of the Revised
20 Statutes, he:

21 (1) Suppresses, by way of concealment or destruction, any
22 evidence of the crime or tampers with a document or other source of
23 information, regardless of its admissibility in evidence, which might
24 aid in his discovery or apprehension or in the lodging of a charge
25 against him; or

26 (2) Prevents or obstructs by means of force or intimidation anyone
27 from performing an act which might aid in his discovery or
28 apprehension or in the lodging of a charge against him; or

29 (3) Prevents or obstructs by means of force, intimidation or
30 deception any witness or informant from providing testimony or
31 information, regardless of its admissibility, which might aid in his
32 discovery or apprehension or in the lodging of a charge against him; or

33 (4) Gives false information to a law enforcement officer or a civil
34 State investigator assigned to the Office of the Insurance Fraud
35 Prosecutor established by section 32 of P.L.1998, c.21 (C.17:33A-16).

36 An offense under paragraph (3) of subsection b. of this section is a
37 crime of the second degree. An offense under paragraphs (1) ²[and]
38 or² (4) of subsection b. of this section is a crime of the third degree if
39 the ²conduct which the² actor knows ²[he]² has been ²charged² or is
40 liable to be charged ²[with] against him would constitute² leaving the
41 scene of a motor vehicle accident that results in the death of another
42 person in violation of section 1 of P.L.1997, c.111 (C.2C:11-5.1).
43 Notwithstanding the presumption of non-imprisonment for certain
44 offenders set forth in subsection e. of N.J.S.2C:44-1, the actor shall
45 serve a ¹term of ²[incarceration] imprisonment² which shall ²[include
46 a¹] be² fixed ²[minimum term of imprisonment of 85% of the
47 sentence imposed, during which the actor shall not be eligible for

1 parole] at not less than one year, during which the actor shall not be
2 eligible for parole².

3 Otherwise, the offense under subsection b. of this section is a
4 crime of the third degree if the conduct which the actor knows has
5 been charged or is liable to be charged against him would constitute a
6 crime of the second degree or greater. The offense is a crime of the
7 fourth degree if such conduct would constitute a crime of the third
8 degree. Otherwise it is a disorderly persons offense.

9 (cf: P.L.2008, c.81, s.2)

10

11 2. This act shall take effect immediately.

12

13

14

15

16 Enhances penalty for tampering with evidence after fleeing the
17 scene of an accident resulting in death.

ASSEMBLY, No. 984

STATE OF NEW JERSEY 216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

Sponsored by:

Assemblyman BOB ANDRZEJCZAK

District 1 (Atlantic, Cape May and Cumberland)

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

SYNOPSIS

Enhances penalty for tampering with evidence after fleeing the scene of an accident resulting in death.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 3/11/2014)

1 AN ACT concerning tampering with the scene of an accident and
2 amending N.J.S.2C:29-3.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. N.J.S.2C:29-3 is amended to read as follows:

8 2C:29-3. Hindering Apprehension or Prosecution. a. A person
9 commits an offense if, with purpose to hinder the detention,
10 apprehension, investigation, prosecution, conviction or punishment
11 of another for an offense or violation of Title 39 of the Revised
12 Statutes or a violation of chapter 33A of Title 17 of the Revised
13 Statutes he:

14 (1) Harbors or conceals the other;

15 (2) Provides or aids in providing a weapon, money,
16 transportation, disguise or other means of avoiding discovery or
17 apprehension or effecting escape;

18 (3) Suppresses, by way of concealment or destruction, any
19 evidence of the crime, or tampers with a witness, informant,
20 document or other source of information, regardless of its
21 admissibility in evidence, which might aid in the discovery or
22 apprehension of such person or in the lodging of a charge against
23 him;

24 (4) Warns the other of impending discovery or apprehension,
25 except that this paragraph does not apply to a warning given in
26 connection with an effort to bring another into compliance with
27 law;

28 (5) Prevents or obstructs, by means of force, intimidation or
29 deception, anyone from performing an act which might aid in the
30 discovery or apprehension of such person or in the lodging of a
31 charge against him;

32 (6) Aids such person to protect or expeditiously profit from an
33 advantage derived from such crime; or

34 (7) Gives false information to a law enforcement officer or a
35 civil State investigator assigned to the Office of the Insurance Fraud
36 Prosecutor established by section 32 of P.L.1998, c.21 (C.17:33A-
37 16).

38 An offense under paragraph (5) of subsection a. of this section is
39 a crime of the second degree, unless the actor is a spouse, domestic
40 partner, partner in a civil union, parent or child to the person aided
41 who is the victim of the offense, in which case the offense is a
42 crime of the fourth degree. Otherwise, the offense is a crime of the
43 third degree if the conduct which the actor knows has been charged
44 or is liable to be charged against the person aided would constitute a

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 crime of the second degree or greater, unless the actor is a spouse,
2 domestic partner, partner in a civil union, parent or child of the
3 person aided, in which case the offense is a crime of the fourth
4 degree. The offense is a crime of the fourth degree if such conduct
5 would constitute a crime of the third degree. Otherwise it is a
6 disorderly persons offense.

7 b. A person commits an offense if, with purpose to hinder his
8 own detention, apprehension, investigation, prosecution, conviction
9 or punishment for an offense or violation of Title 39 of the Revised
10 Statutes or a violation of chapter 33A of Title 17 of the Revised
11 Statutes, he:

12 (1) Suppresses, by way of concealment or destruction, any
13 evidence of the crime or tampers with a document or other source of
14 information, regardless of its admissibility in evidence, which might
15 aid in his discovery or apprehension or in the lodging of a charge
16 against him; or

17 (2) Prevents or obstructs by means of force or intimidation
18 anyone from performing an act which might aid in his discovery or
19 apprehension or in the lodging of a charge against him; or

20 (3) Prevents or obstructs by means of force, intimidation or
21 deception any witness or informant from providing testimony or
22 information, regardless of its admissibility, which might aid in his
23 discovery or apprehension or in the lodging of a charge against him;
24 or

25 (4) Gives false information to a law enforcement officer or a
26 civil State investigator assigned to the Office of the Insurance Fraud
27 Prosecutor established by section 32 of P.L.1998, c.21 (C.17:33A-
28 16).

29 An offense under paragraph (3) of subsection b. of this section is
30 a crime of the second degree. An offense under paragraphs (1) and
31 (4) of subsection b. of this section is a crime of the third degree if
32 the actor knows he has been or is liable to be charged with leaving
33 the scene of a motor vehicle accident that results in the death of
34 another person in violation of section 1 of P.L.1997, c.111
35 (C.2C:11-5.1). Notwithstanding the presumption of non-
36 imprisonment for certain offenders set forth in subsection e. of
37 N.J.S. 2C:44-1, the actor shall serve a fixed minimum term of
38 imprisonment of 85% of the sentence imposed, during which the
39 actor shall not be eligible for parole.

40 Otherwise, the offense under subsection b. of this section is a
41 crime of the third degree if the conduct which the actor knows has
42 been charged or is liable to be charged against him would constitute
43 a crime of the second degree or greater. The offense is a crime of
44 the fourth degree if such conduct would constitute a crime of the
45 third degree. Otherwise it is a disorderly persons offense.

46 (cf: P.L.2008, c.81, s.2)

1 2. This act shall take effect immediately.

2

3

4

STATEMENT

5

6 This bill enhances the penalty for knowingly leaving the scene of
7 a motor vehicle accident resulting in the death of another person,
8 and then attempting to destroy or conceal evidence relating to the
9 accident.

10 Under the provisions of this bill it is a third degree crime to
11 destroy evidence or give false information to a law enforcement
12 officer after knowingly leaving the scene of an accident that results
13 in another person's death. This punishment would be imposed in
14 addition to the penalty for the act of knowingly leaving the scene of
15 the accident, which is a second degree crime.

16 A crime of the third degree is punishable by three to five years
17 imprisonment, a fine of up to \$10,000, or both. In addition, under
18 the provisions of the bill, the offender will be required to serve 85%
19 the term of imprisonment imposed before being eligible for parole,
20 notwithstanding that crimes of the third degree carry with them a
21 presumption of non-incarceration for first-time offenders.

FISCAL NOTE
ASSEMBLY, No. 984
STATE OF NEW JERSEY
216th LEGISLATURE

DATED: OCTOBER 21, 2014

SUMMARY

Synopsis: Enhances penalty for tampering with evidence after fleeing the scene of an accident resulting in death.

Type of Impact: General Fund expenditure.

Agencies Affected: Department of Corrections

Executive Estimate

Fiscal Impact	<u>Year 4</u>	<u>Year 5</u>	<u>Year 6</u>
State Cost	\$3,915	\$27,402	\$50,890

- The Office of Legislative Services (OLS) **concurs** with the Executive estimate.
- The Department of Corrections (DOC) states that there would be no fiscal impact in the first three years and ten month following the enactment of this bill. The DOC notes that in FY 2013, the inmate cost per day for food, wages and clothing was \$7.15. During the fourth year after enactment, an additional 1.5 beds would be required at a cost of \$3,915. This would increase to \$27,402 with the addition of 9 more beds in the fifth year, and to \$50,890 for another 9 beds in the sixth year. The full impact of this bill would be reached in the seventh year when the total 22.9 beds are added at a cost of \$59,763.

BILL DESCRIPTION

Assembly Bill No. 984 of 2014 enhances the penalty for leaving the scene of a motor vehicle accident resulting in the death of another person, and then attempting to destroy or conceal evidence relating to the accident.

Under current law, it is a third degree crime to destroy evidence or give false information to a law enforcement officer if the illegal conduct which is charged would constitute a crime of the first or second degree. A crime of the third degree is punishable by three to five years imprisonment, a fine of up to \$10,000, or both. Under the bill, it also would be a crime of the third degree to knowingly leave the scene of an accident that results in another person's death and then destroy evidence or provide false information relating to the accident. This punishment

would be imposed in addition to the penalty for the act of knowingly leaving the scene of the accident, which is a second degree crime.

The bill also specifies that a term of imprisonment is to be imposed, notwithstanding that crimes of the third degree carry with them a presumption of non-incarceration for first-time offenders. Further, the offender is required to serve 85 percent of that term before being eligible for parole.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The DOC states that in 2013, there were twenty-seven second-degree new committals to the DOC for leaving the scene of a fatal accident sentenced under N.J.S.A 2C:11-5. Based on the police report within the Pre-Sentence Investigation (PSI), there were nine cases seemingly falling within the criteria of the bill. Eight individuals lied mainly by denying that they were under the influence of drugs or alcohol at the time of the offense or denying their involvement in the offense during police interrogation, and one individual attempted to conceal the damages from the crash by having repairs made to the vehicle.

The department states that the average length of stay (LOS) for these nine offenders based on the second-degree offense was calculated at 46 months. At current practice, approximately 34.5 beds would be required to house these nine inmates.

The DOC notes that notwithstanding the presumption of non-imprisonment under the provisions of the bill, the offender would be required to serve a fixed minimum term of imprisonment of 85 percent of the sentence imposed, during which the offender shall not be eligible for parole. Assuming the offenders sentence were the minimum term of three years, the average 85 percent LOS would be 30.6 months (36 months times 85 percent = 30.6 months or 2 years 7 months).

Based on the provisions of the bill, the enactment of this legislation would increase the length of sentence by approximately 2 years 7 months requiring an additional of 22.9 beds. The department would require a total of 57.4 beds to house these individuals.

	YEARLY COMMITTALS	LOS (YEARS/MONTHS)	NUMBER OF BEDS
CURRENT PRACTICE	9	3 yrs 10 months	34.5
<u>PLUS: A984/S1534</u>	9	2 yrs 7 months	22.9
TOTAL		6 yrs 5 months	57.4

The department states that there would be no fiscal impact in the first three years and ten month following enactment of this bill.. The DOC notes that in FY 2013, the inmate cost per day for food, wages and clothing was \$7.15. During the fourth year after enactment, an additional 1.5 beds would be required at a cost of \$3,915. This would increase to \$27,402 with the addition of 9 more beds in the fifth year, and to \$50,890 for another 9 beds in the sixth year. The full impact of this bill would be reached in the seventh year when the total 22.9 beds are added at a cost of \$59,763. The chart below details the marginal cost resulting from the bill's implementation.

	YEAR	<u>Beds Added Each Year</u>	<u>CUMULATIVE BEDS ADDED EACH YEAR</u>	<u>Annual Marginal Cost Per Day \$7.15 * 365 days</u>	<u>Cumulative Annual Cost Per Day \$7.15 * 365 days</u>
<i>Year 1</i>	2016				
<i>Year 2</i>	2017				
<i>Year 3</i>	2018				
<i>Year 4</i>	2019	1.5	1.5	\$3,914.63	\$3,914.63
<i>Year 5</i>	2020	9.0	10.5	\$23,487.75	\$27,402.38
<i>Year 6</i>	2021	9.0	19.5	\$23,487.75	\$50,890.13
<i>Year 7</i>	2022	3.4	22.9	\$8,873.15	\$59,763.28
TOTAL		22.9		\$59,763.28	

In summary, the enactment of the bill would increase the inmate population volume at the DOC requiring approximately 22.9 additional beds at a marginal cost to the department (inmate cost per day for food, wages and clothing) of \$59,763.28 when the full impact is reached in the seventh year. There is no projected increase in the number of convictions or cost to house these individuals beyond the seven years projected in this analysis.

OFFICE OF LEGISLATIVE SERVICES

The OLS concurs with the Executive estimate.

Section: Judiciary
Analyst: Anne Raughley
Principal Fiscal Analyst
Approved: David J. Rosen
Legislative Budget and Finance Officer

This fiscal note has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 984

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 4, 2014

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 984.

As amended and reported by the committee, Assembly Bill No. 984 enhances the penalty for knowingly leaving the scene of a motor vehicle accident resulting in the death of another person, and then attempting to destroy or conceal evidence relating to the accident.

Under the provisions of this bill, it is a third degree crime to destroy evidence or give false information to a law enforcement officer after knowingly leaving the scene of an accident that results in another person's death. This punishment would be imposed in addition to the penalty for knowingly leaving the scene of the accident resulting in death of another person, which is a second degree crime.

A crime of the third degree is punishable by three to five years imprisonment, a fine of up to \$15,000, or both. In addition, under the provisions of the bill, the offender will be required to serve a mandatory minimum term of incarceration of 85 percent of the sentence imposed before being eligible for parole. Generally, crimes of the third degree carry with them a presumption of non-incarceration for first-time offenders.

This bill was pre-filed for introduction in the 2014-2015 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS:

The committee amended the bill to clarify that a person is required to serve a mandatory minimum term of incarceration for knowingly leaving the scene of a motor vehicle accident resulting in the death of another person, and then attempting to destroy or conceal evidence relating to the accident.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 984

STATE OF NEW JERSEY 216th LEGISLATURE

DATED: DECEMBER 19, 2014

SUMMARY

Synopsis: Enhances penalty for tampering with evidence after fleeing the scene of an accident resulting in death.

Type of Impact: General Fund Expenditure.

Agencies Affected: Department of Corrections

Executive Estimate

Fiscal Impact	<u>Year 4</u>	<u>Year 5</u>	<u>Year 6</u>
State Cost	\$3,915	\$27,402	\$50,890

- The Office of Legislative Services (OLS) **concurs** with the Executive estimate. The OLS notes that the amendments generated no change in the bill's fiscal impact.
- In a fiscal note to the initial version of this bill, the Department of Corrections (DOC) stated that there would be no fiscal impact in the first three years and ten month following the enactment of this bill. The DOC noted that in FY 2013, the inmate cost per day for food, wages and clothing was \$7.15. During the fourth year after enactment, an additional 1.5 beds would be required at a cost of \$3,915. This would increase to \$27,402 with the addition of 9 more beds in the fifth year, and to \$50,890 for another 9 beds in the sixth year. The full impact of this bill would be reached in the seventh year when the total 22.9 beds are added at a cost of \$59,763.

BILL DESCRIPTION

Assembly Bill No. 984 (1R) of 2014 enhances the penalty for knowingly leaving the scene of a motor vehicle accident resulting in the death of another person, and then attempting to destroy or conceal evidence relating to the accident.

Under the bill, it is a third degree crime to destroy evidence or give false information to a law enforcement officer after knowingly leaving the scene of an accident that results in another

person's death. This punishment would be imposed in addition to the penalty for knowingly leaving the scene of the accident resulting in death of another person, which is a second degree crime.

A crime of the third degree is punishable by three to five years imprisonment, a fine of up to \$15,000, or both. In addition, under the provisions of the bill, the offender will be required to serve a mandatory minimum term of incarceration of 85 percent of the sentence imposed before being eligible for parole. Ordinarily, crimes of the third degree carry with them a presumption of non-incarceration for first-time offenders.

FISCAL ANALYSIS

EXECUTIVE BRANCH

In a fiscal note to the initial version of this bill, DOC stated that in 2013, there were 27 second-degree new committals to the DOC for leaving the scene of a fatal accident sentenced under N.J.S.A 2C:11-5. Based on the police report within the Pre-Sentence Investigation (PSI), there were nine cases seemingly falling within the criteria of the bill. Eight individuals lied mainly by denying that they were under the influence of drugs or alcohol at the time of the offense or denying their involvement in the offense during police interrogation, and one individual attempted to conceal the damages from the crash by having repairs made to the vehicle.

The department stated that the average length of stay (LOS) for these nine offenders based on the second-degree offense was calculated at 46 months. At current practice, approximately 34.5 beds would be required to house these nine inmates.

The DOC noted that notwithstanding the presumption of non-imprisonment under the provisions of the bill, the offender would be required to serve a fixed minimum term of imprisonment of 85 percent of the sentence imposed, during which the offender shall not be eligible for parole. Assuming the offenders sentence were the minimum term of three years, the average 85 percent LOS would be 30.6 months (36 months times 85 percent = 30.6 months or 2 years 7 months).

Based on the provisions of the bill, the enactment of this legislation would increase the length of sentence by approximately 2 years 7 months, requiring an additional of 22.9 beds. The department would require a total of 57.4 beds to house these individuals.

	YEARLY COMMITTALS	LOS (YEARS/MONTHS)	NUMBER OF BEDS
CURRENT PRACTICE	9	3 yrs 10 months	34.5
<u>PLUS: A984/S1534</u>	9	2 yrs 7 months	22.9
TOTAL		6 yrs 5 months	57.4

The department stated that there would be no fiscal impact in the first three years and 10 months following enactment of this bill. The DOC noted that in FY 2013, the inmate cost per day for food, wages and clothing was \$7.15. During the fourth year after enactment, an additional 1.5 beds would be required at a cost of \$3,915. This would increase to \$27,402 with the addition of 9 more beds in the fifth year, and to \$50,890 for another 9 beds in the sixth year. The full impact of this bill would be reached in the seventh year when the total 22.9 beds are

added at a cost of \$59,763. The chart below details the marginal cost resulting from the bill's implementation.

	YEAR	<u>Beds Added Each Year</u>	<u>CUMULATIVE BEDS ADDED EACH YEAR</u>	<u>Annual Marginal Cost Per Day \$7.15 * 365 days</u>	<u>Cumulative Annual Cost Per Day \$7.15 * 365 days</u>
<i>Year 1</i>	2016				
<i>Year 2</i>	2017				
<i>Year 3</i>	2018				
<i>Year 4</i>	2019	1.5	1.5	\$3,914.63	\$3,914.63
<i>Year 5</i>	2020	9.0	10.5	\$23,487.75	\$27,402.38
<i>Year 6</i>	2021	9.0	19.5	\$23,487.75	\$50,890.13
<i>Year 7</i>	2022	3.4	22.9	\$8,873.15	\$59,763.28
TOTAL		22.9		\$59,763.28	

In summary, the enactment of the bill would increase the inmate population volume at the DOC, requiring approximately 22.9 additional beds at a marginal cost (inmate cost per day for food, wages and clothing) of \$59,763.28 when the full impact is reached in the seventh year. There is no projected increase in the number of convictions or cost to house these individuals beyond the seven years projected in this analysis.

OFFICE OF LEGISLATIVE SERVICES

The OLS concurs with the Executive estimate. The OLS notes that the amendments generated no change in the bill's fiscal impact.

Section: Judiciary

*Analyst: Anne Raughley
Principal Fiscal Analyst)*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 984

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 7, 2016

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 984 (1R), with committee amendments.

As amended, this bill enhances the penalty for leaving the scene of a motor vehicle accident resulting in the death of another person and then attempting to destroy or conceal evidence relating to the accident, and establishes a crime of the third degree for another person who suppresses, conceals or destroys evidence, or gives false information in an investigation, if this actor knows another person has been or is liable to be charged with leaving the scene of a fatal motor vehicle accident.

Under current law, it is a third degree crime to destroy evidence or give false information to a law enforcement officer if the illegal conduct which is charged would constitute a crime of the first or second degree. A crime of the third degree is punishable by three-to-five years imprisonment, a fine of up to \$10,000, or both. Under the bill, it also is a crime of the third degree to knowingly leave the scene of an accident that results in another person's death and then destroy evidence or provide false information relating to the accident. The criminal sentence for this third degree crime will be imposed in addition to the criminal sentence for the crime of knowingly leaving the scene of the accident, which is a second degree crime.

This bill specifies that for this additional third degree crime a mandatory term of imprisonment is required, notwithstanding that crimes of the third degree carry with them a presumption of non-imprisonment for first-time offenders. The bill provides that the offender is required to serve a term of imprisonment which is fixed by the bill at not less than one year, before being eligible for parole.

The bill also makes it a crime of the third degree for another person who suppresses, conceals or destroys evidence, or gives false information in an investigation, if this actor knows that another person has been or is liable to be charged with leaving the scene of a fatal motor vehicle accident. Under the bill, offenders of this new crime will

similarly be required to serve a term of imprisonment of not less than one year before being eligible for parole.

As amended and reported, this bill is identical to Senate Bill No. 1534, as also amended and reported by the committee.

COMMITTEE AMENDMENTS:

The amendments establish a crime of the third degree, with a minimum one year term of imprisonment without parole eligibility, for a person who suppresses, conceals or destroys evidence, or gives false information in an investigation, if this actor knows that another person has been or is liable to be charged with leaving the scene of a fatal motor vehicle accident. The amendments also clarify the elements of the third degree crime for the person who either tampers with evidence or gives false information after knowingly leaving the scene. This crime is also to include a minimum one year term of imprisonment without parole eligibility.

FISCAL IMPACT:

The Office of Legislative Services (OLS) notes that the amended bill reduced the penalty to 12 months of mandatory incarceration before becoming eligible for parole rather than a mandatory minimum term of incarceration of 85 percent before becoming eligible for parole. This penalty would take effect after the offender has served time for the second degree crime of knowingly leaving the scene of the accident. The amended bill would decrease the number of additional beds required from 22.9 beds to 9 beds. At a marginal cost of \$7.15 per day, the added penalty for the enhanced crime would cost a total of \$2,609.75 per bed. With 9 offenders per year, the total increased cost would be \$23,487.75 annually beginning in the fourth year after implementation.

The OLS also states that with regard to the provision establishing a crime of the third degree for another person who suppresses, conceals or destroys evidence, or gives false information in an investigation, if this actor knows another person has been or is liable to be charged with leaving the scene of a fatal motor vehicle accident, there is no information available with which to determine the number of individuals who would be convicted under this new crime. However, for every individual incarcerated under this provision, the marginal cost of housing this inmate would be \$2,609.75 per year.

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

ASSEMBLY, No. 984

STATE OF NEW JERSEY 216th LEGISLATURE

DATED: JANUARY 14, 2016

SUMMARY

- Synopsis:** Enhances penalty for tampering with evidence after fleeing the scene of an accident resulting in death.
- Type of Impact:** State expenditure increase.
- Agencies Affected:** Department of Corrections

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 4</u>	<u>Year 5</u>	<u>Year 6</u>
State Cost	\$23,500	\$23,500	\$23,500

- The Office of Legislative Services (OLS) estimates, based on information provided by the Department of Corrections (DOC) that this bill will increase State expenditures by about \$23,500 annually, commencing in the fourth fiscal year following enactment.
- The OLS notes that with regard to the provision establishing a crime of the third degree for any person who suppresses, conceals or destroys evidence, or gives false information in an investigation, if this person knows another person has been or is liable to be charged with leaving the scene of a fatal motor vehicle accident, there is no information available with which to determine the number of individuals who would be convicted under this new crime. However, for every individual incarcerated under this provision, the marginal cost of housing this inmate would be about \$2,610 per year.

BILL DESCRIPTION

Assembly Bill No. 984 (2R) of 2014 enhances the penalty for leaving the scene of a motor vehicle accident resulting in the death of another person and then attempting to destroy or conceal evidence relating to the accident, and establishes a crime of the third degree for another person who suppresses, conceals or destroys evidence, or gives false information in an investigation, if this actor knows another person has been or is liable to be charged with leaving the scene of a fatal motor vehicle accident.

Under current law, it is a third degree crime to destroy evidence or give false information to a law enforcement officer if the illegal conduct with which a person is charged would constitute a crime of the first or second degree. A crime of the third degree is punishable by three-to- five years imprisonment, a fine of up to \$10,000, or both. Under the bill, it also is a crime of the third degree to knowingly leave the scene of an accident that results in another person's death and then destroy evidence or provide false information relating to the accident. The criminal sentence for this third degree crime will be imposed in addition to the criminal sentence for the crime of knowingly leaving the scene of the accident, which is a second degree crime.

This bill specifies that for this additional third degree crime a mandatory term of imprisonment is required, notwithstanding that crimes of the third degree carry with them a presumption of non-imprisonment for first-time offenders. The bill provides that the offender is required to serve a term of imprisonment which is fixed by the bill at not less than one year, before being eligible for parole.

The bill also makes it a crime of the third degree for another person who suppresses, conceals or destroys evidence, or gives false information in an investigation, if this actor knows that another person has been or is liable to be charged with leaving the scene of a fatal motor vehicle accident. Under the bill, offenders of this new crime will similarly be required to serve a term of imprisonment of not less than one year before being eligible for parole.

FISCAL ANALYSIS

EXECUTIVE BRANCH

Information provided by the DOC on a previous version of this bill indicated that in 2013, there were 27 second-degree new committals to the DOC for leaving the scene of a fatal accident sentenced under N.J.S.A 2C:11-5. Based on the police report within the Pre-Sentence Investigation (PSI), there were nine cases seemingly falling within the criteria of the bill. Eight individuals lied mainly by denying that they were under the influence of drugs or alcohol at the time of the offense or denying their involvement in the offense during police interrogation, and one individual attempted to conceal the damages from the crash by having repairs made to the vehicle. Thus it estimated that nine offenders could be affected by this bill annually.

The DOC noted that in FY 2013, the inmate cost per year for food, wages and clothing was about \$2,610.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates, based on the information provided by the DOC, that the bill will extend the period of incarceration by 12 months for about nine individuals annually. At a marginal cost of \$7.15 per day, the added penalty for the enhanced crime would cost would total about \$2,610 per inmate. With nine offenders per year, the total increased cost would be about \$23,500 annually beginning in the fourth year after implementation.

The OLS also notes that with regard to the provision establishing a crime of the third degree for any person who suppresses, conceals or destroys evidence, or gives false information in an investigation, if this person knows another person has been or is liable to be charged with leaving the scene of a fatal motor vehicle accident, there is no information available with which to determine the number of individuals who would be convicted under this new crime. However, for every individual incarcerated under this provision, the marginal cost of housing this inmate would be about \$2,610 per year.

Section: Judiciary

*Analyst: Raughley, Anne C.
Principal Fiscal Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE, No. 1534

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED FEBRUARY 27, 2014

Sponsored by:

Senator JEFF VAN DREW

District 1 (Atlantic, Cape May and Cumberland)

Senator CHRISTOPHER "KIP" BATEMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

SYNOPSIS

Enhances penalty for tampering with evidence after fleeing the scene of an accident resulting in death.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/20/2014)

1 AN ACT concerning tampering with the scene of an accident and
2 amending N.J.S.2C:29-3.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. N.J.S.2C:29-3 is amended to read as follows:

8 2C:29-3. Hindering Apprehension or Prosecution. a. A person
9 commits an offense if, with purpose to hinder the detention,
10 apprehension, investigation, prosecution, conviction or punishment
11 of another for an offense or violation of Title 39 of the Revised
12 Statutes or a violation of chapter 33A of Title 17 of the Revised
13 Statutes he:

14 (1) Harbors or conceals the other;

15 (2) Provides or aids in providing a weapon, money,
16 transportation, disguise or other means of avoiding discovery or
17 apprehension or effecting escape;

18 (3) Suppresses, by way of concealment or destruction, any
19 evidence of the crime, or tampers with a witness, informant,
20 document or other source of information, regardless of its
21 admissibility in evidence, which might aid in the discovery or
22 apprehension of such person or in the lodging of a charge against
23 him;

24 (4) Warns the other of impending discovery or apprehension,
25 except that this paragraph does not apply to a warning given in
26 connection with an effort to bring another into compliance with
27 law;

28 (5) Prevents or obstructs, by means of force, intimidation or
29 deception, anyone from performing an act which might aid in the
30 discovery or apprehension of such person or in the lodging of a
31 charge against him;

32 (6) Aids such person to protect or expeditiously profit from an
33 advantage derived from such crime; or

34 (7) Gives false information to a law enforcement officer or a
35 civil State investigator assigned to the Office of the Insurance Fraud
36 Prosecutor established by section 32 of P.L.1998, c.21 (C.17:33A-
37 16).

38 An offense under paragraph (5) of subsection a. of this section is
39 a crime of the second degree, unless the actor is a spouse, domestic
40 partner, partner in a civil union, parent or child to the person aided
41 who is the victim of the offense, in which case the offense is a
42 crime of the fourth degree. Otherwise, the offense is a crime of the
43 third degree if the conduct which the actor knows has been charged
44 or is liable to be charged against the person aided would constitute a
45 crime of the second degree or greater, unless the actor is a spouse,

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 domestic partner, partner in a civil union, parent or child of the
2 person aided, in which case the offense is a crime of the fourth
3 degree. The offense is a crime of the fourth degree if such conduct
4 would constitute a crime of the third degree. Otherwise it is a
5 disorderly persons offense.

6 b. A person commits an offense if, with purpose to hinder his
7 own detention, apprehension, investigation, prosecution, conviction
8 or punishment for an offense or violation of Title 39 of the Revised
9 Statutes or a violation of chapter 33A of Title 17 of the Revised
10 Statutes, he:

11 (1) Suppresses, by way of concealment or destruction, any
12 evidence of the crime or tampers with a document or other source of
13 information, regardless of its admissibility in evidence, which might
14 aid in his discovery or apprehension or in the lodging of a charge
15 against him; or

16 (2) Prevents or obstructs by means of force or intimidation
17 anyone from performing an act which might aid in his discovery or
18 apprehension or in the lodging of a charge against him; or

19 (3) Prevents or obstructs by means of force, intimidation or
20 deception any witness or informant from providing testimony or
21 information, regardless of its admissibility, which might aid in his
22 discovery or apprehension or in the lodging of a charge against him;
23 or

24 (4) Gives false information to a law enforcement officer or a
25 civil State investigator assigned to the Office of the Insurance Fraud
26 Prosecutor established by section 32 of P.L.1998, c.21 (C.17:33A-
27 16).

28 An offense under paragraph (3) of subsection b. of this section is
29 a crime of the second degree. An offense under paragraphs (1) and
30 (4) of subsection b. of this section is a crime of the third degree if
31 the actor knows he has been or is liable to be charged with leaving
32 the scene of a motor vehicle accident that results in the death of
33 another person in violation of section 1 of P.L.1997, c.111
34 (C.2C:11-5.1). Notwithstanding the presumption of non-
35 imprisonment for certain offenders set forth in subsection e. of
36 N.J.S. 2C:44-1, the actor shall serve a fixed minimum term of
37 imprisonment of 85% of the sentence imposed, during which the
38 actor shall not be eligible for parole.

39 Otherwise, the offense under subsection b. of this section is a
40 crime of the third degree if the conduct which the actor knows has
41 been charged or is liable to be charged against him would constitute
42 a crime of the second degree or greater. The offense is a crime of
43 the fourth degree if such conduct would constitute a crime of the
44 third degree. Otherwise it is a disorderly persons offense.

45 (cf: P.L.2008, c.81, s.2)

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47 2. This act shall take effect immediately.

STATEMENT

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This bill enhances the penalty for leaving the scene of a motor vehicle accident resulting in the death of another person, and then attempting to destroy or conceal evidence relating to the accident.

Under current law, it is a third degree crime to destroy evidence or give false information to a law enforcement officer after knowingly leaving the scene of an accident that results in another person's death. This punishment would be imposed in addition to the penalty for the act of knowingly leaving the scene of the accident, which is a second degree crime.

A crime of the third degree is punishable by three to five years imprisonment, a fine of up to \$10,000, or both. Under this bill, the offender is required to serve 85% the term of imprisonment imposed before being eligible for parole. The committee amended the bill to provide that a term of imprisonment is to be imposed, notwithstanding that crimes of the third degree carry with them a presumption of non-incarceration for first offenders.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 1534

STATE OF NEW JERSEY

DATED: JUNE 19, 2014

The Senate Law and Public Safety Committee reports favorably Senate Bill No. 1534.

Senate Bill No. 1534 enhances the penalty for leaving the scene of a motor vehicle accident resulting in the death of another person, and then attempting to destroy or conceal evidence relating to the accident.

Under current law, it is a third degree crime to destroy evidence or give false information to a law enforcement officer if the illegal conduct which is charged would constitute a crime of the first or second degree. A crime of the third degree is punishable by three-to-five years imprisonment, a fine of up to \$10,000, or both. Under the bill, it also would be a crime of the third degree to knowingly leave the scene of an accident that results in another person's death and then destroy evidence or provide false information relating to the accident. This punishment would be imposed in addition to the penalty for the act of knowingly leaving the scene of the accident, which is a second degree crime.

This bill also specifies that a term of imprisonment is to be imposed, notwithstanding that crimes of the third degree carry with them a presumption of non-incarceration for first-time offenders. Further, the offender is required to serve 85 percent of that term before being eligible for parole.

FISCAL NOTE
SENATE, No. 1534
STATE OF NEW JERSEY
216th LEGISLATURE

DATED: OCTOBER 21, 2014

SUMMARY

Synopsis: Enhances penalty for tampering with evidence after fleeing the scene of an accident resulting in death.

Type of Impact: General Fund expenditure.

Agencies Affected: Department of Corrections

Executive Estimate

Fiscal Impact	<u>Year 4</u>	<u>Year 5</u>	<u>Year 6</u>
State Cost	\$3,915	\$27,402	\$50,890

- The Office of Legislative Services (OLS) **concurs** with the Executive estimate.
- The Department of Corrections (DOC) states that there would be no fiscal impact in the first three years and ten month following the enactment of this bill. The DOC notes that in FY 2013, the inmate cost per day for food, wages and clothing was \$7.15. During the fourth year after enactment, an additional 1.5 beds would be required at a cost of \$3,915. This would increase to \$27,402 with the addition of 9 more beds in the fifth year, and to \$50,890 for another 9 beds in the sixth year. The full impact of this bill would be reached in the seventh year when the total 22.9 beds are added at a cost of \$59,763.

BILL DESCRIPTION

Senate Bill No. 1534 of 2014 enhances the penalty for leaving the scene of a motor vehicle accident resulting in the death of another person, and then attempting to destroy or conceal evidence relating to the accident.

Under current law, it is a third degree crime to destroy evidence or give false information to a law enforcement officer if the illegal conduct which is charged would constitute a crime of the first or second degree. A crime of the third degree is punishable by three to five years imprisonment, a fine of up to \$10,000, or both. Under the bill, it also would be a crime of the third degree to knowingly leave the scene of an accident that results in another person's death and then destroy evidence or provide false information relating to the accident. This punishment

would be imposed in addition to the penalty for the act of knowingly leaving the scene of the accident, which is a second degree crime.

The bill also specifies that a term of imprisonment is to be imposed, notwithstanding that crimes of the third degree carry with them a presumption of non-incarceration for first-time offenders. Further, the offender is required to serve 85 percent of that term before being eligible for parole.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The DOC states that in 2013, there were twenty-seven second-degree new committals to the DOC for leaving the scene of a fatal accident sentenced under N.J.S.A 2C:11-5. Based on the police report within the Pre-Sentence Investigation (PSI), there were nine cases seemingly falling within the criteria of the bill. Eight individuals lied mainly by denying that they were under the influence of drugs or alcohol at the time of the offense or denying their involvement in the offense during police interrogation, and one individual attempted to conceal the damages from the crash by having repairs made to the vehicle.

The department states that the average length of stay (LOS) for these nine offenders based on the second-degree offense was calculated at 46 months. At current practice, approximately 34.5 beds would be required to house these nine inmates.

The DOC notes that notwithstanding the presumption of non-imprisonment under the provisions of the bill, the offender would be required to serve a fixed minimum term of imprisonment of 85 percent of the sentence imposed, during which the offender shall not be eligible for parole. Assuming the offenders sentence were the minimum term of three years, the average 85 percent LOS would be 30.6 months (36 months times 85 percent = 30.6 months or 2 years 7 months).

Based on the provisions of the bill, the enactment of this legislation would increase the length of sentence by approximately 2 years 7 months requiring an additional of 22.9 beds. The department would require a total of 57.4 beds to house these individuals.

	YEARLY COMMITTALS	LOS (YEARS/MONTHS)	NUMBER OF BEDS
CURRENT PRACTICE	9	3 yrs 10 months	34.5
<u>PLUS: A984/S1534</u>	9	2 yrs 7 months	22.9
TOTAL		6 yrs 5 months	57.4

The department states that there would be no fiscal impact in the first three years and ten month following enactment of this bill.. The DOC notes that in FY 2013, the inmate cost per day for food, wages and clothing was \$7.15. During the fourth year after enactment, an additional 1.5 beds would be required at a cost of \$3,915. This would increase to \$27,402 with the addition of 9 more beds in the fifth year, and to \$50,890 for another 9 beds in the sixth year. The full impact of this bill would be reached in the seventh year when the total 22.9 beds are added at a cost of \$59,763. The chart below details the marginal cost resulting from the bill’s implementation.

	YEAR	<u>Beds Added Each Year</u>	<u>CUMULATIVE BEDS ADDED EACH YEAR</u>	<u>Annual Marginal Cost Per Day \$7.15 * 365 days</u>	<u>Cumulative Annual Cost Per Day \$7.15 * 365 days</u>
<i>Year 1</i>	2016				
<i>Year 2</i>	2017				
<i>Year 3</i>	2018				
<i>Year 4</i>	2019	1.5	1.5	\$3,914.63	\$3,914.63
<i>Year 5</i>	2020	9.0	10.5	\$23,487.75	\$27,402.38
<i>Year 6</i>	2021	9.0	19.5	\$23,487.75	\$50,890.13
<i>Year 7</i>	2022	3.4	22.9	\$8,873.15	\$59,763.28
TOTAL		22.9		\$59,763.28	

In summary, the enactment of the bill would increase the inmate population volume at the DOC requiring approximately 22.9 additional beds at a marginal cost to the department (inmate cost per day for food, wages and clothing) of \$59,763.28 when the full impact is reached in the seventh year. There is no projected increase in the number of convictions or cost to house these individuals beyond the seven years projected in this analysis.

OFFICE OF LEGISLATIVE SERVICES

The OLS concurs with the Executive estimate.

Section: Judiciary
Analyst: Anne Raughley
Principal Fiscal Analyst
Approved: David J. Rosen
Legislative Budget and Finance Officer

This fiscal note has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 1534

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 7, 2016

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1534, with committee amendments.

As amended, this bill enhances the penalty for leaving the scene of a motor vehicle accident resulting in the death of another person and then attempting to destroy or conceal evidence relating to the accident, and establishes a crime of the third degree for another person who suppresses, conceals or destroys evidence, or gives false information in an investigation, if this actor knows another person has been or is liable to be charged with leaving the scene of a fatal motor vehicle accident.

Under current law, it is a third degree crime to destroy evidence or give false information to a law enforcement officer if the illegal conduct which is charged would constitute a crime of the first or second degree. A crime of the third degree is punishable by three-to-five years imprisonment, a fine of up to \$10,000, or both. Under the bill, it also is a crime of the third degree to knowingly leave the scene of an accident that results in another person's death and then destroy evidence or provide false information relating to the accident. The criminal sentence for this third degree crime will be imposed in addition to the criminal sentence for the crime of knowingly leaving the scene of the accident, which is a second degree crime.

This bill specifies that for this additional third degree crime a mandatory term of imprisonment is required, notwithstanding that crimes of the third degree carry with them a presumption of non-imprisonment for first-time offenders. The bill provides that the offender is required to serve a term of imprisonment which is fixed by the bill at not less than one year, before being eligible for parole.

The bill also makes it a crime of the third degree for another person who suppresses, conceals or destroys evidence, or gives false information in an investigation, if this actor knows that another person has been or is liable to be charged with leaving the scene of a fatal motor vehicle accident. Under the bill, offenders of this new crime will similarly be required to serve a term of imprisonment of not less than one year before being eligible for parole.

As amended and reported, this bill is identical to Assembly Bill No. 984 (1R), as also amended and reported by the committee.

COMMITTEE AMENDMENTS:

The amendments establish a crime of the third degree, with a minimum one year term of imprisonment without parole eligibility, for a person who suppresses, conceals or destroys evidence or gives false information in an investigation, if this actor knows that another person has been or is liable to be charged with leaving the scene of a fatal motor vehicle accident. The amendments also clarify the elements of the third degree crime for the person who either tampers with evidence or gives false information after knowingly leaving the scene. This crime is also to include a minimum one year term of imprisonment without parole eligibility.

FISCAL IMPACT:

The Office of Legislative Services (OLS) notes that the amended bill reduced the penalty to 12 months of mandatory incarceration before becoming eligible for parole rather than a mandatory minimum term of incarceration of 85 percent before becoming eligible for parole. This penalty would take effect after the offender has served time for the second degree crime of knowingly leaving the scene of the accident. The amended bill would decrease the number of additional beds required from 22.9 beds to 9 beds. At a marginal cost of \$7.15 per day, the added penalty for the enhanced crime would cost a total of \$2,609.75 per bed. With 9 offenders per year, the total increased cost would be \$23,487.75 annually beginning in the fourth year after implementation.

The OLS also states that with regard to the provision establishing a crime of the third degree for another person who suppresses, conceals or destroys evidence, or gives false information in an investigation, if this actor knows another person has been or is liable to be charged with leaving the scene of a fatal motor vehicle accident, there is no information available with which to determine the number of individuals who would be convicted under this new crime. However, for every individual incarcerated under this provision, the marginal cost of housing this inmate would be \$2,609.75 per year.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 1534 STATE OF NEW JERSEY 216th LEGISLATURE

DATED: JANUARY 14, 2016

SUMMARY

- Synopsis:** Enhances penalty for tampering with evidence after fleeing the scene of an accident resulting in death.
- Type of Impact:** State Fund expenditure increase.
- Agencies Affected:** Department of Corrections

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 4</u>	<u>Year 5</u>	<u>Year 6</u>
State Cost	\$23,500	\$23,500	\$23,500

- The Office of Legislative Services (OLS) estimates, based on information provided by the Department of Corrections (DOC) that this bill will increase State expenditures by about \$23,500 annually, commencing in the fourth fiscal year following enactment.
- The OLS notes that with regard to the provision establishing a crime of the third degree for any person who suppresses, conceals or destroys evidence, or gives false information in an investigation, if this person knows another person has been or is liable to be charged with leaving the scene of a fatal motor vehicle accident, there is no information available with which to determine the number of individuals who would be convicted under this new crime. However, for every individual incarcerated under this provision, the marginal cost of housing this inmate would be about \$2,610 per year.

BILL DESCRIPTION

Senate Bill No. 1534 (1R) of 2014 enhances the penalty for leaving the scene of a motor vehicle accident resulting in the death of another person and then attempting to destroy or conceal evidence relating to the accident, and establishes a crime of the third degree for another person who suppresses, conceals or destroys evidence, or gives false information in an investigation, if this actor knows another person has been or is liable to be charged with leaving the scene of a fatal motor vehicle accident.

Under current law, it is a third degree crime to destroy evidence or give false information to a law enforcement officer if the illegal conduct with which a person is charged would constitute a crime of the first or second degree. A crime of the third degree is punishable by three-to- five years imprisonment, a fine of up to \$10,000, or both. Under the bill, it also is a crime of the third degree to knowingly leave the scene of an accident that results in another person's death and then destroy evidence or provide false information relating to the accident. The criminal sentence for this third degree crime will be imposed in addition to the criminal sentence for the crime of knowingly leaving the scene of the accident, which is a second degree crime.

This bill specifies that for this additional third degree crime a mandatory term of imprisonment is required, notwithstanding that crimes of the third degree carry with them a presumption of non-imprisonment for first-time offenders. The bill provides that the offender is required to serve a term of imprisonment which is fixed by the bill at not less than one year, before being eligible for parole.

The bill also makes it a crime of the third degree for another person who suppresses, conceals or destroys evidence, or gives false information in an investigation, if this actor knows that another person has been or is liable to be charged with leaving the scene of a fatal motor vehicle accident. Under the bill, offenders of this new crime will similarly be required to serve a term of imprisonment of not less than one year before being eligible for parole.

FISCAL ANALYSIS

EXECUTIVE BRANCH

Information provided by the DOC on a previous version of this bill indicated that in 2013, there were 27 second-degree new committals to the DOC for leaving the scene of a fatal accident sentenced under N.J.S.A2C:11-5. Based on the police report within the Pre-Sentence Investigation (PSI), there were nine cases seemingly falling within the criteria of the bill. Eight individuals lied mainly by denying that they were under the influence of drugs or alcohol at the time of the offense or denying their involvement in the offense during police interrogation, and one individual attempted to conceal the damages from the crash by having repairs made to the vehicle. Thus it estimated that nine offenders could be affected by this bill annually.

The DOC noted that in FY 2013, the inmate cost per year for food, wages and clothing was about \$2,610.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates, based on the information provided by the DOC, that the bill will extend the period of incarceration by 12 months for about nine individuals annually. At a marginal cost of \$7.15 per day, the added penalty for the enhanced crime would cost would total about \$2,610 per inmate. With nine offenders per year, the total increased cost would be about \$23,500 annually beginning in the fourth year after implementation.

The OLS also notes that with regard to the provision establishing a crime of the third degree for any person who suppresses, conceals or destroys evidence, or gives false information in an investigation, if this person knows another person has been or is liable to be charged with leaving the scene of a fatal motor vehicle accident, there is no information available with which to determine the number of individuals who would be convicted under this new crime. However,

for every individual incarcerated under this provision, the marginal cost of housing this inmate would be about \$2,610 per year.

Section: Judiciary

*Analyst: Raughley, Anne C.
Principal Fiscal Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

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.).

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Governor Chris Christie Takes Action On Pending Legislation From The 216th Legislative Session

Tuesday, January 19, 2016 Tags: [Weather](#)



Trenton, NJ – Furthering his administration's commitment to New Jersey's veterans and military personnel, Governor Chris Christie took action today on legislation from the 216th Legislative Session, including 11 legislative measures designed to assist both active military members and veterans, along with their families.

"From the very start of this administration, we have focused on serving the needs of our veterans and the men and women still in active duty, assisting them with everything from securing jobs to finding the proper health care and social services," said Governor Christie. "The bills I signed today continue to make good on our promise to help those who have given so much of themselves to defend and serve this nation find a seamless transition back to civilian life and receive a helping-hand, when needed, no matter how long after their discharge from the military."

The enacted legislation includes:

- **S-172/A-2276 (Whelan, Beach/DeAngelo, Quijano)** - Exempts disabled veterans and Purple Heart recipients from payment of municipal parking meter fees when their vehicles bear a disable veteran's or Purple Heart license plate or placard issued by New Jersey Motor Vehicle Commission
- **S-2972/A-4465 (Van Drew, Cruz-Perez/Andrzejczak, Tucker, Benson)** - Requires DMVA assist and mentor veterans through criminal justice system
- **A-1667/S-2155 (Johnson, DeAngelo, Andrzejczak, Mukherji, Pintor Marin/Van Drew, A.R. Bucco)** - Permits child whose parent or guardian is ordered into active military service to remain enrolled in school district where child's parent or guardian resided prior to active military service
- **A-2935/S-1325 (Andrzejczak, Lagana, Webber, Mosquera, Lampitt/Van Drew, A.R. Bucco)** - Authorizes property tax deferral for deployed military personnel
- **A-2299/S-239 (Andrzejczak, Benson/Van Drew, Stack)** - Requires municipalities to exempt 100% disabled veterans from construction permit surcharge fees for improvements to promote living unit accessibility; appropriates \$20,000 for municipal reimbursements
- **A-3552/S-2636 (Mazzeo, Andrzejczak, Mukherji, Benson/Beach, Van Drew)** - Creates financial planning assistance program for disabled veterans and their caregivers
- **A-3554/S-2606 (Mazzeo, Andrzejczak, Mukherji, Benson, Danielsen/Beach, Cruz-Perez)** - Increases income eligibility cap to receive respite care for certain veterans
- **AS for A-3750/S-2569 (Lampitt, Tucker, Andrzejczak, Singleton, Mosquera/Beach, Allen)** - Requires Adjutant General to create informational webpage for women veterans
- **A-4148/S-2731 (Andrzejczak, Benson/Van Drew, Beach)** - Provides an excused absence on Veterans Day for pupil who participates in certain activities for veterans or active duty members of United States Armed Forces or New Jersey National Guard

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- **A-4323/S-2952 (DeAngelo, Lagana, Muoio, Benson/Beach, Whelan)** - Expands timeframe for renewal of driver's license, registration, and inspection by military personnel and immediate family members under certain circumstances.
- **AJR-117/SJR-85 (Tucker, Holley, Vainieri Huttie/Beach, Whelan, Madden)** - Urges Congress to restore funding to Vets4Warriors veteran suicide hotline

The Governor also took the following action on other pending legislation:

BILL SIGNINGS:

BILL SIGNINGS:

- **S-451/A-1103 (Ruiz, Allen/Vainieri Huttie, Singleton, Benson)** - Establishes Office of the Special Education Ombudsman in DOE
- **S-485/A-1976 (Cunningham, Ruiz/Lampitt, Mosquera, Quijano)** -Requires president of public institution of higher education to regularly report on-campus criminal and fire events to the institution's governing board
- **S-489/A-4926 (Cunningham, T. Kean/Diegnan, Mukherji, Benson)** - Authorizes institutions of higher education to grant college credit to high school students who complete the Jersey Boys State or Jersey Girls State program
- **S-832/A-2039 (Whelan, Beach/Moriarty, Stender, Garcia)** - Permits voter registration of certain persons at age 17 for voting at next election occurring on or after 18th birthday
- **S-1046/A-2721 (Turner, Scutari/Gusciora)** - Concerns alterations in child support obligations in response to changes to status of supported child
- **S-1184/A-1950 (Vitale, Beach/Conaway, Diegnan, Sumter, Danielsen)** - Revises requirements for licensure and creates physician-delegated scope of practice for physician assistants
- **S-1346wGR/A-3837 (Rice/Coughlin, Garcia, Rodriguez-Gregg, Pintor Marin, Jasey)** - Concerns the recording of mortgages
- **S-1447/A-2829 (Greenstein, Addiego/Johnson, Mainor, Rible, Quijano)** - Prohibits posting, publishing on the Internet, or disclosing certain information regarding law enforcement officers
- **S-1567/A-410 (A.R. Bucco, Van Drew/A.M. Bucco, Bramnick, Johnson, Quijano, Rumana)** - Establishes DOT roadside memorial program for fallen police officers, sheriff's officers, EMS workers, and firefighters; designated as "Patrolman Joseph Wargo's Law"
- **S-1687/A-4924 (Ruiz, Vitale/Diegnan, Eustace)** - Permits students made homeless by act of terrorism or natural disaster to attend tuition-free the school district in which they resided prior to being homeless for two school years after the event
- **S-2032wGR/A-3440 (Codey, Turner/Diegnan, Eustace)** - Requires DOE to review Core Curriculum Content Standards to ensure that they incorporate modern computer science standards where appropriate
- **S-2110/A-3343 (Oroho/Space, Vainieri Huttie, Schaer, Phoebus, Pinkin)** - Requires nursing homes to offer form designating beneficiary of personal needs allowance accounts from incoming and current residents

- **S-2201/A-3273 (O'Toole/Russo, Rumana, Casagrande)** - Authorizes youth camps to maintain supply of epinephrine and permit trained employees to administer epinephrine to camp members suffering from anaphylaxis
- **SCS for S-2251/A-3708 (Oroho, Barnes/Diegnan, Webber, Johnson, Space, Phoebus)** - Increases monetary amounts for transfer of estate assets without administration and for exemption from debts of the deceased
- **S-2260wGR/A-688 (Scutari, Cardinale/Schaer)** - Modifies certain fees charged by, and requirements imposed on, check casher licensees
- **S-2284wGR/A-3549 (Pou, Weinberg/Schaer, Vainieri Huttle, Webber, Singleton, Jimenez, Johnson, Bramnick)** - Requires Medicaid managed care organizations to meet certain conditions prior to reducing reimbursement rates for personal care assistant services and home-based supportive care services
- **S-2442/A-3891 (T. Kean, Sarlo/Bramnick, Rodriquez-Gregg, Johnson, Casagrande, Schepisi)** - Establishes NJ Innovation and Research Fellowship Program in DOLWD
- **S-2495/A-3868 (Codey, Rice/Conaway, Singleton, Eustace, Coughlin)** - Authorizes State-chartered banks, savings banks, savings and loans, and credit unions to conduct certain savings account promotions
- **S-2617/A-3944 (Cardinale/Garcia, McKeon, Auth, Eustace, Pinkin)** - Requires DEP to adopt regulations to allow cultivation of commercial shellfish species in certain coastal and inner harbor waters for research, educational, or restoration purposes; requires community engagement process for revision thereof
- **S-2627/A-3957 (Cardinale, Sacco/Schepisi, Auth, Eustace, Rumana, Johnson)** - Designates State Highway Route 17 in Borough of Ramsey as "Staff Sergeant Timothy R. McGill Memorial Highway"
- **S-2695/A-4110 (T. Kean, Sacco/Dancer, Benson, Jimenez, Johnson)** - Requires MVC conduct study and make recommendations concerning electronic driver's licenses and mobile applications
- **S-2741/A-4213 (Doherty/Vainieri Huttle, Webber)** - Permits unregulated solicitation to perform snow shoveling within 24 hours of predicted snowstorm
- **S-2787wGR/A-4273 (Sweeney/Singleton, Burzichelli, Giblin, Prieto, Wimberly)** - Establishes vocational training pilot program in DOC; provides for inmate compensation for education and workforce training participation
- **S-2880/A-4704 (Lesniak, T. Kean/Diegnan, Wisniewski)** - Provides up to \$25 million in tax credits under Economic Redevelopment and Growth Grant Program for certain infrastructure at Rutgers, the State University of New Jersey
- **S-2922/A-4925 (Ruiz, Turner/Diegnan, Jasey)** - Requires DOE on its website to link to Department of Treasury's website where list is maintained of all third party individuals and vendors employed or retained for work associated with State assessments
- **S-2923/A-4901 (Ruiz, Turner/Jasey, Caputo)** - Requires school district or charter school to provide notification to parent or guardian of enrolled student on upcoming administration of State assessments or commercially-developed standardized assessment
- **S-2960/A-4331 (Codey, Rice/Garcia, Vainieri Huttle, Danielsén, DeAngelo, Holley, Benson, Mukherji)** -

Establishes requirements for training programs for homemaker-home health aides in care of patients with Alzheimer's disease and related disorders

- **S-3019/A-4771 (Sweeney, Stack/Burzichelli, Muoio)** - Requires filing of financial agreement for long term tax exemption with county finance officer and counsel; requires quarterly payment of county share of payment in lieu of tax
- **S-3129/A-4728 (Madden, Cunningham/DeAngelo, Benson, Lampitt, Quijano)** - Directs DOLWD to provide information regarding employee leave and benefit rights
- **S-3168/A-4769 (Sweeney, O'Toole/Burzichelli)** - Limits increase in annual budget requests of certain county entities
- **S-3170/A-4768 (Pou, Bateman/Burzichelli)** - Requires county superintendent of elections to operate pursuant to county administrative code; subjects certain salary costs of office of county superintendent of elections to review and approval by county governing body
- **S-3171/A-4575 (Whelan, Oroho/Greenwald, Burzichelli)** - Creates definition of certified mail
- **S-3182/A-4690 (Ruiz, Pou/Pintor Marin, Spencer, Sumter)** - Delays certain documentation submission deadlines under certain business tax credit programs
- **S-3207/A-4714 (Vitale, T. Kean/Lampitt, Mosquera)** - Limits liability of caregivers when facilitating normalcy for children in foster care
- **S-3240/A-4878 (Lesniak, Allen/Spencer, Sumter, Holley, Eustace)** - Authorizes establishment of recovery high school alternative education programs
- **S-3242/A-4856 (Vitale, Sweeney/Vainieri Huttie)** - Clarifies best interests of the child should be primary consideration in actions undertaken by State governmental entities and courts of law
- **S-3243/A-4702 (Vitale, Greenstein/Vainieri Huttie, Spencer)** - Provides that if minor appears to have been sexually assaulted, health care professionals in addition to physicians may authorize forensic sexual assault examination and medical care without parental consent
- **S-3247/A-4928 (Ruiz, Pou/Sumter, Wimberly)** - Eliminates cap on cost of SDA district school facilities projects that may be constructed by district and included in capital outlay budget
- **S-3282wGR/A-4850 (Rice, Cunningham/Wimberly, Mainor, Johnson)** - Expands Police Training Commission membership to include representative from Northern New Jersey and South Jersey Chapters of National Organization of Black Law Enforcement Executives
- **S-3303/A-4469 (Whelan/Quijano, Mukherji, Jimenez)** - Makes fraudulent use of social security number to collect lottery winnings crime of fourth degree
- **S-3321/A-4927 (Smith, Van Drew, Bateman/Spencer, Rumana)** - Authorizes DEP to require public access to waterfront and adjacent shoreline as condition of waterfront development approvals and CAFRA permits

- **SJR-22/AJR-40 (Weinberg/Johnson, Vainieri Huttle)** - Designates January 14 of each year as "Hannah G. Solomon Day"
- **ACS for A-206, 471, 1663, 2879, 3060, 3108wGR/S-2663 (Green, Spencer, Gusciora, Johnson, McKeon, Giblin, Wimberly, Mainor, Quijano/Turner, Lesniak, Pou)** - Shortens waiting periods for expungement of criminal and other records and information; makes various changes to other expungement procedures and requirements
- **A-311/S-2426 (Bramnick, Diegnan, Wimberly, Gusciora/Ruiz, T. Kean)** - Requires public schools to weight courses in visual and performing arts equally with other courses worth same number of credits in calculating grade point average
- **ACS for A-428/S-393 (Jimenez, Prieto/Sacco, Sarlo)** - Expands DNA database to include samples from disorderly persons who are fingerprinted and permits law enforcement officers to collect certain biological samples
- **A-801wGR/S-861 (Coughlin, Wisniewski, Mazzeo/Vitale, Sacco)** - Directs New Jersey Turnpike Authority and South Jersey Transportation Authority to study and report on potential revenue generating services of rest areas and service plazas
- **A-984/S-1534 (Andrzejczak, Wimberly/Van Drew, Bateman)** - Enhances penalty for tampering with evidence after fleeing the scene of an accident resulting in death
- **A-1455/S-2011 (Diegnan, Mosquera, Caputo, Jasey, Mukherji/Madden, Holzapfel)** - Abigail's Law; requires that newly-manufactured school buses be equipped with sensors
- **A-1462/S-3288 (Diegnan, Wimberly/Gill)** - Requires coin redemption machine operators to disclose fees
- **A-1466 (Diegnan, O'Donnell, Mainor, Garcia)** - Allows for waiver of school bus requirements for mobility assistance vehicle technicians who transport students with medical needs to and from school
- **A-1726wGR/S-308 (Eustace, Lagana, Mosquera, Vainieri Huttle, Wimberly/Gordon)** - Amends "Flood Hazard Area Control Act" to require DEP to take certain actions concerning delineations of flood hazard areas and floodplains
- **A-1812/S-2717 (Mosquera, Mazzeo, Andrzejczak/Cruz-Perez, Oroho, Jones)** - Extends protections of the new vehicle "lemon law" to new farm tractors purchased or leased in New Jersey
- **A-1958/S-1848 (Allen, Van Drew)** - Concerns exemptions from permits for certain agricultural activities under "Freshwater Wetlands Protection Act"
- **A-2597/S-2161 (Singleton, Diegnan, DiMaio/Ruiz, Beach)** - Provides that beginning with the 2016-2017 grade nine class, Advanced Placement computer science course may satisfy a part of the mathematics credits required for high school graduation
- **A-2839/S-2620 (Burzichelli, Space, Phoebus/Oroho, Turner)** - "New Jersey Rural Microenterprise Act"
- **A-2915/S-2035 (Lagana, McKeon, Ciattarelli/Bateman, Barnes)** - "Uniform Trust Code"

- **A-2943/S-1312 (Andrzejczak, DeAngelo, Mazzeo, Quijano, Danielsens/Van Drew, Allen)** - Provides for voluntary contributions by taxpayers on gross income tax returns for active duty members of United States Armed Forces, Reserve components thereof, and National Guard from New Jersey

- **A-3006/S-3272 (Conaway, Singleton, Eustace, DiMaio, Danielsens/Beach, Turner)** - Establishes procedure for consolidating fire districts

- **A-3019/S-1978 (Singleton, Conaway, Andrzejczak, Mazzeo, Garcia, Mosquera/Van Drew, Beach)** - Requires State Employment and Training Commission to prepare annual report on State workforce

- **A-3043/S-1943 (Space, DeAngelo, Egan, Phoebus, Moriarty/Oroho, Van Drew)** - Concerns authority of DOLWD to inspect prevailing wage public work projects

- **A-3044/S-1944 (Space, DeAngelo, Egan, Phoebus, Moriarty/Oroho, Van Drew)**
Requires Commissioner of DOLWD to disseminate certain information to contractors who bid on or perform prevailing wage public work

- **A-3225/S-2333 (Singleton, Rible, Lampitt, Quijano, Pintor Marin, Jimenez/Sweeney)** - Provides for licensure of chiropractic assistants

- **A-3228/S-2499 (Mukherji, Vainieri Huttie, Mosquera, Garcia/Turner)** - Requires sober living homes and other substance abuse aftercare treatment facilities to provide certain notifications to next-of-kin when patient is released from care; designated as "Nick Rohdes' Law"
- **A-3257wGR/S-2125 (Andrzejczak, Mazzeo, Burzichelli/Van Drew)** - Provides that determination by county agriculture development board or State Agriculture Development Committee as to what qualifies as farm-based recreational activity in pinelands protection area is binding on Pinelands Commission

- **A-3276/S-2248 (Mazzeo/Whelan)** - "Mainland Memoriam Act"; directs MVC to create graduated driver's license informational material to be distributed by motor vehicle dealers

- **A-3435wGR/S-2503 (Garcia, Mukherji, Vainieri Huttie, Mainor, Eustace, Mosquera/Stack, Gordon)** - "Boys & Girls Clubs Keystone Law"; permits minors to give consent for behavioral health care

- **A-3850/S-2467 (DeAngelo, Eustace, Mazzeo, Pintor Marin, Benson/Turner, Singer)** - Requires BPU to establish procedures allowing electric power and gas supplier customers to switch energy suppliers

- **A-3927/S-2820 (Andrzejczak, Mazzeo, Taliaferro, Dancer/Van Drew, Oroho)** - Requires drivers to slow down before passing slow moving vehicles; establishes Statewide educational campaign on rural roadway safety; updates agriculture-related motor vehicle laws to reflect current industry practices

- **A-3955/S-2644 (Conaway, Benson, Vainieri Huttie, Munoz, Sumter, Mukherji/Vitale, Codey)** - Requires development and maintenance of database to advise public about open bed availability in residential substance use disorders treatment facilities

- **A-4098/S-2877 (Pinkin, Sumter, Benson/Codey, Greenstein)** - Prohibits sale or distribution of liquid nicotine except in child-resistant containers

- **A-4105/S-2977 (Garcia, Mainor, Mukherji, O'Donnell, Sumter, Rible, A.M. Bucco/Greenstein, Cunningham)** - Expands scope of law governing registration of security guards; designated as "Detective Vincent Santiago's Law"

- **A-4133/S-2997 (Giblin, Pinkin/Cruz-Perez, Allen)** - Allows dispensation of certain nutritional supplements by physician or podiatric physician

- **A-4275wGR/S-2831 (Prieto, Eustace, Lagana, Greenwald, Quijano, Danielsen, Mukherji/Sweeney, Turner, Sarlo)** - "New Jersey Secure Choice Saving Program Act"; establishes retirement savings program for certain workers

- **A-4386wGR/S-3042 (Coughlin, Pinkin, Vitale, Singer)** - Permits candidates for school board to circulate petitions jointly and be bracketed together on ballot; permits short nonpolitical designation of principles on petitions and ballots; provides for study of impact of changes

- **A-4387/S-3016 (Coughlin, Wisniewski, Wimberly/Vitale)** - Requires MVC to allow submission of "Next-of-Kin Registry" information by mail

- **A-4388/S-3041 (Coughlin, Wisniewski/Vitale)** - Designates State Highway 184 in Woodbridge Township as "Bruce Turcotte Memorial Highway"

- **A-4415/S-3279 (Diegnan, Garcia, Pinkin/Turner, Ruiz)** - Establishes State Seal of Biliteracy to recognize high school graduates who have attained a high level of bilingual proficiency

- **A-4420/S-3056 (Mazzeo, Vainieri Huttie, DeAngelo, Lampitt/Gordon, Greenstein)** - Requires certain notifications for termination of services to persons with developmental disabilities and providers

- **A-4476wGR/S-2876 (Conaway/Codey)** - Requires certain surgical practices and ambulatory care facilities licensed in this State to be owned by hospital or medical school located in the State

- **A-4719/S-3250 (Moriarty, Mosquera, Vainieri Huttie, DeAngelo, Diegnan, Mukherji/Cruz-Perez, Ruiz)** - Extends use of stored driver's license picture for person undergoing chemotherapy or other treatment for certain medical illnesses

- **CC for A-4863/S-3233 (A.M. Bucco, Phoebus, Munoz, Wisniewski, Oliver/A.R. Bucco)** - Requires warning sign to be posted at pontoon boat rental businesses; designated as "Christopher's Law"

- **AJR-112/SJR-86 (Conaway/Weinberg)** - Designates May of each year as "Cystic Fibrosis Awareness Month"

BILLS POCKET VETOED:

- **S-221/A-4155 (Allen, Vitale/Vainieri Huttie, Sumter, Lampitt)** - Prohibits the restraint of prisoners during and immediately after childbirth

- **S-316/A-1739 (Gordon/Eustace, Ciattarelli, Lagana, Gusciora)** - Increases flexibility, clarity, and available tools of optional municipal consolidation process

- **S-564/A-4186 (Smith, Bateman/Eustace, McKeon, Spencer, Benson)** - Establishes "Solar Roof Installation Warranty Program" in EDA and transfers \$2 million from societal benefits charge to initially fund program

- **S-602/A-3254 (Codey, Vitale/Vainieri Huttle, Angelini, Lampitt, Diegnan, Jasey, Conaway, Moriarty)** - Raises minimum age for purchase and sale of tobacco products and electronic smoking devices from 19 to 21

- **SCS for S-726, 1257/ACS for A-1405 (Turner, Cruz-Perez, Beach, T. Kean/Lampitt, Egan, Quijano, Sumter, Danielsén)** - Establishes innovation zone program to stimulate technology industry clusters around New Jersey's research institutions; allows certain technology businesses located in certain innovation zones to receive certain tax credits under Grow New Jersey Assistance Program

- **S-1232/A-3314 (Weinberg, Pennacchio/Johnson, Greenwald, Wimberly, Mosquera)** - Establishes Office of State Dental Director and New Jersey Oral Health Commission

- **S-1279/A-2325 (Rice, Van Drew/Spencer, Muoio, Benson, Pintor Marin)** - Makes FY 2016 supplemental Grants-in-Aid appropriation of \$10 million to DCA for Lead Hazard Control Assistance Fund

- **S-1414/A-2405 (Smith, Bateman/Eustace, Benson, Johnson)** - Concerns low emission and zero emission vehicles; establishes Clean Vehicle Task Force

- **SCS for S-1420/ACS for A-1603 (Beach, Whelan, Smith, Sweeney, Bateman, Thompson/Spencer, Eustace, Quijano, Wimberly)** - Requires paint producers to implement or participate in paint stewardship program

- **S-1436/A-4687 (Rice/Green, Holley)** - Exempts sales to homeowner assistance and recovery programs from realty transfer fees

- **S-1594/A-4044 (Turner/Peterson, Lagana, Rible, Jasey, Wimberly)** - Requires a public school district to provide a daily recess period for students in grades kindergarten through 5

- **S-1961/A-4111 (Codey/McKeon, Jasey, Vainieri Huttle, Garcia)** - Establishes certain minimum and maximum temperatures in emergency shelters, rooming and boarding houses, and certain nursing homes and residential health care facilities

- **S-2143/ACS for A-1682, 3547 (Van Drew, Singer/Wisniewski, Andrzejczak, Webber)** - Establishes time periods for adverse possession of certain property

- **S-2375/A-3700 (Vitale, Singer/Mazzeo, Vainieri Huttle, Lagana, Sumter, A.M. Bucco)** - Provides for licensure of ambulatory care facilities to provide integrated primary care services including behavioral health care

- **S-2491/A-4069 (Smith/Danielsen, Pinkin, Benson)** - Establishes position of State Oceanographer

- **S-2515/A-3269 (Scutari/Mukherji, Burzichelli, McKeon, Garcia)** - Confers title of Acting Associate Justice of the Supreme Court on certain judges of the Superior Court, Appellate Division, temporarily assigned to the Supreme Court

- **SCS for S-2521/ACS for A-3888 (Gill, Allen/Lampitt, Benson, Vainieri Huttle, Eustace)** - Establishes Pedestrian and Bicycle Safety Advisory Council

- **S-2623/A-4849 (Turner/Wimberly, Mainor, Johnson)** - Requires law enforcement agencies in this State to establish minority recruitment and selection programs; establishes reporting requirement

- **S-2640/A-4026 (Madden, Pou/Lampitt, Mosquera, Vainieri Huttie)** - Establishes New Jersey Caregiver Task Force to evaluate and provide recommendations on caregiver support services
- **S-2711/A-4128 (Smith, Whelan/Mazzeo, DeAngelo, Spencer, Singleton, McKeon, Daniels, Johnson)** - Permits BPU to approve qualified wind energy project; requires BPU to provide application periods for those projects
- **S-2716/A-4359 (Ruiz, Turner/Pintor Marin, Spencer, Sumter, Caride)** - Requires that school district's request for permission to use unrecognized position title include list of abolished positions and positions in which there have been layoffs and detailed job descriptions for them
- **S-2769/AS for ACS for A-4197, 4206 (Smith, Bateman/Andrzejczak, McKeon, Spencer, Pintor Marin, Dancer, Vainieri Huttie)** - Implements 2014 constitutional dedication of CBT revenues for certain environmental purposes; revises State's open space, farmland, and historic preservation programs
- **S-2793/A-3962 (Whelan/Vainieri Huttie)** - Increases from 17 to 21 public members of New Jersey State Council on the Arts; requires members to be residents of NJ; imposes specific criteria for four new members initially appointed
- **S-2806/A-4913 (Cunningham, Vitale, Singer/Muoio, Spencer)** - Removes restrictions on convicted drug offenders receiving general assistance benefits under Work First New Jersey program
- **S-2878/A-4636 (Stack, Weinberg/Jimenez, Lagana, Mukherji, Vainieri Huttie, Giblin, Moriarty)** - Establishes minimum certified nurse aide-to-resident ratios in nursing homes
- **S-2975/A-4548 (Sarlo, Pou/Wimberly)** - Establishes pilot program in Paterson authorizing non-disclosure of records of certain expungements
- **S-3067/A-4653 (Barnes, Turner/Diegnan, Oliver)** - Requires teachers of health and physical education in grades kindergarten through six in public schools to possess appropriate endorsement to instructional certificate
- **S-3071/A-4639 (Weinberg, Gordon/Vainieri Huttie, Garcia, Eustace, Johnson)**
Establishes Mike Adler Aphasia Task Force to assess needs of persons with aphasia, and their families, and ensure adequate provision of support services and information thereto
- **S-3201/A-3607 (Barnes, Holzapfel/Dancer, McGuckin, Rible, A.M. Bucco)** - Requires interior light of motor vehicle be turned on when stopped by law enforcement under certain circumstances
- **S-3244/A-2740 (Ruiz, Sarlo/Diegnan, Johnson, Jasey)** - Eliminates school district budget per pupil administrative cost limits
- **S-3249/A-4717 (Weinberg, Codey/Johnson, Vainieri Huttie, Eustace, Garcia)** - Requires firearm retailers to sell personalized handguns
- **S-3277/A-4764 (Cruz-Perez/Burzichelli)** - Expands municipal authority to license and inspect residential rental property
- **S-3299/A-4903 (Sweeney, Singer, Vitale/Burzichelli, Rible, Pintor Marin, Mukherji, Lagana, Vainieri Huttie)** -

Maintains property tax exemption for certain nonprofit hospitals with on-site for-profit medical providers; requires these hospitals to pay community service contributions to host municipalities; establishes Nonprofit Hospital Community Service Contribution Study Commission

- **S-3416/A-4808 (Lesniak, Sarlo/Eustace, Gusciora)** - Prohibits possession, transport, import, export, processing, sale, or shipment of parts and products of certain animal species threatened with extinction
- **SJR-77/A-JR104 (Bateman, Whelan/Ciattarelli, McKeon, Eustace)** - Permits county commissioners of registration and boards of election to conduct "Electronic Poll Book Demonstration Project" in certain districts during 2016 elections; requires Division of Elections review and approval of proposed projects
- **A-431/S-2773 (Jimenez/Singer)** - Requires clinical laboratory that provides services for accountable care organization to establish clinical laboratory testing advisory board
- **A-943/S-2967 (Singleton, Conaway, Moriarty, Green, Lampitt, Mazzeo/Van Drew)** - Permits small businesses to qualify for loans from NJEDA for costs of energy audit and making energy efficiency or conservation improvements
- **A-945/S-2402 (Singleton, Lampitt, Schaer, Wimberly, Garcia/Rice, Turner)** - Establishes New Jersey Council on Responsible Fatherhood and Responsible Fatherhood Fund
- **A-964/S-187 (Singleton, DeAngelo, Quijano, Coughlin, Moriarty/Whelan, Madden)** - Requires certain bidders for prevailing wage public work to provide proof that the prevailing wage will be paid
- **A-986/S-247 (Andrzejczak, Benson, Danielsen, Moriarty/Van Drew, Cunningham)** - Establishes telemarketing fraud investigation unit
- **A-1035/S-2040 (Benson, Rible, A.M. Bucco/Scutari, Cardinale)** - Prohibits health insurance carriers from requiring optometrists to become providers with vision care plans as condition of becoming providers in carriers' panel of providers
- **A-1039/S-2310 (Benson, Prieto, Caride, Quijano/Sacco, Greenstein)** - Sets forth certain standards to be followed by law enforcement agencies and fire departments when utilizing drones
- **A-1431/S-1501 (Caride, Singleton, Jasey/Bateman, Addiego)** - Requires State Board of Education regulations regarding school nurse certification to include certain minimum eligibility requirements
- **A-1849/S-1766 (Lampitt, Spencer/Rice)** - Prohibits State Board of Education from limiting number of certain two-year college credits that may be applied towards meeting teacher certification requirements
- **A-2026/S-3317 (Greenwald, Pintor Marin/Sweeney, Oroho)** - Realigning the transfer inheritance tax payment due date to coincide with the payment due dates for State and federal estate taxes
- **A-2583 (DeAngelo, Pintor Marin)** - Requires development of fact sheet about bedbugs to be posted on the Department of Education's website
- **A-2586/S-1796 (DeAngelo, Quijano, Benson/Greenstein)** - Establishes "Energy Infrastructure Study Commission"

- **A-2925/S-1033 (Lagana, O'Scanlon, Burzichelli, Garcia/Weinberg, Oroho, Van Drew)** - Allows modernization for the form of disbursement for certain State government and local unit payments to individuals and business entities
- **A-3460/S-2191 (Conaway, Pinkin, Sumter, Casagrande, Wimberly/Vitale, Cruz-Perez)** - Requires Medicaid coverage for diabetes self-management education, training, services, and equipment for patients diagnosed with diabetes, gestational diabetes, and pre-diabetes
- **A-3806/S-2493 (Singleton, Dancer, Mosquera, Benson/Sweeney, Weinberg)** - Establishes four-year pilot program in Ocean County for electronic monitoring of certain domestic violence offenders; designated as "Lisa's Law"; appropriates \$2.5 million
- **A-4182/S-1995 (Eustace, Sumter, Wimberly, Danielsen, Jimenez/Bateman, Smith)** - Prohibits firearm possession by persons convicted of carjacking, gang criminality, racketeering and terroristic threats
- **A-4271/S-3036 (Conaway, Benson, Pinkin, Wimberly/Vitale, Greenstein)** - Mandates health benefits coverage for opioid analgesics with abuse-deterrent properties
- **A-4343/S-2888 (Schaer, Prieto, Sumter, Danielsen, Johnson/Turner)** - Requires county and municipal police departments to establish cultural diversity training course and plan
- **A-4384/S-3145 (DeAngelo, Pintor Marin, Danielsen, Schaer, Johnson/Whelan)** - Requires BPU to render decision on case within 12 months of final public hearing or hold another public hearing prior to deciding case
- **ACS for A-4576/S-1771 (Johnson, Wimberly, Spencer, Tucker/Turner)** - Requires lowest possible price not exceeding certain cap for inmate telephone calls
- **A-4616/S-2958 (Giblin, DeAngelo, Mukherji/Sweeney)** - Extends by two months seasonal retail consumption alcoholic beverage license
- **A-4652/S-3065 (Benson/Gordon)** - Requires Public Health Counsel to promulgate rules and regulations for use of quality control programs in bio-analytical and clinical laboratories
- **A-4763/SS for SCS for S-2973 (McKeon, Spencer, Pinkin/Smith, Bateman, Greenstein, Codey)** - Revises "Electronic Waste Management Act"
- **A-4772/S-3169 (Burzichelli/Weinberg)** - Permits counties to impose one-percent hotel tax
- **A-4773/S-3146 (Eustace, Garcia, Gusciora/Lesniak)** - Prohibits possession and transport of parts and products of certain animals at PANYNJ airports and port facilities
- **A-4918/S-3301 (Gusciora, S. Kean/Sweeney, Singer)** - Clarifies stadiums and arenas owned by local government entities are exempt from property taxation
- **A-4931/S-3325 (Mazzeo/Sweeney)** - Revises "Casino Property Tax Stabilization Act"

• **NO ACTION TAKEN ON BILLS:**

• **A-3981wGR/S-2572 (Mazzeo, Burzichelli, Andrzejczak/Sweeney, Whelan)** - "Casino Property Taxation Stabilization Act"

• **A-3984wGR/S-2575 (Mazzeo, Burzichelli, Giblin/Sweeney, Whelan)** - Reallocates casino investment alternative tax to Atlantic City to pay debt service on municipal bonds issued

• **A-3985wGR/S-2576 (Mazzeo, Burzichelli, Andrzejczak, Giblin/Sweeney, Whelan)** - Removes provisions of law relating to Atlantic City Alliance

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