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No

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No

NEWSPAPER ARTICLES:

No

RWH/CL

P.L. 2020, CHAPTER 120, *approved November 9, 2020*
Assembly, No. 1076 (*First Reprint*)

1 AN ACT concerning the collection and reporting of certain
2 prosecutorial and criminal justice data and supplementing Title
3 52 of the Revised Statutes.

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

7
8 1. a. The Attorney General, in consultation with the Division of
9 State Police, county prosecutors offices, Administrative Office of the
10 Courts, and Department of Corrections, shall establish a program to
11 collect, record, and analyze data regarding defendants in this State who
12 are age 18 or older at the time of the commission of an alleged
13 ¹indictable offense or disorderly persons¹ offense. In furtherance of
14 this program, the Attorney General shall **1**~~collect~~¹ compile¹ data
15 ¹collected¹ from the time a defendant enters the State's criminal
16 justice system, by arrest, charge, or other action, through the final
17 disposition of the defendant's case. The data shall include information
18 concerning the race, ethnicity, gender, and age of the defendant and
19 ¹be compiled in accordance with the standards of the classification of
20 federal data on race and ethnicity established by the federal Office of
21 Management and Budget. The data¹ shall include, but not be limited
22 to, data concerning:

23 (1) warrants, arrests, charges, filing of criminal complaints, and
24 indictments;

25 (2) dismissed or downgraded charges;

26 (3) cases which proceed to trial, and the disposition of cases,
27 including convictions and guilty pleas;

28 (4) admission to diversionary programs, including data on program
29 applications, and any prosecutorial ¹or court¹ consent or denial for a
30 defendant's entry into diversionary programs;

31 (5) **1**~~contact between a prosecutorial authority and a victim,~~
32 ~~including data concerning~~¹ **1**~~cases involving victims~~¹, including the
33 race, ethnicity, gender, and age of the defendant and victims in
34 those cases¹;

35 (6) plea agreement negotiations, including data concerning plea
36 offers extended and accepted or rejected by the defendant, plea
37 agreements entered or rejected by the court, and whether the plea
38 agreements involved probation or incarceration;

39 (7) court fees and fines; and

40 (8) restitution amounts ordered, including any amount collected by
41 the court and paid to a victim.

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:

¹Senate floor amendments adopted July 30, 2020.

1 ¹b. The Division of State Police, county prosecutor’s offices,
2 Administrative Office of the Courts, Department of Corrections,
3 Office of the Public Defender, and county and municipal police
4 departments shall cooperate with the Attorney General in the
5 implementation of this program, and shall assist in the collection,
6 recording, compilation and provision of data in furtherance of the
7 program to the extent and in the manner required by the Attorney
8 General.

9 ¹c. Nothing in this section shall be construed to authorize the
10 disclosure of any confidential or personal identifying information. For
11 the purposes of this section, “personal identifying information” shall
12 include, but not be limited to, name and any aliases, address, social
13 security number, telephone number, fax number, driver's license
14 number, email address, or social media address of any defendant or
15 victim.

16 ¹**[b.] d.**¹ The Attorney General shall prepare and publish on its
17 Internet website annual reports summarizing the data collected,
18 recorded, and analyzed pursuant to this section.

19 ¹**[c.] e.**¹ The Attorney General shall, pursuant to section 2 of
20 P.L. 1991, c.164 (C.52:14-19.1), annually prepare and transmit to the
21 Governor and the Legislature the reports required in this section.

22 ¹f. The Attorney General may utilize the services of any public
23 or private entity or entities for the performance of activities in
24 furtherance of the program established under this section, and may
25 enter into agreements for those purposes as the Attorney General
26 deems advisable.¹

27
28 2. This act shall take effect on the first day of the ¹**[seventh]**
29 thirteenth¹ month next following the date of enactment ¹, except the
30 Office of the Attorney General, Division of State Police, county
31 prosecutor’s offices, Administrative Office of the Courts,
32 Department of Corrections, Office of the Public Defender, and
33 county and municipal police departments may take any anticipatory
34 action in advance thereof as may be necessary to implement the
35 provisions of this act¹.

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39
40 Requires AG to collect, record, analyze, and report certain
41 prosecutorial and criminal justice data.

ASSEMBLY, No. 1076

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman SHANIQUE SPEIGHT

District 29 (Essex)

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

Assemblywoman BRITNEE N. TIMBERLAKE

District 34 (Essex and Passaic)

Co-Sponsored by:

Assemblyman Holley

SYNOPSIS

Requires AG to collect, record, analyze, and report certain prosecutorial and criminal justice data.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 6/11/2020)

1 AN ACT concerning the collection and reporting of certain
2 prosecutorial and criminal justice data and supplementing Title
3 52 of the Revised Statutes.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. a. The Attorney General, in consultation with the Division
9 of State Police, county prosecutors offices, Administrative Office of
10 the Courts, and Department of Corrections, shall establish a
11 program to collect, record, and analyze data regarding defendants in
12 this State who are age 18 or older at the time of the commission of
13 an alleged offense. In furtherance of this program, the Attorney
14 General shall collect data from the time a defendant enters the
15 State's criminal justice system, by arrest, charge, or other action,
16 through the final disposition of the defendant's case. The data shall
17 include information concerning the race, ethnicity, gender, and age
18 of the defendant and shall include, but not be limited to, data
19 concerning:

20 (1) warrants, arrests, charges, filing of criminal complaints, and
21 indictments;

22 (2) dismissed or downgraded charges;

23 (3) cases which proceed to trial, and the disposition of cases,
24 including convictions and guilty pleas;

25 (4) admission to diversionary programs, including data on
26 program applications, and any prosecutorial consent or denial for a
27 defendant's entry into diversionary programs;

28 (5) contact between a prosecutorial authority and a victim,
29 including data concerning cases involving victims;

30 (6) plea agreement negotiations, including data concerning plea
31 offers extended and accepted or rejected by the defendant, plea
32 agreements entered or rejected by the court, and whether the plea
33 agreements involved probation or incarceration;

34 (7) court fees and fines; and

35 (8) restitution amounts ordered, including any amount collected
36 by the court and paid to a victim.

37 Nothing in this section shall be construed to authorize the
38 disclosure of any confidential or personal identifying information.
39 For the purposes of this section, "personal identifying information"
40 shall include, but not be limited to, name and any aliases, address,
41 social security number, telephone number, fax number, driver's
42 license number, email address, or social media address of any
43 defendant or victim.

44 b. The Attorney General shall prepare and publish on its
45 Internet website annual reports summarizing the data collected,
46 recorded, and analyzed pursuant to this section.

47 c. The Attorney General shall, pursuant to section 2 of
48 P.L. 1991, c.164 (C.52:14-19.1), annually prepare and transmit to

1 the Governor and the Legislature the reports required in this
2 section.

3

4 2. This act shall take effect on the first day of the seventh
5 month next following the date of enactment.

6

7

8

STATEMENT

9

10 This bill requires the Attorney General to establish a program to
11 collect, record, and analyze prosecutorial and criminal justice data,
12 which includes race, ethnicity, gender, and age-related information,
13 and issue annual reports.

14 Under the bill, the Attorney General, in consultation with the
15 Division of State Police, county prosecutors offices, Administrative
16 Office of the Courts, and Department of Corrections, is required to
17 establish a program to collect, record, and analyze data regarding
18 defendants in this State who are age 18 or older at the time of the
19 commission of an alleged offense. The data is to be collected from
20 the time a defendant enters the State's criminal justice system, by
21 arrest, charge, or other action, through the final disposition of the
22 defendant's case. The data required includes race, ethnicity,
23 gender, and age of the defendant. Specifically, the data is to
24 include, but not be limited to: (1) warrants, arrests, charges, filing
25 of criminal complaints, and indictments; (2) dismissed or
26 downgraded charges; (3) cases which proceed to trial, and the
27 disposition of cases, including convictions and guilty pleas; (4)
28 admission to diversionary programs, including data on program
29 applications, and any prosecutorial consent or denial for a
30 defendant's entry into diversionary programs; (5) contact between a
31 prosecutorial authority and a victim, including data concerning
32 cases involving victims; (6) plea agreement negotiations including
33 data concerning plea offers extended and accepted or rejected by
34 the defendant, plea agreements entered or rejected by the court, and
35 whether the plea agreements involved probation or incarceration;
36 (7) court fees and fines, and (8) restitution amounts ordered,
37 including any amount collected by the court and paid to a victim.

38 The Attorney General is required to prepare and publish on its
39 Internet website annual reports summarizing the data collected,
40 recorded, and analyzed under the bill, and is to issue annual reports
41 to the Governor and the Legislature. The reports published under
42 the bill are not to disclose any confidential or personal identifying
43 information related to a defendant or victim.

ASSEMBLY COMMUNITY DEVELOPMENT AND AFFAIRS
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1076

STATE OF NEW JERSEY

DATED: JUNE 15, 2020

The Assembly Community Development and Affairs Committee reports favorably Assembly Bill No. 1076.

This bill requires the Attorney General to establish a program to collect, record, and analyze prosecutorial and criminal justice data, which includes race, ethnicity, gender, and age-related information, and issue annual reports.

Under the bill, the Attorney General, in consultation with the Division of State Police, county prosecutors offices, Administrative Office of the Courts, and Department of Corrections, is required to establish a program to collect, record, and analyze data regarding defendants in this State who are age 18 or older at the time of the commission of an alleged offense. The data is to be collected from the time a defendant enters the State's criminal justice system, by arrest, charge, or other action, through the final disposition of the defendant's case. The data required includes race, ethnicity, gender, and age of the defendant. Specifically, the data is to include, but not be limited to: (1) warrants, arrests, charges, filing of criminal complaints, and indictments; (2) dismissed or downgraded charges; (3) cases which proceed to trial, and the disposition of cases, including convictions and guilty pleas; (4) admission to diversionary programs, including data on program applications, and any prosecutorial consent or denial for a defendant's entry into diversionary programs; (5) contact between a prosecutorial authority and a victim, including data concerning cases involving victims; (6) plea agreement negotiations including data concerning plea offers extended and accepted or rejected by the defendant, plea agreements entered or rejected by the court, and whether the plea agreements involved probation or incarceration; (7) court fees and fines, and (8) restitution amounts ordered, including any amount collected by the court and paid to a victim.

The Attorney General is required to prepare and publish on its Internet website annual reports summarizing the data collected, recorded, and analyzed under the bill, and is to issue annual reports to the Governor and the Legislature. The reports published under the bill are not to disclose any confidential or personal identifying information related to a defendant or victim.

This bill was pre-filed for introduction in the 2020-2021 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1076

STATE OF NEW JERSEY

DATED: JULY 28, 2020

The Senate Law and Public Safety Committee reports favorably Assembly Bill No. 1076.

As reported by the committee, this bill requires the Attorney General to establish a program to collect, record, and analyze certain prosecutorial and criminal justice data, which includes race, ethnicity, gender, and age-related information, and issue annual reports.

The bill specifically requires the Attorney General to establish a program to collect, record, and analyze data regarding defendants in this State age 18 years or older at the time of the alleged offense was committed. The Attorney General is directed to consult with the Division of State Police, county prosecutors offices, Administrative Office of the Courts, and Department of Corrections in establishing this program.

The data is to be collected from the time these defendants enter the State's criminal justice system, by arrest, charge, or other action, through the final disposition of the defendant's case. The data specifically is to include the defendant's race, ethnicity, gender, and age. The date also is to include: (1) warrants, arrests, charges, filing of criminal complaints, and indictments; (2) dismissed or downgraded charges; (3) cases which proceed to trial, and the disposition of cases, including convictions and guilty pleas; (4) admission to diversionary programs, including data on program applications, and any prosecutorial consent or denial for a defendant's entry into diversionary programs; (5) contact between a prosecutorial authority and a victim, including data concerning cases involving victims; (6) plea agreement negotiations, including data concerning plea offers extended and accepted or rejected by the defendant, plea agreements entered or rejected by the court, and whether the plea agreements involved probation or incarceration; (7) court fees and fines, and (8) restitution amounts ordered, including any amount collected by the court and paid to a victim.

The Attorney General is required to prepare and publish on its Internet website annual reports summarizing the data collected, recorded, and analyzed under the bill, and to issue annual reports to the Governor and the Legislature. The reports published pursuant to the bill's provisions are not to disclose any confidential or personal identifying information related to a defendant or victim.

As reported by the committee, Assembly Bill No. 1076 is identical to Senate Bill No. 2638, which also was reported by the committee on this same date.

STATEMENT TO
ASSEMBLY, No. 1076

with Senate Floor Amendments
(Proposed by Senator KEAN)

ADOPTED: JULY 30, 2020

This bill requires the Attorney General to establish a program to collect, record, and analyze prosecutorial and criminal justice data, which includes race, ethnicity, gender, and age-related information, and issue annual reports.

These Senate amendments require the data to be compiled in accordance with the standards of the classification of federal data on race and ethnicity established by the federal Office of Management and Budget. The amendments also remove from the provisions of the bill the requirement that data include contact between a prosecutorial authority and a victim.

In addition, the bill requires the Division of State Police, county prosecutors offices, Administrative Office of the Courts, Department of Corrections, Office of the Public Defender, and local police departments to cooperate with the Attorney General in the implementation of this program, and to assist in data collection and compilation in furtherance of the program to the extent and in the manner required by the Attorney General.

The Senate amendments also allow the Attorney General to utilize the services of, and enter into agreements with, any public or private entity for the performance of activities in furtherance of the program.

Finally, the Senate amendments extend the effective date of the bill from six to 12 months.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 1076
STATE OF NEW JERSEY
219th LEGISLATURE

DATED: JUNE 25, 2020

SUMMARY

- Synopsis:** Requires AG to collect, record, analyze, and report certain prosecutorial and criminal justice data.
- Type of Impact:** Annual State and County Expenditure Increases.
- Agencies Affected:** Department of Law and Public Safety; County Prosecutors Offices; Administrative Office of the Courts; and Department of Corrections.

Office of Legislative Services Estimate

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

- The Office of Legislative Services (OLS) finds that the bill will result in indeterminate increases in annual State and county expenditures. The OLS, however, cannot assess the net effect of the expenditures given the absence of information on the current statistics collected Statewide. It is unknown whether there will be additional expenditures for annual data collection and reporting, or the personnel and technology upgrades which may be associated with the collection and reporting of the required data.

BILL DESCRIPTION

This bill requires the Attorney General to establish a program to collect, record, and analyze prosecutorial and criminal justice data, which includes race, ethnicity, gender, and age-related information, and issue annual reports.

Under the bill, the Attorney General, in consultation with the Division of State Police, county prosecutors offices, the Administrative Office of the Courts (AOC), and the Department of Corrections (DOC) is required to establish a program to collect, record, and analyze data regarding defendants in this State who are age 18 or older at the time of the commission of an alleged offense. The required data is to be collected from the time a defendant enters the State’s criminal justice system, by arrest, charge, or other action, through the final disposition of the defendant’s case.



The data required includes race, ethnicity, gender, and age of the defendant. Specifically, the data is to include, but not be limited to: (1) warrants, arrests, charges, filing of criminal complaints, and indictments; (2) dismissed or downgraded charges; (3) cases which proceed to trial, and the disposition of cases, including convictions and guilty pleas; (4) admission to diversionary programs, including data on program applications, and any prosecutorial consent or denial for a defendant's entry into diversionary programs; (5) contact between a prosecutorial authority and a victim, including data concerning cases involving victims; (6) plea agreement negotiations including data concerning plea offers extended and accepted or rejected by the defendant, plea agreements entered or rejected by the court, and whether the plea agreements involved probation or incarceration; (7) court fees and fines; and (8) restitution amounts ordered, including any amount collected by the court and paid to a victim.

The Attorney General is required to prepare and publish on its Internet website annual reports summarizing the data collected, recorded, and analyzed under the bill, and is to issue annual reports to the Governor and the Legislature.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that the bill will result in indeterminate increases in annual State and county expenditures. The OLS, however, cannot assess the net effect of the expenditures given the absence of information on the current statistics collected Statewide. It is unknown whether there will be additional expenditures for annual data collection and reporting, or the personnel and technology upgrades which may be associated with the collection and reporting of the required data.

Expenditure Increases: The Attorney General, in consultation with the Division of State Police, county prosecutors offices, the AOC, and the DOC is required to establish a program to collect, record, and analyze data regarding defendants in this State who are age 18 or older at the time of the commission of an alleged offense.

Currently, the Department of Law and Public Safety, the AOC, and the DOC are required to collect certain racial, ethnic, and age-related data. The data collected however are not as comprehensive or as succinctly compiled as required in this bill and, as such, the OLS cannot assess the expenditures required for full implementation. Expenditures required may be for resources needed at the State and county levels to establish a database or modify an existing database, to train personnel on the proper collection and entry of data, to collect and retain the data, and to complete data collection and reporting requirements Statewide from the various agencies as required in this bill.

Current State Law Requirements

Department of Law and Public Safety: Currently, the Office of the Attorney General collects certain data from the New Jersey State Police as required under State law. The Office of the Attorney General is also required to annually issue the Uniform Crime Report (UCR), a compilation of statistics necessary to present an overview of crime and the administration of criminal justice within New Jersey.

Administrative Office of the Courts: As part of criminal justice reform (CJR), the courts collect and analyze data related to pretrial release. The courts issue yearly CJR statistics reports, which include racial and ethnic data.

Pursuant to State law, the Administrative Director of the Courts is required to establish a program to record and analyze the recidivism of all persons sentenced to a period of probation. The purpose of this program is to assist in measuring the effectiveness of the State's rehabilitation initiatives and programs including, but not limited to, race, gender, ethnicity, and age.

Department of Corrections: Pursuant to State law, the DOC is required, in conjunction with the Juvenile Justice Commission and the State Parole Board to establish a program to record and analyze the recidivism of all inmates and juveniles adjudicated delinquent who are released from a State correctional facility or a training school for juveniles in order to measure the effectiveness of the State's reentry initiatives and programs. The program is to record the arrests for all offenses committed by releasees within three years following their release and any convictions resulting from the arrests. The data collected are to be analyzed to determine whether the rates and nature of rearrests and convictions differ according to the criminal histories and personal characteristics of releasees, the treatment they received while confined, length of sentence, conditions of parole, participation and involvement in reentry initiatives and programs, and such other relevant factors, including, but not limited to, race, gender, ethnicity, and age.

Section: Law and Public Safety

Analyst: Kristin Brunner Santos
Senior 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.).

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 1076

STATE OF NEW JERSEY 219th LEGISLATURE

DATED: SEPTEMBER 25, 2020

SUMMARY

- Synopsis:** Requires AG to collect, record, analyze, and report certain prosecutorial and criminal justice data.
- Type of Impact:** Annual State and Local Expenditure Increases.
- Agencies Affected:** Department of Law and Public Safety; County Prosecutors Offices; Administrative Office of the Courts; Department of Corrections; County and Municipal Police Departments.

Office of Legislative Services Estimate

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

- The Office of Legislative Services (OLS) finds that the bill will result in indeterminate increases in annual State and local expenditures. The OLS, however, cannot assess the magnitude of the increased expenditures given the absence of information on the current statistics collected Statewide. It is unknown whether there will be additional expenditures for annual data collection and reporting, or the personnel and technology upgrades which may be associated with the collection and reporting of the required data.

BILL DESCRIPTION

This bill requires the Attorney General to establish a program to compile, record, and analyze prosecutorial and criminal justice data, which includes race, ethnicity, gender, and age-related information, and issue annual reports.

Under the bill, the Attorney General, in consultation with the Division of State Police (DSP), county prosecutors offices, the Administrative Office of the Courts (AOC), and the Department of Corrections (DOC) is required to establish a program to collect, record, and analyze data regarding defendants in this State who are age 18 or older at the time of the commission of an alleged indictable offense or disorderly persons offense. The required data is to be collected from the time

a defendant enters the State's criminal justice system, by arrest, charge, or other action, through the final disposition of the defendant's case.

In addition, the bill requires the DSP, county prosecutors offices, AOC, DOC, Office of the Public Defender, and county and municipal police departments to cooperate with the Attorney General in the implementation of this program, and to assist in data collection and compilation in furtherance of the program to the extent and in the manner required by the Attorney General.

The data required includes race, ethnicity, gender, and age of the defendant. Specifically, the data is to include, but not be limited to: (1) warrants, arrests, charges, filing of criminal complaints, and indictments; (2) dismissed or downgraded charges; (3) cases which proceed to trial, and the disposition of cases, including convictions and guilty pleas; (4) admission to diversionary programs, including data on program applications, and any prosecutorial consent or denial for a defendant's entry into diversionary programs; (5) cases involving victims, including the race, ethnicity, gender, and age of the defendant and victims in those cases; (6) plea agreement negotiations including data concerning plea offers extended and accepted or rejected by the defendant, plea agreements entered or rejected by the court, and whether the plea agreements involved probation or incarceration; (7) court fees and fines; and (8) restitution amounts ordered, including any amount collected by the court and paid to a victim.

The Attorney General is required to prepare and publish on its website annual reports summarizing the data collected, recorded, and analyzed under the bill, and is to issue annual reports to the Governor and the Legislature. The Attorney General may utilize the services of, and enter into agreements with, any public or private entity for the performance of activities in furtherance of the program.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that the bill will result in indeterminate increases in annual State and local expenditures. The OLS, however, cannot assess the magnitude of the increased expenditures given the absence of information on the current statistics collected Statewide. It is unknown whether there will be additional expenditures for annual data collection and reporting, or the personnel and technology upgrades which may be associated with the collection and reporting of the required data.

Expenditure Increases: The Attorney General, in consultation and cooperation with the Division of State Police, county prosecutor's offices, the AOC, and the DOC is required to establish a program to compile, record, and analyze data regarding defendants in this State who are age 18 or older at the time of the commission of an alleged indictable offense or disorderly persons offense.

Currently, the Department of Law and Public Safety, the AOC, and the DOC are required to collect certain racial, ethnic, and age-related data. The data collected, however, are not as comprehensive or as succinctly compiled as required in this bill and, as such, the OLS cannot assess the expenditures required for full implementation. Expenditures required may be for resources needed at the State and local levels to establish a database or modify an existing database, to train personnel on the proper collection and entry of data, to collect and retain the data, and to

complete data collection and reporting requirements Statewide from the various agencies as required in this bill.

Current State Law Requirements

Department of Law and Public Safety: Currently, the Office of the Attorney General collects certain data from the New Jersey State Police as required under State law. The Office of the Attorney General is also required to annually issue the Uniform Crime Report, a compilation of statistics necessary to present an overview of crime and the administration of criminal justice within New Jersey.

Administrative Office of the Courts: As part of criminal justice reform, the courts collect and analyze data related to pretrial release. The courts issue these statistics reports yearly, which include racial and ethnic data.

Pursuant to State law, the Administrative Director of the Courts is required to establish a program to record and analyze the recidivism of all persons sentenced to a period of probation. The purpose of this program is to assist in measuring the effectiveness of the State's rehabilitation initiatives and programs including, but not limited to, race, gender, ethnicity, and age.

Department of Corrections: Pursuant to State law, the DOC is required, in conjunction with the Juvenile Justice Commission and the State Parole Board to establish a program to record and analyze the recidivism of all inmates and juveniles adjudicated delinquent who are released from a State correctional facility or a training school for juveniles in order to measure the effectiveness of the State's reentry initiatives and programs. The program is to record the arrests for all offenses committed by releasees within three years following their release and any convictions resulting from the arrests. The data collected are to be analyzed to determine whether the rates and nature of rearrests and convictions differ according to the criminal histories and personal characteristics of releasees, the treatment they received while confined, length of sentence, conditions of parole, participation and involvement in reentry initiatives and programs, and such other relevant factors, including, but not limited to, race, gender, ethnicity, and age.

Section: Law and Public Safety
Analyst: Kristin Brunner Santos
Senior 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.).

SENATE, No. 2638

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JUNE 30, 2020

Sponsored by:

Senator THOMAS H. KEAN, JR.

District 21 (Morris, Somerset and Union)

Senator NIA H. GILL

District 34 (Essex and Passaic)

Co-Sponsored by:

Senators Ruiz and Turner

SYNOPSIS

Requires AG to collect, record, analyze, and report certain prosecutorial and criminal justice data.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 7/28/2020)

1 AN ACT concerning the collection and reporting of certain
2 prosecutorial and criminal justice data and supplementing Title
3 52 of the Revised Statutes.

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

7
8 1. a. The Attorney General, in consultation with the Division
9 of State Police, county prosecutors offices, Administrative Office of
10 the Courts, and Department of Corrections, shall establish a
11 program to collect, record, and analyze data regarding defendants in
12 this State who are age 18 or older at the time of the commission of
13 an alleged offense. In furtherance of this program, the Attorney
14 General shall collect data from the time a defendant enters the
15 State's criminal justice system, by arrest, charge, or other action,
16 through the final disposition of the defendant's case. The data shall
17 include information concerning the race, ethnicity, gender, and age
18 of the defendant and shall include, but not be limited to, data
19 concerning:

20 (1) warrants, arrests, charges, filing of criminal complaints, and
21 indictments;

22 (2) dismissed or downgraded charges;

23 (3) cases which proceed to trial, and the disposition of cases,
24 including convictions and guilty pleas;

25 (4) admission to diversionary programs, including data on
26 program applications, and any prosecutorial consent or denial for a
27 defendant's entry into diversionary programs;

28 (5) contact between a prosecutorial authority and a victim,
29 including data concerning cases involving victims;

30 (6) plea agreement negotiations, including data concerning plea
31 offers extended and accepted or rejected by the defendant, plea
32 agreements entered or rejected by the court, and whether the plea
33 agreements involved probation or incarceration;

34 (7) court fees and fines; and

35 (8) restitution amounts ordered, including any amount collected
36 by the court and paid to a victim.

37 Nothing in this section shall be construed to authorize the
38 disclosure of any confidential or personal identifying information.
39 For the purposes of this section, "personal identifying information"
40 shall include, but not be limited to, name and any aliases, address,
41 social security number, telephone number, fax number, driver's
42 license number, email address, or social media address of any
43 defendant or victim.

44 b. The Attorney General shall prepare and publish on its
45 Internet website annual reports summarizing the data collected,
46 recorded, and analyzed pursuant to this section.

1 c. The Attorney General shall, pursuant to section 2 of P.L.
2 1991, c.164 (C.52:14-19.1), annually prepare and transmit to the
3 Governor and the Legislature the reports required in this section.

4
5 2. This act shall take effect on the first day of the seventh
6 month next following the date of enactment.

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9 STATEMENT

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11 This bill requires the Attorney General to establish a program to
12 collect, record, and analyze prosecutorial and criminal justice data,
13 which includes race, ethnicity, gender, and age-related information,
14 and issue annual reports.

15 Under the bill, the Attorney General, in consultation with the
16 Division of State Police, county prosecutors offices, Administrative
17 Office of the Courts, and Department of Corrections, is required to
18 establish a program to collect, record, and analyze data regarding
19 defendants in this State who are age 18 or older at the time of the
20 commission of an alleged offense. The data is to be collected from
21 the time a defendant enters the State's criminal justice system, by
22 arrest, charge, or other action, through the final disposition of the
23 defendant's case. The data required includes race, ethnicity,
24 gender, and age of the defendant. Specifically, the data is to
25 include, but not be limited to: (1) warrants, arrests, charges, filing
26 of criminal complaints, and indictments; (2) dismissed or
27 downgraded charges; (3) cases which proceed to trial, and the
28 disposition of cases, including convictions and guilty pleas; (4)
29 admission to diversionary programs, including data on program
30 applications, and any prosecutorial consent or denial for a
31 defendant's entry into diversionary programs; (5) contact between a
32 prosecutorial authority and a victim, including data concerning
33 cases involving victims; (6) plea agreement negotiations including
34 data concerning plea offers extended and accepted or rejected by
35 the defendant, plea agreements entered or rejected by the court, and
36 whether the plea agreements involved probation or incarceration;
37 (7) court fees and fines, and (8) restitution amounts ordered,
38 including any amount collected by the court and paid to a victim.

39 The Attorney General is required to prepare and publish on its
40 Internet website annual reports summarizing the data collected,
41 recorded, and analyzed under the bill, and is to issue annual reports
42 to the Governor and the Legislature. The reports published under
43 the bill are not to disclose any confidential or personal identifying
44 information related to a defendant or victim.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 2638

STATE OF NEW JERSEY

DATED: JULY 28, 2020

The Senate Law and Public Safety Committee reports favorably Senate Bill No. 2638.

As reported by the committee, this bill requires the Attorney General to establish a program to collect, record, and analyze certain prosecutorial and criminal justice data, which includes race, ethnicity, gender, and age-related information, and issue annual reports.

The bill specifically requires the Attorney General to establish a program to collect, record, and analyze data regarding defendants in this State age 18 years or older at the time of the alleged offense was committed. The Attorney General is directed to consult with the Division of State Police, county prosecutors offices, Administrative Office of the Courts, and Department of Corrections in establishing this program.

The data is to be collected from the time these defendants enter the State's criminal justice system, by arrest, charge, or other action, through the final disposition of the defendant's case. The data specifically is to include the defendant's race, ethnicity, gender, and age. The date also is to include: (1) warrants, arrests, charges, filing of criminal complaints, and indictments; (2) dismissed or downgraded charges; (3) cases which proceed to trial, and the disposition of cases, including convictions and guilty pleas; (4) admission to diversionary programs, including data on program applications, and any prosecutorial consent or denial for a defendant's entry into diversionary programs; (5) contact between a prosecutorial authority and a victim, including data concerning cases involving victims; (6) plea agreement negotiations, including data concerning plea offers extended and accepted or rejected by the defendant, plea agreements entered or rejected by the court, and whether the plea agreements involved probation or incarceration; (7) court fees and fines, and (8) restitution amounts ordered, including any amount collected by the court and paid to a victim.

The Attorney General is required to prepare and publish on its Internet website annual reports summarizing the data collected, recorded, and analyzed under the bill, and to issue annual reports to the Governor and the Legislature. The reports published pursuant to the bill's provisions are not to disclose any confidential or personal identifying information related to a defendant or victim.

As reported by the committee, Senate Bill No 2638 is identical to Assembly Bill No. 1076, which also was reported by the committee on this same date.

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 2638
STATE OF NEW JERSEY
219th LEGISLATURE

DATED: AUGUST 26, 2020

SUMMARY

Synopsis: Requires AG to collect, record, analyze, and report certain prosecutorial and criminal justice data.

Type of Impact: Annual State and County Expenditure Increases.

Agencies Affected: Department of Law and Public Safety; County Prosecutors Offices; Administrative Office of the Courts; and Department of Corrections.

Office of Legislative Services Estimate

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

- The Office of Legislative Services (OLS) finds that the bill will result in indeterminate increases in annual State and county expenditures. The OLS, however, cannot assess the net effect of the expenditures given the absence of information on the current statistics collected Statewide. It is unknown whether there will be additional expenditures for annual data collection and reporting, or the personnel and technology upgrades which may be associated with the collection and reporting of the required data.

BILL DESCRIPTION

This bill requires the Attorney General to establish a program to collect, record, and analyze prosecutorial and criminal justice data, which includes race, ethnicity, gender, and age-related information, and issue annual reports.

Under the bill, the Attorney General, in consultation with the Division of State Police, county prosecutors offices, the Administrative Office of the Courts (AOC), and the Department of Corrections (DOC) is required to establish a program to collect, record, and analyze data regarding defendants in this State who are age 18 or older at the time of the commission of an alleged offense. The required data is to be collected from the time a defendant enters the State's criminal justice system, by arrest, charge, or other action, through the final disposition of the defendant's case.

The data required includes race, ethnicity, gender, and age of the defendant. Specifically, the data is to include, but not be limited to: (1) warrants, arrests, charges, filing of criminal complaints,

and indictments; (2) dismissed or downgraded charges; (3) cases which proceed to trial, and the disposition of cases, including convictions and guilty pleas; (4) admission to diversionary programs, including data on program applications, and any prosecutorial consent or denial for a defendant's entry into diversionary programs; (5) contact between a prosecutorial authority and a victim, including data concerning cases involving victims; (6) plea agreement negotiations including data concerning plea offers extended and accepted or rejected by the defendant, plea agreements entered or rejected by the court, and whether the plea agreements involved probation or incarceration; (7) court fees and fines; and (8) restitution amounts ordered, including any amount collected by the court and paid to a victim.

The Attorney General is required to prepare and publish on its Internet website annual reports summarizing the data collected, recorded, and analyzed under the bill, and is to issue annual reports to the Governor and the Legislature.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that the bill will result in indeterminate increases in annual State and county expenditures. The OLS, however, cannot assess the net effect of the expenditures given the absence of information on the current statistics collected Statewide. It is unknown whether there will be additional expenditures for annual data collection and reporting, or the personnel and technology upgrades which may be associated with the collection and reporting of the required data.

Expenditure Increases: The Attorney General, in consultation with the Division of State Police, county prosecutors offices, the AOC, and the DOC is required to establish a program to collect, record, and analyze data regarding defendants in this State who are age 18 or older at the time of the commission of an alleged offense.

Currently, the Department of Law and Public Safety, the AOC, and the DOC are required to collect certain racial, ethnic, and age-related data. The data collected however are not as comprehensive or as succinctly compiled as required in this bill and, as such, the OLS cannot assess the expenditures required for full implementation. Expenditures required may be for resources needed at the State and county levels to establish a database or modify an existing database, to train personnel on the proper collection and entry of data, to collect and retain the data, and to complete data collection and reporting requirements Statewide from the various agencies as required in this bill.

Current State Law Requirements

Department of Law and Public Safety: Currently, the Office of the Attorney General collects certain data from the New Jersey State Police as required under State law. The Office of the Attorney General also is required to annually issue the Uniform Crime Report (UCR), a compilation of statistics necessary to present an overview of crime and the administration of criminal justice within New Jersey.

Administrative Office of the Courts: As part of criminal justice reform (CJR), the courts collect and analyze data related to pretrial release. The courts issue yearly CJR statistics reports, which include racial and ethnic data.

Pursuant to State law, the Administrative Director of the Courts is required to establish a program to record and analyze the recidivism of all persons sentenced to a period of probation. The purpose of this program is to assist in measuring the effectiveness of the State's rehabilitation initiatives and programs including, but not limited to, race, gender, ethnicity, and age.

Department of Corrections: Pursuant to State law, the DOC is required, in conjunction with the Juvenile Justice Commission and the State Parole Board to establish a program to record and analyze the recidivism of all inmates and juveniles adjudicated delinquent who are released from a State correctional facility or a training school for juveniles in order to measure the effectiveness of the State's reentry initiatives and programs. The program is to record the arrests for all offenses committed by releasees within three years following their release and any convictions resulting from the arrests. The data collected are to be analyzed to determine whether the rates and nature of rearrests and convictions differ according to the criminal histories and personal characteristics of releasees, the treatment they received while confined, length of sentence, conditions of parole, participation and involvement in reentry initiatives and programs, and such other relevant factors, including, but not limited to, race, gender, ethnicity, and age.

Section: Law and Public Safety

*Analyst: Kristin Brunner Santos
Senior 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.).

Governor Murphy Takes Action On Legislation

11/9/2020

TRENTON – Today, Governor Murphy signed the following bills into law:

A-1076/S-2638 (Speight, McKnight, Timberlake/T. Kean, Gill) - Requires AG to collect, record, analyze, and report certain prosecutorial and criminal justice data

A-3996/S-2451 (Lopez, McKnight, Karabinchak/Ruiz, Vitale) - Permits modification of scope of work or terms and conditions of contract between non-profit organizations and State agencies for failure to perform due to COVID-19 pandemic

Governor Murphy conditionally vetoed the following bills:

S-2362/A-3957 (Singleton, Addiego/Wimberly, Vainieri Huttie, Sumter) - Makes FY 2020 supplemental Grants-in-Aid appropriation of \$5 million to DCA for NJSHARES - S.M.A.R.T. Program

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S-2419/A-3143 (Scutari/Kennedy) - Concerns local government regulation of installation, maintenance and repair of perimeter fence intrusion protection systems, other alarm systems, and locksmithing services

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Governor Murphy absolute vetoed the following bill:

S-2788/A-4479 (Ruiz, Pou/Vainieri Huttie, Greenwald, Jasey) - Provides supplemental payments to long-term care facility staff providing direct care services during COVID-19 pandemic

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