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FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

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RWH/JA

P.L. 2021, CHAPTER 467, *approved January 18, 2022*
Assembly, No. 5322 (*Second Reprint*)

1 AN ACT concerning relief from criminal and other proceedings
2 pertaining to certain violations or alleged violations of law
3 committed by a person while a victim of human trafficking, and
4 amending P.L.2013, c.51.

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

8
9 1. Section 10 of P.L.2013, c.51 (C.2C:44-1.1) is amended to read
10 as follows:

11 10. a. (1) A person convicted of **[N.J.S.2C:34-1, prostitution and**
12 **related offenses, or section 3 of P.L.1997, c.93 (C.2C:34-1.1), loitering**
13 **for the purpose of engaging in prostitution, or a similar local**
14 **ordinance,]** an offense or other violation of law, except for murder
15 pursuant to N.J.S.2C:11-3, manslaughter or aggravated manslaughter
16 pursuant to N.J.S.2C:11-4, kidnapping pursuant to N.J.S.2C:13-1,
17 luring or enticing a child pursuant to N.J.S.2C:13-6, and sexual assault
18 pursuant to ¹**[N.J.S.2C14-2]** N.J.S.2C:14-2,¹ committed as a result of
19 the person's status as a victim of human trafficking as described in
20 section 1 of P.L.2005, c.77 (C.2C:13-8) or 22 U.S.C. s.7102, and
21 which offense was committed as a result of the trafficking scheme or
22 other course of conduct in violation of either of those acts that resulted
23 in the person's victimization, or committed at the direction of an
24 organizer, supervisor, financier, or manager of that scheme or other
25 course of conduct as described in paragraph (2) of subsection a. of
26 section 1 of P.L.2005, c.77 (C.2C:13-8), may file an application with
27 the Superior Court in accordance with the Rules of Court to have **[the]**
28 each conviction, finding of guilt, or, in the case of an offense
29 committed while a juvenile, adjudication of delinquency vacated at
30 any time following entry of a judgment of conviction, **[when the**
31 person's participation in the offense was a result of having been a
32 victim of human trafficking pursuant to section 1 of P.L.2005, c.77
33 (C.2C:13-8) or as defined in paragraph (14) of 22 U.S.C. s.7102**]**
34 finding of guilt, or adjudication of delinquency. The application shall
35 be made to the Superior Court in the county in which the most recent
36 disposition was adjudged, and may include any other prior disposition
37 which the person is seeking to be vacated, regardless of where that
38 prior disposition occurred.

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 March 15, 2021.

²Assembly floor amendments adopted June 21, 2021.

1 (2) ~~【Notwithstanding any law to the contrary,】~~ In the same
2 application filed pursuant to paragraph (1) of this subsection, the
3 person may also ~~【in the same application】~~ seek an order for the
4 expungement of any reference to the person's arrest, charge,
5 complaint, conviction, adjudication of delinquency, or other
6 disposition, and any proceeding ~~【for prostitution】~~ related thereto in
7 any records in the custody of a court, or law enforcement or
8 correctional agency entitled to be served with the application pursuant
9 to subsection b. of this section¹~~【, as well as】~~ . The person may also
10 seek, in a separate application which shall be considered in
11 conjunction with an application filed pursuant to paragraph (1) of this
12 subsection,¹ an order for the expungement of the person's DNA record
13 and other identifiable information from the State DNA Database in
14 accordance with section 9 of P.L.1994, c.136 (C.53:1-20.25).

15 b. (1) (a) ¹~~【An application】~~ Applications¹ made to the Superior
16 Court under this section and all associated supporting documents filed
17 with the ¹~~【application】~~ applications¹ shall remain under seal and kept
18 confidential, and shall not be disseminated or disclosed, in whole or in
19 part, except to another court, or a law enforcement or correctional
20 agency as set forth in this subparagraph. The application, together
21 with a copy of all supporting documents, shall be served pursuant to
22 the Rules of Court upon: the Attorney General; the county prosecutor
23 of the county wherein the court is located; the Superintendent of State
24 Police; the chief of police or other executive head of the police
25 department of the municipality wherein ~~【the】~~ each offense or other
26 violation of law was committed or alleged to have been committed; the
27 chief law enforcement officer of any other law enforcement agency of
28 this State that participated in the arrest of the person; the
29 superintendent or warden of any institution in which the person was
30 confined; and, if a disposition was made in municipal court, upon the
31 judge of that court. 【Any of the noticed parties herein may make an
32 appearance or file a submission responding to the person's
33 application.】 Each recipient of the application and supporting
34 documents shall keep them confidential, shall only use them in a
35 manner consistent with and in furtherance of the purpose for which
36 they were received, and shall not further disseminate or disclose them,
37 in whole or in part, to any party outside of the parties set forth in this
38 subparagraph.

39 (b) Unless a party given notice pursuant to subparagraph (a) of this
40 paragraph files an objection to the application and requests a hearing
41 within ¹~~【45】~~ 60¹ days of the date of receipt of the application, the
42 application shall be deemed unopposed and the court may grant the
43 relief sought in accordance with subsections c. and d. of this section.
44 Any objection filed by a noticed party shall not be deemed
45 determinative, and the court may grant relief over any party's
46 objection.

1 (c) When one or more of the convictions sought to be vacated is
2 for a crime of the first or second degree, any victims of these crimes
3 shall be given an opportunity to submit a written statement about the
4 impact of the crime to the court. It shall be the responsibility of the
5 county prosecutor given notice of the application pursuant to
6 subparagraph (a) of this paragraph to make a good faith effort to notify
7 any victim. The prosecutor's office shall have the discretion to waive
8 victim notification in instances when the victim was the trafficker or
9 the notification could endanger the petitioner.

10 (2) **【**The application shall be made and heard within a reasonable
11 time after**】** With respect to any court appearance by the person 【has
12 ceased to be a victim of human trafficking or has sought services for
13 being a victim of human trafficking, whichever occurs later, subject to
14 reasonable concerns for the safety of the person, family members of
15 the person, or other victims of human trafficking that may be
16 jeopardized by the bringing of】 concerning the application, 【or for
17 other reasons consistent with the purposes of this paragraph】 if
18 required, the court shall, consistent with the Rules of Court, permit the
19 person to enter an appearance by telephone, video link as approved by
20 the Administrative Office of the Courts, or other approved means of
21 audio or audio and visual communication, unless there is a compelling
22 reason to so deny¹【.】.¹

23 c. (1) The court may vacate **【a】** any conviction, finding of guilt,
24 or adjudication of delinquency pursuant to this section if it finds by a
25 preponderance of the evidence that the person was a victim of human
26 trafficking 【pursuant to】 as described in section 1 of P.L.2005, c.77
27 (C.2C:13-8) or 【as defined in paragraph (14) of】 22 U.S.C. s.7102 【at
28 the time of the offense】, and that the offense or other violation of law
29 to be vacated was a result of the person having been a victim of human
30 trafficking.

31 (2) In making a determination:

32 (a) evidence documenting the person's status as a victim of human
33 trafficking **【at the time of the offense】** from a federal, state, or local
34 governmental agency shall create a rebuttable presumption that the
35 person's participation in the offense was a result of having been a
36 victim, but shall not be required to vacate a conviction under this
37 section; and

38 (b) the court may additionally consider other evidence it deems
39 appropriate in determining whether the person was a victim of human
40 trafficking, including, but not limited to:

41 (i) certified records of federal or State court proceedings which
42 demonstrate that the defendant was a victim of a trafficker charged
43 with a human trafficking offense under section 1 of P.L.2005, c.77
44 (C.2C:13-8) or chapter 77 of Title 18 of the United States Code;

45 (ii) certified records of approval notices or law enforcement
46 certifications generated from a federal immigration proceeding
47 available to victims of human trafficking; and

1 (iii) testimony or a sworn statement from a trained professional
2 staff member of a victim services organization, an attorney, a member
3 of the clergy or a health care or other professional from whom the
4 person has sought assistance in addressing the trauma associated with
5 being a victim of human trafficking.

6 d. If the court finds, pursuant to subsection c. of this section, that
7 the person was a victim of human trafficking, it shall enter an order
8 vacating the conviction, finding of guilt, or adjudication of
9 delinquency ² which indicates the disposition to be vacated due to
10 ¹ a substantive defect in the underlying proceedings that resulted in
11 the disposition,] the determination that a factual or legal proposition
12 has been established to negate the disposition, ¹ ² and directing that all
13 court records be revised accordingly. When the person's application
14 also seeks an order for expungement, the court order shall require that
15 any court, law enforcement and correctional [agencies, and other]
16 agency noticed [parties] pursuant to subsection b. of this section
17 expunge all references to the person's arrest, charge, complaint,
18 conviction, adjudication of delinquency, or other disposition, and any
19 related proceedings [for the violation of N.J.S.2C:34-1, prostitution
20 and related offenses, or section 3 of P.L.1997, c.93 (C.2C:34-1.1),
21 loitering for the purpose of engaging in prostitution, or a similar local
22 ordinance] from all records in their custody that relate to the vacated
23 conviction ¹ or other disposition, and in the case of an order
24 concerning the expungement of the person's DNA record and other
25 identifiable information from the State DNA Database, the order shall
26 require the Division of State Police in the Department of Law and
27 Public Safety to purge this information in accordance with section 9 of
28 P.L.1994, c.136 (C.53:1-20.25)] ¹. An expungement ordered pursuant
29 to this section shall have the same force as an expungement ordered
30 pursuant to N.J.S.2C:52-1 et seq. and section 9 of P.L.1994, c.136
31 (C.53:1-20.25), as applicable. ² In addition, notwithstanding any law
32 to the contrary, once an order to vacate and expunge has been entered
33 on a conviction, finding of guilt, or adjudication of delinquency for an
34 offense in which the petitioner participated as a result of having been a
35 victim of human trafficking pursuant to section 1 of P.L.2005, c.77
36 (C.2C:13-8) or as defined in paragraph (14) of 22 U.S.C. s.7102, the
37 conviction, finding of guilt, or adjudication of delinquency shall not be
38 considered for any purpose except upon order of the court. ² ¹ An order
39 concerning the expungement of the person's DNA record and other
40 identifiable information from the State DNA Database shall require the
41 Division of Criminal Justice in the Department of Law and Public
42 Safety to purge this information in accordance with section 9 of
43 P.L.1994, c.136 (C.53:1-20.25). ¹

44 e. A court that grants relief pursuant to this section may take any
45 additional action as appropriate under the circumstances to carry out
46 the purposes of this section.

47 (cf: P.L.2013, c.51, s.10)

1 2. This act shall take effect on the first day of the fourth month
2 next following enactment, except the Attorney General and
3 Administrative Director of the Courts may take any anticipatory
4 administrative action in advance thereof as shall be necessary for
5 the implementation of the act.

6

7

8

9

10 Provides for process to vacate and expunge certain arrests,
11 charges, complaints, convictions, other dispositions, and DNA
12 records, associated with violations by certain human trafficking
13 victims.

ASSEMBLY, No. 5322

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JANUARY 29, 2021

Sponsored by:

Assemblywoman GABRIELA M. MOSQUERA

District 4 (Camden and Gloucester)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman CHRISTOPHER P. DEPHILLIPS

District 40 (Bergen, Essex, Morris and Passaic)

Co-Sponsored by:

Assemblyman Mukherji, Assemblywoman Quijano, Assemblyman Webber, Assemblywomen Jasey and McKnight

SYNOPSIS

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.

CURRENT VERSION OF TEXT

As introduced.



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

A5322 MOSQUERA, VAINIERI HUTTLE

2

1 AN ACT concerning relief from criminal and other proceedings
2 pertaining to certain violations or alleged violations of law
3 committed by a person while a victim of human trafficking, and
4 amending P.L.2013, c.51.

5

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

8

9 1. Section 10 of P.L.2013, c.51 (C.2C:44-1.1) is amended to
10 read as follows:

11 10. a. (1) A person convicted of **[**N.J.S.2C:34-1, prostitution
12 and related offenses, or section 3 of P.L.1997, c.93 (C.2C:34-1.1),
13 loitering for the purpose of engaging in prostitution, or a similar
14 local ordinance,**]** an offense or other violation of law, except for
15 murder pursuant to N.J.S.2C:11-3, manslaughter or aggravated
16 manslaughter pursuant to N.J.S.2C:11-4, kidnapping pursuant to
17 N.J.S.2C:13-1, luring or enticing a child pursuant to N.J.S.2C:13-6,
18 and sexual assault pursuant to N.J.S.2C:14-2 committed as a result
19 of the person's status as a victim of human trafficking as described
20 in section 1 of P.L.2005, c.77 (C.2C:13-8) or 22 U.S.C. s.7102, and
21 which offense was committed as a result of the trafficking scheme
22 or other course of conduct in violation of either of those acts that
23 resulted in the person's victimization, or committed at the direction
24 of an organizer, supervisor, financier, or manager of that scheme or
25 other course of conduct as described in paragraph (2) of subsection
26 a. of section 1 of P.L.2005, c.77 (C.2C:13-8), may file an
27 application with the Superior Court in accordance with the Rules of
28 Court to have **[**the**]** each conviction, finding of guilt, or, in the case
29 of an offense committed while a juvenile, adjudication of
30 delinquency vacated at any time following entry of a judgment of
31 conviction, **[**when the person's participation in the offense was a
32 result of having been a victim of human trafficking pursuant to
33 section 1 of P.L.2005, c.77 (C.2C:13-8) or as defined in paragraph
34 (14) of 22 U.S.C. s.7102**]** finding of guilt, or adjudication of
35 delinquency. The application shall be made to the Superior Court
36 in the county in which the most recent disposition was adjudged,
37 and may include any other prior disposition which the person is
38 seeking to be vacated, regardless of where that prior disposition
39 occurred.

40 (2) **[**Notwithstanding any law to the contrary,**]** In the same
41 application filed pursuant to paragraph (1) of this subsection, the
42 person may also **[**in the same application**]** seek an order for the
43 expungement of any reference to the person's arrest, charge,
44 complaint, conviction, adjudication of delinquency, or other
45 disposition, and any proceeding **[**for prostitution**]** related thereto in

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 any records in the custody of a court, or law enforcement or
2 correctional agency entitled to be served with the application
3 pursuant to subsection b. of this section, as well as an order for the
4 expungement of the person's DNA record and other identifiable
5 information from the State DNA Database in accordance with
6 section 9 of P.L.1994, c.136 (C.53:1-20.25).

7 b. (1) (a) An application made to the Superior Court under
8 this section and all associated supporting documents filed with the
9 application shall remain under seal and kept confidential, and shall
10 not be disseminated or disclosed, in whole or in part, except to
11 another court, or a law enforcement or correctional agency as set
12 forth in this subparagraph. The application, together with a copy of
13 all supporting documents, shall be served pursuant to the Rules of
14 Court upon: the Attorney General; the county prosecutor of the
15 county wherein the court is located; the Superintendent of State
16 Police; the chief of police or other executive head of the police
17 department of the municipality wherein [the] each offense or other
18 violation of law was committed or alleged to have been committed;
19 the chief law enforcement officer of any other law enforcement
20 agency of this State that participated in the arrest of the person; the
21 superintendent or warden of any institution in which the person was
22 confined; and, if a disposition was made in municipal court, upon
23 the judge of that court. [Any of the noticed parties herein may
24 make an appearance or file a submission responding to the person's
25 application.] Each recipient of the application and supporting
26 documents shall keep them confidential, shall only use them in a
27 manner consistent with and in furtherance of the purpose for which
28 they were received, and shall not further disseminate or disclose
29 them, in whole or in part, to any party outside of the parties set
30 forth in this subparagraph.

31 (b) Unless a party given notice pursuant to subparagraph (a) of
32 this paragraph files an objection to the application and requests a
33 hearing within 45 days of the date of receipt of the application, the
34 application shall be deemed unopposed and the court may grant the
35 relief sought in accordance with subsections c. and d. of this
36 section. Any objection filed by a noticed party shall not be deemed
37 determinative, and the court may grant relief over any party's
38 objection.

39 (c) When one or more of the convictions sought to be vacated is
40 for a crime of the first or second degree, any victims of these crimes
41 shall be given an opportunity to submit a written statement about
42 the impact of the crime to the court. It shall be the responsibility of
43 the county prosecutor given notice of the application pursuant to
44 subparagraph (a) of this paragraph to make a good faith effort to
45 notify any victim. The prosecutor's office shall have the discretion
46 to waive victim notification in instances when the victim was the
47 trafficker or the notification could endanger the petitioner.

1 (2) **【The application shall be made and heard within a**
2 **reasonable time after】** With respect to any court appearance by the
3 **person 【has ceased to be a victim of human trafficking or has**
4 **sought services for being a victim of human trafficking, whichever**
5 **occurs later, subject to reasonable concerns for the safety of the**
6 **person, family members of the person, or other victims of human**
7 **trafficking that may be jeopardized by the bringing of】** concerning
8 **the application, 【or for other reasons consistent with the purposes**
9 **of this paragraph】** if required, the court shall, consistent with the
10 Rules of Court, permit the person to enter an appearance by
11 telephone, video link as approved by the Administrative Office of
12 the Courts, or other approved means of audio or audio and visual
13 communication, unless there is a compelling reason to so deny.

14 c. (1) The court may vacate **【a】** any conviction, finding of
15 guilt, or adjudication of delinquency pursuant to this section if it
16 finds by a preponderance of the evidence that the person was a
17 victim of human trafficking **【pursuant to】** as described in section 1
18 of P.L.2005, c.77 (C.2C:13-8) or **【as defined in paragraph (14) of】**
19 22 U.S.C. s.7102 【at the time of the offense】, and that the offense
20 or other violation of law to be vacated was a result of the person
21 having been a victim of human trafficking.

22 (2) In making a determination:

23 (a) evidence documenting the person's status as a victim of
24 human trafficking **【at the time of the offense】** from a federal, state,
25 or local governmental agency shall create a rebuttable presumption
26 that the person's participation in the offense was a result of having
27 been a victim, but shall not be required to vacate a conviction under
28 this section; and

29 (b) the court may additionally consider other evidence it deems
30 appropriate in determining whether the person was a victim of
31 human trafficking, including, but not limited to:

32 (i) certified records of federal or State court proceedings which
33 demonstrate that the defendant was a victim of a trafficker charged
34 with a human trafficking offense under section 1 of P.L.2005, c.77
35 (C.2C:13-8) or chapter 77 of Title 18 of the United States Code;

36 (ii) certified records of approval notices or law enforcement
37 certifications generated from a federal immigration proceeding
38 available to victims of human trafficking; and

39 (iii) testimony or a sworn statement from a trained professional
40 staff member of a victim services organization, an attorney, a
41 member of the clergy or a health care or other professional from
42 whom the person has sought assistance in addressing the trauma
43 associated with being a victim of human trafficking.

44 d. If the court finds, pursuant to subsection c. of this section,
45 that the person was a victim of human trafficking, it shall enter an
46 order vacating the conviction, finding of guilt, or adjudication of
47 delinquency, which indicates the disposition to be vacated due to a

1 substantive defect in the underlying proceedings that resulted in the
2 disposition, and directing that all court records be revised
3 accordingly. When the person's application also seeks an order for
4 expungement, the court order shall require that any court, law
5 enforcement and correctional **[agencies, and other]** agency noticed
6 **[parties]** pursuant to subsection b. of this section expunge all
7 references to the person's arrest, charge, complaint, conviction,
8 adjudication of delinquency, or other disposition, and any related
9 proceedings **[for the violation of N.J.S.2C:34-1, prostitution and**
10 **related offenses, or section 3 of P.L.1997, c.93 (C.2C:34-1.1),**
11 **loitering for the purpose of engaging in prostitution, or a similar**
12 **local ordinance]** from all records in their custody that relate to the
13 vacated conviction or other disposition, and in the case of an order
14 concerning the expungement of the person's DNA record and other
15 identifiable information from the State DNA Database, the order
16 shall require the Division of State Police in the Department of Law
17 and Public Safety to purge this information in accordance with
18 section 9 of P.L.1994, c.136 (C.53:1-20.25). An expungement
19 ordered pursuant to this section shall have the same force as an
20 expungement ordered pursuant to N.J.S.2C:52-1 et seq. and section
21 9 of P.L.1994, c.136 (C.53:1-20.25), as applicable.

22 e. A court that grants relief pursuant to this section may take
23 any additional action as appropriate under the circumstances to
24 carry out the purposes of this section.

25 (cf: P.L.2013, c.51, s.10)

26

27 2. This act shall take effect on the first day of the fourth month
28 next following enactment, except the Attorney General and
29 Administrative Director of the Courts may take any anticipatory
30 administrative action in advance thereof as shall be necessary for
31 the implementation of the act.

32

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STATEMENT

35

36 This bill would provide a process for a person to vacate and
37 expunge, as applicable, all arrests, charges, complaints, convictions,
38 or other dispositions, as well as DNA records, for actual or alleged
39 violations of law committed by the person as a result of having been
40 a victim of human trafficking. Under current law, a victim can make
41 an application to the Superior Court for an order to vacate and
42 expunge convictions and related records only for violations of
43 N.J.S.2C:34-1, prostitution and related offenses, or section 3 of
44 P.L.1997, c.93 (C.2C:34-1.1), loitering for the purpose of engaging
45 in prostitution, or a similar local ordinance. The bill would remove
46 this limitation on qualifying convictions and instead provide that all
47 convictions and other dispositions for violations of law committed
48 while a person was a victim of human trafficking, as well as the

1 person's DNA record and other identifiable information from the
2 State DNA Database, may be vacated and expunged, as applicable.

3 Under this bill, the application would be made to the Superior
4 Court in the county in which the most recent disposition was
5 adjudged, and could include any other prior disposition which the
6 person is seeking to be vacated, regardless of where that prior
7 disposition occurred. An application, and all associated supporting
8 documents filed therewith, would remain under seal and kept
9 confidential, and would not be disseminated or disclosed except to
10 the following parties, who would be noticed with copies of the
11 filing: the Attorney General; the county prosecutor of the county
12 wherein the court is located; the Superintendent of State Police; the
13 chief of police or other executive head of the police department of
14 the municipality wherein each offense or other violation of law was
15 committed or alleged to have been committed; the chief law
16 enforcement officer of any other law enforcement agency of this
17 State that participated in the arrest of the person; the superintendent
18 or warden of any institution in which the person was confined; and,
19 if a disposition was made in municipal court, upon the judge of that
20 court. These parties, in turn, would also have a duty to keep the
21 application and supporting documents confidential.

22 Unless one of the above noticed parties filed an objection to the
23 application and requested a hearing within 45 days of the date of
24 receipt of the application, the application would be deemed
25 unopposed and the court could grant the relief sought. If the person
26 seeking relief was required to make a court appearance concerning
27 the application, the court would be required, consistent with the
28 Rules of Court, to permit the person to enter an appearance by
29 telephone, video link as approved by the Administrative Office of
30 the Courts, or other approved means of audio or audio and visual
31 communication, unless there was a compelling reason to so deny.

32 If the Superior Court found that a person was a victim of human
33 trafficking, it would be required to enter an order vacating each
34 conviction or other disposition. The order would indicate that the
35 conviction or other disposition was vacated due to a substantive
36 defect in the underlying proceedings that resulted in such
37 disposition, and direct that all court records be revised accordingly.
38 Concerning any expungement request with the application, the court
39 order would require that any court, law enforcement and
40 correctional agency which received a copy of the application
41 expunge all references to the victim's arrest, charge, complaint,
42 conviction, or other disposition and any related proceedings from
43 records relating to each vacated conviction or other disposition; and
44 in the case of an order concerning the expungement of the person's
45 DNA record and other identifiable information from the State DNA
46 Database, the order would additionally require the Division of State
47 Police in the Department of Law and Public Safety to purge this
48 information. Under the bill, there is no option of expungement for

1 those persons specifically charged with murder pursuant to
2 N.J.S.2C:11-3, manslaughter or aggravated manslaughter pursuant
3 to N.J.S.2C:11-4, kidnapping pursuant to N.J.S.2C:13-1, luring or
4 enticing a child pursuant to N.J.S.2C:13-6 and sexual assault
5 pursuant to N.J.S.2C14-2.

6 Moreover, when one or more of the convictions sought to be
7 vacated is a crime in the first or second degree, any victims of those
8 matters are given an opportunity to submit a written statement about
9 the impact of the crime to the court. The respective county
10 prosecutor's office has the discretion to waive the victim
11 notification in instances when the victim was the trafficker or in
12 instances when the notification could endanger the petitioner.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5322

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 15, 2021

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 5322.

This bill as amended would provide a process for a person to vacate and expunge, as applicable, all arrests, charges, complaints, convictions, or other dispositions, as well as DNA records, for actual or alleged violations of law committed by the person as a result of having been a victim of human trafficking. Under current law, a victim can make an application to the Superior Court for an order to vacate and expunge convictions and related records only for violations of N.J.S.2C:34-1, prostitution and related offenses, or section 3 of P.L.1997, c.93 (C.2C:34-1.1), loitering for the purpose of engaging in prostitution, or a similar local ordinance. The bill would remove this limitation on qualifying convictions and instead provide that all convictions and other dispositions for violations of law committed while a person was a victim of human trafficking, as well as the person's DNA record and other identifiable information from the State DNA Database, may be vacated and expunged, as applicable.

Under this bill, the application would be made to the Superior Court in the county in which the most recent disposition was adjudged, and could include any other prior disposition which the person is seeking to be vacated, regardless of where that prior disposition occurred. An application, and all associated supporting documents filed therewith, would remain under seal and kept confidential, and would not be disseminated or disclosed except to the following parties, who would be noticed with copies of the filing: the Attorney General; the county prosecutor of the county wherein the court is located; the Superintendent of State Police; the chief of police or other executive head of the police department of the municipality wherein each offense or other violation of law was committed or alleged to have been committed; the chief law enforcement officer of any other law enforcement agency of this State that participated in the arrest of the person; the superintendent or warden of any institution in which the person was confined; and, if a disposition was made in municipal court, upon the judge of that

court. These parties, in turn, would also have a duty to keep the application and supporting documents confidential.

The amended bill provides that unless one of the above noticed parties filed an objection to the application and requested a hearing within 60 days of the date of receipt of the application, the application would be deemed unopposed and the court could grant the relief sought. If the person seeking relief was required to make a court appearance concerning the application, the court would be required, consistent with the Rules of Court, to permit the person to enter an appearance by telephone, video link as approved by the Administrative Office of the Courts, or other approved means of audio or audio and visual communication, unless there was a compelling reason to so deny.

The bill as amended requires that if the Superior Court finds that a person was a victim of human trafficking, it would be required to enter an order vacating each conviction or other disposition, which indicates the disposition to be vacated due to the determination that a factual or legal proposition has been established to negate the disposition, and directing that all court records be revised accordingly. Concerning any expungement request with the application, the court order would require that any court, law enforcement and correctional agency which received a copy of the application expunge all references to the victim's arrest, charge, complaint, conviction, or other disposition and any related proceedings from records relating to each vacated conviction or other disposition.

The bill as amended provides that in the case of an order concerning the expungement of the person's DNA record and other identifiable information from the State DNA Database, the order would additionally require the Division of Criminal Justice in the Department of Law and Public Safety to purge this information. Under the bill, there is no option of expungement for those persons specifically charged with murder pursuant to N.J.S.2C:11-3, manslaughter or aggravated manslaughter pursuant to N.J.S.2C:11-4, kidnapping pursuant to N.J.S.2C:13-1, luring or enticing a child pursuant to N.J.S.2C:13-6 and sexual assault pursuant to N.J.S.2C:14-2.

Moreover, when one or more of the convictions sought to be vacated is a crime in the first or second degree, any victims of those matters are given an opportunity to submit a written statement about the impact of the crime to the court. The respective county prosecutor's office has the discretion to waive the victim notification in instances when the victim was the trafficker or in instances when the notification could endanger the petitioner.

As introduced, the bill had provided that if the court finds that the person was a victim of human trafficking as set forth in subsection c. of section 10 of P.L.2013, c.51 (C.2C:44-1.1), it shall

enter an order vacating the conviction, finding of guilt, or adjudication of delinquency, which indicates the disposition to be vacated due to a substantive defect in the underlying proceedings that resulted in the disposition. The committee amendments delete the language concerning a substantive defect in the underlying proceedings. Instead, pursuant to the amendments, the court would enter an order vacating the conviction, finding of guilt, or adjudication of delinquency, which indicates the disposition to be vacated due to the determination that a factual or legal proposition has been established to negate the disposition.

The committee amendments also increase the time for a party to object to the application and request a hearing, from 45 days to 60 days. In addition, the amendments add certain clarifying language to the bill.

COMMITTEE AMENDMENTS:

The amendments:

- Delete a provision concerning the court's order that refers to vacating the disposition "due to a substantive defect in the underlying proceedings that resulted in the disposition"; provide instead that the court's order would indicate the disposition to be vacated "due to the determination that a factual or legal proposition has been established to negate the disposition";
- Provide that an order for the expungement of a DNA record and other information from the State DNA Database may be sought in a separate application which shall be considered in conjunction with an application to vacate the conviction, finding of guilt, or adjudication of delinquency;
- Increase the time for a party to object to the application and request a hearing, from 45 days to 60 days;
- Concerning the responsibility for purging the information, delete an incorrect reference to the Division of State Police in the Department of Law and Public Safety and replace it with the correct reference to the Division of Criminal Justice in the Department of Law and Public Safety.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

[Second Reprint]

ASSEMBLY, No. 5322

STATE OF NEW JERSEY

DATED: DECEMBER 2, 2021

The Senate Judiciary Committee reports favorably the Second Reprint of Assembly Bill No. 5322.

This bill would provide a process for a person to vacate and expunge, as applicable, all arrests, charges, complaints, convictions, or other dispositions, as well as DNA records, for violations of law committed by the person as a result of the person's status as a victim of human trafficking, and which violations were committed as a result of a trafficking scheme or other course of conduct that resulted in the person's victimization or done at the direction of an organizer, supervisor, financier, or manager of that scheme or other course of conduct, with limited exceptions. The process would not be available to a person convicted of murder pursuant to N.J.S.2C:11-3, manslaughter pursuant to N.J.S.2C:11-4, kidnapping pursuant to N.J.S.2C:13-1, luring or enticing a child pursuant to N.J.S.2C:13-6, or sexual assault pursuant to 2C:14-2.

Under current law, a victim can make an application to the Superior Court for an order to vacate and expunge convictions and related records only for violations of N.J.S.2C:34-1, prostitution and related offenses, or section 3 of P.L.1997, c.93 (C.2C:34-1.1), loitering for the purpose of engaging in prostitution, or a similar local ordinance. The bill would remove this limitation on qualifying convictions and instead provide that nearly all convictions and other dispositions for violations of law committed under the conditions of victimization as described above may be vacated and expunged, as applicable. Additionally, the victim could also seek, in a separate application to be considered in conjunction with the general vacating and expungement application, an order to expunge the person's DNA record and other identifiable information from the State DNA Database.

Under the bill, a general vacating and expungement application would be made to the Superior Court in the county in which the most recent disposition was adjudged, and could include any other prior disposition which the person is seeking to be vacated, regardless of where that prior disposition occurred. The application, and all associated supporting documents filed therewith, would remain under seal and kept confidential, and

would not be disseminated or disclosed except to the following parties, who would be noticed with copies of the filing and provided an opportunity to object: the Attorney General; the county prosecutor of the county wherein the court is located; the Superintendent of State Police; the chief of police or other executive head of the police department of the municipality wherein each offense or other violation of law was committed or alleged to have been committed; the chief law enforcement officer of any other law enforcement agency of this State that participated in the arrest of the person; the superintendent or warden of any institution in which the person was confined; and, if a disposition was made in municipal court, upon the judge of that court. These parties would also have a duty to keep the application and supporting documents confidential.

However, when one or more convictions sought to be vacated involved a crime of the first or second degree, any victims of such crimes would also be given an opportunity to submit a written statement about the impact of the particular crime to the court. The county prosecutor that was provided a copy of the application would be responsible for making a good faith effort to notify any victim, but would have the discretion to waive the victim notification when the victim was the trafficker or the notification could endanger the petitioner.

The bill provides that unless one of the above noticed law enforcement or judicial parties filed an objection to the application and requested a hearing within 60 days of the date of receipt of the application, the application would be deemed unopposed and the court could grant the relief sought. If the person seeking relief was required to make a court appearance concerning the application, the court would be required, consistent with the Rules of Court, to permit the person to enter an appearance by telephone, video link as approved by the Administrative Office of the Courts, or other approved means of audio or audio and visual communication, unless there was a compelling reason to so deny.

If the Superior Court found by a preponderance of the evidence that a person was a victim of human trafficking, and that the offense or other violations of law to be vacated was a result of the person having been a victim of human trafficking, then the court may vacate the conviction or other disposition for each such offense or other violation of law. Concerning any expungement request with the application, the court order would require that any court, and any law enforcement and correctional agency which received a copy of the application expunge all references to the victim's arrest, charge, complaint, conviction, or other disposition and any related proceedings from records relating to each vacated conviction or other disposition. If the court also entered, pursuant to the separate but simultaneously considered application concerning DNA

information, any order to expunge the person's DNA record and other identifiable information from the State DNA Database, such order would require the Division of Criminal Justice in the Department of Law and Public Safety to purge the information in accordance with section 9 of P.L.1994, c.136 (C.53:1-20.25).

This bill, as reported, is identical to Senate Bill No. 3433, as amended and also reported by the committee today.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 5322

with Assembly Floor Amendments
(Proposed by Assemblywoman MOSQUERA)

ADOPTED: JUNE 21, 2021

These floor amendments provide that if the court finds, pursuant to subsection c. of the bill, that the person was a victim of human trafficking, the court would enter an order vacating the conviction, finding of guilt, or adjudication of delinquency, and directing that all court records be revised accordingly. The requirement that the court order indicate that the disposition to be vacated due the determination that a factual or legal proposition has been established to negate the disposition is eliminated.

In addition, the floor amendments provide that notwithstanding any law to the contrary, once an order to vacate and expunge has been entered on a conviction, finding of guilt, or adjudication of delinquency for an offense in which the petitioner participated as a result of having been a victim of human trafficking pursuant to section 1 of P.L.2005, c.77 (C.2C:13-8) or as defined in paragraph (14) of 22 U.S.C. s.7102, the conviction, finding of guilt, or adjudication of delinquency would not be considered for any purpose except upon order of the court.

SENATE, No. 3433

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 11, 2021

Sponsored by:

Senator NILSA I. CRUZ-PEREZ

District 5 (Camden and Gloucester)

Senator THOMAS H. KEAN, JR.

District 21 (Morris, Somerset and Union)

Co-Sponsored by:

Senators Gopal, Singleton and Pou

SYNOPSIS

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.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/2/2021)

1 AN ACT concerning relief from criminal and other proceedings
2 pertaining to certain violations or alleged violations of law
3 committed by a person while a victim of human trafficking, and
4 amending P.L.2013, c.51.

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

8
9 1. Section 10 of P.L.2013, c.51 (C.2C:44-1.1) is amended to
10 read as follows:

11 10. a. (1) A person convicted of **[N.J.S.2C:34-1, prostitution**
12 **and related offenses, or section 3 of P.L.1997, c.93 (C.2C:34-1.1),**
13 **loitering for the purpose of engaging in prostitution, or a similar**
14 **local ordinance,]** an offense or other violation of law, except for
15 murder pursuant to N.J.S.2C:11-3, manslaughter or aggravated
16 manslaughter pursuant to N.J.S.2C:11-4, kidnapping pursuant to
17 N.J.S.2C:13-1, luring or enticing a child pursuant to N.J.S.2C:13-6,
18 and sexual assault pursuant to N.J.S.2C14-2 committed as a result
19 of the person's status as a victim of human trafficking as described
20 in section 1 of P.L.2005, c.77 (C.2C:13-8) or 22 U.S.C. s.7102, and
21 which offense was committed as a result of the trafficking scheme
22 or other course of conduct in violation of either of those acts that
23 resulted in the person's victimization, or committed at the direction
24 of an organizer, supervisor, financier, or manager of that scheme or
25 other course of conduct as described in paragraph (2) of subsection
26 a. of section 1 of P.L.2005, c.77 (C.2C:13-8), may file an
27 application with the Superior Court in accordance with the Rules of
28 Court to have **[the]** each conviction, finding of guilt, or, in the case
29 of an offense committed while a juvenile, adjudication of
30 delinquency vacated at any time following entry of a judgment of
31 conviction, **[when the person's participation in the offense was a**
32 result of having been a victim of human trafficking pursuant to
33 section 1 of P.L.2005, c.77 (C.2C:13-8) or as defined in paragraph
34 (14) of 22 U.S.C. s.7102] finding of guilt, or adjudication of
35 delinquency. The application shall be made to the Superior Court
36 in the county in which the most recent disposition was adjudged,
37 and may include any other prior disposition which the person is
38 seeking to be vacated, regardless of where that prior disposition
39 occurred.

40 (2) **[Notwithstanding any law to the contrary,]** In the same
41 application filed pursuant to paragraph (1) of this subsection, the
42 person may also **[in the same application]** seek an order for the
43 expungement of any reference to the person's arrest, charge,
44 complaint, conviction, adjudication of delinquency, or other
45 disposition, and any proceeding **[for prostitution]** related thereto in

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 any records in the custody of a court, or law enforcement or
2 correctional agency entitled to be served with the application
3 pursuant to subsection b. of this section, as well as an order for the
4 expungement of the person's DNA record and other identifiable
5 information from the State DNA Database in accordance with
6 section 9 of P.L.1994, c.136 (C.53:1-20.25).

7 b. (1) (a) An application made to the Superior Court under
8 this section and all associated supporting documents filed with the
9 application shall remain under seal and kept confidential, and shall
10 not be disseminated or disclosed, in whole or in part, except to
11 another court, or a law enforcement or correctional agency as set
12 forth in this subparagraph. The application, together with a copy of
13 all supporting documents, shall be served pursuant to the Rules of
14 Court upon: the Attorney General; the county prosecutor of the
15 county wherein the court is located; the Superintendent of State
16 Police; the chief of police or other executive head of the police
17 department of the municipality wherein [the] each offense or other
18 violation of law was committed or alleged to have been committed;
19 the chief law enforcement officer of any other law enforcement
20 agency of this State that participated in the arrest of the person; the
21 superintendent or warden of any institution in which the person was
22 confined; and, if a disposition was made in municipal court, upon
23 the judge of that court. [Any of the noticed parties herein may
24 make an appearance or file a submission responding to the person's
25 application.] Each recipient of the application and supporting
26 documents shall keep them confidential, shall only use them in a
27 manner consistent with and in furtherance of the purpose for which
28 they were received, and shall not further disseminate or disclose
29 them, in whole or in part, to any party outside of the parties set
30 forth in this subparagraph.

31 (b) Unless a party given notice pursuant to subparagraph (a) of
32 this paragraph files an objection to the application and requests a
33 hearing within 45 days of the date of receipt of the application, the
34 application shall be deemed unopposed and the court may grant the
35 relief sought in accordance with subsections c. and d. of this
36 section. Any objection filed by a noticed party shall not be deemed
37 determinative, and the court may grant relief over any party's
38 objection.

39 (c) When one or more of the convictions sought to be vacated is
40 for a crime of the first or second degree, any victims of these crimes
41 shall be given an opportunity to submit a written statement about
42 the impact of the crime to the court. It shall be the responsibility of
43 the county prosecutor given notice of the application pursuant to
44 subparagraph (a) of this paragraph to make a good faith effort to
45 notify any victim. The prosecutor's office shall have the discretion
46 to waive victim notification in instances when the victim was the
47 trafficker or the notification could endanger the petitioner.

1 (2) **【**The application shall be made and heard within a
2 reasonable time after**】** With respect to any court appearance by the
3 person **【**has ceased to be a victim of human trafficking or has
4 sought services for being a victim of human trafficking, whichever
5 occurs later, subject to reasonable concerns for the safety of the
6 person, family members of the person, or other victims of human
7 trafficking that may be jeopardized by the bringing of**】** concerning
8 the application, **【**or for other reasons consistent with the purposes
9 of this paragraph**】** if required, the court shall, consistent with the
10 Rules of Court, permit the person to enter an appearance by
11 telephone, video link as approved by the Administrative Office of
12 the Courts, or other approved means of audio or audio and visual
13 communication, unless there is a compelling reason to so deny.

14 c. (1) The court may vacate **【a】** any conviction, finding of
15 guilt, or adjudication of delinquency pursuant to this section if it
16 finds by a preponderance of the evidence that the person was a
17 victim of human trafficking **【pursuant to】** as described in section 1
18 of P.L.2005, c.77 (C.2C:13-8) or **【as defined in paragraph (14) of】**
19 22 U.S.C. s.7102 **【at the time of the offense】**, and that the offense
20 or other violation of law to be vacated was a result of the person
21 having been a victim of human trafficking.

22 (2) In making a determination:

23 (a) evidence documenting the person's status as a victim of
24 human trafficking **【at the time of the offense】** from a federal, state,
25 or local governmental agency shall create a rebuttable presumption
26 that the person's participation in the offense was a result of having
27 been a victim, but shall not be required to vacate a conviction under
28 this section; and

29 (b) the court may additionally consider other evidence it deems
30 appropriate in determining whether the person was a victim of
31 human trafficking, including, but not limited to:

32 (i) certified records of federal or State court proceedings which
33 demonstrate that the defendant was a victim of a trafficker charged
34 with a human trafficking offense under section 1 of P.L.2005, c.77
35 (C.2C:13-8) or chapter 77 of Title 18 of the United States Code;

36 (ii) certified records of approval notices or law enforcement
37 certifications generated from a federal immigration proceeding
38 available to victims of human trafficking; and

39 (iii) testimony or a sworn statement from a trained professional
40 staff member of a victim services organization, an attorney, a
41 member of the clergy or a health care or other professional from
42 whom the person has sought assistance in addressing the trauma
43 associated with being a victim of human trafficking.

44 d. If the court finds, pursuant to subsection c. of this section,
45 that the person was a victim of human trafficking, it shall enter an
46 order vacating the conviction, finding of guilt, or adjudication of
47 delinquency, which indicates the disposition to be vacated due to a

1 substantive defect in the underlying proceedings that resulted in the
2 disposition, and directing that all court records be revised
3 accordingly. When the person's application also seeks an order for
4 expungement, the court order shall require that any court, law
5 enforcement and correctional **[agencies, and other]** agency noticed
6 **[parties]** pursuant to subsection b. of this section expunge all
7 references to the person's arrest, charge, complaint, conviction,
8 adjudication of delinquency, or other disposition, and any related
9 proceedings **[for the violation of N.J.S.2C:34-1, prostitution and**
10 **related offenses, or section 3 of P.L.1997, c.93 (C.2C:34-1.1),**
11 **loitering for the purpose of engaging in prostitution, or a similar**
12 **local ordinance]** from all records in their custody that relate to the
13 vacated conviction or other disposition, and in the case of an order
14 concerning the expungement of the person's DNA record and other
15 identifiable information from the State DNA Database, the order
16 shall require the Division of State Police in the Department of Law
17 and Public Safety to purge this information in accordance with
18 section 9 of P.L.1994, c.136 (C.53:1-20.25). An expungement
19 ordered pursuant to this section shall have the same force as an
20 expungement ordered pursuant to N.J.S.2C:52-1 et seq. and section
21 9 of P.L.1994, c.136 (C.53:1-20.25), as applicable.

22 e. A court that grants relief pursuant to this section may take
23 any additional action as appropriate under the circumstances to
24 carry out the purposes of this section.

25 (cf: P.L.2013, c.51, s.10)

26

27 2. This act shall take effect on the first day of the fourth month
28 next following enactment, except the Attorney General and
29 Administrative Director of the Courts may take any anticipatory
30 administrative action in advance thereof as shall be necessary for
31 the implementation of the act.

32

33

34

STATEMENT

35

36 This bill would provide a process for a person to vacate and
37 expunge, as applicable, all arrests, charges, complaints, convictions,
38 or other dispositions, as well as DNA records, for actual or alleged
39 violations of law committed by the person as a result of having been
40 a victim of human trafficking. Under current law, a victim can make
41 an application to the Superior Court for an order to vacate and
42 expunge convictions and related records only for violations of
43 N.J.S.2C:34-1, prostitution and related offenses, or section 3 of
44 P.L.1997, c.93 (C.2C:34-1.1), loitering for the purpose of engaging
45 in prostitution, or a similar local ordinance. The bill would remove
46 this limitation on qualifying convictions and instead provide that all
47 convictions and other dispositions for violations of law committed
48 while a person was a victim of human trafficking, as well as the

1 person's DNA record and other identifiable information from the
2 State DNA Database, may be vacated and expunged, as applicable.

3 Under this bill, the application would be made to the Superior
4 Court in the county in which the most recent disposition was
5 adjudged, and could include any other prior disposition which the
6 person is seeking to be vacated, regardless of where that prior
7 disposition occurred. An application, and all associated supporting
8 documents filed therewith, would remain under seal and kept
9 confidential, and would not be disseminated or disclosed except to
10 the following parties, who would be noticed with copies of the
11 filing: the Attorney General; the county prosecutor of the county
12 wherein the court is located; the Superintendent of State Police; the
13 chief of police or other executive head of the police department of
14 the municipality wherein each offense or other violation of law was
15 committed or alleged to have been committed; the chief law
16 enforcement officer of any other law enforcement agency of this
17 State that participated in the arrest of the person; the superintendent
18 or warden of any institution in which the person was confined; and,
19 if a disposition was made in municipal court, upon the judge of that
20 court. These parties, in turn, would also have a duty to keep the
21 application and supporting documents confidential.

22 Unless one of the above noticed parties filed an objection to the
23 application and requested a hearing within 45 days of the date of
24 receipt of the application, the application would be deemed
25 unopposed and the court could grant the relief sought. If the person
26 seeking relief was required to make a court appearance concerning
27 the application, the court would be required, consistent with the
28 Rules of Court, to permit the person to enter an appearance by
29 telephone, video link as approved by the Administrative Office of
30 the Courts, or other approved means of audio or audio and visual
31 communication, unless there was a compelling reason to so deny.

32 If the Superior Court found that a person was a victim of human
33 trafficking, it would be required to enter an order vacating each
34 conviction or other disposition. The order would indicate that the
35 conviction or other disposition was vacated due to a substantive
36 defect in the underlying proceedings that resulted in such
37 disposition, and direct that all court records be revised accordingly.
38 Concerning any expungement request with the application, the court
39 order would require that any court, law enforcement and
40 correctional agency which received a copy of the application
41 expunge all references to the victim's arrest, charge, complaint,
42 conviction, or other disposition and any related proceedings from
43 records relating to each vacated conviction or other disposition; and
44 in the case of an order concerning the expungement of the person's
45 DNA record and other identifiable information from the State DNA
46 Database, the order would additionally require the Division of State
47 Police in the Department of Law and Public Safety to purge this
48 information. Under the bill, there is no option of expungement for

1 those persons specifically charged with murder pursuant to
2 N.J.S.2C:11-3, manslaughter or aggravated manslaughter pursuant
3 to N.J.S.2C:11-4, kidnapping pursuant to N.J.S.2C:13-1, luring or
4 enticing a child pursuant to N.J.S.2C:13-6 and sexual assault
5 pursuant to N.J.S.2C14-2.

6 Moreover, when one or more of the convictions sought to be
7 vacated is a crime in the first or second degree, any victims of those
8 matters are given an opportunity to submit a written statement about
9 the impact of the crime to the court. The respective county
10 prosecutor's office has the discretion to waive the victim
11 notification in instances when the victim was the trafficker or in
12 instances when the notification could endanger the petitioner.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 3433

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 2, 2021

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 3433.

This bill, as amended, would provide a process for a person to vacate and expunge, as applicable, all arrests, charges, complaints, convictions, or other dispositions, as well as DNA records, for violations of law committed by the person as a result of the person's status as a victim of human trafficking, and which violations were committed as a result of a trafficking scheme or other course of conduct that resulted in the person's victimization or done at the direction of an organizer, supervisor, financier, or manager of that scheme or other course of conduct, with limited exceptions. The process would not be available to a person convicted of murder pursuant to N.J.S.2C:11-3, manslaughter pursuant to N.J.S.2C:11-4, kidnapping pursuant to N.J.S.2C:13-1, luring or enticing a child pursuant to N.J.S.2C:13-6, or sexual assault pursuant to 2C:14-2.

Under current law, a victim can make an application to the Superior Court for an order to vacate and expunge convictions and related records only for violations of N.J.S.2C:34-1, prostitution and related offenses, or section 3 of P.L.1997, c.93 (C.2C:34-1.1), loitering for the purpose of engaging in prostitution, or a similar local ordinance. The bill would remove this limitation on qualifying convictions and instead provide that nearly all convictions and other dispositions for violations of law committed under the conditions of victimization as described above may be vacated and expunged, as applicable. Additionally, the victim could also seek, in a separate application to be considered in conjunction with the general vacating and expungement application, an order to expunge the person's DNA record and other identifiable information from the State DNA Database.

Under the bill, a general vacating and expungement application would be made to the Superior Court in the county in which the most recent disposition was adjudged, and could include any other prior disposition which the person is seeking to be vacated, regardless of where that prior disposition occurred. The application, and all associated supporting documents filed therewith, would remain under seal and kept confidential, and

would not be disseminated or disclosed except to the following parties, who would be noticed with copies of the filing and provided an opportunity to object: the Attorney General; the county prosecutor of the county wherein the court is located; the Superintendent of State Police; the chief of police or other executive head of the police department of the municipality wherein each offense or other violation of law was committed or alleged to have been committed; the chief law enforcement officer of any other law enforcement agency of this State that participated in the arrest of the person; the superintendent or warden of any institution in which the person was confined; and, if a disposition was made in municipal court, upon the judge of that court. These parties would also have a duty to keep the application and supporting documents confidential.

However, when one or more convictions sought to be vacated involved a crime of the first or second degree, any victims of such crimes would also be given an opportunity to submit a written statement about the impact of the particular crime to the court. The county prosecutor that was provided a copy of the application would be responsible for making a good faith effort to notify any victim, but would have the discretion to waive the victim notification when the victim was the trafficker or the notification could endanger the petitioner.

The bill provides that unless one of the above noticed law enforcement or judicial parties filed an objection to the application and requested a hearing within 60 days of the date of receipt of the application, the application would be deemed unopposed and the court could grant the relief sought. If the person seeking relief was required to make a court appearance concerning the application, the court would be required, consistent with the Rules of Court, to permit the person to enter an appearance by telephone, video link as approved by the Administrative Office of the Courts, or other approved means of audio or audio and visual communication, unless there was a compelling reason to so deny.

If the Superior Court found by a preponderance of the evidence that a person was a victim of human trafficking, and that the offense or other violations of law to be vacated was a result of the person having been a victim of human trafficking, then the court may vacate the conviction or other disposition for each such offense or other violation of law. Concerning any expungement request with the application, the court order would require that any court, and any law enforcement and correctional agency which received a copy of the application expunge all references to the victim's arrest, charge, complaint, conviction, or other disposition and any related proceedings from records relating to each vacated conviction or other disposition. If the court also entered, pursuant to the separate but simultaneously considered application concerning DNA

information, any order to expunge the person's DNA record and other identifiable information from the State DNA Database, such order would require the Division of Criminal Justice in the Department of Law and Public Safety to purge the information in accordance with section 9 of P.L.1994, c.136 (C.53:1-20.25).

This bill, as amended and reported by the committee, is identical to the Second Reprint of Assembly Bill No. 5322, also reported by the committee today.

The committee amendments to the bill:

- specify that a human trafficking victim applying to vacate convictions or other dispositions, as well as expunge records related to such convictions or other dispositions, may also file a separate application, to be considered in conjunction with the general vacating and expungement application, seeking an order to expunge the person's DNA record and other identifiable information from the State DNA database;

- increase, from 45 days to 60 days, the time period for the various parties given notice of a human trafficking victim's application to vacate convictions or other dispositions to file an objection and request a hearing on the matter, as described in the statement above;

- eliminate the requirement that a conviction or other disposition to be vacated be done on the basis of a finding of a substantive defect with the underlying proceedings resulting in the original disposition; instead the order to vacate (and any accompanying expungement) need only be based upon the court's factual findings that a person was a human trafficking victim, and the offense or other violation of law committed was a result of the person having been a victim; and

- make a correction to reference the Division of Criminal Justice in the Department of Law and Public Safety, and not the Division of State Police, as being the lead entity responsible for purging a person's DNA record and other identifiable information from the State DNA Database, when ordered by a court in accordance with a separate application to expunge a person's DNA information.

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

