

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 ESTIMATE: Yes 12/3/2021
1/11/2022

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

Brent Johnson and Susan K. Livio - For South Jersey Times, 'State's needle exchanges will expand', South Jersey Times (online), 21 Jan 2022 001

RAH/JA

P.L. 2021, CHAPTER 403, *approved January 18, 2022*
Senate, No. 3493 (*First Reprint*)

1 AN ACT concerning certain expungements and amending
2 ¹N.J.S.2C:52-3,¹ N.J.S.2C:52-14 ¹, N.J.S.2C:36-1¹ and repealing
3 N.J.S.2C:36-6.
4

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

8 ¹1. N.J.S.2C:52-3 is amended to read as follows:

9 2C:52-3. Disorderly persons offenses and petty disorderly
10 persons offenses.

11 a. Any person who has been convicted of one or more
12 disorderly persons or petty disorderly persons offenses under the
13 laws of this State who has not been convicted of any crime, whether
14 within this State or any other jurisdiction, may present an
15 expungement application to a court pursuant to this section. Any
16 person who has been convicted of one or more disorderly persons or
17 petty disorderly persons offenses under the laws of this State who
18 has also been convicted of one or more crimes shall not be eligible
19 to apply for an expungement pursuant to this section, but may
20 present an expungement application to the Superior Court pursuant
21 to N.J.S.2C:52-2.

22 b. Any person who has been convicted of one or more
23 disorderly persons or petty disorderly persons offenses under the
24 laws of this State who has not been convicted of any crime, whether
25 within this State or any other jurisdiction, may present an
26 expungement application pursuant to this section to any court
27 designated by the Rules of Court if:

28 the person has been convicted, under the laws of this State, on
29 the same or separate occasions of no more than five disorderly
30 persons offenses, no more than five petty disorderly persons
31 offenses, or a combination of no more than five disorderly persons
32 and petty disorderly persons offenses, and the person does not
33 otherwise have any subsequent conviction for a disorderly persons
34 or petty disorderly persons offense, whether within this State or any
35 other jurisdiction, such that the total number of convictions for
36 disorderly persons and petty disorderly persons offenses would
37 exceed five. Subject to the provision of subsection e. of
38 N.J.S.2C:52-14 requiring denial of an expungement petition when a
39 person has had a previous criminal conviction expunged, a prior
40 conviction for another disorderly persons offense or petty disorderly

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 AJU committee amendments adopted December 9, 2021.

1 persons offense shall not bar presenting an application seeking
2 expungement relief for the convictions that are the subject of the
3 application, which may include convictions for no more than five
4 disorderly persons or petty disorderly persons offenses, or
5 combination thereof; or

6 the person has been convicted of multiple disorderly persons
7 offenses or multiple petty disorderly persons offenses under the
8 laws of this State, or a combination of multiple disorderly persons
9 and petty disorderly persons offenses under the laws of this State,
10 which convictions were entered on the same day, and does not
11 otherwise have any subsequent conviction for another offense in
12 addition to those convictions included in the expungement
13 application, whether any such conviction was within this State or
14 any other jurisdiction. Subject to the provision of subsection e. of
15 N.J.S.2C:52-14 requiring denial of an expungement petition when a
16 person has had a previous criminal conviction expunged, a prior
17 conviction for another disorderly persons or petty disorderly
18 persons offense that was not entered on the same day shall not bar
19 presenting an application seeking expungement relief for the
20 convictions entered on the same day that are the subject of the
21 application; or

22 the person has been convicted of multiple disorderly persons
23 offenses or multiple petty disorderly persons offenses under the
24 laws of this State, or a combination of multiple disorderly persons
25 and petty disorderly persons offenses under the laws of this State,
26 which offenses or combination of offenses were interdependent or
27 closely related in circumstances and were committed as part of a
28 sequence of events that took place within a comparatively short
29 period of time, regardless of the date of conviction or sentencing for
30 each individual offense, and the person does not otherwise have any
31 subsequent conviction for another offense in addition to those
32 convictions included in the expungement application, whether
33 within this State or any other jurisdiction. Subject to the provision
34 of subsection e. of N.J.S.2C:52-14 requiring denial of an
35 expungement petition when a person has had a previous criminal
36 conviction expunged, a prior conviction for another disorderly
37 persons offense or petty disorderly persons offense that was not
38 interdependent or closely related in circumstances and was not
39 committed within a comparatively short period of time as described
40 above shall not bar presenting an application seeking expungement
41 relief for the convictions of offenses that were interdependent or
42 closely related and committed within a comparatively short period
43 of time, and that are the subject of the application.

44 For purposes of determining eligibility to present an
45 expungement application to the court pursuant to this section, a
46 conviction for unlawful distribution of, or possessing or having
47 under control with intent to distribute, marijuana or hashish in
48 violation of paragraph (11) of subsection b. of N.J.S.2C:35-5, or a

1 lesser amount of marijuana or hashish in violation of paragraph (12)
2 of subsection b. of that section, or a violation of either of those
3 paragraphs and a violation of subsection a. of section 1 of P.L.1987,
4 c.101 (C.2C:35-7) or subsection a. of section 1 of P.L.1997, c.327
5 (C.2C:35-7.1), for distributing, or possessing or having under
6 control with intent to distribute, on or within 1,000 feet of any
7 school property, or on or within 500 feet of the real property
8 comprising a public housing facility, public park, or public
9 building, or for obtaining or possessing marijuana or hashish in
10 violation of paragraph (3) of subsection a. of N.J.S.2C:35-10, or for
11 an equivalent crime in another jurisdiction, regardless of when the
12 conviction occurred, shall not be considered a conviction of a crime
13 within this State or any other jurisdiction but shall instead be
14 considered a conviction of a disorderly persons offense within this
15 State or an equivalent category of offense within the other
16 jurisdiction, and a conviction for obtaining, possessing, using, being
17 under the influence of, or failing to make lawful disposition of
18 marijuana or hashish in violation of paragraph (4) of subsection a.,
19 or subsection b., or subsection c. of N.J.S.2C:35-10, or a violation
20 involving marijuana or hashish as described herein and using or
21 possessing with intent to use drug paraphernalia with that marijuana
22 or hashish in violation of N.J.S.2C:36-2, or for an equivalent crime
23 or offense in another jurisdiction, regardless of when the conviction
24 occurred, shall not be considered a conviction within this State or
25 any other jurisdiction.

26 Additionally, for purposes of determining eligibility to present
27 an expungement application to the court pursuant to this section, a
28 conviction for unlawful distribution or dispensing of, possession
29 with intent to distribute or dispense, or manufacture with intent to
30 distribute or dispense, drug paraphernalia in violation of
31 N.J.S.2C:36-3 when the paraphernalia is a hypodermic syringe or
32 needle, or for an equivalent crime involving a hypodermic syringe
33 or needle in another jurisdiction, regardless of when the conviction
34 occurred, shall not be considered a conviction of a crime within this
35 State or any other jurisdiction but shall instead be considered a
36 conviction of a disorderly persons offense within this State or an
37 equivalent category of offense within the other jurisdiction, and a
38 conviction for using or possessing with intent to use drug
39 paraphernalia in violation of N.J.S.2C:36-2 when the paraphernalia
40 is a hypodermic syringe or needle, or possession with intent to use
41 or to distribute a hypodermic syringe or needle in violation of
42 N.J.S.2C:36-6, of for an equivalent crime or offense in another
43 jurisdiction, regardless of when the conviction occurred, shall not
44 be considered a conviction within this State or any other
45 jurisdiction.

46 The person, if eligible, may present the expungement application
47 after the expiration of a period of five years from the date of his
48 most recent conviction, payment of any court-ordered financial

1 assessment, satisfactory completion of probation or parole, or
2 release from incarceration, whichever is later. The term "court-
3 ordered financial assessment" as used herein and throughout this
4 section means and includes any fine, fee, penalty, restitution, and
5 other form of financial assessment imposed by the court as part of
6 the sentence for the conviction or convictions that are the subject of
7 the application, for which payment of restitution takes precedence
8 in accordance with chapter 46 of Title 2C of the New Jersey
9 Statutes. The person shall submit the expungement application to a
10 court in the county in which the most recent conviction for a
11 disorderly persons or petty disorderly persons offense was
12 adjudged, which includes a duly verified petition as provided in
13 N.J.S.2C:52-7 praying that the conviction, or convictions if
14 applicable, and all records and information pertaining thereto be
15 expunged. The petition appended to an application shall comply
16 with the requirements of N.J.S.2C:52-1 et seq.

17 Notwithstanding the provisions of the five-year time
18 requirement, if, at the time of application, a court-ordered financial
19 assessment subject to collection under the comprehensive
20 enforcement program established pursuant to P.L.1995, c.9
21 (C.2B:19-1 et al.) is not yet satisfied due to reasons other than
22 willful noncompliance, but the time requirement of five years is
23 otherwise satisfied, the person may submit the expungement
24 application and the court may grant an expungement; provided,
25 however, that the court shall enter a civil judgment for the unpaid
26 portion of the court-ordered financial assessment in the name of the
27 Treasurer, State of New Jersey and transfer collections and
28 disbursement responsibility to the State Treasurer for the
29 outstanding amount in accordance with section 8 of P.L.2017, c.244
30 (C.2C:52-23.1). The Treasurer may specify, and the Administrative
31 Office of the Courts shall collaborate with, the technical and
32 informational standards required to effectuate the transfer of the
33 collection and disbursement responsibilities. Notwithstanding any
34 provision in this law or any other law to the contrary, the court shall
35 have sole discretion to amend the judgment.

36 Additionally, an application may be filed and presented, and the
37 court may grant an expungement pursuant to this section, although
38 less than five years have expired in accordance with the time
39 requirements when the court finds:

40 (1) the court-ordered financial assessment is satisfied but less
41 than five years have expired from the date of satisfaction, and the
42 five-year time requirement is otherwise satisfied, and the court finds
43 that the person substantially complied with any payment plan
44 ordered pursuant to N.J.S.2C:46-1 et seq., or could not do so due to
45 compelling circumstances affecting his ability to satisfy the
46 assessment; or

47 (2) at least three but less than five years have expired from the
48 date of the most recent conviction, payment of any court-ordered

1 financial assessment, satisfactory completion of probation or parole,
2 or release from incarceration, whichever is later; and

3 the person has not been otherwise convicted of a crime,
4 disorderly persons offense, or petty disorderly persons offense since
5 the time of the most recent conviction; and the court finds in its
6 discretion that compelling circumstances exist to grant the
7 expungement. The prosecutor may object pursuant to section 11 of
8 P.L.2019, c.269 (C.2C:52-10.1), N.J.S.2C:52-11, N.J.S.2C:52-14,
9 or N.J.S.2C:52-24.

10 In determining whether compelling circumstances exist for the
11 purposes of paragraph (1) of this subsection, a court may consider
12 the amount of any court-ordered financial assessment imposed, the
13 person's age at the time of the offense or offenses, the person's
14 financial condition and other relevant circumstances regarding the
15 person's ability to pay.¹

16 (cf: P.L.2019, c.269, s.3)

17

18 ¹**[1.] 2.**¹ N.J.S.2C:52-14 is amended to read as follows:

19 2C:52-14. A petition for expungement filed pursuant to this
20 chapter shall be denied when:

21 a. Any statutory prerequisite, including any provision of this
22 chapter, is not fulfilled or there is any other statutory basis for
23 denying relief.

24 b. The need for the availability of the records outweighs the
25 desirability of having a person freed from any disabilities as
26 otherwise provided in this chapter. An application may be denied
27 under this subsection only following objection of a party given
28 notice pursuant to N.J.S.2C:52-10 and the burden of asserting such
29 grounds shall be on the objector.

30 c. In connection with a petition under N.J.S.2C:52-6, the
31 acquittal, discharge or dismissal of charges resulted from a plea
32 bargaining agreement involving the conviction of other charges.
33 This bar, however, shall not apply once the conviction is itself
34 expunged.

35 d. The arrest or conviction sought to be expunged is, at the
36 time of hearing, the subject matter of civil litigation between the
37 petitioner or his legal representative and the State, any
38 governmental entity thereof or any State agency and the
39 representatives or employees of any such body.

40 e. Except as set forth in subsection a. of section 7 of P.L.2019,
41 c.269 (C.2C:52-5.3) concerning a "clean slate" expungement
42 petition, the person has had a previous criminal conviction
43 expunged regardless of the lapse of time between the prior
44 expungement, or sealing under prior law, and the present petition.
45 This provision shall not apply:

46 (1) When the person is seeking the expungement of a municipal
47 ordinance violation **[or,]** ¹ ₁

1 (2) When the person is seeking the expungement of records
2 pursuant to N.J.S.2C:52-6, or

3 (3) When the person is seeking the expungement of records ¹of
4 conviction for possession with intent to use drug paraphernalia
5 pursuant to N.J.S.2C:36-2, when same is a hypodermic syringe or
6 needle; possession with the intent to distribute drug paraphernalia
7 pursuant to N.J.S.2C:36-3, when same is a hypodermic syringe or
8 needle; or possession or distribution of hypodermic syringe or
9 needle¹ pursuant to N.J.S.2C:36-6 ¹[for possession or distribution
10 of hypodermic syringe or needle]¹.

11 f. (Deleted by amendment, P.L.2017, c.244)
12 (cf: P.L. 2019, c.269, s.12)

13

14 ¹3. N.J.S.2C:36-1 is amended to read as follows:

15 2C:36-1. Drug paraphernalia, defined; determination.

16 a. As used in this act, "drug paraphernalia" means all
17 equipment, products and materials of any kind which are used or
18 intended for use in planting, propagating, cultivating, growing,
19 harvesting, manufacturing, compounding, converting, producing,
20 processing, preparing, testing, analyzing, packaging, repackaging,
21 storing, containing, concealing, ingesting, inhaling, or otherwise
22 introducing into the human body a controlled dangerous substance,
23 controlled substance analog or toxic chemical, other than marijuana
24 or hashish, in violation of the provisions of chapter 35 of this title.
25 It shall include, but not be limited to:

26 (1) kits used or intended for use in planting, propagating,
27 cultivating, growing or harvesting of any species of plant, other
28 than the plant *Cannabis sativa* L., which is a controlled dangerous
29 substance or from which a controlled dangerous substance can be
30 derived;

31 (2) kits used or intended for use in manufacturing,
32 compounding, converting, producing, processing, or preparing
33 controlled dangerous substances or controlled substance analogs;

34 (3) isomerization devices used or intended for use in increasing
35 the potency of any species of plant, other than the plant *Cannabis*
36 *sativa* L., which is a controlled dangerous substance;

37 (4) testing equipment other than fentanyl test strips, used or
38 intended for use identifying, or in analyzing the strength,
39 effectiveness or purity of controlled dangerous substances or
40 controlled substance analogs;

41 (5) scales and balances used or intended for use in weighing or
42 measuring controlled dangerous substances or controlled substance
43 analogs;

44 (6) dilutants and adulterants, such as quinine hydrochloride,
45 mannitol, mannite, dextrose and lactose, used or intended for use in
46 cutting controlled dangerous substances or controlled substance
47 analogs;

- 1 (7) blenders, bowls, containers, spoons and mixing devices used
2 or intended for use in compounding controlled dangerous
3 substances or controlled substance analogs;
- 4 (8) capsules, balloons, envelopes and other containers used or
5 intended for use in packaging small quantities of controlled
6 dangerous substances or controlled substance analogs;
- 7 (9) containers and other objects used or intended for use in
8 storing or concealing controlled dangerous substances, controlled
9 substance analogs or toxic chemicals;
- 10 (10) objects used or intended for use in ingesting, inhaling, or
11 otherwise introducing cocaine, nitrous oxide or the fumes of a toxic
12 chemical into the human body, such as (a) metal, wooden, acrylic,
13 glass, stone, plastic, or ceramic pipes with or without screens,
14 permanent screens, or punctured metal bowls; (b) water pipes;
15 (c) carburetion tubes and devices; (d) smoking and carburetion
16 masks; (e) roach clips, meaning objects used to hold burning
17 material that has become too small or too short to be held in the
18 hand; (f) miniature cocaine spoons, and cocaine vials; (g) chamber
19 pipes; (h) carburetor pipes; (i) electric pipes; (j) air-driven pipes;
20 (k) chillums; (l) bongs; (m) ice pipes or chillers; (n) compressed gas
21 containers, such as tanks, cartridges or canisters, that contain food
22 grade or pharmaceutical grade nitrous oxide as a principal
23 ingredient; (o) chargers or charging bottles, meaning metal, ceramic
24 or plastic devices that contain an interior pin that may be used to
25 expel compressed gas from a cartridge or canister; and (p) tubes,
26 balloons, bags, fabrics, bottles or other containers used to
27 concentrate or hold in suspension a toxic chemical or the fumes of a
28 toxic chemical.
- 29 b. In determining whether or not an object is drug
30 paraphernalia, the trier of fact, in addition to or as part of the
31 proofs, may consider the following factors:
- 32 (1) (a) statements by an owner or by anyone in control of the
33 object concerning its use;
- 34 (b) the proximity of the object to illegally possessed controlled
35 dangerous substances, controlled substance analogs or toxic
36 chemicals;
- 37 (c) the existence of any residue of illegally possessed controlled
38 dangerous substances, controlled substance analogs or toxic
39 chemicals on the object;
- 40 (d) direct or circumstantial evidence of the intent of an owner,
41 or of anyone in control of the object, to deliver it to persons whom
42 he knows intend to use the object to facilitate a violation of this act;
43 the innocence of an owner, or of anyone in control of the object, as
44 to a direct violation of this act shall not prevent a finding that the
45 object is intended for use as drug paraphernalia;
- 46 (e) instructions, oral or written, provided with the object
47 concerning its use;

- 1 (f) descriptive materials accompanying the object which explain
2 or depict its use;
- 3 (g) national or local advertising whose purpose the person
4 knows or should know is to promote the sale of objects intended for
5 use as drug paraphernalia;
- 6 (h) the manner in which the object is displayed for sale;
- 7 (i) the existence and scope of legitimate uses for the object in
8 the community; and
- 9 (j) expert testimony concerning its use.

10 (2) If an object appears to be for use, intended for use, or
11 designed for use with cannabis or cannabis items in accordance with
12 the "New Jersey Cannabis Regulatory, Enforcement Assistance, and
13 Marketplace Modernization Act," P.L.2021, c.16 (C.24:6I-31 et al.),
14 the object is presumed to be a lawful cannabis paraphernalia as
15 defined in section 3 of that act (C.24:6I-33), and does not alone
16 constitute reasonable articulable suspicion that the object is a drug
17 paraphernalia, notwithstanding that the object could also be used
18 with an illegal controlled substance or controlled substance analog,
19 unless the owner or any other person in proximity to or in control of
20 the object was in possession of an illegal controlled dangerous
21 substance or controlled substance analog, or the object was in
22 proximity of an illegally possessed controlled dangerous substance
23 or controlled substance analog to indicate its use, intended use, or
24 design for use with that controlled dangerous substance or
25 controlled substance analog.

26 c. Notwithstanding subsection a. of this section, it shall not be
27 unlawful for a person to use, or possess with the intent to use, a
28 hypodermic needle or syringe for the personal use of a controlled
29 substance. This provision shall extend to a hypodermic syringe or
30 needle that contains a residual amount of a controlled dangerous
31 substance or controlled substance analog.¹

32 (cf: P.L.2021, c.16, s.57)

33

34 ¹[2.] 4.¹ N.J.S.2C:36-6 is repealed.

35

36 ¹[3.] 5.¹ This act shall take effect immediately.

37

38

39

40

41 Permits expungement of possession or distribution of
42 hypodermic syringe or needle offense in cases of previous
43 expungement; repeals criminal offense of possession of syringe.

SENATE, No. 3493

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED MARCH 4, 2021

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator NIA H. GILL

District 34 (Essex and Passaic)

Co-Sponsored by:

Senator Lagana

SYNOPSIS

Permits expungement of possession or distribution of hypodermic syringe or needle offense in cases of previous expungement; repeals criminal offense of possession of syringe.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/21/2021)

S3493 VITALE, GILL

2

1 AN ACT concerning certain expungements and amending
2 N.J.S.2C:52-14 and repealing N.J.S.2C:36-6.

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:52-14 is amended to read as follows:

8 2C:52-14. A petition for expungement filed pursuant to this
9 chapter shall be denied when:

10 a. Any statutory prerequisite, including any provision of this
11 chapter, is not fulfilled or there is any other statutory basis for
12 denying relief.

13 b. The need for the availability of the records outweighs the
14 desirability of having a person freed from any disabilities as
15 otherwise provided in this chapter. An application may be denied
16 under this subsection only following objection of a party given
17 notice pursuant to N.J.S.2C:52-10 and the burden of asserting such
18 grounds shall be on the objector.

19 c. In connection with a petition under N.J.S.2C:52-6, the
20 acquittal, discharge or dismissal of charges resulted from a plea
21 bargaining agreement involving the conviction of other charges.
22 This bar, however, shall not apply once the conviction is itself
23 expunged.

24 d. The arrest or conviction sought to be expunged is, at the
25 time of hearing, the subject matter of civil litigation between the
26 petitioner or his legal representative and the State, any
27 governmental entity thereof or any State agency and the
28 representatives or employees of any such body.

29 e. Except as set forth in subsection a. of section 7 of P.L.2019,
30 c.269 (C.2C:52-5.3) concerning a "clean slate" expungement
31 petition, the person has had a previous criminal conviction
32 expunged regardless of the lapse of time between the prior
33 expungement, or sealing under prior law, and the present petition.
34 This provision shall not apply:

35 (1) When the person is seeking the expungement of a municipal
36 ordinance violation **[or,]**

37 (2) When the person is seeking the expungement of records
38 pursuant to N.J.S.2C:52-6, or

39 (3) When the person is seeking the expungement of records
40 pursuant to N.J.S.2C:36-6 for possession or distribution of
41 hypodermic syringe or needle.

42 f. (Deleted by amendment, P.L.2017, c.244)
43 (cf: P.L. 2019, c.269, s.12)

44

45 2. N.J.S.2C:36-6 is repealed.

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 3. This act shall take effect immediately.

2

3

4

STATEMENT

5

6 N.J.S.2C:52-14 enumerates the grounds for denial of a petition
7 for expungement. Subsection e. bars expungement when the person
8 has had a previous criminal conviction expunged, but contains
9 exceptions including (1) when the person is seeking the
10 expungement of a municipal ordinance violation or, (2) when the
11 person is seeking the expungement of records pursuant to for an
12 arrest not resulting in conviction. This bill adds N.J.S.2C:36-6,
13 possession or distribution of hypodermic syringe or needle, to the
14 list of exceptions, thereby permitting expungement of conviction for
15 this offense where there has been a previous expungement.
16 Possession or distribution of hypodermic syringe or needle is
17 currently graded as a disorderly persons offense, and would
18 ordinarily be eligible for expungement. It is the sponsor's view
19 that, if no other obstacle would bar or result in the denial of
20 expungement, the existence of a previous expungement should not,
21 alone, bar expungement of possession or distribution of a
22 hypodermic needle.

23 The bill further repeals N.J.S.2C:36-6, possession or distribution
24 of hypodermic syringe or needle. By removing the requirement to
25 have a prescription for a syringe, it will no longer be a criminal
26 offense to possess or to distribute a hypodermic needle or syringe.
27 Notwithstanding the repeal of N.J.S.2C:36-6, subsection c. of
28 N.J.S.2C:36-6.2 bars the resale of a hypodermic needle or syringe
29 lawfully obtained from a pharmacy.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 3493

STATE OF NEW JERSEY

DATED: NOVEMBER 15, 2021

The Assembly Judiciary Committee reports favorably Senate Bill No. 3493.

This bill would allow the expungement of a criminal record of unlawful possession or distribution of a hypodermic syringe or needle in cases where the person has had a previous expungement. The bill also repeals the underlying statute concerning unlawful possession of a hypodermic syringe or needle, N.J.S.2C:36-6.

UNLAWFUL POSSESSION

Currently, N.J.S.2C:36-6 makes it a disorderly person offense for a person to have under his control or possess with intent to use a hypodermic syringe, hypodermic needle or any other instrument adapted for the use of a controlled dangerous substance or a controlled substance analog, or to sell, furnish or give to any person such syringe, needle or instrument, unless the person has a valid prescription for the device or is a medical professional or other person authorized to possess or use the device. A disorderly persons offense is punishable by a term of imprisonment of up to six months, a fine of up to \$1,000, or both.

The bill's repeal of N.J.S.2C:36-6 does not affect subsection c. of section 1 of P.L.2011, c.183 (C.2C:36-6.2), which makes it a disorderly persons offense to resell a hypodermic needle or syringe lawfully obtained from a pharmacy.

EXPUNGEMENT ON SECOND OCCASION

Under current law, a person who has had a previous criminal conviction expunged is generally barred from expungement on a second occasion, with several exceptions. This bill would add an additional exception in situations when the person with a previous expungement is seeking the expungement of a conviction of an offense of unlawful possession of a hypodermic syringe or needle. Thus, a person with a previous expungement would no longer be automatically barred from expunging the offense of unlawful possession of a hypodermic syringe or needle.

This bill is identical to A5458, which was also released by the committee on this date.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 3493

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 9, 2021

The Assembly Judiciary Committee reports favorably and with committee amendments Senate Bill No. 3493.

This bill would allow the expungement of a criminal record of unlawful possession or distribution of a hypodermic syringe or needle in cases where the person has had a previous expungement. The amended bill provides that it is not unlawful for a person to use, or possess with the intent to use, a hypodermic needle or syringe for the personal use of a controlled substance or if the hypodermic syringe or needle contains a residual amount of a controlled dangerous substance or controlled substance analog and also repeals the statute concerning unlawful possession of a hypodermic syringe or needle, N.J.S.2C:36-6.

Under current law, a person who has had a previous criminal conviction expunged is generally barred from expungement on a second occasion, with several exceptions. The bill as introduced provides that a person with a previous expungement may expunge a conviction for possession or distribution of hypodermic syringe or needle pursuant to N.J.S.2C:36-6. The amended bill would expand this exception and permit expungement for a conviction for possession with intent to use drug paraphernalia pursuant to N.J.S.2C:36-2, when same is a hypodermic syringe or needle; or possession with the intent to distribute drug paraphernalia pursuant to N.J.S.2C:36-3.

The amendments also revise eligibility requirements for presenting an expungement application to the court for lower-level crimes or offenses. A conviction for unlawful distribution or dispensing of, possession with intent to distribute or dispense, or manufacture with intent to distribute or dispense, drug paraphernalia in violation of N.J.S.2C:36-3 when the paraphernalia is a hypodermic syringe or needle, or for an equivalent crime involving a hypodermic syringe or needle in another jurisdiction, regardless of when the conviction occurred, would not be considered a conviction of a crime within this State or any other jurisdiction but would instead be considered a conviction of a disorderly persons offense within this State or an equivalent category of offense within the other jurisdiction. In addition, a conviction for using or possessing with intent to use drug

paraphernalia in violation of N.J.S.2C:36-2 when the paraphernalia is a hypodermic syringe or needle, or possession with intent to use or to distribute a hypodermic syringe or needle in violation of N.J.S.2C:36-6, of for an equivalent crime or offense in another jurisdiction, regardless of when the conviction occurred, would not be considered a conviction within this State or any other jurisdiction.

The committee also amended N.J.S.2C:36-1 concerning drug paraphernalia to provide that it is not unlawful for a person to use, or possess with the intent to use, a hypodermic needle or syringe for the personal use of a controlled substance or if the hypodermic syringe or needle contains a residual amount of a controlled dangerous substance or controlled substance analog. In addition, “drug paraphernalia” would not include fentanyl test strips.

This bill is identical to A5458 (1R), which was also released by the committee on this date.

COMMITTEE AMENDMENTS

(1) Provide for purposes of determining eligibility to present an expungement application to the court that a conviction for unlawful distribution or dispensing of, possession with intent to distribute or dispense, or manufacture with intent to distribute or dispense, drug paraphernalia in violation of N.J.S.2C:36-3 when the paraphernalia is a hypodermic syringe or needle, or for an equivalent crime involving a hypodermic syringe or needle in another jurisdiction, regardless of when the conviction occurred, would not be considered a conviction of a crime within this State or any other jurisdiction but would instead be considered a conviction of a disorderly persons offense within this State or an equivalent category of offense within the other jurisdiction, and a conviction for using or possessing with intent to use drug paraphernalia in violation of N.J.S.2C:36-2 when the paraphernalia is a hypodermic syringe or needle, or possession with intent to use or to distribute a hypodermic syringe or needle in violation of N.J.S.2C:36-6, of for an equivalent crime or offense in another jurisdiction, regardless of when the conviction occurred, would not be considered a conviction within this State or any other jurisdiction.

(2) Provide that a person with a previous expungement may also expunge a conviction for possession with intent to use drug paraphernalia pursuant to N.J.S.2C:36-2, when same is a hypodermic syringe or needle; or possession with the intent to distribute drug paraphernalia pursuant to N.J.S.2C:36-3, when same is a hypodermic syringe or needle.

(3) Provide that it is not unlawful for a person to use, or possess with the intent to use, a hypodermic needle or syringe for the personal use of a controlled substance or if the hypodermic syringe or needle contains a residual amount of a controlled dangerous substance or controlled substance analog;

(4) Clarify that “drug paraphernalia” under N.J.S.2C:36-1 would not include fentanyl test strips; and

(5) Revise the bill’s title.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 3493

STATE OF NEW JERSEY

DATED: MARCH 9, 2021

The Senate Health, Human Services and Senior Citizens Committee reports favorably Senate Bill No. 3493.

This bill allows for the expungement of certain convictions for offenses involving possession or distribution of a hypodermic syringe.

Under current law, N.J.S.2C:52-14 enumerates the grounds for denial of a petition for expungement. Subsection e. bars expungement when the person has had a previous criminal conviction expunged, but contains certain exceptions, including when the person is seeking the expungement of a municipal ordinance violation, and when the person is seeking the expungement of records pursuant to for an arrest not resulting in conviction. This bill adds N.J.S.2C:36-6, possession or distribution of hypodermic syringe or needle, to this list of exceptions, thereby permitting expungement of conviction for this offense where there has been a previous expungement. Possession or distribution of hypodermic syringe or needle is currently graded as a disorderly persons offense, and would ordinarily be eligible for expungement.

The bill further repeals N.J.S.2C:36-6, possession or distribution of hypodermic syringe or needle. By removing the requirement to have a prescription for a syringe, it will no longer be a criminal offense to possess or distribute a hypodermic needle or syringe. Notwithstanding the repeal of N.J.S.2C:36-6, subsection c. of N.J.S.2C:36-6.2 bars the resale of a hypodermic needle or syringe lawfully obtained from a pharmacy.

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 3493
STATE OF NEW JERSEY
219th LEGISLATURE

DATED: DECEMBER 3, 2021

SUMMARY

- Synopsis:** Permits expungement of possession or distribution of hypodermic syringe or needle offense in cases of previous expungement; repeals criminal offense of possession of syringe.
- Type of Impact:** Annual expenditure decrease to municipal governments; Annual State expenditure increase
- Agencies Affected:** Department of Law and Public Safety; the Judiciary; Municipalities.

Office of Legislative Services Estimate

Annual Fiscal Impact	
Local Expenditure Decrease	Indeterminate
State Expenditure Increase	Indeterminate

- The Office of Legislative Services (OLS) anticipates that the bill will reduce the annual caseloads and operating expenditures of municipal courts and prosecutor offices because possession or distribution of a hypodermic syringe or needle is currently a disorderly persons offense, which is normally adjudicated in municipal court.
- It is unknown how many convictions of this offense would qualify for expungement under this bill; however, due to the fact that there have been a total of 40 convictions for this offense in the past two years, it is likely that permitting expungement for a second conviction would result in a nominal increase to the workload and costs of the Judiciary to determine eligibility and to process the expungement requests and the Division of State Police to review and process expungement applications.

BILL DESCRIPTION

This bill would allow the expungement of a criminal record for unlawful possession or distribution of a hypodermic syringe or needle in cases where the person has had a previous expungement. The bill also repeals the underlying statute concerning unlawful possession of a hypodermic syringe or needle.

Currently, it is a disorderly person offense for a person to control or possess with intent to use a hypodermic syringe unless the person has a valid prescription for the device or is a medical professional or other person authorized to possess or use the device. A disorderly persons offense is punishable by a term of imprisonment of up to six months, a fine of up to \$1,000, or both.

Under current law, a person who has had a previous criminal conviction expunged is generally barred from expungement on a second occasion, with several exceptions. This bill would add an additional exception in situations when the person with a previous expungement is seeking the expungement of a conviction of an offense of unlawful possession of a hypodermic syringe or needle. Thus, a person with a previous expungement would no longer be automatically barred from expunging the offense of unlawful possession of a hypodermic syringe or needle.

FISCAL ANALYSIS

EXECUTIVE BRANCH

According to informal information provided by the Administrative Office of the Courts, there were 29 convictions for possession or distribution of hypodermic syringe or needle under in municipal court in 2019 and nine convictions in 2020. In addition, there were zero convictions in the criminal division of State court in 2019 and two convictions in 2020.

OFFICE OF LEGISLATIVE SERVICES

The OLS anticipates that the bill will reduce the annual caseloads and operating expenditures of municipal courts and prosecutor offices because possession or distribution of a hypodermic syringe or needle is currently a disorderly persons offense, which is normally adjudicated in municipal court.

In addition, the bill permits expungement of a conviction for possession or distribution of a hypodermic syringe or needle when there has been a previous expungement of a criminal conviction. It is unknown how many additional convictions of this offense would qualify for expungement under this bill; however, due to the fact that there have been a total of 40 convictions for this offense in the past two years, it is likely that permitting expungement for a second conviction would result in a nominal increase to the workload and costs of the Judiciary to determine eligibility and to process the expungement requests and the Division of State Police to review and process expungement applications.

Section: Judiciary

Analyst: Sarita Welsh
Senior Counsel

Approved: Thomas Koenig
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]

SENATE, No. 3493 STATE OF NEW JERSEY 219th LEGISLATURE

DATED: JANUARY 11, 2022

SUMMARY

- Synopsis:** Permits expungement of possession or distribution of hypodermic syringe or needle offense in cases of previous expungement; repeals criminal offense of possession of syringe.
- Type of Impact:** Annual expenditure decrease to municipal governments; Annual State expenditure increase.
- Agencies Affected:** Department of Law and Public Safety; the Judiciary; Municipalities.

Office of Legislative Services Estimate

Annual Fiscal Impact	
State Expenditure Increase	Indeterminate
Local Expenditure Decrease	Indeterminate

- The Office of Legislative Services (OLS) anticipates that the bill will reduce the annual caseloads and operating expenditures of municipal courts and prosecutor offices because possession or distribution of a hypodermic syringe or needle is currently a disorderly persons offense, which is adjudicated in municipal court. This bill repeals the criminal offense of possession of syringe and decriminalizes certain other offenses with regard to possession and distribution of hypodermic syringe or needle.
- It is unknown how many convictions of this offense would qualify for expungement under this bill; however, due to the fact that there have been a total of 40 convictions for this offense in the past two years, it is likely that permitting expungement for a second conviction would result in a nominal increase to the workload and costs of the Judiciary to determine eligibility and to process the expungement requests and the Division of State Police to review and process expungement applications.

BILL DESCRIPTION

This bill would allow the expungement of a criminal record of unlawful possession or distribution of a hypodermic syringe or needle in cases where the person has had a previous expungement. The amended bill provides that it is not unlawful for a person to use, or possess with the intent to use, a hypodermic needle or syringe for the personal use of a controlled substance or if the hypodermic syringe or needle contains a residual amount of a controlled dangerous substance or controlled substance analog and also repeals the statute concerning unlawful possession of a hypodermic syringe or needle.

Under current law, a person who has had a previous criminal conviction expunged is generally barred from expungement on a second occasion, with several exceptions. The bill as introduced provides that a person with a previous expungement may expunge a conviction for possession or distribution of hypodermic syringe or needle. The amended bill would expand this exception and permit expungement for a conviction for possession with intent to use drug paraphernalia, when same is a hypodermic syringe or needle; or possession with the intent to distribute drug paraphernalia.

The bill also revise eligibility requirements for presenting an expungement application to the court for lower-level crimes or offenses.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received. However, according to informal information provided by the Administrative Office of the Courts, there were 29 convictions for possession or distribution of hypodermic syringe or needle under in municipal court in 2019 and nine convictions in 2020. In addition, there were zero convictions in the criminal division of State court in 2019 and two convictions in 2020.

OFFICE OF LEGISLATIVE SERVICES

The OLS anticipates that the bill will reduce the annual caseloads and operating expenditures of municipal courts and prosecutor offices because possession or distribution of a hypodermic syringe or needle is currently a disorderly persons offense, which is adjudicated in municipal court. This bill repeals the criminal offense of possession or distribution of a hypodermic syringe or needle. Further, per the provisions of the bill it will not be unlawful to use, or possess with the intent to use, a hypodermic needle or syringe for the personal use of a controlled substance or if the hypodermic syringe or needle contains a residual amount of a controlled dangerous substance.

In addition, the bill permits expungement of a conviction for possession or distribution of a hypodermic syringe or needle when there has been a previous expungement of a criminal conviction. It is unknown how many additional convictions of this offense would qualify for expungement under this bill; however, due to the fact that there have been a total of 40 convictions for this offense in the past two years, it is likely that permitting expungement for a second conviction would result in a nominal increase to the workload and costs of the Judiciary to determine eligibility and to process the expungement requests and the Division of State Police to review and process expungement applications.

Section: Judiciary

*Analyst: Anuja Pande Joshi
Associate Research Analyst*

*Approved: Thomas Koenig
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]

SENATE, No. 3493 STATE OF NEW JERSEY 219th LEGISLATURE

DATED: JANUARY 11, 2022

SUMMARY

- Synopsis:** Permits expungement of possession or distribution of hypodermic syringe or needle offense in cases of previous expungement; repeals criminal offense of possession of syringe.
- Type of Impact:** Annual expenditure decrease to municipal governments; Annual State expenditure increase.
- Agencies Affected:** Department of Law and Public Safety; the Judiciary; Municipalities.

Office of Legislative Services Estimate

Annual Fiscal Impact	
State Expenditure Increase	Indeterminate
Local Expenditure Decrease	Indeterminate

- The Office of Legislative Services (OLS) anticipates that the bill will reduce the annual caseloads and operating expenditures of municipal courts and prosecutor offices because possession or distribution of a hypodermic syringe or needle is currently a disorderly persons offense, which is adjudicated in municipal court. This bill repeals the criminal offense of possession of syringe and decriminalizes certain other offenses with regard to possession and distribution of hypodermic syringe or needle.
- It is unknown how many convictions of this offense would qualify for expungement under this bill; however, due to the fact that there have been a total of 40 convictions for this offense in the past two years, it is likely that permitting expungement for a second conviction would result in a nominal increase to the workload and costs of the Judiciary to determine eligibility and to process the expungement requests and the Division of State Police to review and process expungement applications.

BILL DESCRIPTION

This bill would allow the expungement of a criminal record of unlawful possession or distribution of a hypodermic syringe or needle in cases where the person has had a previous expungement. The amended bill provides that it is not unlawful for a person to use, or possess with the intent to use, a hypodermic needle or syringe for the personal use of a controlled substance or if the hypodermic syringe or needle contains a residual amount of a controlled dangerous substance or controlled substance analog and also repeals the statute concerning unlawful possession of a hypodermic syringe or needle.

Under current law, a person who has had a previous criminal conviction expunged is generally barred from expungement on a second occasion, with several exceptions. The bill as introduced provides that a person with a previous expungement may expunge a conviction for possession or distribution of hypodermic syringe or needle. The amended bill would expand this exception and permit expungement for a conviction for possession with intent to use drug paraphernalia, when same is a hypodermic syringe or needle; or possession with the intent to distribute drug paraphernalia.

The bill also revise eligibility requirements for presenting an expungement application to the court for lower-level crimes or offenses.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received. However, according to informal information provided by the Administrative Office of the Courts, there were 29 convictions for possession or distribution of hypodermic syringe or needle under in municipal court in 2019 and nine convictions in 2020. In addition, there were zero convictions in the criminal division of State court in 2019 and two convictions in 2020.

OFFICE OF LEGISLATIVE SERVICES

The OLS anticipates that the bill will reduce the annual caseloads and operating expenditures of municipal courts and prosecutor offices because possession or distribution of a hypodermic syringe or needle is currently a disorderly persons offense, which is adjudicated in municipal court. This bill repeals the criminal offense of possession or distribution of a hypodermic syringe or needle. Further, per the provisions of the bill it will not be unlawful to use, or possess with the intent to use, a hypodermic needle or syringe for the personal use of a controlled substance or if the hypodermic syringe or needle contains a residual amount of a controlled dangerous substance.

In addition, the bill permits expungement of a conviction for possession or distribution of a hypodermic syringe or needle when there has been a previous expungement of a criminal conviction. It is unknown how many additional convictions of this offense would qualify for expungement under this bill; however, due to the fact that there have been a total of 40 convictions for this offense in the past two years, it is likely that permitting expungement for a second conviction would result in a nominal increase to the workload and costs of the Judiciary to determine eligibility and to process the expungement requests and the Division of State Police to review and process expungement applications.

Section: Judiciary

*Analyst: Anuja Pande Joshi
Associate Research Analyst*

*Approved: Thomas Koenig
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.).

ASSEMBLY, No. 5458

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 15, 2021

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

Co-Sponsored by:

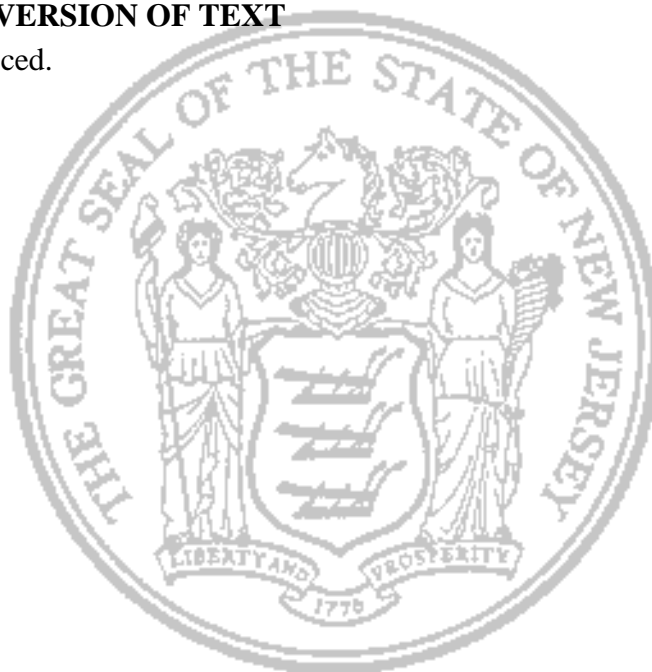
Assemblyman Verrelli

SYNOPSIS

Permits expungement of possession or distribution of hypodermic syringe or needle offense in cases of previous expungement; repeals criminal offense of possession of syringe.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/15/2021)

A5458 VAINIERI HUTTLE, MUKHERJI

2

1 AN ACT concerning certain expungements and amending
2 N.J.S.2C:52-14 and repealing N.J.S.2C:36-6.

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:52-14 is amended to read as follows:

8 2C:52-14. A petition for expungement filed pursuant to this
9 chapter shall be denied when:

10 a. Any statutory prerequisite, including any provision of this
11 chapter, is not fulfilled or there is any other statutory basis for
12 denying relief.

13 b. The need for the availability of the records outweighs the
14 desirability of having a person freed from any disabilities as
15 otherwise provided in this chapter. An application may be denied
16 under this subsection only following objection of a party given
17 notice pursuant to N.J.S.2C:52-10 and the burden of asserting such
18 grounds shall be on the objector.

19 c. In connection with a petition under N.J.S.2C:52-6, the
20 acquittal, discharge or dismissal of charges resulted from a plea
21 bargaining agreement involving the conviction of other charges.
22 This bar, however, shall not apply once the conviction is itself
23 expunged.

24 d. The arrest or conviction sought to be expunged is, at the
25 time of hearing, the subject matter of civil litigation between the
26 petitioner or his legal representative and the State, any
27 governmental entity thereof or any State agency and the
28 representatives or employees of any such body.

29 e. Except as set forth in subsection a. of section 7 of P.L.2019,
30 c.269 (C.2C:52-5.3) concerning a "clean slate" expungement
31 petition, the person has had a previous criminal conviction
32 expunged regardless of the lapse of time between the prior
33 expungement, or sealing under prior law, and the present petition.
34 This provision shall not apply:

35 (1) When the person is seeking the expungement of a municipal
36 ordinance violation **[or,]**

37 (2) When the person is seeking the expungement of records
38 pursuant to N.J.S.2C:52-6, or

39 (3) When the person is seeking the expungement of records
40 pursuant to N.J.S.2C:36-6 for possession or distribution of
41 hypodermic syringe or needle.

42 f. (Deleted by amendment, P.L.2017, c.244)
43 (cf: P.L.2019, c.269, s.12)

44

45 2. N.J.S.2C:36-6 is repealed.

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 3. This act shall take effect immediately.

2

3

4

STATEMENT

5

6 N.J.S.2C:52-14 enumerates the grounds for denial of a petition
7 for expungement. Subsection e. bars expungement when the person
8 has had a previous criminal conviction expunged, but contains
9 exceptions including (1) when the person is seeking the
10 expungement of a municipal ordinance violation or, (2) when the
11 person is seeking the expungement of records pursuant to for an
12 arrest not resulting in conviction. This bill adds N.J.S.2C:36-6,
13 possession or distribution of hypodermic syringe or needle, to the
14 list of exceptions, thereby permitting expungement of conviction for
15 this offense where there has been a previous expungement.
16 Possession or distribution of hypodermic syringe or needle is
17 currently graded as a disorderly persons offense, and would
18 ordinarily be eligible for expungement. It is the sponsor's view
19 that, if no other obstacle would bar or result in the denial of
20 expungement, the existence of a previous expungement should not,
21 alone, bar expungement of possession or distribution of a
22 hypodermic needle.

23 The bill further repeals N.J.S.2C:36-6, possession or distribution
24 of hypodermic syringe or needle. By removing the requirement to
25 have a prescription for a syringe, it will no longer be a criminal
26 offense to possess or to distribute a hypodermic needle or syringe.
27 Notwithstanding the repeal of N.J.S.2C:36-6, subsection c. of
28 N.J.S.2C:36-6.2 bars the resale of a hypodermic needle or syringe
29 lawfully obtained from a pharmacy.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5458

STATE OF NEW JERSEY

DATED: NOVEMBER 15, 2021

The Assembly Judiciary Committee reports favorably Assembly Bill No. 5458.

This bill would allow the expungement of a criminal record of unlawful possession or distribution of a hypodermic syringe or needle in cases where the person has had a previous expungement. The bill also repeals the underlying statute concerning unlawful possession of a hypodermic syringe or needle, N.J.S.2C:36-6.

UNLAWFUL POSSESSION

Currently, N.J.S.2C:36-6 makes it a disorderly person offense for a person to have under his control or possess with intent to use a hypodermic syringe, hypodermic needle or any other instrument adapted for the use of a controlled dangerous substance or a controlled substance analog, or to sell, furnish or give to any person such syringe, needle or instrument, unless the person has a valid prescription for the device or is a medical professional or other person authorized to possess or use the device. A disorderly persons offense is punishable by a term of imprisonment of up to six months, a fine of up to \$1,000, or both.

The bill's repeal of N.J.S.2C:36-6 does not affect subsection c. of section 1 of P.L.2011, c.183 (C.2C:36-6.2), which makes it a disorderly persons offense to resell a hypodermic needle or syringe lawfully obtained from a pharmacy.

EXPUNGEMENT ON SECOND OCCASION

Under current law, a person who has had a previous criminal conviction expunged is generally barred from expungement on a second occasion, with several exceptions. This bill would add an additional exception in situations when the person with a previous expungement is seeking the expungement of a conviction of an offense of unlawful possession of a hypodermic syringe or needle. Thus, a person with a previous expungement would no longer be automatically barred from expunging the offense of unlawful possession of a hypodermic syringe or needle.

This bill is identical to S3493, which was also released by the committee on this date.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5458

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 9, 2021

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 5458.

This bill would allow the expungement of a criminal record of unlawful possession or distribution of a hypodermic syringe or needle in cases where the person has had a previous expungement. The amended bill provides that it is not unlawful for a person to use, or possess with the intent to use, a hypodermic needle or syringe for the personal use of a controlled substance or if the hypodermic syringe or needle contains a residual amount of a controlled dangerous substance or controlled substance analog and also repeals the statute concerning unlawful possession of a hypodermic syringe or needle, N.J.S.2C:36-6.

Under current law, a person who has had a previous criminal conviction expunged is generally barred from expungement on a second occasion, with several exceptions. The bill as introduced provides that a person with a previous expungement may expunge a conviction for possession or distribution of hypodermic syringe or needle pursuant to N.J.S.2C:36-6. The amended bill would expand this exception and permit expungement for a conviction for possession with intent to use drug paraphernalia pursuant to N.J.S.2C:36-2, when same is a hypodermic syringe or needle; or possession with the intent to distribute drug paraphernalia pursuant to N.J.S.2C:36-3.

The amendments also revise eligibility requirements for presenting an expungement application to the court for these lower-level crimes or offenses. A conviction for unlawful distribution or dispensing of, possession with intent to distribute or dispense, or manufacture with intent to distribute or dispense, drug paraphernalia in violation of N.J.S.2C:36-3 when the paraphernalia is a hypodermic syringe or needle, or for an equivalent crime involving a hypodermic syringe or needle in another jurisdiction, regardless of when the conviction occurred, would not be considered a conviction of a crime within this State or any other jurisdiction but would instead be considered a conviction of a disorderly persons offense within this State or an equivalent category of offense within the other jurisdiction. In

addition, a conviction for using or possessing with intent to use drug paraphernalia in violation of N.J.S.2C:36-2 when the paraphernalia is a hypodermic syringe or needle, or possession with intent to use or to distribute a hypodermic syringe or needle in violation of N.J.S.2C:36-6, of for an equivalent crime or offense in another jurisdiction, regardless of when the conviction occurred, would not be considered a conviction within this State or any other jurisdiction.

The committee also amended N.J.S.2C:36-1 concerning drug paraphernalia to provide that it is not unlawful for a person to use, or possess with the intent to use, a hypodermic needle or syringe for the personal use of a controlled substance or if the hypodermic syringe or needle contains a residual amount of a controlled dangerous substance or controlled substance analog. In addition, “drug paraphernalia” would not include fentanyl test strips.

This bill is identical to S3493 (1R), which was also released by the committee on this date.

COMMITTEE AMENDMENTS

(1) Provide for purposes of determining eligibility to present an expungement application to the court that a conviction for unlawful distribution or dispensing of, possession with intent to distribute or dispense, or manufacture with intent to distribute or dispense, drug paraphernalia in violation of N.J.S.2C:36-3 when the paraphernalia is a hypodermic syringe or needle, or for an equivalent crime involving a hypodermic syringe or needle in another jurisdiction, regardless of when the conviction occurred, would not be considered a conviction of a crime within this State or any other jurisdiction but would instead be considered a conviction of a disorderly persons offense within this State or an equivalent category of offense within the other jurisdiction, and a conviction for using or possessing with intent to use drug paraphernalia in violation of N.J.S.2C:36-2 when the paraphernalia is a hypodermic syringe or needle, or possession with intent to use or to distribute a hypodermic syringe or needle in violation of N.J.S.2C:36-6, of for an equivalent crime or offense in another jurisdiction, regardless of when the conviction occurred, would not be considered a conviction within this State or any other jurisdiction;

(2) Provide that a person with a previous expungement may also expunge a conviction for possession with intent to use drug paraphernalia pursuant to N.J.S.2C:36-2, when same is a hypodermic syringe or needle; or possession with the intent to distribute drug paraphernalia pursuant to N.J.S.2C:36-3, when same is a hypodermic syringe or needle;

(3) Provide that it is not unlawful for a person to use, or possess with the intent to use, a hypodermic needle or syringe for the personal use of a controlled substance or if the hypodermic syringe or needle contains a residual amount of a controlled dangerous substance or controlled substance analog;

(4) Clarify that “drug paraphernalia” under N.J.S.2C:36-1 would not include fentanyl test strips;

(5) and the bill’s title.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 5458
STATE OF NEW JERSEY
219th LEGISLATURE

DATED: DECEMBER 3, 2021

SUMMARY

- Synopsis:** Permits expungement of possession or distribution of hypodermic syringe or needle offense in cases of previous expungement; repeals criminal offense of possession of syringe.
- Type of Impact:** Annual expenditure decrease to municipal governments; Annual State expenditure increase
- Agencies Affected:** Department of Law and Public Safety; the Judiciary; Municipalities.

Office of Legislative Services Estimate

Annual Fiscal Impact	
Local Expenditure Decrease	Indeterminate
State Expenditure Increase	Indeterminate

- The Office of Legislative Services (OLS) anticipates that the bill will reduce the annual caseloads and operating expenditures of municipal courts and prosecutor offices because possession or distribution of a hypodermic syringe or needle is currently a disorderly persons offense, which is normally adjudicated in municipal court.
- It is unknown how many convictions of this offense would qualify for expungement under this bill; however, due to the fact that there have been a total of 40 convictions for this offense in the past two years, it is likely that permitting expungement for a second conviction would result in a nominal increase to the workload and costs of the Judiciary to determine eligibility and to process the expungement requests and the Division of State Police to review and process expungement applications.

BILL DESCRIPTION

This bill would allow the expungement of a criminal record for unlawful possession or distribution of a hypodermic syringe or needle in cases where the person has had a previous expungement. The bill also repeals the underlying statute concerning unlawful possession of a hypodermic syringe or needle.

Currently, it is a disorderly person offense for a person to control or possess with intent to use a hypodermic syringe unless the person has a valid prescription for the device or is a medical professional or other person authorized to possess or use the device. A disorderly persons offense is punishable by a term of imprisonment of up to six months, a fine of up to \$1,000, or both.

Under current law, a person who has had a previous criminal conviction expunged is generally barred from expungement on a second occasion, with several exceptions. This bill would add an additional exception in situations when the person with a previous expungement is seeking the expungement of a conviction of an offense of unlawful possession of a hypodermic syringe or needle. Thus, a person with a previous expungement would no longer be automatically barred from expunging the offense of unlawful possession of a hypodermic syringe or needle.

FISCAL ANALYSIS

EXECUTIVE BRANCH

According to informal information provided by the Administrative Office of the Courts, there were 29 convictions for possession or distribution of hypodermic syringe or needle under in municipal court in 2019 and nine convictions in 2020. In addition, there were zero convictions in the criminal division of State court in 2019 and two convictions in 2020.

OFFICE OF LEGISLATIVE SERVICES

The OLS anticipates that the bill will reduce the annual caseloads and operating expenditures of municipal courts and prosecutor offices because possession or distribution of a hypodermic syringe or needle is currently a disorderly persons offense, which is normally adjudicated in municipal court.

In addition, the bill permits expungement of a conviction for possession or distribution of a hypodermic syringe or needle when there has been a previous expungement of a criminal conviction. It is unknown how many additional convictions of this offense would qualify for expungement under this bill; however, due to the fact that there have been a total of 40 convictions for this offense in the past two years, it is likely that permitting expungement for a second conviction would result in a nominal increase to the workload and costs of the Judiciary to determine eligibility and to process the expungement requests and the Division of State Police to review and process expungement applications.

Section: Judiciary

Analyst: Sarita Welsh
Senior Counsel

Approved: Thomas Koenig
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. 5458

STATE OF NEW JERSEY 219th LEGISLATURE

DATED: JANUARY 11, 2022

SUMMARY

- Synopsis:** Permits expungement of possession or distribution of hypodermic syringe or needle offense in cases of previous expungement; repeals criminal offense of possession of syringe.
- Type of Impact:** Annual expenditure decrease to municipal governments; Annual State expenditure increase.
- Agencies Affected:** Department of Law and Public Safety; the Judiciary; Municipalities.

Office of Legislative Services Estimate

Annual Fiscal Impact	
State Expenditure Increase	Indeterminate
Local Expenditure Decrease	Indeterminate

- The Office of Legislative Services (OLS) anticipates that the bill will reduce the annual caseloads and operating expenditures of municipal courts and prosecutor offices because possession or distribution of a hypodermic syringe or needle is currently a disorderly persons offense, which is adjudicated in municipal court. This bill repeals the criminal offense of possession of syringe and decriminalizes certain other offenses with regard to possession and distribution of hypodermic syringe or needle.
- It is unknown how many convictions of this offense would qualify for expungement under this bill; however, due to the fact that there have been a total of 40 convictions for this offense in the past two years, it is likely that permitting expungement for a second conviction would result in a nominal increase to the workload and costs of the Judiciary to determine eligibility and to process the expungement requests and the Division of State Police to review and process expungement applications.

BILL DESCRIPTION

This bill would allow the expungement of a criminal record of unlawful possession or distribution of a hypodermic syringe or needle in cases where the person has had a previous

expungement. The amended bill provides that it is not unlawful for a person to use, or possess with the intent to use, a hypodermic needle or syringe for the personal use of a controlled substance or if the hypodermic syringe or needle contains a residual amount of a controlled dangerous substance or controlled substance analog and also repeals the statute concerning unlawful possession of a hypodermic syringe or needle.

Under current law, a person who has had a previous criminal conviction expunged is generally barred from expungement on a second occasion, with several exceptions. The bill as introduced provides that a person with a previous expungement may expunge a conviction for possession or distribution of hypodermic syringe or needle. The amended bill would expand this exception and permit expungement for a conviction for possession with intent to use drug paraphernalia, when same is a hypodermic syringe or needle; or possession with the intent to distribute drug paraphernalia.

The bill also revise eligibility requirements for presenting an expungement application to the court for lower-level crimes or offenses.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received. However, according to informal information provided by the Administrative Office of the Courts, there were 29 convictions for possession or distribution of hypodermic syringe or needle under in municipal court in 2019 and nine convictions in 2020. In addition, there were zero convictions in the criminal division of State court in 2019 and two convictions in 2020.

OFFICE OF LEGISLATIVE SERVICES

The OLS anticipates that the bill will reduce the annual caseloads and operating expenditures of municipal courts and prosecutor offices because possession or distribution of a hypodermic syringe or needle is currently a disorderly persons offense, which is adjudicated in municipal court. This bill repeals the criminal offense of possession or distribution of a hypodermic syringe or needle. Further, per the provisions of the bill it will not be unlawful to use, or possess with the intent to use, a hypodermic needle or syringe for the personal use of a controlled substance or if the hypodermic syringe or needle contains a residual amount of a controlled dangerous substance.

In addition, the bill permits expungement of a conviction for possession or distribution of a hypodermic syringe or needle when there has been a previous expungement of a criminal conviction. It is unknown how many additional convictions of this offense would qualify for expungement under this bill; however, due to the fact that there have been a total of 40 convictions for this offense in the past two years, it is likely that permitting expungement for a second conviction would result in a nominal increase to the workload and costs of the Judiciary to determine eligibility and to process the expungement requests and the Division of State Police to review and process expungement applications.

Section: Judiciary

Analyst: Anuja Pande Joshi
Associate Research Analyst

Approved: Thomas Koenig
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 Signs Legislative Package to Expand Harm Reduction Efforts, Further Commitment to End New Jersey's Opioid Epidemic

01/18/2022

TRENTON – Furthering his commitment to end the opioid epidemic, Governor Phil Murphy today signed a series of bills to combat the state's opioid crisis and expand harm reduction efforts. The three bills reflect Governor Murphy's comprehensive approach to end New Jersey's opioid epidemic and increase access to lifesaving resources for individuals with substance use disorders. These bills remove long-standing barriers to expanding access to harm reduction services and supplies at a critical time when a total of 3,081 New Jersey residents died from suspected drug overdoses in 2021. This package will build on investments included in the Governor's budget in recent years to bring services to residents in need of access to clean syringes and prevent transmission of HIV and hepatitis, provide health screenings, and connect individuals to treatment, vaccination, education, and recovery supports.

The original law authorizing the establishment of syringe access programs was enacted 15 years ago and has only enabled seven centers in the state to offer comprehensive harm reduction services. Though an important step forward, it did not adequately address the barriers that stigmatize syringe access services and treat them different from all other public health strategies. As a result, there is limited access to harm reduction services, which further deepens the gaps in care experienced by people who use drugs. These individuals face judgment and stigma which prevents them from accessing critical health services and linking to treatment for problematic substance use. Through this package, more harm reduction centers can be authorized to offer a comprehensive array of services in a compassionate and welcoming environment. Harm reduction centers build hope and dignity among clients and create healthier communities- something all residents deserve.

The package also creates multidisciplinary local overdose fatality review teams, which will provide invaluable insight into the circumstances surrounding fatal drug overdoses and identify opportunities for intervention that may prevent these fatalities in the future.

"Over the last four years, my Administration has prioritized a comprehensive, data-driven approach to ending New Jersey's opioid epidemic," **said Governor Murphy**. "Harm reduction is a cornerstone of our strategy, and through this legislation, we are paving the way for long-overdue expansion of syringe access and other critical services to help people with substance use disorders stay healthy, stay alive, and thrive. Furthermore, by decriminalizing syringes and fentanyl test strips, we are acknowledging that this crisis cannot be ended through criminalizing critical harm reduction supplies that prevent fatal overdose and transmission of disease. In 2021, there were 3,081 suspected drug-related deaths in New Jersey. While this was not a significant increase over 2020, it shows this crisis is ever-present and demands that we increase access to every service that is proven to save lives, starting with harm reduction. These bills, coupled with the creation of local drug overdose fatality review teams, will strengthen our ability to save lives and further our commitment to ending the opioid crisis in New Jersey."

Governor Murphy signed the following bills into law:

S3009/A4847 (Vitale, Gopal, Gill/Vainieri Huttle, Quijano, Verrelli) – Authorizes expanded provision of harm reduction services to distribute sterile syringes and provide certain support services to persons who

use drugs intravenously.

S3493/A5458 (Vitale, Gill/Vainieri Huttle, Mukherji, McKnight) – Permits expungement of possession or distribution of hypodermic syringe or needle offense in cases of previous expungement; repeals criminal offense of possession of syringe.

A798/S52 (Verrelli, Vainieri Huttle, Armato/Singer, Greenstein) – Establishes local drug overdose fatality review teams.

“The principles of harm reduction are simple. We must accept that there is drug use in our communities. Some ways of using drugs are more dangerous than other ways. We need to meet people where they are, rather than forcing on them some preconceived notion of what their life should look like,” **said Senator Joe Vitale**. “The signing of these bills into law will help us reinforce the truth that harm reduction policies are successful because they help us to meet people who use drugs where they are, without judgment.”

“In order for us to accurately know how many deaths are attributed to drug overdose, we must have the proper protocols in place,” **said Senator Linda Greenstein**. “This law will help counties track overdose fatalities, helping health officials have a better understanding of the extent of drug addiction within the state.”

“In order to more effectively confront drug use in our state, we have to wake up to the fact that harm reduction policies are effective, humane ways to begin to better tackle the problem of substance abuse and to minimize the spread of disease,” **said Senator Vin Gopal**. “These bills are a good and practical step in that direction. Clean syringes, for example, have shown to be widely effective in preventing the spread of HIV, hepatitis C, and other blood-borne pathogens.”

“These laws will establish vital programs that will aid in the management and care of those battling addiction, while also giving them a second chance if found in possession of a syringe,” **said Senator Nia Gill**. “Not only will these measures help to save lives but they will provide support with the dignity everyone should expect when seeking treatment and receiving care.”

“From every tragic overdose, we can learn valuable lessons that can help avert similar deaths in the future,” **said Senator Robert Singer**. “Overdose fatality review teams have been deployed effectively in other states. With the signing of this bill, we will do the same in New Jersey, and lives will be saved.”

“Research has shown time and again that harm reduction measures work,” **said former Assemblywoman Valerie Vainieri Huttle**. “People struggling with addiction will often find a way to obtain and use drugs regardless of the potential risks. Our state loses thousands of residents each year to overdoses alone. If we want to help our fellow community members avoid these tragic outcomes, we must offer the resources and safer alternatives they need.”

“Harm reduction sites provide critical services to local residents while honoring the dignity of those living with a substance use disorder,” **said Assemblywoman Annette Quijano**. “These programs are staffed by professionals who can help limit the risks of intravenous drug use, such as HIV or hepatitis infections and overdoses, while providing a safe, stigma-free environment in which to receive care. This legislation will help make it easier for these programs to be approved and maintained going forward.”

“Both compassion and logic are at the heart of harm reduction programs,” **said Assemblyman Anthony Verrelli**. “With countless New Jerseyans struggling with addiction every day throughout our state, we cannot turn a blind eye to their needs. Making it easier for qualified entities to start – and continue – providing clean needles, overdose antidotes, and resources that can connect individuals with other support services is how we save lives.”

“This this critical new law will allow the expungement of a criminal record of unlawful possession or

distribution of a hypodermic syringe or needle in cases where the person has had a previous expungement. This new law allows a second chance at a successful and prosperous new life for countless New Jerseyans who need a hand up,” **said Assembly sponsors Valerie Vainieri Huttle, Raj Mukherji, and Angela McKnight of A5458.**

“Alcohol Use Disorder and Substance Use Disorder is a serious issue that impacts too many New Jerseyans. Establishing a local drug overdose fatality review team for each county is a common sense approach to address the problem. With this new law, local drug overdose fatality review teams will consist of people with experience and knowledge regarding health, social services, law enforcement, education, emergency medicine, mental health, juvenile delinquency, and drug and alcohol abuse. Together, we can help one another,” **said Assembly sponsors Anthony Verrelli, Valerie Vainieri Huttle, and John Armato of A798.**

“This legislation is a game-changer for people who use drugs and people at-risk of a fatal overdose. Harm reduction is the best tool we have to end the overdose crisis, and this legislation will make sure residents in every corner of New Jersey have access to this lifesaving care. The leadership of the Murphy Administration will make New Jersey a national leader in embracing evidence-informed policies to end the overdose crisis — policies that are lifesaving for our family members, loved ones, and neighbors. I commend Governor Murphy and the bill sponsors for championing harm reduction and enacting policies that prioritize public health over punishment and stigma,” **said Jenna Mellor, Executive Director of New Jersey Harm Reduction Coalition**

“This is a joyous moment for people who use drugs all across our state. Many lives will be saved with the expansion of harm reduction centers and the decriminalization of syringes in New Jersey, and many peoples’ inherent value and humanity will be reinforced. This is a vital step towards New Jersey ending the overdose crisis, repairing the harms of the racist drug war, and finally building the systems of care that will keep all of us alive and safer — no matter where we lay our heads,” **said Caitlin O’Neill, Director of Harm Reduction Services at New Jersey Harm Reduction Coalition**

“A huge thanks to Governor Murphy and New Jersey legislative champions who put public health over stigma and enacted harm reduction laws that will improve health outcomes and save our neighbors’ lives. Everyone deserves access to evidence-based syringe access services, and this legislation will make that access possible,” **said Jennifer Oliva, Professor and Director of the Center for Health and Pharmaceutical Law at Seton Hall University School of Law.**

“South Jersey AIDS Alliance applauds Governor Murphy’s bold act in protecting and expanding syringe access in New Jersey. This legislation secures health services for some of the state of New Jersey’s most vulnerable residents, from Atlantic County to Sussex County, who are all too often overlooked by policymakers. By expanding syringe access and protecting health services for people living with a substance use disorder and who are living with or at-risk of HIV, New Jersey lawmakers are saving lives,” **said Carol Harney, CEO of South Jersey AIDS Alliance.**

Governor Murphy Takes Action on Legislation

01/18/2022

TRENTON – Governor Murphy today signed the following bills:

S-384/A-1964 (Weinberg, Singleton/Stanley, Munoz, McKeon, Sumter, Lampitt, Vainieri Huttie, Wimberly, Mosquera, Downey, Chiaravalloti) – Expands training for judges, law enforcement officers and assistant county prosecutors concerning handling of domestic violence cases

S-386/A-1763 (Weinberg, Singleton/Munoz, Vainieri Huttie, Downey, Mosquera, Lampitt, Benson) - Establishes mandatory domestic violence training for municipal prosecutors

S-396/A-4903 (Weinberg, Addiego/Johnson, Mukherji) – Adjusts statute of limitations on damage claim for construction defect in common interest communities

S-705/A-1077 (Ruiz, Cunningham/Speight, Vainieri Huttie, Downey) – Requires DOH to develop and implement plan to improve access to perinatal mood and anxiety disorder screening

SCS for S-844 and 2533/ACS for A-4635 (Pou, Greenstein/Zwicker, Lopez) – Revises reporting requirements for charitable organizations and non-profit corporations

S-867/A-2316 (Pou/Jimenez, Giblin, Johnson) – Permits physical therapists to perform dry needling under certain circumstances

S-896/A-2396 (Pou, Turner/Wimberly, Timberlake, Murphy) – Expands Office of Public Defender representation of juveniles; repeals section 4 of P.L.1968, c.371

S-969WGR/ACS for A-2687 (Ruiz, Turner/Mazzeo, Lampitt, Moen) – Establishes loan redemption program for certain teachers to redeem loan amounts received under New Jersey College Loans to Assist State Students Loan Program through employment in certain schools; makes annual appropriation of \$1 million

S-994/A-6248 (Sweeney, Singleton/Lopez) – Requires State agencies and political subdivisions to make good faith effort to purchase five percent of goods and services from Central Nonprofit Agency

SCS for S-1016/ACS for A-2070 (Smith, Bateman/Calabrese, Mukherji, Benson) – Restricts use of neonicotinoid pesticides

S-1020/AS for ACS for A-1184 and 4414 (Ruiz, Gopal/Zwicker, Conaway, Verrelli, Caputo) – Requires School Report Card to include demographic breakdown of students who receive disciplinary actions; requires Commissioner of Education to establish Statewide database concerning certain disciplinary actions

S-1559/A-1659 (Scutari, Diegnan/Quijano, Bramnick, Mukherji, Sumter, Downey, Dancer) – “New Jersey Insurance Fair Conduct Act”

S-1771/A-1489 (Madden, Turner/Moriarty, Mosquera, Vainieri Huttie) – Expressly prohibits invasive examination of unconscious patient by health care practitioner without patient’s prior informed written consent

S-2160wGR/A-5701 (Sweeney, Oroho, Singer/Carter, Lampitt, Jasey) – Creates special education unit within the Office of Administrative Law; requires annual report

SCS for S-2515/ACS for A-4676 (Smith, Greenstein/Quijano, Jasey, McKeon) – Establishes postconsumer recycled content requirements for rigid plastic containers, glass containers, paper and plastic carryout bags, and plastic trash bags; prohibits sale of polystyrene loose fill packaging

S-2723/A-2614 (Sweeney, Turner/Murphy, Benson, Timberlake) – “21st Century Integrated Digital Experience Act”

S-2830/A-5291 (Ruiz, Singleton/Quijano) – Requires educator preparation program to report passing rates of students who complete certain tests and to disseminate information on test fee waiver programs, and permits collection of student fee for certain testing costs

S-2835/A-5292 (Ruiz, Cunningham/Quijano, Lampitt, Jasey) – Requires compilation of data and issuance of annual reports on New Jersey teacher workforce

S-2921/A-5554 (Gopal, Greenstein/Houghtaling, Downey, Mukherji) – Allows municipalities to designate outdoor areas upon which people may consume alcoholic beverages

S-3009/A-4847 (Vitale, Gopal, Gill/Vainieri Huttle, Quijano, Verrelli) – Authorizes expanded provision of harm reduction services to distribute sterile syringes and provide certain support services to persons who use drugs intravenously

S-3081/A-5219 (Singleton/McKeon, Dunn) – Repeals law concerning excess rates and charges for title insurance; makes agreement to use services of title or settlement service company subject to attorney review

S-3164/A-4987 (Gopal, Singleton/Houghtaling, Vainieri Huttle, Giblin) – Creates NJ Legislative Youth Council

S-3265/A-5074 (Diegnan, Greenstein/DeAngelo, Dancer, Mukherji) – Permits members of SPRS to purchase service credit for prior public employment with federal government or another state

S-3342/A-5463 (Codey, Singleton/Jasey, Giblin, Timberlake) – Directs NJT to erect statue in honor of A. Philip Randolph; appropriates \$90,000

S-3465/A-4336 (Oroho, Sweeney/Houghtaling, Space) – Directs Department of Agriculture to pay annual premiums to enrolled dairy farmers for certain coverage under the federal Dairy Margin Coverage Program; appropriates \$125,000

S-3488wGR/A-5537 (Sweeney, Gopal, O'Scanlon/Burzichelli, Dancer, Spearman) – Modifies certain procedures pertaining to school district regionalization; establishes grant program for cost reimbursement of conducting regionalization feasibility studies; and provides financial incentives for regionalization

S-3493/A-5458 (Vitale, Gill/Vainieri Huttle, Mukherji, McKnight) – Permits expungement of possession or distribution of hypodermic syringe or needle offense in cases of previous expungement; repeals criminal offense of possession of syringe

S-3539/A5409 (T. Kean, Gopal/Houghtaling) – Directs DEP to establish grant program for local governments to support development of community gardens

S-3594/A-5509 (Singleton, Scutari/Zwicker, Reynolds-Jackson, Verrelli) – Provides that in personal

injury or wrongful death lawsuits, calculations of lost or impaired earnings capacity not be reduced because of race, ethnicity, gender identity or expression, or affectional or sexual orientation

S-3672/A-6009 (Singleton, Turner, Moen, Johnson, McKnight) – Permits exemption from civil service examination requirement for entry-level law enforcement officers, sheriff's officers, and State and county correctional police officers; permits hiring or appointment of such officers under certain conditions, and makes appropriation

S-3673/A-6219 (Gopal, Greenstein/Burzichelli) – Authorizes limited breweries and craft distilleries to sell at retail and offer for sampling purposes product bottled and stored off-site under certain circumstances

S-3685/A-5576 (Ruiz, Codey/Jasey, Lampitt, Mukherji) – Permits teacher and professional staff member who provides special services retired from TPAF to return to employment for up to two years without reenrollment in TPAF if employment commences during 2021-2022 and 2022-2023 school years

S-3707/A-5673 (Vitale, Ruiz/Vainieri Huttle, Downey, Zwicker) – Repeals statute criminalizing sexual penetration while infected with venereal disease or HIV under certain circumstances; requires that in prosecutions for endangering another by creating substantial risk of transmitting infectious disease, name of defendant and other person be kept confidential

S-3764/A-3369 (Gopal, Weinberg/Johnson, Stanley, Karabinchak) – Establishes Commission on Asian American Heritage in DOE

S-3810/ACS for A-5862 (Sweeney, Addiego, Greenstein/Benson, Quijano) – "Responsible Collective Negotiations Act"

S-3968/A-5930 (Singleton, Beach/Sumter, Karabinchak) – Increases purchasing threshold permitting Director of Division of Purchase and Property to delegate authority to agencies; increases bid advertising threshold on certain contracts by same scale

S-3975/A-5963 (Greenstein, Oroho/Benson, Vainieri Huttle, DeAngelo) – Establishes requirements to commence screening newborn infants for congenital cytomegalovirus infection; establishes public awareness campaign

S-4004wGR/A-5950 (Weinberg, Greenstein/Sumter, Benson, Reynolds-Jackson) – Establishes database of certain appointed positions and elected offices

S-4020/A-5867 (Gopal, Cunningham/Chiaravalloti, Jasey, Carter) – Expands bonding authority of New Jersey Educational Facilities Authority to permit financing for general funding needs at New Jersey's institutions of higher education

S-4021/A-6100 (Gopal, Ruiz/Mukherji, Jasey, Timberlake, Stanley) – Requires school districts to provide instruction on history and contributions of Asian Americans and Pacific Islanders as part of implementation of New Jersey Student Learning Standards in Social Studies

S-4043/A-6005 (Cunningham/Jasey, Greenwald) – Raises statutory threshold for certain public bidding, permits bidder disqualification due to prior negative experience, adds exemptions to public bidding requirement under "State College Contracts Law," and establishes process for cooperative pricing system

S-4063/A-6220 (Sweeney/Giblin, Egan) – Removes New Jersey Maritime Pilot and Docking Pilot Commission from appropriations act provision that limits compensation and health benefits; clarifies PERS and SHBP eligibility for members of commission

S-4068/ACS for A-6110 and 6185 (Sarlo, Oroho/Benson, Mukherji, Bramnick) – Revises elective pass-through entity business alternative income tax

S-4074wGR/A-6000 (Ruiz, Beach/Verrelli, Lampitt, Carter) – Allows alternative evaluation in place of basic skills testing requirements for certain teacher certification

SCS for S-4102/A-6230 (Sweeney, Ruiz/Benson, Mejia, Zwicker) – Establishes Direct Support Professional Career Development Program; appropriates \$1,000,000

S-4128/A-6231 (Sweeney, Pou/Houghtaling, Conaway, Dancer) – Requires that only fruits and vegetables grown and packaged in NJ may be labeled by food retailers as local to State

S-4207/A-6119 (Sweeney, Beach/Mukherji, Egan, Pintor Marin) – Concerns apprenticeship programs of public works contractors

S-4210/A-6062 (Sweeney, Greenstein/Greenwald, McKnight, Mukherji) – Requires EDA to establish loan program to assist certain businesses with funding to provide reasonable accommodations for employees with disabilities

S-4211/A-6228 (Sweeney, Corrado/Benson, Speight, Zwicker) – Establishes county college-based adult centers for transition for individuals with developmental disabilities; makes annual appropriation of \$4.5 million

S-4218/A-6256 (Scutari/Reynolds-Jackson, Wimberly, Mukherji) – Appropriates \$2 million to CRDA to support costs associated with hosting NAACP National Convention in Atlantic City

S-4233/A-6229 (Scutari, Gopal/Mukherji, Jimenez) – Limits fees charged to patients and authorized third parties for copies of medical and billing records

S-4252/A-6182 (Madden/Murphy, Chaparro) – Limits extension of mandatory retirement to 90 days from State Police Retirement System during emergencies

A-259/S-2224 (DeAngelo, Mukherji, Benson/Gopal, Pennacchio) – Provides civil service preference to military service members who did not serve in theater of operation but received campaign or expedition medal

A-798/S-52 (Verrelli, Vainieri Huttel, Armato/Singer, Greenstein) – Establishes local drug overdose fatality review teams

A-802/S-1352 (Verrelli, Reynolds-Jackson, Murphy/Turner, Pou) – Requires certain retailers to train employees on gift card fraud

A-862wGR/S-962 (Chiaravalloti, Karabinchak/Pennacchio, Pou) – Permits municipalities to refund excess property taxes paid by a taxpayer who wins an assessment appeal as a property tax credit

A-953/S-4031 (Karabinchak, Houghtaling/Pou) – Requires architects disclose insurance coverage

ACS for A-998 and 2349/S-4312 (Moen, Downey, Houghtaling, Benson, Vainieri Huttel/Ruiz, Beach, Singleton) – The “New Jersey Social Innovation Act”; establishes social innovation loan pilot program and study commission within EDA

A-1121/S-1871 (Murphy, Dancer, Stanley/Lagana, Pennacchio) – Upgrades certain crimes of misrepresenting oneself as member or veteran of US Armed Forces or organized militia

A-1219wGR/S-1054 (Chaparro, McKnight/Stack) – Requires owner notification of rabies testing protocol prior to testing of owner’s animal for rabies

A-1229wGR/S-2161 (Schaer, Mosquera, Tucker, Lampitt, Vainieri Huttle, Quijano, Wimberly, Pintor Marin, Jasey/Turner, Singleton) – Requires DCA to make information on homeless prevention programs and services available on its Internet website

A-1293/S-3977 (Greenwald, Burzichelli, Mukherji/Greenstein, Gopal) – Establishes advisory council for the brewery, cidery, meadery, and distillery industries in NJ and provides for funding through certain alcoholic beverage tax receipts

A-1663/S-1842 (Quijano, Vainieri Huttle, Karabinchak/Cryan, Scutari) – Establishes “New Jersey Nonprofit Security Grant Program”

A-2186/S-1599 (Mukherji, Chaparro, McKnight/Codey, Pou) – Establishes Statewide database of beds in shelters for the homeless

A-2360/S-3285 (Chaparro, Karabinchak, Johnson/Greenstein, Stack) – Requires electric public utility to charge residential rate for service used by residential customer for electric vehicle charging at charging stations within certain designated parking spaces

A-2685wGR/S-4209 (Armato, Mazzeo, Mukherji/Stack) – Concerns information on property condition disclosure statement

A-2772/S-1040 (Downey, Houghtaling, Benson/Gopal) – Authorizes certain Medicaid recipients residing on post-secondary school campus to participate remotely in meetings of non-medical nature regarding Medicaid benefits

A-2877/S-1149 (Dancer, Vainieri Huttle, Reynolds-Jackson/Ruiz) – Requires registration of certain vacant and abandoned properties with municipalities and provides enforcement tools related to maintenance of these properties

A-3007/S-3127 (Lampitt, Dunn, Benson/Lagana, Gopal) – Requires institutions of higher education to provide students with access to mental health care programs and services and to establish a hotline to provide information concerning the availability of those services

A-3392/S-1219 (Reynolds-Jackson, Timberlake, Jasey/Turner, Beach) – Requires student representative be appointed to each board of education of school district and board of trustees of charter school that includes grades nine through 12

A-3804/S-1590 (Armato, Murphy, S. Kean/Beach, A.M. Bucco) – Designates 9-1-1 operators or dispatchers as 9-1-1 first responder dispatchers

A-3870/S-2807 (Karabinchak, Johnson, Mukherji/Greenstein, Pou) – “Defense Against Porch Pirates Act”; amends theft statute

A-3950wGR/S-3180 (Verrelli, Benson, Zwicker/Greenstein, Turner) – Prohibits employer use of tracking device in vehicle operated by employee under certain circumstances

A-4002wGR/S-2257 (Caputo, Dancer, Murphy/Gopal, Sarlo) – Allows deduction of promotional gaming credit from gross revenue on sports wagering

A-4232/S-4231 (Houghtaling, Dancer, Wirths/Oroho, Smith) – Creates program in Department of Agriculture for deer fencing on certain farmland

A-4238/S-2561 (Chiaravalloti, Schaer, Benson/Gopal, Singer) – Establishes minimum Medicaid reimbursement rate for adult medical day care services

A-4241/S-2894 (Downey, Vainieri Huttle, Murphy/Pou) – Requires DHS to conduct biennial survey of SNAP experience

ACS for A-4253/S-3233 (Conaway, Pinkin, Jimenez/Cryan) – Requires certain electronic medical programs to include demographic data entry feature; requires laboratories to record certain patients' demographic information; requires certain hospitals and laboratories to implement cultural competency training program

A-4366/S-2801 (Taliaferro, Sumter, Mukherji/Pou, Greenstein) – Requires Police Training Commission to contract with crisis intervention training center to provide mental health training to police officers and establish curriculum specific to persons experiencing economic crisis or substance use disorder

A-4434wGR/S-2716 (Greenwald, Lampitt, Mukherji/Beach, Ruiz) – Establishes Student Wellness Grant Program in DOE

A-4478/S2759 (Vainieri Huttle, Speight, Schepisi, DeCroce/Vitale, Madden) – Establishes additional requirements for DOH to assess sanctions and impose penalties on nursing homes; revises reporting requirements for nursing homes

A-4569/S-3535 (Reynolds-Jackson, Benson, Karabinchak/Turner) – Requires BPU, electric power suppliers, and gas suppliers to publish certain information related to filing of customer complaints

ACS for A-4655/S-3595 (Reynolds-Jackson, Wimberly, Carter/Turner) – Limits police presence at polling places and ballot drop boxes; prohibits electioneering within 100 feet of ballot drop box

A-4771/S-2951 (Downey, Armato, Mukherji/Gopal, Singleton) – Expands offenses eligible for expungement upon successful discharge from drug court

A-4856/S-3094 (Lampitt, Benson, Caputo/Ruiz, Beach) – Requires Internet websites and web services of school districts, charter schools, renaissance schools, and the Marie H. Katzenbach School for the Deaf to be accessible to persons with disabilities

A-5033wGR/S-3279 (Benson, Dancer, Verrelli/Gopal) – Authorizes motor vehicle dealers to sell motor vehicles online and obtain electronic signatures for motor vehicle transactions

ACS for A-5075wGR/S-4001 (Burzichelli, Dancer, Johnson/Sweeney, A.M. Bucco) – Removes Fire Museum and Fallen Firefighters Memorial from auspices of DEP and establishes museum as independent organization; makes \$200,000 supplemental appropriation

A-5160/S-3324 (DeAngelo, Conaway, Zwicker/Smith, Bateman) – Establishes minimum energy and water efficiency standards for certain products sold, offered for sale, or leased in the State

A-5294/S-3418 (Speight, Vainieri Huttle, Verrelli/Gopal, Madden) – Provides fast track hiring and advancement employment opportunities by State for persons with significant disabilities

A-5296/S-3426 (Speight, Vainieri Huttle, McKnight/T. Kean, Schepisi) – Provides for employment by State of certain persons with disabilities

A-5322/S-3433 (Mosquera, Vainieri Huttle, DePhillips/Cruz-Perez, T. Kean) – Provides for process to vacate and expunge certain arrests, charges, complaints, convictions, other dispositions, and DNA

records, associated with violations by certain human trafficking victims

A-5336wGR/S-3441 (Benson, Freiman, Vainieri Huttie/Diegnan, Madden) – Requires DHS to establish payment programs for purchase of transportation services from private sector and government transportation service providers

A-5439/S-3760 (Caputo, Dancer, Murphy/Gopal, Beach) – Changes deadline for New Jersey Racing Commission's annual report from end of calendar year to end of State fiscal year

A-5694/S-3783 (Houghtaling, Downey, Dancer/Gopal, Madden) – Permits dependents of military member to enroll in school district in advance of military member's relocation to district

A-5814/S-3851 (Swain, Tully, Benson/Lagana, Diegnan) – Creates Office of School Bus Safety in Department of Education; appropriates \$200,000

A-5864wGR/S-3939 (Speight, Pintor Marin, Chaparro, McKnight, DeAngelo, Bergen/Gopal, Cryan) – Allows law enforcement officers to review body worn camera recordings prior to creating initial report

A-5997/S-4084 (Coughlin, Lopez/Sweeney, O'Scanlon) – Removes requirement for Legislature, DOE, free public libraries, and historical societies to purchase "Manual of the Legislature of New Jersey"

A-6012/S-4076 (Moen, Murphy, Freiman/Sarlo, Gopal) – Appropriates \$500,000 for USS New Jersey Commissioning Committee to support commissioning of boat and assigned personnel

A-6020/S-4114 (Conaway, Jimenez, Vainieri Huttie/Codey) – Establishes requirements for certain tobacco product retailers to stock and sell nicotine replacement therapy products

A-6060/S-4272 (Tucker, Caputo, Mukherji/Cunningham) – Makes supplemental appropriation of \$8 million to DHS to increase reimbursement for funeral, burial, and crematory services provided to certain beneficiaries of Work First New Jersey and Supplemental Security Income programs

A-6073/S-4140 (Verrelli/Vitale) – Temporarily waives certain basic life support services crewmember requirements

A-6093/S-4201 (Stanley, Benson, Timberlake/Greenstein, Gopal) – Mandates periodic cancer screening examinations for firefighters enrolled in SHBP

A-6108wGR/S-4247 (DeAngelo, Egan, Houghtaling/Madden) – Updates licenses offered by and certain licensure requirements from Board of Examiners of Electrical Contractors

A-6132/S-4235 (Schaer, Greenwald, Conaway/Singer, Gopal) – Permits volunteer paramedics to operate within mobile intensive care units

A-6133/S-4251 (Bramnick, Mukherji, Downey/Scutari) – Allows certain persons not yet appointed as administrator of estate to pursue lawsuit for damages for wrongful death on behalf of deceased's survivors

A-6150/S-4119 (DeAngelo, Karabinchak, Wirths/Oroho, Pou) – Revises penalties for transfer of certain professional and occupational licenses

A-6159/S-4236 (Coughlin, McKnight/Vitale, Ruiz) – Revises and renames Office of Food Insecurity Advocate

A-6162/S-4246 (Benson, Stanley/Gopal) – Requires certain motor vehicle dealers to maintain certain

requirements for business premises

A-6205/S-4270 (Coughlin, McKeon/Pou) – Amends certain requirements concerning insurance holding companies

A-6206wGR/S-4260 (Wimberly/Diegnan, Oroho) – Codifies right of real estate broker-salespersons and salespersons to define relationship with broker as one between broker and independent contractor or employee and enforces current and previous written agreements addressing relationship

A-6207/S-4222 (Greenwald, Lampitt, Benson/Sweeney) – Eliminates requirement for DOE to set certain tuition rates for approved private schools for students with disabilities in certain cases

A-6208/S-4151 (Mosquera, DeAngelo, Armato/Greenstein, Cruz-Perez) – Appropriates \$60,940,361 from constitutionally dedicated CBT revenues to State Agriculture Development Committee for farmland preservation purposes

A-6209/S-4154 (Freiman, Spearman, Egan/Turner, Oroho) – Appropriates \$18 million from constitutionally dedicated CBT revenues to State Agriculture Development Committee for county planning incentive grants for farmland preservation purposes

A-6210/S-4150 (Taliaferro, Moriarty, Burzichelli/Cruz-Perez, Greenstein) – Appropriates \$4.5 million from constitutionally dedicated CBT revenues to State Agriculture Development Committee for municipal planning incentive grants for farmland preservation purposes

A-6211/S-4149 (Houghtaling, Reynolds-Jackson, Downey/Cruz-Perez, Greenstein) – Appropriates \$440,240 from constitutionally dedicated CBT revenues to State Agriculture Development Committee for grants to certain nonprofit organizations for farmland preservation purposes

A-6212/S-4148 (Jimenez, Swain, Timberlake/Codey, Corrado) – Appropriates \$54.5 million from constitutionally dedicated CBT revenues for recreation and conservation purposes to DEP for State capital and park development projects

A-6213/S-4155 (Kennedy, Carter, Tully/Bateman, Smith) – Appropriates \$49.932 million from constitutionally dedicated CBT revenues to DEP for State acquisition of lands for recreation and conservation purposes, including Blue Acres projects, and Green Acres Program administrative costs

A-6214/S-4153 (Danielsen, Zwicker, Conaway/Greenstein, Smith) – Appropriates \$80,539,578 from constitutionally dedicated CBT revenues and various Green Acres funds to DEP for local government open space acquisition and park development projects

A-6215/S-4152 (Stanley, Murphy, Jasey/Smith, Greenstein) – Appropriates \$14,687,510 to DEP from constitutionally dedicated CBT revenues for grants to certain nonprofit entities to acquire or develop lands for recreation and conservation purposes

A-6246/S-4295 (Karabinchak/Sweeney) – Concerns changes in control of hotels and disruptions of hotel services

A-6257/S-4311 (McKnight/Sweeney, Singleton) – Imposes surcharge on casino hotel occupancies to fund public safety services

A-6262/S-4314 (Burzichelli, Reynolds-Jackson, Mukherji/Sweeney, Oroho, T. Kean) – Permits PERS retiree to return to employment in NJ Legislature after retirement under certain circumstances

A-6263/S-4315 (Burzichelli, Reynolds-Jackson, Mukherji/Sweeney, Oroho, T. Kean) – Appropriates \$2 million to Legislative Services Commission

Governor Murphy pocket vetoed the following bills:

S-73/A-4580 (Bateman, Sarlo/Zwicker, Thomson, McKnight) – Establishes requirements for sale of cottage food products

S-995/A-6172 (Sweeney, A.M. Bucco/Downey, McKnight) – Requires DOLWD and DHS to conduct assessment of community rehabilitation programs and community businesses

S-1934/A-1158 (Sweeney, Pou, Cryan/Freiman, Lopez, Murphy) – Authorizes use of disability benefits for transportation provided by transportation network companies

S-2679/A-1979 (Beach, Smith/Stanley, Lopez, Kennedy) – Requires paint producers to implement or participate in paint stewardship program

S-2768/A-4664 (Singleton, Ruiz/Reynolds-Jackson, Stanley, Sumter) – Authorizes State Chief Diversity Officer to conduct disparity study concerning utilization of minority-owned and women-owned businesses in State procurement process

S-3458/A-6245 (Lagana, Gopal/Coughlin, Jimenez, Mukherji) – Revises out-of-network arbitration process

S-3529/A-5442 (Addiego, Diegnan/DeAngelo, Dancer, Dunn) – Clarifies that member of SPRS may receive accidental disability benefit under certain circumstances

S-3715/A-5804 (Cryan/Quijano, Mukherji) – Modifies certain definitions related to transient accommodation taxes and fees

S-4189/A-6112 (Vitale, Cruz-Perez/Lopez) – Permits PERS retiree to return to elective public office after retirement under certain circumstances

A-1073/S-3432 (Speight, Pintor Marin, McKnight, Timberlake/Ruiz, O'Scanlon) – Establishes requirements to screen certain people who are pregnant and who have given birth for preeclampsia

A-1269/S-3490 (Greenwald, Giblin, Calabrese/Cruz-Perez, Beach) – Eliminates one percent tax on purchasers of Class 4A commercial property transferred for consideration in excess of \$1 million

A-4958/S-3740 (Tully, Armato, Zwicker/Lagana, Oroho) – Provides temporary exemption under sales and use tax for winterizing certain small business operations

A-5334/S-3442 (Lopez, Mazzeo, Stanley/Diegnan, T. Kean) – Requires DOT, NJT, and DHS to study and implement transportation mobility and accessibility improvements for persons with autism and developmental disabilities

A-5484/S-3817 (Dancer, Caputo, Houghtaling/Lagana) – Requires New Jersey Racing Commission to adopt procedures to enforce internal controls; requires annual audit

A-6033/S-4194 (Bramnick/Sweeney, T. Kean) – Classifies golf caddies as independent contractors for purposes of State employment laws

A-6157/S-4202 (Speight, Moen/Ruiz, Beach) – Prohibits circumventing intergovernmental transfer process for law enforcement officers in certain circumstances

