



**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** Yes

**FOLLOWING WERE PRINTED:**

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

**REPORTS:** Yes

Memorandum to the New Jersey Law Revision Commission re: provisions governing expungement of juvenile adjudications - N.J.S. 2C:52-4.1 : September 11, 2017.  
by Johnson, Jayne J., Newark, N.J.: New Jersey Law Revision Commission, 2017  
Library call number: 974.90 L415, 2017z/g  
Available online at <https://dspace.njstatelib.org/handle/10929/44086>

**HEARINGS:** No

**NEWSPAPER ARTICLES:** Yes

"State briefs," Burlington County Times, December 21, 2017  
"Christie signs bills to help ex-cons clear records, get jobs," The Jersey Journal, December 21, 2017  
"Laws will help former convicts get fresh start," The Star-Ledger, December 21, 2017  
"Christie signs criminal record bills - says they offer 'second chances'" the Record, December 21, 2017  
"Christie signs criminal record expungement bills, calling them 'life-saving' measures," northjersey.com, December 20, 2017  
"Christie signs bills easing restriction on expunging records" Associated Press State Wire: New Jersey, December 20, 2017  
"In parting Christmas gift, Christie signs bills to ease expungement of criminal records," Politico, December 20, 2017  
"NJ Politics Digest: Christie Signs Expungement Overhaul Bills," Observer, December 21, 2017

RH/CL (link verified October, 2019)

P.L. 2017, CHAPTER 245, *approved December 20, 2017*  
Senate, No. 3308

1 AN ACT concerning expungement of adjudications of juvenile  
2 delinquency and amending P.L.1980, c.163.

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

6  
7 1. Section 1 of P.L.1980, c.163 (C.2C:52-4.1) is amended to  
8 read as follows:

9 1. a. Any person adjudged a juvenile delinquent may have such  
10 adjudication expunged as follows:

11 (1) Pursuant to N.J.S.2C:52-2, if the act committed by the  
12 juvenile would have constituted a crime if committed by an adult;

13 (2) Pursuant to N.J.S.2C:52-3, if the act committed by the  
14 juvenile would have constituted a disorderly or petty disorderly  
15 persons offense if committed by an adult; or

16 (3) Pursuant to N.J.S.2C:52-4, if the act committed by the  
17 juvenile would have constituted an ordinance violation if committed  
18 by an adult.

19 For purposes of expungement, any act which resulted in a  
20 juvenile being adjudged a delinquent shall be classified as if that act  
21 had been committed by an adult.

22 b. Additionally, any person who has been adjudged a juvenile  
23 delinquent may have his entire record of delinquency adjudications  
24 expunged if:

25 (1) **【Five】** Three years have elapsed since the final discharge of  
26 the person from legal custody or supervision or **【5】** three years  
27 have elapsed after the entry of any other court order not involving  
28 custody or supervision, except that periods of post-incarceration  
29 supervision pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44),  
30 shall not be considered in calculating the **【five-year】** three-year  
31 period for purposes of this paragraph;

32 (2) He has not been convicted of a crime, or a disorderly or  
33 petty disorderly persons offense, or adjudged a delinquent, or in  
34 need of supervision, during the **【5】** three years prior to the filing of  
35 the petition, and no proceeding or complaint is pending seeking  
36 such a conviction or adjudication, except that periods of post-  
37 incarceration supervision pursuant to section 25 of P.L.1982, c.77  
38 (C.2A:4A-44), shall not be considered in calculating the **【five-year】**  
39 three-year period for purposes of this paragraph;

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

Matter underlined thus is new matter.

1 (3) He was never adjudged a juvenile delinquent on the basis of  
2 an act which if committed by an adult would constitute a crime not  
3 subject to expungement under N.J.S.2C:52-2;

4 (4) He has never had an adult conviction expunged; and

5 (5) He has never had adult criminal charges dismissed following  
6 completion of a supervisory treatment or other diversion program.

7 c. Any person who has been charged with an act of  
8 delinquency and against whom proceedings were dismissed may  
9 have the filing of those charges expunged pursuant to the provisions  
10 of N.J.S.2C:52-6.

11 (cf: P.L.2009, c.188, s.2)

12

13 2. This act shall take effect on the first day of the fourth month  
14 next following enactment.

15

16

17

STATEMENT

18

19 This bill reduces the waiting period for expungement of an entire  
20 juvenile criminal record from five to three years.

21 Under current law, a person's juvenile record may qualify for  
22 complete expungement if: (1) five years have passed since the  
23 person was discharged from custody, supervision, or the provisions  
24 of a court order; (2) the person has not been adjudicated delinquent,  
25 subject to supervision, or convicted of a crime or disorderly persons  
26 offense during that five-year period; (3) a juvenile or criminal  
27 matter is not pending against the person; (4) the person was not  
28 adjudicated delinquent for certain enumerated serious offenses; (5)  
29 the person has not had an adult conviction expunged; and (6) the  
30 person has not been charged with an adult crime that was dismissed  
31 after completing a treatment or diversion program. Post-  
32 incarceration supervision is not included when calculating the five-  
33 year waiting periods.

34 The enumerated offenses for which an adjudication of  
35 delinquency bars complete expungement under current law include:  
36 criminal homicide; kidnapping; luring or enticing; human  
37 trafficking; certain crimes of sexual assault and criminal sexual  
38 contact; criminal restraint or false imprisonment under certain  
39 circumstances; robbery; arson; endangering the welfare of a child;  
40 causing or permitting a child to engage in a prohibited sexual act;  
41 certain crimes concerning sexual exploitation or abuse of a child;  
42 perjury; false swearing; knowingly promoting the prostitution of the  
43 actor's child; terrorism; producing or possessing chemical weapons;  
44 and certain crimes concerning sale or distribution of controlled  
45 dangerous substances.

46 Under the bill, persons with a juvenile delinquency record would  
47 only have to wait three years, rather than five years, to elapse from

**S3308**

3

1 the time they were released from custody or supervision to apply for  
2 expungement of their entire record.

3

4

5

6

7 \_\_\_\_\_  
8 Decreases waiting period to expunge entire juvenile record from  
five to three years.

# SENATE, No. 3308

## STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED JUNE 15, 2017

**Sponsored by:**

**Senator SANDRA B. CUNNINGHAM**

**District 31 (Hudson)**

**Senator STEPHEN M. SWEENEY**

**District 3 (Cumberland, Gloucester and Salem)**

**Senator RAYMOND J. LESNIAK**

**District 20 (Union)**

**Assemblywoman ELIZABETH MAHER MUOIO**

**District 15 (Hunterdon and Mercer)**

**Assemblyman RAJ MUKHERJI**

**District 33 (Hudson)**

**Assemblyman JERRY GREEN**

**District 22 (Middlesex, Somerset and Union)**

**Assemblyman NICHOLAS CHIARAVALLOTI**

**District 31 (Hudson)**

**Assemblyman JAMEL C. HOLLEY**

**District 20 (Union)**

**Assemblyman BENJIE E. WIMBERLY**

**District 35 (Bergen and Passaic)**

**Co-Sponsored by:**

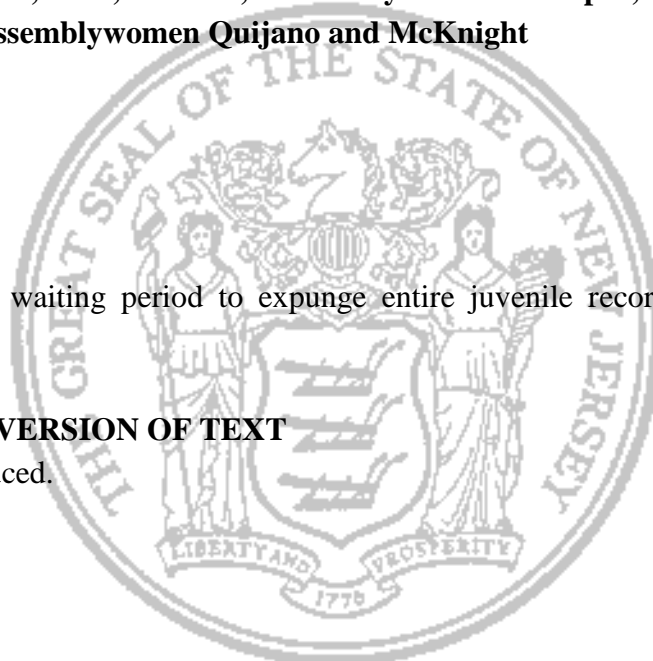
**Senators Ruiz, Pou, Turner, Assemblywoman Lampitt, Assemblyman Conaway, Assemblywomen Quijano and McKnight**

**SYNOPSIS**

Decreases waiting period to expunge entire juvenile record from five to three years.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 12/8/2017)

1 AN ACT concerning expungement of adjudications of juvenile  
2 delinquency and amending P.L.1980, c.163.

3

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

6

7 1. Section 1 of P.L.1980, c.163 (C.2C:52-4.1) is amended to  
8 read as follows:

9 1. a. Any person adjudged a juvenile delinquent may have such  
10 adjudication expunged as follows:

11 (1) Pursuant to N.J.S.2C:52-2, if the act committed by the  
12 juvenile would have constituted a crime if committed by an adult;

13 (2) Pursuant to N.J.S.2C:52-3, if the act committed by the  
14 juvenile would have constituted a disorderly or petty disorderly  
15 persons offense if committed by an adult; or

16 (3) Pursuant to N.J.S.2C:52-4, if the act committed by the  
17 juvenile would have constituted an ordinance violation if committed  
18 by an adult.

19 For purposes of expungement, any act which resulted in a  
20 juvenile being adjudged a delinquent shall be classified as if that act  
21 had been committed by an adult.

22 b. Additionally, any person who has been adjudged a juvenile  
23 delinquent may have his entire record of delinquency adjudications  
24 expunged if:

25 (1) **【Five】** Three years have elapsed since the final discharge of  
26 the person from legal custody or supervision or **【5】** three years  
27 have elapsed after the entry of any other court order not involving  
28 custody or supervision, except that periods of post-incarceration  
29 supervision pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44),  
30 shall not be considered in calculating the **【five-year】** three-year  
31 period for purposes of this paragraph;

32 (2) He has not been convicted of a crime, or a disorderly or  
33 petty disorderly persons offense, or adjudged a delinquent, or in  
34 need of supervision, during the **【5】** three years prior to the filing of  
35 the petition, and no proceeding or complaint is pending seeking  
36 such a conviction or adjudication, except that periods of post-  
37 incarceration supervision pursuant to section 25 of P.L.1982, c.77  
38 (C.2A:4A-44), shall not be considered in calculating the **【five-year】**  
39 three-year period for purposes of this paragraph;

40 (3) He was never adjudged a juvenile delinquent on the basis of  
41 an act which if committed by an adult would constitute a crime not  
42 subject to expungement under N.J.S.2C:52-2;

43 (4) He has never had an adult conviction expunged; and

44 (5) He has never had adult criminal charges dismissed following  
45 completion of a supervisory treatment or other diversion program.

**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 c. Any person who has been charged with an act of  
2 delinquency and against whom proceedings were dismissed may  
3 have the filing of those charges expunged pursuant to the provisions  
4 of N.J.S.2C:52-6.

5 (cf: P.L.2009, c.188, s.2)

6  
7 2. This act shall take effect on the first day of the fourth month  
8 next following enactment.

9  
10  
11 STATEMENT

12  
13 This bill reduces the waiting period for expungement of an entire  
14 juvenile criminal record from five to three years.

15 Under current law, a person's juvenile record may qualify for  
16 complete expungement if: (1) five years have passed since the  
17 person was discharged from custody, supervision, or the provisions  
18 of a court order; (2) the person has not been adjudicated delinquent,  
19 subject to supervision, or convicted of a crime or disorderly persons  
20 offense during that five-year period; (3) a juvenile or criminal  
21 matter is not pending against the person; (4) the person was not  
22 adjudicated delinquent for certain enumerated serious offenses; (5)  
23 the person has not had an adult conviction expunged; and (6) the  
24 person has not been charged with an adult crime that was dismissed  
25 after completing a treatment or diversion program. Post-  
26 incarceration supervision is not included when calculating the five-  
27 year waiting periods.

28 The enumerated offenses for which an adjudication of  
29 delinquency bars complete expungement under current law include:  
30 criminal homicide; kidnapping; luring or enticing; human  
31 trafficking; certain crimes of sexual assault and criminal sexual  
32 contact; criminal restraint or false imprisonment under certain  
33 circumstances; robbery; arson; endangering the welfare of a child;  
34 causing or permitting a child to engage in a prohibited sexual act;  
35 certain crimes concerning sexual exploitation or abuse of a child;  
36 perjury; false swearing; knowingly promoting the prostitution of the  
37 actor's child; terrorism; producing or possessing chemical weapons;  
38 and certain crimes concerning sale or distribution of controlled  
39 dangerous substances.

40 Under the bill, persons with a juvenile delinquency record would  
41 only have to wait three years, rather than five years, to elapse from  
42 the time they were released from custody or supervision to apply for  
43 expungement of their entire record.



SENATE JUDICIARY COMMITTEE

STATEMENT TO

**SENATE, No. 3308**

**STATE OF NEW JERSEY**

DATED: JUNE 29, 2017

The Senate Judiciary Committee reports favorably Senate Bill No. 3308.

This bill reduces the time period, from five years to three years, which must pass before a person may seek to expunge an entire juvenile record for having been adjudged a juvenile delinquent.

Under current law, a person's entire juvenile record may qualify for expungement if: (1) five years have passed since the person was discharged from legal custody or supervision, or from entry of any other court order not involving custody or supervision; (2) for the past five years the person has not been adjudicated delinquent, subject to supervision, or convicted of a crime or disorderly persons offense, and does not have any action pending seeking a delinquency adjudication or adult conviction; (3) the person's record does not contain any adjudications for a serious or violent act which is ineligible for expungement; (4) the person has not had an adult conviction expunged; and (5) the person has not been charged with an adult crime that was dismissed after completing a supervisory treatment or other diversion program.

Under the bill, satisfaction of points (1) and (2) above would be met after a period of three years instead of the current requirement of five years.

# ASSEMBLY, No. 5037

## STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED JUNE 19, 2017

**Sponsored by:**

**Assemblywoman ELIZABETH MAHER MUOIO**

**District 15 (Hunterdon and Mercer)**

**Assemblyman RAJ MUKHERJI**

**District 33 (Hudson)**

**Assemblyman JERRY GREEN**

**District 22 (Middlesex, Somerset and Union)**

**Assemblyman NICHOLAS CHIARAVALLOTI**

**District 31 (Hudson)**

**Assemblyman JAMEL C. HOLLEY**

**District 20 (Union)**

**Assemblyman BENJIE E. WIMBERLY**

**District 35 (Bergen and Passaic)**

**Co-Sponsored by:**

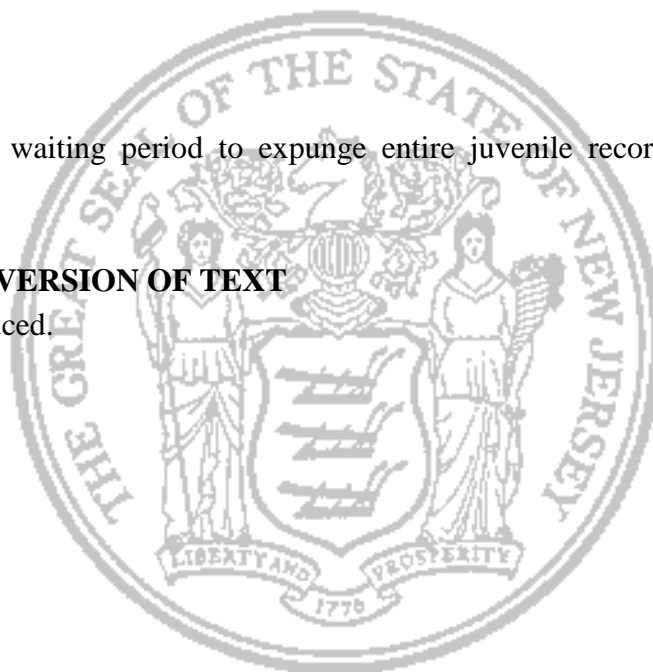
**Assemblywoman Lampitt, Assemblyman Conaway, Assemblywomen Quijano and McKnight**

**SYNOPSIS**

Decreases waiting period to expunge entire juvenile record from five to three years.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 12/8/2017)

1 AN ACT concerning expungement of adjudications of juvenile  
2 delinquency and amending P.L.1980, c.163.

3

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

6

7 1. Section 1 of P.L.1980, c.163 (C.2C:52-4.1) is amended to  
8 read as follows:

9 1. a. Any person adjudged a juvenile delinquent may have such  
10 adjudication expunged as follows:

11 (1) Pursuant to N.J.S.2C:52-2, if the act committed by the  
12 juvenile would have constituted a crime if committed by an adult;

13 (2) Pursuant to N.J.S.2C:52-3, if the act committed by the  
14 juvenile would have constituted a disorderly or petty disorderly  
15 persons offense if committed by an adult; or

16 (3) Pursuant to N.J.S.2C:52-4, if the act committed by the  
17 juvenile would have constituted an ordinance violation if committed  
18 by an adult.

19 For purposes of expungement, any act which resulted in a  
20 juvenile being adjudged a delinquent shall be classified as if that act  
21 had been committed by an adult.

22 b. Additionally, any person who has been adjudged a juvenile  
23 delinquent may have his entire record of delinquency adjudications  
24 expunged if:

25 (1) **【Five】** Three years have elapsed since the final discharge of  
26 the person from legal custody or supervision or **【5】** three years  
27 have elapsed after the entry of any other court order not involving  
28 custody or supervision, except that periods of post-incarceration  
29 supervision pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44),  
30 shall not be considered in calculating the **【five-year】** three-year  
31 period for purposes of this paragraph;

32 (2) He has not been convicted of a crime, or a disorderly or  
33 petty disorderly persons offense, or adjudged a delinquent, or in  
34 need of supervision, during the **【5】** three years prior to the filing of  
35 the petition, and no proceeding or complaint is pending seeking  
36 such a conviction or adjudication, except that periods of post-  
37 incarceration supervision pursuant to section 25 of P.L.1982, c.77  
38 (C.2A:4A-44), shall not be considered in calculating the **【five-year】**  
39 three-year period for purposes of this paragraph;

40 (3) He was never adjudged a juvenile delinquent on the basis of  
41 an act which if committed by an adult would constitute a crime not  
42 subject to expungement under N.J.S.2C:52-2;

43 (4) He has never had an adult conviction expunged; and

44 (5) He has never had adult criminal charges dismissed following  
45 completion of a supervisory treatment or other diversion program.

**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 c. Any person who has been charged with an act of  
2 delinquency and against whom proceedings were dismissed may  
3 have the filing of those charges expunged pursuant to the provisions  
4 of N.J.S.2C:52-6.

5 (cf: P.L.2009, c.188, s.2)

6  
7 2. This act shall take effect on the first day of the fourth month  
8 next following enactment.

9  
10  
11 STATEMENT

12  
13 This bill reduces the waiting period for expungement of an entire  
14 juvenile criminal record from five to three years.

15 Under current law, a person's juvenile record may qualify for  
16 complete expungement if: (1) five years have passed since the  
17 person was discharged from custody, supervision, or the provisions  
18 of a court order; (2) the person has not been adjudicated delinquent,  
19 subject to supervision, or convicted of a crime or disorderly persons  
20 offense during that five-year period; (3) a juvenile or criminal  
21 matter is not pending against the person; (4) the person was not  
22 adjudicated delinquent for certain enumerated serious offenses; (5)  
23 the person has not had an adult conviction expunged; and (6) the  
24 person has not been charged with an adult crime that was dismissed  
25 after completing a treatment or diversion program. Post-  
26 incarceration supervision is not included when calculating the five-  
27 year waiting periods.

28 The enumerated offenses for which an adjudication of  
29 delinquency bars complete expungement under current law include:  
30 criminal homicide; kidnapping; luring or enticing; human  
31 trafficking; certain crimes of sexual assault and criminal sexual  
32 contact; criminal restraint or false imprisonment under certain  
33 circumstances; robbery; arson; endangering the welfare of a child;  
34 causing or permitting a child to engage in a prohibited sexual act;  
35 certain crimes concerning sexual exploitation or abuse of a child;  
36 perjury; false swearing; knowingly promoting the prostitution of the  
37 actor's child; terrorism; producing or possessing chemical weapons;  
38 and certain crimes concerning sale or distribution of controlled  
39 dangerous substances.

40 Under the bill, persons with a juvenile delinquency record would  
41 only have to wait three years, rather than five years, to elapse from  
42 the time they were released from custody or supervision to apply for  
43 expungement of their entire record.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5037

**STATE OF NEW JERSEY**

DATED: JUNE 19, 2017

The Assembly Appropriations Committee reports favorably Assembly Bill No. 5037.

This bill reduces the waiting period for expungement of an entire juvenile criminal record from five to three years.

Under current law, a person's juvenile record may qualify for complete expungement if: (1) five years have passed since the person was discharged from custody, supervision, or the provisions of a court order; (2) the person has not been adjudicated delinquent, subject to supervision, or convicted of a crime or disorderly persons offense during that five-year period; (3) a juvenile or criminal matter is not pending against the person; (4) the person was not adjudicated delinquent for certain enumerated serious offenses; (5) the person has not had an adult conviction expunged; and (6) the person has not been charged with an adult crime that was dismissed after completing a treatment or diversion program. Post-incarceration supervision is not included when calculating the five-year waiting periods.

The enumerated offenses for which an adjudication of delinquency bars complete expungement under current law include: criminal homicide; kidnapping; luring or enticing; human trafficking; certain crimes of sexual assault and criminal sexual contact; criminal restraint or false imprisonment under certain circumstances; robbery; arson; endangering the welfare of a child; causing or permitting a child to engage in a prohibited sexual act; certain crimes concerning sexual exploitation or abuse of a child; perjury; false swearing; knowingly promoting the prostitution of the actor's child; terrorism; producing or possessing chemical weapons; and certain crimes concerning sale or distribution of controlled dangerous substances.

Under the bill, persons with a juvenile delinquency record would only have to wait three years, rather than five years, to elapse from the time they were released from custody or post-incarceration supervision to apply for expungement of their entire record.

FISCAL IMPACT:

This bill was not certified as requiring a fiscal note.

# Governor Christie Signs Model Legislation To Help Minor Offenders Reclaim Their Lives

Wednesda, December 20, 2017

Tags: [Addiction Taskforce](#)



Stay Connected with Social Media

Stay Connected with Email Alerts

LIKE THIS PAGE? SHARE IT WITH YOUR FRIENDS.



## Expungement Reform Bills Aimed at Helping Those Suffering With Disease of Addiction

Trenton, NJ – Governor Chris Christie today signed a bipartisan package of bills that changes and modernizes the state’s expungement system in an effort to help minor criminal offenders reclaim their lives.

“Having a criminal record often impedes the ability to get a job, purchase a home or vehicle, or simply have and take care of a family,” said Governor Christie. “We want to give those overcoming incarceration or the disease of addiction, young offenders, and all who have earned and deserve it, a second chance at life. I want to thank Senator Sandra Cunningham whose leadership and partnership helped to make this legislation a true model for other states to replicate.”

The life-saving reform legislation signed into law today by Governor Christie includes:

**Senate Bill 3306:** Strengthens the original “Ban the Box” legislation by further preventing employers from making any oral, written or online inquiries about the candidate’s criminal record, and from using an online application that requires disclosure of an applicant’s criminal record, including an expungement criminal record. This action will provide people with an opportunity to provide their own personal history during an employment interview rather than being judged on their own criminal record.

**Senate Bill 3307:** Revises procedures for expunging criminal and other records and information, including shortening certain waiting periods for expungement eligibility and increasing the number of convictions that may be expunged. These include:

Allows a petitioner to expunge up to four instead of three, offenses or multiple offenses that occurred within a short timeframe, if the petitioner has not been convicted of any prior or subsequent offense;

Reduces the expungement eligibility waiting period from 10 years to six years, following the latest of any conviction, payment of fine, and completion of probation, parole, or prison sentence;

Further reduces the expungement eligibility waiting period if satisfaction of a fine or restitution is the petitioner’s only remaining barrier and the court finds that the expungement is in the public’s interest; and

Aligns expungement and sentencing statutes, allowing expungement for possession of marijuana with the intent to sell up to one ounce, which is the threshold for a fourth-degree crime

**Senate Bill 3308:** Allows young adults to expunge their juvenile records two years sooner than current law permits, decreasing the waiting period from five to three years to expunge an entire juvenile record, and maintaining all other requirements and provisions. As a result, young offenders will have fewer barriers to overcome as they re-enter society and begin their lives as adults.

“Giving people second chances has been a guiding principle of my administration and a driving force behind many of my policies and initiatives, especially in regard to prisoner reentry and substance use disorder,” said Governor Christie. “The revisions we are implementing today will provide people with an even greater opportunity to become employed and become productive members of society once again after they have paid their debt to society.”

Visit [ReachNJ.gov](http://ReachNJ.gov) for assistance with addiction prevention, treatment and recovery, as well as a record of Governor Christie's initiatives, programs, policies and services at the forefront of America's fight against this deadly disease.

###

**Press Contact:**  
Brian Murray  
609-777-2600



[Contact Us](#) | [Privacy Notice](#) | [Legal Statement & Disclaimers](#) | [Accessibility Statement](#) | 

Statewide: [NJ Home](#) | [Services A to Z](#) | [Departments/Agencies](#) | [FAQs](#)  
Office of the Governor: [Home](#) | [Newsroom](#) | [Media](#) | [Administration](#) | [NJ's Priorities](#) | [Contact Us](#)

Copyright © State of New Jersey, 1996-2018  
Office of the Governor  
PO Box 001  
Trenton, NJ 08625  
609-292-6000