

2C:43-11

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2008 **CHAPTER:** 30

NJSA: 2C:43-11 (Eliminates automatic disqualification from Intensive Supervision Program of persons who previously participated in the program)

BILL NO: A2804 (Substituted for S1946)

SPONSOR(S) Pou and others

DATE INTRODUCED: June 12, 2008

COMMITTEE: **ASSEMBLY:** Budget

SENATE: ---

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** June 23, 2008

SENATE: June 23, 2008

DATE OF APPROVAL: June 30, 2008

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Original version of bill)

A2804

SPONSOR'S STATEMENT: (Begins on page 3 of original bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL NOTE: Yes

S1946

SPONSOR'S STATEMENT: (Begins on page 3 of original bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL NOTE: Yes

VETO MESSAGE: No

(continued)

GOVERNOR'S PRESS RELEASE ON SIGNING:

No

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

LAW

P.L. 2008, CHAPTER 30, *approved June 30, 2008*
Assembly, No. 2804

1 AN ACT concerning the Intensive Supervision Program and
2 amending P.L.1993, c.123.

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

6
7 1. Section 2 of P.L.1993, c.123 (C.2C:43-11) is amended to
8 read as follows:

9 2. a. No custodial sentence imposed pursuant to Chapter 43, 44
10 or 45 of Title 2C shall be changed to permit entry into any program
11 of intensive supervision established pursuant to the Rules
12 Governing the Courts of the State of New Jersey if the inmate:

13 (1) Is serving a sentence for a conviction of any crime of the
14 first degree; or

15 (2) Is serving a sentence for a conviction of any offense in
16 which the sentencing court found that there is a substantial
17 likelihood that the defendant is involved in organized criminal
18 activity pursuant to N.J.S.2C:44-1a.(5); or

19 (3) Is serving any statutorily mandated parole ineligibility, or
20 any parole ineligibility imposed by the court pursuant to subsection
21 b. of N.J.S. 2C:43-6 or section 6 of P.L.2007, c.49 (C.2C:43-6.5);
22 or

23 (4) **[Has previously completed a program of intensive**
24 **supervision established pursuant to the Rules Governing the Courts**
25 **of the State of New Jersey; or]** Deleted by amendment, P.L. ____,
26 c. (pending before the Legislature as this bill)

27 (5) Has previously been convicted of a crime of the first degree,
28 or of any offense in any other jurisdiction which, if committed in
29 New Jersey, would constitute a crime of the first degree and the
30 inmate was released from incarceration on the first degree offense
31 within five years of the commission of the offense for which the
32 inmate is applying for intensive supervision.

33 Nothing in this subsection shall be construed to preclude the
34 program of intensive supervision from imposing more restrictive
35 standards for admission.

36 b. Unless the inmate is within nine months of parole eligibility
37 and has served at least six months of the sentence, no custodial
38 sentence of an inmate serving a sentence for conviction of any
39 crime of the second degree shall be changed to permit entry into
40 any program of intensive supervision established pursuant to the
41 Rules Governing the Courts of the State of New Jersey, if, within

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 20 days of receipt of notice of the inmate's application, the county
2 prosecutor or Attorney General objects in writing.

3 c. If an inmate's application for a change of custodial sentence
4 to permit entry into any program of intensive supervision
5 established pursuant to the Rules Governing the Courts of the State
6 of New Jersey is granted over the objection of the county prosecutor
7 or the Attorney General, the order shall not become final for 20
8 days or until reconsideration by the Intensive Supervision
9 Resentencing Panel in order to permit the county prosecutor or the
10 Attorney General to appear personally or in writing, with notice to
11 defense counsel, to request reconsideration of the application
12 approval.

13 d. A victim of the offense for which the inmate was sentenced
14 shall have the right to make a written statement or to appear at a
15 proceeding regarding the application for a change of custodial
16 sentence imposed pursuant to Chapter 43, 44 or 45 of Title 2C for
17 entry into any program of intensive supervision established
18 pursuant to the Rules Governing the Courts of the State of New
19 Jersey.

20 (cf: P.L.2007, c.49, s.8)

21

22 2. This act shall take effect immediately.

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STATEMENT

26

27 Current law provides that a custodial sentence may be changed to
28 permit entry into an Intensive Supervision Program (ISP)
29 established by the Rules of Court. The statute currently bars a
30 person who has previously completed ISP from being eligible to
31 participate in ISP again. This bill would repeal this provision, thus
32 expanding the number of persons who would be eligible for ISP.

33 Currently, the three judge re-sentencing panel that considers ISP
34 applications weighs all relevant circumstances in determining
35 whether a defendant will be eligible for the program. These factors
36 include an investigation by the probation division and a review of
37 the applicant's criminal record and history of official supervision, if
38 any. The intent of the bill is to provide the courts with authority to
39 consider prior participation in ISP in weighing an application for
40 admission, as the courts consider other facts and circumstances.

41 The expansion of the ISP program is a recommendation in the
42 Governor's 2009 Proposed Budget.

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47 Eliminates automatic disqualification from Intensive Supervision
48 Program of persons who previously participated in the program.

ASSEMBLY, No. 2804

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED JUNE 12, 2008

Sponsored by:

Assemblywoman **NELLIE POU**

District 35 (Bergen and Passaic)

Assemblywoman **BONNIE WATSON COLEMAN**

District 15 (Mercer)

Co-Sponsored by:

Assemblyman **Cryan**, Senators **Turner**, **Cunningham** and **Ruiz**

SYNOPSIS

Eliminates automatic disqualification from Intensive Supervision Program of persons who previously participated in the program.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/24/2008)

1 AN ACT concerning the Intensive Supervision Program and
2 amending P.L.1993, c.123.

3

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

6

7 1. Section 2 of P.L.1993, c.123 (C.2C:43-11) is amended to
8 read as follows:

9 2. a. No custodial sentence imposed pursuant to Chapter 43, 44
10 or 45 of Title 2C shall be changed to permit entry into any program
11 of intensive supervision established pursuant to the Rules
12 Governing the Courts of the State of New Jersey if the inmate:

13 (1) Is serving a sentence for a conviction of any crime of the
14 first degree; or

15 (2) Is serving a sentence for a conviction of any offense in
16 which the sentencing court found that there is a substantial
17 likelihood that the defendant is involved in organized criminal
18 activity pursuant to N.J.S.2C:44-1a.(5); or

19 (3) Is serving any statutorily mandated parole ineligibility, or
20 any parole ineligibility imposed by the court pursuant to subsection
21 b. of N.J.S. 2C:43-6 or section 6 of P.L.2007, c.49 (C.2C:43-6.5);
22 or

23 (4) **[Has previously completed a program of intensive**
24 **supervision established pursuant to the Rules Governing the Courts**
25 **of the State of New Jersey; or]** Deleted by amendment, P.L. _____,
26 c. (pending before the Legislature as this bill)

27 (5) Has previously been convicted of a crime of the first degree,
28 or of any offense in any other jurisdiction which, if committed in
29 New Jersey, would constitute a crime of the first degree and the
30 inmate was released from incarceration on the first degree offense
31 within five years of the commission of the offense for which the
32 inmate is applying for intensive supervision.

33 Nothing in this subsection shall be construed to preclude the
34 program of intensive supervision from imposing more restrictive
35 standards for admission.

36 b. Unless the inmate is within nine months of parole eligibility
37 and has served at least six months of the sentence, no custodial
38 sentence of an inmate serving a sentence for conviction of any
39 crime of the second degree shall be changed to permit entry into
40 any program of intensive supervision established pursuant to the
41 Rules Governing the Courts of the State of New Jersey, if, within
42 20 days of receipt of notice of the inmate's application, the county
43 prosecutor or Attorney General objects in writing.

44 c. If an inmate's application for a change of custodial sentence
45 to permit entry into any program of intensive supervision

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 established pursuant to the Rules Governing the Courts of the State
2 of New Jersey is granted over the objection of the county prosecutor
3 or the Attorney General, the order shall not become final for 20
4 days or until reconsideration by the Intensive Supervision
5 Resentencing Panel in order to permit the county prosecutor or the
6 Attorney General to appear personally or in writing, with notice to
7 defense counsel, to request reconsideration of the application
8 approval.

9 d. A victim of the offense for which the inmate was sentenced
10 shall have the right to make a written statement or to appear at a
11 proceeding regarding the application for a change of custodial
12 sentence imposed pursuant to Chapter 43, 44 or 45 of Title 2C for
13 entry into any program of intensive supervision established
14 pursuant to the Rules Governing the Courts of the State of New
15 Jersey.

16 (cf: P.L.2007, c.49, s.8)

17

18 2. This act shall take effect immediately.

19

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STATEMENT

22

23 Current law provides that a custodial sentence may be changed to
24 permit entry into an Intensive Supervision Program (ISP)
25 established by the Rules of Court. The statute currently bars a
26 person who has previously completed ISP from being eligible to
27 participate in ISP again. This bill would repeal this provision, thus
28 expanding the number of persons who would be eligible for ISP.

29 Currently, the three judge re-sentencing panel that considers ISP
30 applications weighs all relevant circumstances in determining
31 whether a defendant will be eligible for the program. These factors
32 include an investigation by the probation division and a review of
33 the applicant's criminal record and history of official supervision, if
34 any. The intent of the bill is to provide the courts with authority to
35 consider prior participation in ISP in weighing an application for
36 admission, as the courts consider other facts and circumstances.

37 The expansion of the ISP program is a recommendation in the
38 Governor's 2009 Proposed Budget.

ASSEMBLY BUDGET COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2804

STATE OF NEW JERSEY

DATED: JUNE 19, 2008

The Assembly Budget Committee reports favorably Assembly Bill No. 2804.

The bill expands the number of persons who will be eligible to participate in the Intensive Supervision Program (ISP).

Current law provides that a custodial sentence may be changed to permit entry into an Intensive Supervision Program (ISP) established by the Rules of Court. The statute currently bars a person who has previously completed ISP from being eligible to participate in ISP again. This bill omits this provision, thus expanding the number of persons who would be eligible for ISP.

The New Jersey ISP provides a structure in which certain offenders, sentenced to State penal institutions in the traditional fashion, are afforded an opportunity to work their way back into the community under "intensive supervision." Under ISP, offenders who are sentenced to State prison may apply to a panel of judges for release into this special monitoring and supervision program. The program requires that offenders present a plan, which gives full assurance to a Screening Board and a Resentencing Panel of judges, that their return to the community will result in a positive social adjustment and will not jeopardize the public's safety.

The expansion of the ISP program is a proposal in the Governor's FY 2009 Budget Recommendation.

FISCAL IMPACT:

The Administrative Office of the Courts (AOC) estimated that approximately 27 previous participants would have been eligible for the ISP program in the first year following enactment, increasing to 40 previous participants eligible during subsequent years.

Based on the cost of housing an inmate in the county jails and the estimated incarceration time of an individual who is *not* diverted to an ISP (10.2 months), the AOC calculated that each individual diverted into ISP saves the State approximately \$24,040 in incarceration expenses. Net of the cost of assigning an individual to an ISP (approximately \$10,285), the State would realize a savings of \$13,755 per individual.

FISCAL NOTE
ASSEMBLY, No. 2804
STATE OF NEW JERSEY
213th LEGISLATURE

DATED: JUNE 20, 2008

SUMMARY

Synopsis: Eliminates automatic disqualification from Intensive Supervision Program of persons who previously participated in the program.

Type of Impact: General Fund expenditure and savings.

Agencies Affected: Judiciary, Department of Corrections.

Executive Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost			
Incarceration	\$649,080	\$1,009,680	\$1,060,160
State Cost			
ISP	<u>\$277,695</u>	<u>\$431,960</u>	<u>\$453,560</u>
Net Savings	<u>\$371,385</u>	<u>\$577,720</u>	<u>\$606,600</u>

- The Office of Legislative Services **concurs** with the Executive estimate.
- The bill would repeal the provision in law that bars a person who has previously completed the Intensive Supervision Program (ISP) from being eligible to participate in the program again.
- The Administrative Office of the Courts (AOC) notes that it is anticipated that an additional 27 participants would be admitted to the program during the first year following enactment, and increase to 40 participants during the subsequent years.
- The cost to house an inmate in the county jails FY 2009 is estimated to be \$28,282 per year. The estimated incarceration time an individual would have to serve if not diverted to the ISP is 10.2 months. Therefore, for every individual that is diverted to the ISP, the State saves an estimated \$24,040 in incarceration expenses.
- Assigning an individual to the ISP in FY 2009 is estimated to cost \$10,285, including salary and fringe benefits, non-recurring costs and operating expenditures. For every individual diverted from incarceration to the ISP program, the State would realize a savings of \$13,755.

- The AOC states that irrespective of cost savings from other sources (such as NJ State Parole Board), the State of New Jersey will realize a cost savings of \$371,385 in FY2009, \$577,720 in FY 2010 and \$606,600 in FY 2011 from enactment of this legislation.

BILL DESCRIPTION

Assembly Bill No. 2804 of 2008 would repeal the provision in law that bars a person who has previously completed the Intensive Supervision Program (ISP) from being eligible to participate in the program again.

Currently, the three judge re-sentencing panel that considers ISP applications weighs all relevant circumstances in determining whether a defendant will be eligible for the program. These factors include an investigation by the probation division and a review of the applicant's criminal record and history of official supervision, if any.

FISCAL ANALYSIS

EXECUTIVE BRANCH

Administrative Office of the Courts

The AOC notes that if the proposed legislation is enacted, it is anticipated that an additional 27 participants would be admitted to the program during the first year following enactment, and increase to 40 participants during the subsequent years.

The AOC states that the cost to house an inmate in the county jails FY 2009 is estimated to be \$28,282 per year. The estimated incarceration time an individual would have to serve if not diverted to an ISP is 10.2 months. Therefore, for every individual that is diverted to the ISP, the State saves an estimated \$24,040 in incarceration expenses.

The AOC further states that assigning an individual to the Intensive Supervision Program in FY 2009 is estimated to be \$10,285, including salary and fringe benefits, non-recurring costs and operating expenditures. For every individual diverted from incarceration to the ISP, the State would realize a savings of \$13,755.

Based on the above information, the table below identifies the total savings the State will experience as a result of the annual diversion of 27 individuals from incarceration to participation in an 18 month Intensive Supervision Program. A 5 percent increase in costs has been built into projections for the second and third years of implementation.

	Incarceration Cost	ISP Cost	Variance (Savings)	Avg # of Participants	Total Projected Savings
FY2009	\$24,040	\$10,285	\$13,755	27	\$371,385
FY2010	\$25,242	\$10,799	\$14,443	40	\$577,720
FY2011	\$26,504	\$11,339	\$15,165	40	\$606,600

The AOC states that in addition, it is important to recognize that the bill does have the potential to impact parole expenditures.

The AOC states that irrespective of cost savings from other sources (such as NJ State Parole Board), the State of New Jersey would realize a cost savings of \$371,385 in FY2009, \$577,720 in FY 2010 and \$606,600 in FY 2011 from enactment of this legislation.

Department of Corrections

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services 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-1 et seq.).

SENATE, No. 1946

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED JUNE 9, 2008

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Mercer)

Senator SANDRA B. CUNNINGHAM

District 31 (Hudson)

Co-Sponsored by:

Senator Ruiz

SYNOPSIS

Eliminates automatic disqualification from Intensive Supervision Program of persons who previously participated in the program.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/24/2008)

S1946 TURNER, CUNNINGHAM

2

1 AN ACT concerning the Intensive Supervision Program and
2 amending P.L.1993, c.123.

3

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

6

7 1. Section 2 of P.L.1993, c.123 (C.2C:43-11) is amended to read
8 as follows:

9 2. a. No custodial sentence imposed pursuant to Chapter 43, 44
10 or 45 of Title 2C shall be changed to permit entry into any program
11 of intensive supervision established pursuant to the Rules
12 Governing the Courts of the State of New Jersey if the inmate:

13 (1) Is serving a sentence for a conviction of any crime of the
14 first degree; or

15 (2) Is serving a sentence for a conviction of any offense in
16 which the sentencing court found that there is a substantial
17 likelihood that the defendant is involved in organized criminal
18 activity pursuant to N.J.S.2C:44-1a.(5); or

19 (3) Is serving any statutorily mandated parole ineligibility, or
20 any parole ineligibility imposed by the court pursuant to subsection
21 b. of N.J.S. 2C:43-6 or section 6 of P.L.2007, c.49 (C.2C:43-6.5);
22 or

23 (4) **[Has previously completed a program of intensive**
24 **supervision established pursuant to the Rules Governing the Courts**
25 **of the State of New Jersey; or]** (Deleted by amendment, P.L. c.)
26 (pending before the Legislature as this bill)

27 (5) Has previously been convicted of a crime of the first degree,
28 or of any offense in any other jurisdiction which, if committed in
29 New Jersey, would constitute a crime of the first degree and the
30 inmate was released from incarceration on the first degree offense
31 within five years of the commission of the offense for which the
32 inmate is applying for intensive supervision.

33 Nothing in this subsection shall be construed to preclude the
34 program of intensive supervision from imposing more restrictive
35 standards for admission.

36 b. Unless the inmate is within nine months of parole eligibility
37 and has served at least six months of the sentence, no custodial
38 sentence of an inmate serving a sentence for conviction of any
39 crime of the second degree shall be changed to permit entry into
40 any program of intensive supervision established pursuant to the
41 Rules Governing the Courts of the State of New Jersey, if, within
42 20 days of receipt of notice of the inmate's application, the county
43 prosecutor or Attorney General objects in writing.

44 c. If an inmate's application for a change of custodial sentence

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 to permit entry into any program of intensive supervision
2 established pursuant to the Rules Governing the Courts of the State
3 of New Jersey is granted over the objection of the county prosecutor
4 or the Attorney General, the order shall not become final for 20
5 days or until reconsideration by the Intensive Supervision
6 Resentencing Panel in order to permit the county prosecutor or the
7 Attorney General to appear personally or in writing, with notice to
8 defense counsel, to request reconsideration of the application
9 approval.

10 d. A victim of the offense for which the inmate was sentenced
11 shall have the right to make a written statement or to appear at a
12 proceeding regarding the application for a change of custodial
13 sentence imposed pursuant to Chapter 43, 44 or 45 of Title 2C for
14 entry into any program of intensive supervision established
15 pursuant to the Rules Governing the Courts of the State of New
16 Jersey.

17 (cf: P.L.2007, c.49, s.8)

18

19 2. This act shall take effect immediately.

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21

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STATEMENT

23

24 Current law, set out in section 2 of P.L.1993, c.123 (C.2C:43-
25 11), provides that a custodial sentence may be changed to permit
26 entry into an Intensive Supervision Program (ISP) established by
27 the Rules of Court. The statute currently bars a person who has
28 previously completed ISP from being eligible to participate in ISP
29 again. This bill would repeal this provision, thus expanding the
30 number of persons who would be eligible for ISP.

31 Currently, the three judge re-sentencing panel that considers ISP
32 applications weighs all relevant circumstances in determining
33 whether a defendant will be eligible for the program. These factors
34 include an investigation by the probation division and a review of
35 the applicant's criminal record and history of official supervision, if
36 any. The intent of the bill is to provide the courts with authority to
37 consider prior participation in ISP in weighing an application for
38 admission, as the courts consider other facts and circumstances.

39 The expansion of the ISP program is a recommendation in the
40 Governor's 2009 Proposed Budget.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 1946

STATE OF NEW JERSEY

DATED: JUNE 19, 2008

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1946.

Senate Bill No. 1946 expands the number of persons who would be eligible to participate in the Intensive Supervision Program (ISP) through a repeal of existing law which currently bars a person who has previously completed ISP from being eligible to participate in ISP again. Currently, the three judge re-sentencing panel that considers ISP applications weighs all relevant circumstances in determining whether a defendant will be eligible for the program. These factors include an investigation by the probation division and a review of the applicant's criminal record and history of official supervision, if any. The intent of the bill is to provide the courts with authority to consider prior participation in ISP in weighing an application for admission, as the courts consider other facts and circumstances.

The expansion of the ISP program is a proposal in the Governor's FY 2009 Budget Recommendation.

FISCAL IMPACT:

According to the Administrative Office of the Courts, approximately 27 participants would be admitted to the ISP program in the first year following enactment, increasing to 40 participants during subsequent years.

Based on the cost of housing an inmate in the county jails and the estimated incarceration time of (10.2 months) of an individual who is *not* diverted to an ISP, the AOC calculates every individual diverted saves the State approximately \$24,040 in incarceration expenses. Net of the cost of assigning an individual to an ISP (approximately \$10,285), the State would realize a savings of \$13,755 per individual for total cost savings as summarized below:

	Incarceration Cost	ISP Cost	Variance (Savings)	Avg # of Participants	Total Projected Savings
FY2009	\$24,040	\$10,285	\$13,755	27	\$371,385
FY2010	\$25,242	\$10,799	\$14,443	40	\$577,720
FY2011	\$26,504	\$11,339	\$15,165	40	\$606,600

FISCAL NOTE
SENATE, No. 1946
STATE OF NEW JERSEY
213th LEGISLATURE

DATED: JUNE 24, 2008

SUMMARY

Synopsis: Eliminates automatic disqualification from Intensive Supervision Program of persons who previously participated in the program.

Type of Impact: General Fund expenditure and savings.

Agencies Affected: Judiciary, Department of Corrections.

Executive Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost			
Incarceration	\$649,080	\$1,009,680	\$1,060,160
State Cost			
ISP	<u>\$277,695</u>	<u>\$431,960</u>	<u>\$453,560</u>
Net Savings	<u>\$371,385</u>	<u>\$577,720</u>	<u>\$606,600</u>

- The Office of Legislative Services **concurs** with the Executive estimate.
- The bill would repeal the provision in law that bars a person who has previously completed the Intensive Supervision Program (ISP) from being eligible to participate in the program again.
- The Administrative Office of the Courts (AOC) notes that it is anticipated that an additional 27 participants would be admitted to the program during the first year following enactment, and increase to 40 participants during the subsequent years.
- The cost to house an inmate in the county jails in FY 2009 is estimated to be \$28,282 per year. The estimated incarceration time an individual would have to serve if not diverted to the ISP is 10.2 months. Therefore, for every individual that is diverted to the ISP, the State saves an estimated \$24,040 in incarceration expenses.
- Assigning an individual to the ISP in FY 2009 is estimated to cost \$10,285, including salary and fringe benefits, non-recurring costs and operating expenditures. For every individual diverted from incarceration to the ISP program, the State would realize a savings of \$13,755.

- The AOC states that irrespective of cost savings from other sources (such as NJ State Parole Board), the State of New Jersey will realize a cost savings of \$371,385 in FY 2009, \$577,720 in FY 2010 and \$606,600 in FY 2011 from enactment of this legislation.

BILL DESCRIPTION

Senate Bill No. 1946 of 2008 would repeal the provision in law that bars a person who has previously completed the Intensive Supervision Program (ISP) from being eligible to participate in the program again.

Currently, the three judge re-sentencing panel that considers ISP applications weighs all relevant circumstances in determining whether a defendant will be eligible for the program. These factors include an investigation by the probation division and a review of the applicant's criminal record and history of official supervision, if any.

FISCAL ANALYSIS

EXECUTIVE BRANCH

Administrative Office of the Courts

The AOC notes that if the proposed legislation is enacted, it is anticipated that an additional 27 participants would be admitted to the program during the first year following enactment, and increase to 40 participants during the subsequent years.

The AOC states that the cost to house an inmate in the county jails FY 2009 is estimated to be \$28,282 per year. The estimated incarceration time an individual would have to serve if not diverted to an ISP is 10.2 months. Therefore, for every individual that is diverted to the ISP, the State saves an estimated \$24,040 in incarceration expenses.

The AOC further states that assigning an individual to the Intensive Supervision Program in FY 2009 is estimated to be \$10,285, including salary and fringe benefits, non-recurring costs and operating expenditures. For every individual diverted from incarceration to the ISP, the State would realize a savings of \$13,755.

Based on the above information, the table below identifies the total savings the State will experience as a result of the annual diversion of 27 individuals from incarceration to participation in an 18 month Intensive Supervision Program. A 5 percent increase in costs has been built into projections for the second and third years of implementation.

	Incarceration Cost	ISP Cost	Variance (Savings)	.Avg. # of Participants	Total Projected Savings
FY 2009	\$24,040	\$10,285	\$13,755	27	\$371,385
FY 2010	\$25,242	\$10,799	\$14,443	40	\$577,720
FY 2011	\$26,504	\$11,339	\$15,165	40	\$606,600

The AOC states that in addition, it is important to recognize that the bill does have the potential to impact parole expenditures.

The AOC states that irrespective of cost savings from other sources (such as NJ State Parole Board), the State of New Jersey would realize a cost savings of \$371,385 in FY 2009, \$577,720 in FY 2010 and \$606,600 in FY 2011 from enactment of this legislation.

Department of Corrections

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services 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-1 et seq.).