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| FLOOR AMENDMENT STATEMENT: | No |
| LEGISLATIVE FISCAL ESTIMATE: | Yes |
| VETO MESSAGE: | No |
| GOVERNOR'S PRESS RELEASE ON SIGNING: | Yes |
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| REPORTS: | No |
| HEARINGS: | No |
| NEWSPAPER ARTICLES: | Yes |

Lawmakers OK expungement bill
Hunterdon County Democrat (Flemington, NJ) - December 18, 2019

In NJ, certain cannabis convictions can now be cleared from criminal records
NJBIZ (New Brunswick, NJ) - December 18, 2019

Voting rights being restored to 80,000 people in New Jersey on parole, probation
northjersey.com (Published as northjersey.com (NJ)) - December 18, 2019

Murphy signs bills focused on voting rights, expungement
Times, The (Trenton, NJ) - December 19, 2019

Law signed to ease clearing pot offenses from criminal records
South Jersey Times (NJ) - December 19, 2019

PAROLEES WILL GET THE RIGHT TO VOTE
Record, The (Hackensack, NJ) - December 19, 2019

Law signed to ease clearing pot offenses from criminal records Laws Gov. also authorizes restoring voting rights for those on probation, parole
Star-Ledger, The (Newark, NJ) - December 19, 2019

Murphy signs bills to ease expungements
Burlington County Times (Willingboro, NJ) - December 19, 2019

Marijuana Expungement Bill Signed Into Law
New Jersey Law Journal, December 23, 2019

Rwh/cl

§§5-8 -
C.2C:52-5.1 to
2C:52-5.4
§11 -
C.2C:52-10.1
§17 - Approp.
§18 - Note

P.L. 2019, CHAPTER 269, *approved December 18, 2019*
Senate, No. 4154 (*First Reprint*)

1 AN ACT concerning expungement eligibility and procedures,
2 amending and supplementing various parts of the statutory law
3 and making an appropriation.
4

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

7
8 1. N.J.S.2C:52-1 is amended to read as follows:
9 2C:52-1. Definition of Expungement. a. Except as otherwise
10 provided in this chapter, expungement shall mean the extraction,
11 sealing, [and] impounding, or isolation of all records on file within
12 any court, detention or correctional facility, law enforcement or
13 criminal justice agency concerning a person's detection,
14 apprehension, arrest, detention, trial or disposition of an offense
15 within the criminal justice system.
16 b. Expunged records shall include complaints, warrants,
17 arrests, commitments, processing records, fingerprints,
18 photographs, index cards, "rap sheets" and judicial docket records.
19 (cf: N.J.S.2C:52-1)
20

21 2. N.J.S.2C:52-2 is amended to read as follows:
22 2C:52-2. Indictable Offenses.
23 a. In all cases, except as herein provided, a person may present
24 an expungement application to the Superior Court pursuant to this
25 section if:
26 the person has been convicted of one crime under the laws of this
27 State, and does not otherwise have any **[prior or]** subsequent
28 conviction for another crime, whether within this State or any other
29 jurisdiction. ¹**[A]** Subject to the provision of subsection e. of
30 N.J.S.2C:52-14 requiring denial of an expungement petition when a
31 person has had a previous criminal conviction expunged, a¹ prior
32 conviction for another crime shall not bar presenting an application
33 seeking expungement relief for the criminal conviction that is the
34 subject of the application; or

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 floor amendments adopted December 16, 2019.

1 the person has been convicted of one crime and **[less than four]**
2 no more than three disorderly persons or petty disorderly persons
3 offenses under the laws of this State, and does not otherwise have
4 any **[prior or]** subsequent conviction for another crime, or any
5 **[prior or]** subsequent conviction for another disorderly persons or
6 petty disorderly persons offense such that the total number of
7 convictions for disorderly persons and petty disorderly persons
8 offenses would exceed three, whether any such crime or offense
9 conviction was within this State or any other jurisdiction. ¹**[A]**
10 Subject to the provision of subsection e. of N.J.S.2C:52-14
11 requiring denial of an expungement petition when a person has had
12 a previous criminal conviction expunged, a¹ prior conviction for
13 another crime, disorderly persons offense, or petty disorderly
14 persons offense shall not bar presenting an application seeking
15 expungement relief for the one criminal conviction and no more
16 than three convictions for disorderly persons or petty disorderly
17 persons offenses that are the subject of the application; or

18 the person has been convicted of multiple crimes or a
19 combination of one or more crimes and one or more disorderly
20 persons or petty disorderly persons offenses under the laws of this
21 State, all of which are listed in a single judgment of conviction, and
22 does not otherwise have any **[prior or]** subsequent conviction for
23 another crime or offense in addition to those convictions included in
24 the expungement application, whether any such conviction was
25 within this State or any other jurisdiction. ¹**[A]** Subject to the
26 provision of subsection e. of N.J.S.2C:52-14 requiring denial of an
27 expungement petition when a person has had a previous criminal
28 conviction expunged, a¹ prior conviction for another crime,
29 disorderly persons offense, or petty disorderly persons offense that
30 is not listed in a single judgement of conviction shall not bar
31 presenting an application seeking expungement relief for the
32 convictions listed in a single judgment of conviction that are the
33 subject of the application; or

34 the person has been convicted of multiple crimes or a
35 combination of one or more crimes and one or more disorderly
36 persons or petty disorderly persons offenses under the laws of this
37 State, which crimes or combination of crimes and offenses were
38 interdependent or closely related in circumstances and were
39 committed as part of a sequence of events that took place within a
40 comparatively short period of time, regardless of the date of
41 conviction or sentencing for each individual crime or offense, and
42 the person does not otherwise have any **[prior or]** subsequent
43 conviction for another crime or offense in addition to those
44 convictions included in the expungement application, whether any
45 such conviction was within this State or any other jurisdiction.
46 ¹**[A]** Subject to the provision of subsection e. of N.J.S.2C:52-14
47 requiring denial of an expungement petition when a person has had

1 a previous criminal conviction expunged, a¹ prior conviction for
2 another crime, disorderly persons offense, or petty disorderly
3 persons offense that was not interdependent or closely related in
4 circumstances and was not committed within a comparatively short
5 period of time as described above shall not bar presenting an
6 application seeking expungement relief for the convictions of
7 crimes or crimes and offenses that were interdependent or closely
8 related and committed within a comparatively short period of time,
9 and that are the subject of the application.

10 For purposes of determining eligibility to present an
11 expungement application to the Superior Court pursuant to this
12 section, a conviction for unlawful distribution of, or possessing or
13 having under control with intent to distribute, marijuana or hashish
14 in violation of paragraph (11) of subsection b. of N.J.S.2C:35-5, or
15 a lesser amount of marijuana or hashish in violation of paragraph
16 (12) of subsection b. of that section, or a violation of either of those
17 paragraphs and a violation of subsection a. of section 1 of P.L.1987,
18 c.101 (C.2C:35-7) or subsection a. of section 1 of P.L.1997, c.327
19 (C.2C:35-7.1), for distributing, or possessing or having under
20 control with intent to distribute, on or within 1,000 feet of any
21 school property, or on or within 500 feet of the real property
22 comprising a public housing facility, public park, or public
23 building, or for obtaining or possessing marijuana or hashish in
24 violation of paragraph (3) of subsection a. of N.J.S.2C:35-10, or for
25 an equivalent crime in another jurisdiction, regardless of when the
26 conviction occurred, shall not be considered a conviction of a crime
27 within this State or any other jurisdiction but shall instead be
28 considered a conviction of a disorderly ¹person¹ persons¹ offense
29 within this State or an equivalent category of offense within the
30 other jurisdiction, and a conviction for obtaining, possessing, using,
31 being under the influence of, or failing to make lawful disposition
32 of marijuana or hashish in violation of paragraph (4) of subsection
33 a., or subsection b., or subsection c. of N.J.S.2C:35-10, or a
34 violation involving marijuana or hashish as described herein and
35 using or possessing with intent to use drug paraphernalia with that
36 marijuana or hashish in violation of N.J.S.2C:36-2, or for an
37 equivalent crime or offense in another jurisdiction, regardless of
38 when the conviction occurred, shall not be considered a conviction
39 within this State or any other jurisdiction.

40 The person, if eligible, may present the expungement application
41 after the expiration of a period of **[six]** five years from the date of
42 his most recent conviction, payment of **[fine]** any court-ordered
43 financial assessment, satisfactory completion of probation or
44 parole, or release from incarceration, whichever is later. The term
45 **["fine"]** “court-ordered financial assessment” as used herein and
46 throughout this section means and includes any fine, fee, penalty,
47 restitution, and other **[court-ordered]** form of financial assessment

1 imposed by the court as part of the sentence for the conviction ¹or
2 convictions that are the subject of the application¹, for which
3 payment of restitution takes precedence in accordance with chapter
4 46 of Title 2C of the New Jersey Statutes. The person shall submit
5 the expungement application to the Superior Court in the county in
6 which the most recent conviction for **the** a crime was adjudged,
7 **which contains a separate,** which includes a duly verified petition
8 as provided in N.J.S.2C:52-7 **for each conviction sought to be**
9 **expunged,** praying that the conviction, or convictions if applicable,
10 and all records and information pertaining thereto be expunged. The
11 petition **for each conviction** appended to an application shall
12 comply with the requirements set forth in N.J.S.2C:52-1 et seq.

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

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

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

1 (2) at least ~~five~~ four but less than ~~six~~ five years have
2 expired from the date of the most recent conviction, payment of
3 ~~fine~~ any court-ordered financial assessment, satisfactory
4 completion of probation or parole, or release from incarceration,
5 whichever is later; and

6 the person has not been otherwise convicted of a crime,
7 disorderly persons offense, or petty disorderly persons offense since
8 the time of the most recent conviction; and the court finds in its
9 discretion that ~~expungement is in the public interest, giving due~~
10 ~~consideration to the nature of the offense or offenses, and the~~
11 ~~applicant's character and conduct since the conviction or~~
12 ~~convictions~~ compelling circumstances exist to grant the
13 expungement. The prosecutor may object pursuant to section '10]
14 11¹ of P.L., c. (C.) (pending before the Legislature as this
15 bill), N.J.S.2C:52-11, N.J.S.2C:52-14, or N.J.S.2C:52-24.

16 In determining whether compelling circumstances exist for the
17 purposes of paragraph (1) of this subsection, a court may consider
18 the amount of ~~the fine or fines~~ any court-ordered financial
19 assessment imposed, the person's age at the time of the offense or
20 offenses, the person's financial condition and other relevant
21 circumstances regarding the person's ability to pay.

22 b. Records of conviction pursuant to statutes repealed by this
23 Code for the crimes of murder, manslaughter, treason, anarchy,
24 kidnapping, rape, forcible sodomy, arson, perjury, false swearing,
25 robbery, embracery, or a conspiracy or any attempt to commit any
26 of the foregoing, or aiding, assisting or concealing persons accused
27 of the foregoing crimes, shall not be expunged.

28 Records of conviction for the following crimes specified in the
29 New Jersey Code of Criminal Justice shall not be subject to
30 expungement: N.J.S.2C:11-1 et seq. (Criminal Homicide), except
31 death by auto as specified in N.J.S.2C:11-5 and strict liability
32 vehicular homicide as specified in section 1 of P.L.2017, c.165
33 (C.2C:11-5.3); N.J.S.2C:13-1 (Kidnapping); section 1 of P.L.1993,
34 c.291 (C.2C:13-6) (Luring or Enticing); section 1 of P.L.2005, c.77
35 (C.2C:13-8) (Human Trafficking); N.J.S.2C:14-2 (Sexual Assault or
36 Aggravated Sexual Assault); subsection a. of N.J.S.2C:14-3
37 (Aggravated Criminal Sexual Contact); if the victim is a minor,
38 subsection b. of N.J.S.2C:14-3 (Criminal Sexual Contact); if the
39 victim is a minor and the offender is not the parent of the victim,
40 N.J.S.2C:13-2 (Criminal Restraint) or N.J.S.2C:13-3 (False
41 Imprisonment); N.J.S.2C:15-1 (Robbery); N.J.S.2C:17-1 (Arson
42 and Related Offenses); subsection a. of N.J.S.2C:24-4 (Endangering
43 the welfare of a child by engaging in sexual conduct which would
44 impair or debauch the morals of the child, or causing the child other
45 harm); paragraph (4) of subsection b. of N.J.S.2C:24-4
46 (Photographing or filming a child in a prohibited sexual act or for
47 portrayal in a sexually suggestive manner); paragraph (3) of

1 subsection b. of N.J.S.2C:24-4 (Causing or permitting a child to
2 engage in a prohibited sexual act or the simulation of an act, or to
3 be portrayed in a sexually suggestive manner); subparagraph (a) of
4 paragraph (5) of subsection b. of N.J.S.2C:24-4 (Distributing,
5 possessing with intent to distribute or using a file-sharing program
6 to store items depicting the sexual exploitation or abuse of a child);
7 subparagraph (b) of paragraph (5) of subsection b. of N.J.S.2C:24-4
8 (Possessing or viewing items depicting the sexual exploitation or
9 abuse of a child); section 8 of P.L.2017, c.141 (C.2C:24-4.1)
10 (Leader of a child pornography network); N.J.S.2C:28-1 (Perjury);
11 N.J.S.2C:28-2 (False Swearing); paragraph (4) of subsection b. of
12 N.J.S.2C:34-1 (Knowingly promoting the prostitution of the actor's
13 child); section 2 of P.L.2002, c.26 (C.2C:38-2) (Terrorism);
14 subsection a. of section 3 of P.L.2002, c.26 (C.2C:38-3) (Producing
15 or Possessing Chemical Weapons, Biological Agents or Nuclear or
16 Radiological Devices); and conspiracies or attempts to commit such
17 crimes.

18 Records of conviction for any crime committed by a person
19 holding any public office, position or employment, elective or
20 appointive, under the government of this State or any agency or
21 political subdivision thereof and any conspiracy or attempt to
22 commit such a crime shall not be subject to expungement if the
23 crime involved or touched such office, position or employment.

24 c. In the case of conviction for the sale or distribution of a
25 controlled dangerous substance or possession thereof with intent to
26 sell, expungement shall be denied except where the crimes involve:

27 (1) Marijuana, where the total quantity sold, distributed or
28 possessed with intent to sell was less than one ounce;

29 (2) Hashish, where the total quantity sold, distributed or
30 possessed with intent to sell was less than five grams; or

31 (3) Any controlled dangerous substance provided that the
32 conviction is of the third or fourth degree, where the court finds that
33 **[expungement is consistent with the public interest, giving due**
34 **consideration to the nature of the offense and the petitioner's**
35 **character and conduct since conviction]** compelling circumstances
36 exist to grant the expungement. The prosecutor may object
37 pursuant to section ¹**[10]** ¹¹ of P.L. , c. (C.) (pending
38 before the Legislature as this bill), N.J.S.2C:52-11, N.J.S.2C:52-14,
39 or N.J.S.2C:52-24.

40 d. In the case of a State licensed physician or podiatrist
41 convicted of an offense involving drugs or alcohol or pursuant to
42 section 14 or 15 of P.L.1989, c.300 (C.2C:21-20 or 2C:21-4.1), the
43 **[court]** ¹**[applicant]** petitioner¹ shall notify the State Board of
44 Medical Examiners upon **[receipt of a petition]** filing an
45 application for expungement **[of the conviction and records and**
46 **information pertaining thereto]** and provide the board with a copy
47 thereof. The ¹**[applicant]** petitioner¹ shall also provide to the court

1 a certification attesting that the requirements of this subsection were
2 satisfied. Failure to satisfy the requirements of this subsection shall
3 be grounds for denial of the expungement application and, if
4 applicable, administrative discipline by the board.

5 (cf: P.L.2017, c.244, s.1)

6
7 3. N.J.S.2C:52-3 is amended to read as follows:

8 2C:52-3. Disorderly persons offenses and petty disorderly
9 persons offenses.

10 a. Any person who has been convicted of one or more
11 disorderly persons or petty disorderly persons offenses under the
12 laws of this State who has not been convicted of any crime, whether
13 within this State or any other jurisdiction, may present an
14 expungement application to ¹~~the Superior Court~~ a court¹ pursuant
15 to this section. Any person who has been convicted of one or more
16 disorderly persons or petty disorderly persons offenses under the
17 laws of this State who has also been convicted of one or more
18 crimes shall not be eligible to apply for an expungement pursuant to
19 this section, but may present an expungement application to the
20 Superior Court pursuant to N.J.S.2C:52-2.

21 b. Any person who has been convicted of one or more
22 disorderly persons or petty disorderly persons offenses under the
23 laws of this State who has not been convicted of any crime, whether
24 within this State or any other jurisdiction, may present an
25 expungement application ¹pursuant to this section¹ to ¹~~the~~
26 ~~Superior Court pursuant to this section~~ any court designated by the
27 Rules of Court¹ if:

28 the person has been convicted, under the laws of this State, on
29 the same or separate occasions of no more than ~~four~~ five
30 disorderly persons offenses, no more than ~~four~~ five petty
31 disorderly persons offenses, or a combination of no more than
32 ~~four~~ five disorderly persons and petty disorderly persons
33 offenses, and the person does not otherwise have any ~~prior or~~
34 subsequent conviction for a disorderly persons or petty disorderly
35 persons offense, whether within this State or any other jurisdiction,
36 such that the total number of convictions for disorderly persons and
37 petty disorderly persons offenses would exceed ~~four~~ five. ¹~~A~~
38 Subject to the provision of subsection e. of N.J.S.2C:52-14
39 requiring denial of an expungement petition when a person has had
40 a previous criminal conviction expunged, a¹ prior conviction for
41 another disorderly persons offense or petty disorderly persons
42 offense shall not bar presenting an application seeking expungement
43 relief for the convictions that are the subject of the application,
44 which may include convictions for no more than five disorderly
45 persons or petty disorderly persons offenses, or combination
46 thereof; or

1 the person has been convicted of multiple disorderly persons
2 offenses or multiple petty disorderly persons offenses under the
3 laws of this State, or a combination of multiple disorderly persons
4 and petty disorderly persons offenses under the laws of this State,
5 which convictions were entered on the same day, and does not
6 otherwise have any **[prior or]** subsequent conviction for another
7 offense in addition to those convictions included in the
8 expungement application, whether any such conviction was within
9 this State or any other jurisdiction. ¹**[A]** Subject to the provision of
10 subsection e. of N.J.S.2C:52-14 requiring denial of an expungement
11 petition when a person has had a previous criminal conviction
12 expunged, a¹ prior conviction for another disorderly persons or
13 petty disorderly persons offense that was not entered on the same
14 day shall not bar presenting an application seeking expungement
15 relief for the convictions entered on the same day that are the
16 subject of the application; or

17 the person has been convicted of multiple disorderly persons
18 offenses or multiple petty disorderly persons offenses under the
19 laws of this State, or a combination of multiple disorderly persons
20 and petty disorderly persons offenses under the laws of this State,
21 which offenses or combination of offenses were interdependent or
22 closely related in circumstances and were committed as part of a
23 sequence of events that took place within a comparatively short
24 period of time, regardless of the date of conviction or sentencing for
25 each individual offense, and the person does not otherwise have any
26 **[prior or]** subsequent conviction for another offense in addition to
27 those convictions included in the expungement application, whether
28 within this State or any other jurisdiction. ¹**[A]** Subject to the
29 provision of subsection e. of N.J.S.2C:52-14 requiring denial of an
30 expungement petition when a person has had a previous criminal
31 conviction expunged, a¹ prior conviction for another disorderly
32 persons offense or petty disorderly persons offense that was not
33 interdependent or closely related in circumstances and was not
34 committed within a comparatively short period of time as described
35 above shall not bar presenting an application seeking expungement
36 relief for the convictions of offenses that were interdependent or
37 closely related and committed within a comparatively short period
38 of time, and that are the subject of the application.

39 For purposes of determining eligibility to present an
40 expungement application to the ¹**[Superior Court]** court¹ pursuant
41 to this section, a conviction for unlawful distribution of, or
42 possessing or having under control with intent to distribute,
43 marijuana or hashish in violation of paragraph (11) of subsection b.
44 of N.J.S.2C:35-5, or a lesser amount of marijuana or hashish in
45 violation of paragraph (12) of subsection b. of that section, or a
46 violation of either of those paragraphs and a violation of subsection
47 a. of section 1 of P.L.1987, c.101 (C.2C:35-7) or subsection a. of

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

23 The person, if eligible, may present the expungement application
24 after the expiration of a period of five years from the date of his
25 most recent conviction, payment of **【fine】** any court-ordered
26 financial assessment, satisfactory completion of probation or parole,
27 or release from incarceration, whichever is later. The term **【"fine"】**
28 “court-ordered financial assessment” as used herein and throughout
29 this section means and includes any fine, fee, penalty, restitution,
30 and other **【court-ordered】** form of financial assessment imposed by
31 the court as part of the sentence for the conviction ¹or convictions
32 that are the subject of the application¹, for which payment of
33 restitution takes precedence in accordance with chapter 46 of Title
34 2C of the New Jersey Statutes. The person shall submit the
35 expungement application to ¹**【the Superior Court】** a court¹ in the
36 county in which the most recent conviction for a disorderly persons
37 or petty disorderly persons offense was adjudged, **【which contains a**
38 separate,】 which includes a duly verified petition as provided in
39 N.J.S.2C:52-7 **【for each conviction sought to be expunged,】**
40 praying that the conviction, or convictions if applicable, and all
41 records and information pertaining thereto be expunged. The
42 petition **【for each conviction】** appended to an application shall
43 comply with the requirements of N.J.S.2C:52-1 et seq.

44 Notwithstanding the provisions of the five-year time
45 requirement, if, at the time of application, a court-ordered financial
46 assessment subject to collection under the comprehensive
47 enforcement program established pursuant to P.L.1995, c.9

1 (C.2B:19-1 et al.) is not yet satisfied due to reasons other than
2 willful noncompliance, but the time requirement of five years is
3 otherwise satisfied, the person may submit the expungement
4 application and the court may grant an expungement; provided,
5 however, that the court shall enter a civil judgment for the unpaid
6 portion of the court-ordered financial assessment in the name of the
7 Treasurer, State of New Jersey and transfer collections and
8 disbursement responsibility to the State Treasurer for the
9 outstanding amount in accordance with section 8 of P.L.2017, c.244
10 (C.2C:52-23.1). The Treasurer may specify, and the Administrative
11 Office of the Courts shall collaborate with, the technical and
12 informational standards required to effectuate the transfer of the
13 collection and disbursement responsibilities. Notwithstanding any
14 provision in this law or any other law to the contrary, the court shall
15 have sole discretion to amend the judgment.

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

20 (1) the **【fine】** court-ordered financial assessment is satisfied but
21 less than five years have expired from the date of satisfaction, and
22 the five-year time requirement is otherwise satisfied, and the court
23 finds that the person substantially complied with any payment plan
24 ordered pursuant to N.J.S.2C:46-1 et seq., or could not do so due to
25 compelling circumstances affecting his ability to satisfy the **【fine】**
26 assessment; or

27 (2) at least three but less than five years have expired from the
28 date of the most recent conviction, payment of **【fine】** any court-
29 ordered financial assessment, satisfactory completion of probation
30 or parole, or release from incarceration, whichever is later; and

31 the person has not been otherwise convicted of a crime,
32 disorderly persons offense, or petty disorderly persons offense since
33 the time of the most recent conviction; and the court finds in its
34 discretion that **【expungement is in the public interest, giving due**
35 **consideration to the nature of the offense or offenses, and the**
36 **applicant's character and conduct since the conviction or**
37 **convictions】** compelling circumstances exist to grant the
38 expungement. The prosecutor may object pursuant to section ¹**【10】**
39 11¹ of P.L. , c. (C.) (pending before the Legislature as this
40 bill), N.J.S.2C:52-11, N.J.S.2C:52-14, or N.J.S.2C:52-24.

41 In determining whether compelling circumstances exist for the
42 purposes of paragraph (1) of this subsection, a court may consider
43 the amount of **【the fine or fines】** any court-ordered financial
44 assessment imposed, the person's age at the time of the offense or
45 offenses, the person's financial condition and other relevant
46 circumstances regarding the person's ability to pay.

47 (cf: P.L.2017, c.244, s.2)

1 4. N.J.S.2C:52-6 is amended to read as follows:

2 2C:52-6. Arrests not resulting in conviction.

3 a. When a person has been arrested or held to answer for a
4 crime, disorderly persons offense, petty disorderly persons offense,
5 or municipal ordinance violation under the laws of this State or of
6 any governmental entity thereof and proceedings against the person
7 were dismissed, the person was acquitted, or the person was
8 discharged without a conviction or finding of guilt, the Superior
9 Court shall, at the time of dismissal, acquittal, or discharge, or, in
10 any case set forth in paragraph (1) of this subsection, **【**upon receipt
11 of an application from the person,**】** order the expungement of all
12 records and information relating to the arrest ¹**【**or charge**】**¹.

13 (1) If proceedings took place in municipal court, the municipal
14 court shall **【**provide the person, upon request, with appropriate
15 documentation to transmit to the Superior Court to request
16 expungement pursuant to**】** follow procedures developed by the
17 Administrative **【**Office**】** Director of the Courts. **【**Upon receipt of
18 the documentation, the Superior Court shall enter an ex parte order
19 expunging all records and information relating to the person's arrest
20 or charge.**】**

21 (2) The provisions of N.J.S.2C:52-7 through N.J.S.2C:52-14
22 shall not apply to an expungement pursuant to this subsection **【**and
23 no fee shall be charged to the person making such application**】**.

24 (3) An expungement under this subsection shall not be ordered
25 where the dismissal, acquittal, or discharge resulted from a plea
26 bargaining agreement involving the conviction of other
27 charges. This bar, however, shall not apply once the conviction is
28 itself expunged.

29 (4) The **【**Superior Court**】** court shall forward a copy of the
30 expungement order to **【**the appropriate court and to**】** the county
31 prosecutor. The county prosecutor shall promptly distribute copies
32 of the expungement order to appropriate law enforcement agencies
33 and correctional institutions who have custody and control of the
34 records specified in the order so that they may comply with the
35 requirements of N.J.S.2C:52-15.

36 (5) An expungement related to a dismissal, acquittal, or
37 discharge ordered pursuant to this subsection shall not bar any
38 future expungement.

39 (6) Where a dismissal of an offense is based on an eligible
40 servicemember's successful participation in a Veterans Diversion
41 Program pursuant to P.L.2017, c.42 (C.2C:43-23 et al.), the county
42 prosecutor, on behalf of the eligible servicemember, may move
43 before the court for the expungement of all records and information
44 relating to the arrest ¹**【**or charge,**】**¹ and the diversion at the time of
45 dismissal pursuant to this section.

46 b. When a person did not apply or a prosecutor did not move
47 on behalf of an eligible servicemember for an expungement of an

1 arrest ¹【or charge】¹ not resulting in a conviction pursuant to
2 subsection a. of this section, the person may at any time following
3 the disposition of proceedings, present a duly verified petition as
4 provided in N.J.S.2C:52-7 to the Superior Court in the county in
5 which the disposition occurred praying that records of such arrest
6 and all records and information pertaining thereto be expunged.
7 【No fee shall be charged to the person for applying for an
8 expungement of an arrest or charge not resulting in a conviction
9 pursuant to this subsection.】

10 c. (1) Any person who has had charges dismissed against him
11 pursuant to a program of supervisory treatment pursuant to
12 N.J.S.2C:43-12, or conditional discharge pursuant to N.J.S.2C:36A-
13 1, or conditional dismissal pursuant to P.L.2013, c.158 (C.2C:43-
14 13.1 et al.), shall be barred from the relief provided in this section
15 until six months after the entry of the order of dismissal.

16 (2) A servicemember who has successfully participated in a
17 Veterans Diversion Program pursuant to P.L.2017, c.42 (C.2C:43-
18 23 et al.) may apply for expungement pursuant to this section at any
19 time following the order of dismissal if an expungement was not
20 granted at the time of dismissal.

21 d. Any person who has been arrested or held to answer for a
22 crime shall be barred from the relief provided in this section where
23 the dismissal, discharge, or acquittal resulted from a determination
24 that the person was insane or lacked the mental capacity to commit
25 the crime charged.

26 (cf: P.L.2017, c.42, s.7)

27
28 5. (New section) a. (1) Notwithstanding the requirements of
29 N.J.S.2C:52-2 and N.J.S.2C:52-3 or any other provision of law to
30 the contrary, beginning on the effective date of this section, the
31 following persons may file a petition for an expungement with ¹【the
32 Superior Court】 any court designated by the Rules of Court¹ at any
33 time, provided they have satisfied, except as otherwise set forth in
34 this subsection, payment of any court-ordered financial assessment
35 as defined in section 8 of P.L.2017, c.244 (C.2C:52-23.1),
36 satisfactorily completed probation or parole, been released from
37 incarceration, or been discharged from legal custody or supervision
38 at the time of application:

39 (a) any person who, prior to the ¹【effective date of this】
40 development of a system for sealing records from the public
41 pursuant to¹ section ¹6 of P.L. , c. (C.) (pending before the
42 Legislature as this bill)¹, was charged with, convicted of, or
43 adjudicated delinquent for, any number of offenses ¹【, which in the
44 case of a】 for, or¹ delinquent ¹acts which¹ if committed by an adult
45 would constitute, unlawful distribution of, or possessing or having
46 under control with intent to distribute, marijuana or hashish in
47 violation of paragraph (12) of subsection b. of N.J.S.2C:35-5, or a

1 violation of that paragraph and a violation of subsection a. of
2 section 1 of P.L.1987, c.101 (C.2C:35-7) or subsection a. of section
3 1 of P.L.1997, c.327 (C.2C:35-7.1) for distributing, or possessing or
4 having under control with intent to distribute, on or within 1,000
5 feet of any school property, or on or within 500 feet of the real
6 property comprising a public housing facility, public park, or public
7 building; or

8 (b) any person who, prior to the ¹**【effective date of this】**
9 development of a system for sealing records from the public
10 pursuant to¹ section ¹6 of P.L. , c. (C.) (pending before the
11 Legislature as this bill)¹, was charged with, convicted of, or
12 adjudicated delinquent for, any number of offenses ¹**【**, which in the
13 case of a **】** for, or¹ delinquent ¹acts which¹ if committed by an adult
14 would constitute, obtaining, possessing, using, being under the
15 influence of, or failing to make lawful disposition of marijuana or
16 hashish in violation of paragraph (3) or (4) of subsection a., or
17 subsection b., or subsection c. of N.J.S.2C:35-10; or

18 (c) any person who, prior to the ¹**【effective date of this】**
19 development of a system for sealing records from the public
20 pursuant to¹ section ¹6 of P.L. , c. (C.) (pending before the
21 Legislature as this bill)¹, was charged with, convicted of, or
22 adjudicated delinquent for, any number of offenses ¹**【**, which in the
23 case of a **】** for, or¹ delinquent ¹acts which¹ if committed by an adult
24 would constitute, a violation involving marijuana or hashish as
25 described in subparagraph (a) or (b) of this paragraph and using or
26 possessing with intent to use drug paraphernalia with that marijuana
27 or hashish in violation of N.J.S.2C:36-2.

28 (2) If, at the time of application, a court-ordered financial
29 assessment subject to collection under the comprehensive
30 enforcement program established pursuant to P.L.1995, c.9
31 (C.2B:19-1 et al.) is not yet satisfied due to reasons other than
32 willful noncompliance, but the provisions of paragraph (1) of this
33 subsection are otherwise satisfied, the person may submit the
34 expungement application and the court shall grant an expungement
35 in accordance with subsection c. of this section; provided, however,
36 that at the time the expungement is granted the court shall enter a
37 civil judgment for the unpaid portion of the court-ordered financial
38 assessment in the name of the Treasurer, State of New Jersey and
39 transfer collection and disbursement responsibility to the State
40 Treasurer for the outstanding amount in accordance with section 8
41 of P.L.2017, c.244 (C.2C:52:23.1). The Treasurer may specify, and
42 the Administrative Office of the Courts shall collaborate with, the
43 technical and informational standards required to effectuate the
44 transfer of the collection and disbursement responsibilities.
45 Notwithstanding any provision in this law or any other law to the
46 contrary, the court shall have sole discretion to amend the
47 judgment.

1 b. (1) Notwithstanding the requirements of N.J.S.2C:52-2 and
2 N.J.S.2C:52-3 or any other provision of law to the contrary,
3 beginning on the effective date of this section, a person who, prior,
4 on, or after that effective date is charged with, convicted of, or
5 adjudicated delinquent for, any number of offenses ¹【, which in the
6 case of a】 for, or¹ delinquent acts which¹ if committed by an adult
7 would constitute, unlawful distribution of, or possessing or having
8 under control with intent to distribute, marijuana or hashish in
9 violation of paragraph (11) of subsection b. of N.J.S.2C:35-5, may
10 file a petition for an expungement with ¹【the Superior Court】 a
11 court¹ after the expiration of three years from the date of the most
12 recent conviction, payment of any court-ordered financial
13 assessment as defined in ¹【N.J.S.2C:52-2】 section 8 of P.L.2017,
14 c.244 (C.2C:52-23.1)¹, satisfactory completion of probation or
15 parole, release from incarceration, or discharge from legal custody
16 or supervision, whichever is later.

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

38 (b) Additionally, an application may be filed and presented, and
39 an expungement granted pursuant to subsection c. of this section,
40 although less than three years have expired in accordance with the
41 time requirement set forth in paragraph (1) of this subsection, when
42 the court finds that the court-ordered financial assessment is
43 satisfied but less than three years have expired from the date of
44 satisfaction, and the time requirement of three years is otherwise
45 satisfied, and the court finds that the person substantially complied
46 with any payment plan ordered pursuant to N.J.S.2C:46-1 et seq., or

1 could not do so due to compelling circumstances affecting the
2 person's ability to satisfy the financial assessment.

3 c. (1) The provisions of N.J.S.2C:52-8 through N.J.S.2C:52-14
4 shall not apply to an expungement as set forth in this section.

5 (2) Upon review of the petition, the court shall immediately
6 grant an expungement for each ¹**[charge]** arrest¹, conviction, or
7 adjudication of delinquency as described in subsection a. or b. of
8 this section, as applicable. The court shall provide copies of the
9 expungement order to the person who is the subject of the petition
10 ¹or that person's representative¹.

11 (3) A court order vacating an expungement that is granted to a
12 person pursuant to this subsection may be issued upon an action
13 filed by a county prosecutor with the court that granted the
14 expungement, if filed no later than 30 days after the expungement
15 order was issued, with notice to the person, and a hearing is
16 scheduled at which the county prosecutor shows proof that the
17 expungement was granted in error due to a statutory disqualification
18 to expungement that existed at the time the relief was initially
19 granted.

20 d. Any public employee or public agency that provides
21 information or records pursuant to this section shall be immune
22 from criminal and civil liability as a result of an act of commission
23 or omission by that person or entity arising out of and in the course
24 of participation in, or assistance with, in good faith, an
25 expungement. The immunity shall be in addition to and not in
26 limitation of any other immunity provided by law.

27

28 6. (New section) a. ¹**[Unless]** (1) No later than three months
29 after the effective date of this section, the Administrative Office of
30 the Courts shall develop and maintain a system for sealing records
31 from the public, upon order of a court, pertaining to offenses or
32 delinquent acts involving marijuana or hashish as described in this
33 section. Once the system is developed, unless¹ otherwise provided
34 by law, a court shall order the nondisclosure ¹to the public¹ of the
35 records of the court and probation services, and records of law
36 enforcement agencies with respect to any arrest, ¹**[charge,]**¹
37 conviction, or adjudication of delinquency, and any proceedings
38 related thereto, upon disposition of any case occurring on or after
39 the ¹**[date]** development¹ of ¹**[this section]** the system for sealing
40 records¹ that solely includes the following convictions or
41 adjudications of delinquency:

42 ¹**[(1)]** (a)¹ any number of offenses for, or ¹**[juvenile]**
43 delinquent¹ acts which if committed by an adult would constitute,
44 unlawful distribution of, or possessing or having under control with
45 intent to distribute, marijuana or hashish in violation of paragraph
46 (12) of subsection b. of N.J.S.2C:35-5, or a violation of that
47 paragraph and a violation of subsection a. of section 1 of P.L.1987,

1 c.101 (C.2C:35-7) or subsection a. of section 1 of P.L.1997, c.327
2 (C.2C:35-7.1) for distributing, or possessing or having under
3 control with intent to distribute, on or within 1,000 feet of any
4 school property, or on or within 500 feet of the real property
5 comprising a public housing facility, public park, or public
6 building;

7 ¹[(2)] (b)¹ any number of offenses for, or ¹[juvenile]
8 delinquent¹ acts which if committed by an adult would constitute,
9 obtaining, possessing, using, being under the influence of, or failing
10 to make lawful disposition of marijuana or hashish in violation of
11 paragraph (3) or (4) of subsection a., or subsection b., or subsection
12 c. of N.J.S.2C:35-10; or

13 ¹[(3) a violation] (c) any number of offenses for, or delinquent
14 acts which if committed by an adult would constitute, a violation¹
15 involving marijuana or hashish as described in ¹[paragraph (1)]
16 subparagraph (a)¹ or ¹[(2)] (b)¹ of this ¹[subsection] paragraph¹
17 and ¹[any number of offenses for, or juvenile acts which if
18 committed by an adult would constitute,]¹ using or possessing with
19 intent to use drug paraphernalia ¹with that marijuana or hashish¹ in
20 violation of N.J.S.2C:36-2 ¹[if the drug paraphernalia appears to be
21 for use, intended for use, or designed for use with marijuana or
22 hashish, unless the owner or anyone in control of the object was in
23 possession of one ounce or more of marijuana, five grams or more
24 of hashish, or another illegal controlled dangerous substance or
25 controlled substance analog, or the object was in proximity of one
26 ounce or more of marijuana, five grams or more of hashish, or
27 another illegally possessed controlled dangerous substance or
28 controlled substance analog to indicate its use, intended use, or
29 design for use with that controlled dangerous substance or
30 controlled substance analog] .

31 (2) If the disposition of the case includes a court-ordered
32 financial assessment subject to collection under the comprehensive
33 enforcement program established pursuant to P.L.1995, c.9
34 (C.2B:19-1 et al.), then at the time of issuing the sealing order, the
35 court shall also enter a civil judgment for the unpaid portion of the
36 court-ordered financial assessment in the name of the Treasurer,
37 State of New Jersey and transfer collections and disbursement
38 responsibility to the State Treasurer for the outstanding amount in
39 accordance with section 8 of P.L.2017, c.244 (C.2C:52-23.1). The
40 term “court-ordered financial assessment” as used herein means and
41 includes any fine, fee, penalty, restitution, and other form of
42 financial assessment imposed by the court as part of the sentence
43 for the conviction or convictions that are the subject of the sealing
44 order, for which payment of restitution takes precedence in
45 accordance with chapter 46 of Title 2C of the New Jersey Statutes.
46 The Treasurer may specify, and the Administrative Office of the
47 Courts shall collaborate with, the technical and informational

1 standards required to effectuate the transfer of the collection and
2 disbursement responsibilities. Notwithstanding any provision in this
3 law or any other law to the contrary, the court shall have sole
4 discretion to amend the judgment¹.

5 b. Notice of the sealing order issued pursuant to subsection a.
6 of this section shall be provided to:

7 (1) The Attorney General, county prosecutor, or municipal
8 prosecutor handling the case; and

9 (2) The State Police and any local law enforcement agency
10 having custody of the files and records.

11 c. Upon the entry of a sealing order issued pursuant to
12 subsection a. of this section, the proceedings in the case shall be
13 sealed and all index references shall be marked “not available” or
14 “no record.” Law enforcement agencies shall reply to requests for
15 information or records of a person subject to a sealing order that
16 there is no information or records. The person may also reply to
17 any inquiry that there is no information or record, except that
18 information subject to a sealing order shall be revealed by that
19 person if seeking employment within the judicial branch or with a
20 law enforcement or corrections agency, and the information shall
21 continue to provide a disability to the extent provided by law.

22 d. Records subject to a sealing order issued pursuant to
23 subsection a. of this section may be maintained for purposes of
24 prior offender status, identification ^{1,1} and law enforcement
25 purposes, provided that the records shall not be considered
26 whenever the Pretrial Services Program established by the
27 Administrative Office of the Courts pursuant to section 11 of
28 P.L.2014, c.31 (C.2A:162-25) conducts a risk assessment on an
29 eligible defendant for the purpose of making recommendations to
30 the court concerning an appropriate pretrial release decision in
31 accordance with sections 1 through 11 of P.L.2014, c.31 (C.2A:162-
32 15 et seq.) or used for sentencing purposes in any other case.

33
34 7. (New section) “Clean slate” expungement by petition. a. A
35 person, who is not otherwise eligible to present an expungement
36 application pursuant to any other section of chapter 52 of Title 2C
37 of the New Jersey Statutes or other section of law, may present an
38 expungement application to the Superior Court pursuant to this
39 section if the person has been convicted of one or more crimes, one
40 or more disorderly persons or petty disorderly persons offenses, or a
41 combination of one or more crimes and offenses under the laws of
42 this State, unless the person has a conviction for a crime which is
43 not subject to expungement pursuant to subsection b. or c. of
44 N.J.S.2C:52-2. The person may present an application pursuant to
45 this section regardless of whether the person would otherwise be
46 ineligible pursuant to subsection e. of N.J.S.2C:52-14 for having
47 had a previous criminal conviction expunged, or due to having been

1 granted an expungement pursuant to this or any other provision of
2 law.

3 b. The person, if eligible, may present the expungement
4 application after the expiration of a period of ten years from the
5 date of the person's most recent conviction, payment of any court-
6 ordered financial assessment, satisfactory completion of probation
7 or parole, or release from incarceration, whichever is later. The
8 term "court-ordered financial assessment" as used herein and
9 throughout this section means and includes any fine, fee, penalty,
10 restitution, and other form of financial assessment imposed by the
11 court as part of the sentence for the conviction ¹or convictions that
12 are the subject of the application¹, for which payment of restitution
13 takes precedence in accordance with chapter 46 of Title 2C of the
14 New Jersey Statutes. The person shall submit the expungement
15 application to the Superior Court in the county in which the most
16 recent conviction for a crime or offense was adjudged, which
17 includes a duly verified petition as provided in N.J.S.2C:52-7
18 praying that all the person's convictions, and all records and
19 information pertaining thereto, be expunged. The petition appended
20 to an application shall comply with the requirements set forth in
21 N.J.S.2C:52-1 et seq.

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

42 d. No expungement applications may be filed pursuant to this
43 section after the establishment of the automated ¹"clean slate"¹
44 process pursuant to subsection a. of section 8 of
45 P.L. c. (C.)(pending before the Legislature as this bill).

1 8. (New section) Automated “clean slate” process. a. ¹【The
2 following provisions set forth in this subsection shall become
3 operative on the 180th day following enactment of this section:】¹

4 (1) The State shall develop and implement an automated
5 process, based, to the greatest extent practicable, on the
6 recommendations of the task force established pursuant to
7 subsection b. of this section, by which all convictions, and all
8 records and information pertaining thereto, shall be rendered
9 inaccessible to the public, through sealing, expungement, or some
10 equivalent process, for any person who has been convicted of one or
11 more crimes, one or more disorderly persons or petty disorderly
12 persons offenses, or a combination of one or more crimes and
13 offenses under the laws of this State, unless the person has a
14 conviction for a crime which is not subject to expungement
15 pursuant to subsection b. or c. of N.J.S.2C:52-2, upon the expiration
16 of a period of ten years from the date of the person’s most recent
17 conviction, payment of any court-ordered financial assessment,
18 satisfactory completion of probation or parole, or release from
19 incarceration, whichever is later. The term “court-ordered financial
20 assessment” as used herein means and includes any fine, fee,
21 penalty, restitution, and other form of financial assessment imposed
22 by the court as part of the sentence for the conviction ¹or
23 convictions that are subject to being rendered inaccessible to the
24 public¹, for which payment of restitution takes precedence in
25 accordance with chapter 46 of Title 2C of the New Jersey Statutes.

26 (2) The automated process shall be designed to restore a
27 person’s convictions and other ¹information contained in the
28 person’s¹ criminal history ¹【on the State Police Criminal History】
29 record information files¹ if the person is subsequently convicted of
30 a crime, for which the conviction is not subject to expungement
31 pursuant to subsection b. or c. of N.J.S.2C:52-2. A prosecutor may
32 submit the restored criminal history ¹record information¹ to the
33 court for consideration at sentencing for the subsequent conviction.

34 (3) Upon establishment of the automated process pursuant to
35 this subsection, any pending “clean slate” expungement petitions
36 filed pursuant to section 7 of P.L. , c. (C.) (pending before
37 the Legislature as this bill) shall be rendered moot and shall be
38 withdrawn or dismissed in accordance with procedures established
39 by the Supreme Court.

40 b. (1) (a) There is established a task force for the purpose of
41 examining, evaluating, and making recommendations regarding the
42 development and implementation of the automated process
43 described in subsection a. of this section, by which all of a person’s
44 convictions, and all records and information pertaining thereto,
45 shall be rendered inaccessible to the public.

46 (b) The task force shall consist of at least the following
47 members:

- 1 The Chief Technology Officer of the Office of Information
2 Technology, or a designee or designees;
- 3 The Attorney General, or a designee or designees, one or more of
4 whom may be members of the State Bureau of Identification and the
5 Information Technology Bureau in the Division of State Police
6 designated by the Superintendent of the State Police;
- 7 The Administrative Director of the Courts, or a designee or
8 designees;
- 9 The Director of Information Technology for the Administrative
10 Office of the Courts, or a designee or designees;
- 11 The Commissioner of the Department of Corrections, or a
12 designee or designees;
- 13 The President of the New Jersey County Jail Wardens
14 Association, or a designee or designees;
- 15 The President of the New Jersey State Association of Chiefs of
16 Police, or a designee or designees;
- 17 Two members of the Senate, who shall each be of different
18 political parties, appointed by the Governor upon the
19 recommendation of the Senate President;
- 20 Two members of the General Assembly, who shall each be of
21 different political parties, appointed by the Governor upon the
22 recommendation of the Speaker of the General Assembly;
- 23 Two members of academic institutions or non-profit entities
24 'appointed by the Governor' who 'each' have a background in, or
25 special knowledge of, computer technology, database management,
26 or recordkeeping processes; and
- 27 Four members of the public appointed by the Governor who each
28 have a background in, or special knowledge of, the technological,
29 criminal record or legal processes of expungement, or criminal
30 history recordkeeping, of which two of whom shall be appointed by
31 the Governor upon recommendation of the Senate President and two
32 of whom shall be appointed by the Governor upon recommendation
33 of the Speaker of the General Assembly.
- 34 (c) Appointments to the task force shall be made within 30 days
35 of the effective date of this section. Vacancies in the membership
36 of the task force shall be filled in the same manner as the original
37 appointments were made.
- 38 (d) Members of the task force shall serve without compensation,
39 but shall be reimbursed for necessary expenditures incurred in the
40 performance of their duties as members of the task force within the
41 limits of funds appropriated or otherwise made available to the task
42 force for its purposes.
- 43 (e) The task force shall organize as soon as practicable, but no
44 later than 30 days following the appointment of its members. The
45 task force shall choose a chairperson from among its members and
46 shall appoint a secretary who need not be a member of the task
47 force.

1 (f) The Department of Law and Public Safety shall provide such
2 stenographic, clerical, and other administrative assistants, and such
3 professional staff as the task force requires to carry out its work.
4 The task force shall also be entitled to call to its assistance and avail
5 itself of the services of the employees of any State, county, or
6 municipal department, board, bureau, commission, or agency as it
7 may require and as may be available for its purposes.

8 (2) It shall be the duty of the task force to identify, analyze and
9 recommend solutions to any technological, fiscal, resource, and
10 practical issues that may arise in the development and
11 implementation of the automated process described in subsection a.
12 of this section. In carrying out these responsibilities, the task force
13 shall to the extent feasible:

14 (a) examine and evaluate the effectiveness of the design and
15 implementation of automated processes in Pennsylvania and
16 California and other jurisdictions that have implemented similar
17 programs, and consult with officials in those jurisdictions
18 concerning their processes and any technological, fiscal, resource,
19 and practical issues that they may have encountered, contemplated,
20 or addressed in developing and implementing those systems; and

21 (b) consult with non-profit computer programming
22 organizations such as "Code for America" with expertise in
23 assisting in the implementation of automated processes and
24 expungement processing generally, to the extent those organizations
25 make themselves available for this purpose; and

26 (c) identify the necessary systemic changes, required
27 technology, cost estimates, and possible sources of funding for
28 developing and implementing the automated process described in
29 subsection a. of this section.

30 (3) (a) The task force shall issue a final report of its findings
31 and recommendations to the Governor, and to the Legislature
32 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), no later
33 than 180 days after the task force organizes.

34 (b) The task force shall expire 30 days after the issuance of its
35 report.

36

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

38 2C:52-8. Statements to accompany petition. There shall be
39 attached to a petition for expungement:

40 a. A statement with the affidavit or verification that there are
41 no disorderly persons, petty disorderly persons or criminal charges
42 pending against the petitioner at the time of filing of the petition for
43 expungement.

44 b. In those instances where the petitioner is seeking the
45 expungement of a criminal conviction **【**, or the expungement of
46 convictions**】** pursuant to **【**N.J.S.2C:52-3 for multiple disorderly
47 persons or petty disorderly persons offenses, all of which were
48 entered the same day, or which were interdependent or closely

1 related in circumstances and were committed as part of a sequence
2 of events that took place within a comparatively short period of
3 time] N.J.S.2C:52-2, a statement with affidavit or verification that
4 he has never been granted expungement, sealing or similar relief
5 regarding a criminal conviction [or convictions for multiple
6 disorderly persons or petty disorderly persons offenses, all of which
7 were entered the same day, or which were interdependent or closely
8 related in circumstances and were committed as part of a sequence
9 of events that took place within a comparatively short period of
10 time] by any court in this State or other state or by any Federal
11 court. "Sealing" refers to the relief previously granted pursuant to
12 P.L.1973, c.191 (C.2A:85-15 et seq.).

13 c. In those instances where a person has received a dismissal of
14 a criminal charge because of acceptance into a supervisory
15 treatment or any other diversion program, a statement with affidavit
16 or verification setting forth the nature of the original charge, the
17 court of disposition and date of disposition.

18 d. A statement as to whether the petitioner has legally changed
19 the petitioner's name, the date of judgment of name change, and the
20 previous legal name. If applicable, the petitioner shall provide a
21 copy of the order for name change.

22 (cf: P.L.2017, c.244, s.4)

23

24 ¹10. N.J.S.2C:52-10 is amended to read as follows:

25 2C:52-10. **[A]** a. Until the date that the e-filing system is
26 established by the Administrative Office of the Courts pursuant to
27 section 11 of P.L. , c. (C.) (pending before the Legislature
28 as this bill), a copy of each petition, together with a copy of all
29 supporting documents, shall be served pursuant to the rules of court
30 upon the Superintendent of State Police; the Attorney General; the
31 county prosecutor of the county wherein the court is located; the
32 chief of police or other executive head of the police department of
33 the municipality wherein the offense was committed; the chief law
34 enforcement officer of any other law enforcement agency of this
35 State which participated in the arrest of the individual; the
36 superintendent or warden of any institution in which the petitioner
37 was confined; and, if a disposition was made by a municipal court,
38 upon the magistrate of that court. Service shall be made within 5
39 days from the date of the order setting the date for the hearing upon
40 the matter.

41 b. On and after the date that the e-filing system is established
42 pursuant to section 11 of P.L. , c. (C.) (pending before the
43 Legislature as this bill), a copy of each petition, together with a
44 copy of all supporting documents, shall, upon their filing, be served
45 electronically pursuant to the rules of court upon the Superintendent
46 of State Police, the Attorney General, the county prosecutor of the
47 county wherein the court is located, and the county prosecutor of

1 any county in which the petitioner was convicted, using the e-filing
2 system.¹

3 (cf: N.J.S.2C:52-10)

4

5 ¹**[10.] 11.**¹ (New section) a. (1) No later than twelve months
6 after the effective date of this section, the Administrative Office of
7 the Courts shall develop and maintain a system for petitioners to
8 electronically file expungement applications pursuant to
9 N.J.S.2C:52-1 et seq. The e-filing system shall be available
10 Statewide and include electronic filing, electronic service of
11 process, and electronic document management.

12 (2) The system shall, ¹**[within 30 days of the person filing the**
13 **application for expungement]** in accordance with N.J.S.2C:52-10¹,
14 electronically notify ¹**[relevant law enforcement and criminal**
15 **justice agencies, if applicable, pursuant to N.J.S.2C:52-10]** and
16 serve copies of the petition and all supporting documents upon the
17 Superintendent of State Police, the Attorney General, and each
18 county prosecutor as described in that section¹.

19 (3) The system shall electronically compile a listing of all
20 possibly relevant Judiciary records for an expungement petitioner
21 and transmit this information to ¹**[the appropriate criminal justice**
22 **agencies subject to notice of]** all parties served with copies of¹ the
23 petition ¹and all supporting documents¹ in accordance with
24 ¹**[N.J.S.2C:52-10]** paragraph (2) of this subsection¹.

25 b. Upon receipt of the information from the court pursuant to
26 paragraphs (2) and (3) of subsection a. of this section, the
27 Superintendent of State Police, the Attorney General, and the
28 county prosecutor of any county in which the person was convicted
29 shall, within 60 days, review and confirm, as appropriate, the
30 information against the ¹**[Criminal Case History]** person's criminal
31 history record information files¹ and notify the court of any
32 inaccurate or incomplete data contained in the information ¹files,¹
33 or of any other basis for ineligibility, if applicable, pursuant to
34 N.J.S.2C:52-14.

35 c. The court shall provide copies of an expungement order to
36 the person who is the subject of the petition and electronically
37 transmit the order to the ¹**[previously noticed parties, or parties**
38 **otherwise entitled to notice,]** law enforcement and criminal justice
39 agencies which, at the time of the hearing on the petition, possess
40 any records specified in the order¹ in accordance with N.J.S.2C:52-
41 15.

42

43 ¹**[11.] 12.**¹ N.J.S.2C:52-14 is amended to read as follows:

44 2C:52-14. A petition for expungement filed pursuant to this
45 chapter shall be denied when:

1 a. Any statutory prerequisite, including any provision of this
2 chapter, is not fulfilled or there is any other statutory basis for
3 denying relief.

4 b. The need for the availability of the records outweighs the
5 desirability of having a person freed from any disabilities as
6 otherwise provided in this chapter. An application may be denied
7 under this subsection only following objection of a party given
8 notice pursuant to N.J.S.2C:52-10 and the burden of asserting such
9 grounds shall be on the objector **】, except that in regard to**
10 **expungement sought for third or fourth degree drug offenses**
11 **pursuant to paragraph (3) of subsection c. of N.J.S.2C:52-2, the**
12 **court shall consider whether this factor applies regardless of**
13 **whether any party objects on this basis】.**

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

19 d. The arrest or conviction sought to be expunged is, at the
20 time of hearing, the subject matter of civil litigation between the
21 petitioner or his legal representative and the State, any
22 governmental entity thereof or any State agency and the
23 representatives or employees of any such body.

24 e. **【A】** Except as set forth in subsection a. of section 7 of
25 P.L. , c. (C.) (pending before the Legislature as this bill)
26 concerning a “clean slate” expungement petition, the person has had
27 a previous criminal conviction expunged regardless of the lapse of
28 time between the prior expungement, or sealing under prior law,
29 and the present petition. This provision shall not apply:

30 (1) When the person is seeking the expungement of a municipal
31 ordinance violation or,

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

34 f. (Deleted by amendment, P.L.2017, c.244)

35 (cf: P.L.2017, c.244, s.5)

36
37 **¹【12.】 13.¹** N.J.S.2C:52-15 is amended to read as follows:

38 2C:52-15. a. Except as provided in subsection b. of this section,
39 if an order of expungement of records of arrest or conviction under
40 this chapter is granted by the court, all the records specified in said
41 order shall be removed from the files of the ¹law enforcement and
42 criminal justice¹ agencies which ¹**【have been noticed of the**
43 **pendency of petitioner's motion and which are, by the provisions of**
44 **this chapter, entitled to notice】¹, ¹at the time of the hearing of the
45 petition, possess the records¹ and shall be placed in the control of a
46 person who has been designated by the head of each such agency
47 ¹**【which, at the time of the hearing, possesses said records】¹. That****

1 designated person shall, except as otherwise provided in this
2 chapter, ensure that such records or the information contained
3 therein are not released for any reason and are not utilized or
4 referred to for any purpose. In response to requests for information
5 or records of the person who was arrested or convicted, all
6 ¹~~["noticed"]~~ officers, departments and agencies shall reply, with
7 respect to the arrest, conviction or related proceedings which are the
8 subject of the order, that there is no record information. ¹The court
9 shall provide proof of expungement to the person whose records
10 have been expunged or to that person's representative.¹

11 b. Records of the Probation Division of the Superior Court
12 related to ~~["restitution, a fine, or other"]~~ any court-ordered financial
13 assessment that remains due at the time the court grants an
14 expungement ~~["may be retained as confidential, restricted-access~~
15 records in the Judiciary's automated system to facilitate the
16 collection and distribution of any outstanding assessments by the
17 comprehensive enforcement program established pursuant to
18 P.L.1995, c.9 (C.2B:19-1 et al.) as ordered by the court. The
19 Administrative Director of the Courts shall ensure that such records
20 are not released to the public. Such records shall be removed from
21 the Judiciary's automated system upon satisfaction of court-ordered
22 financial assessments or by order of the court"] ¹or sealing of
23 records¹ shall be transferred to the New Jersey Department of
24 Treasury for the collection and disbursement of future payments
25 and satisfaction of judgments in accordance with section 8 of
26 P.L.2017, c.244 (C.2C:52-23.1). The term "court-ordered financial
27 assessment" as used herein and throughout this section means and
28 includes any fine, fee, penalty, restitution, and other form of
29 financial assessment imposed by the court as part of the sentence
30 for the conviction ¹or convictions that are the subject of the
31 expungement or sealing order¹ , for which payment of restitution
32 takes precedence in accordance with chapter 46 of Title 2C of the
33 New Jersey Statutes. The Treasurer may specify, and the
34 Administrative Office of the Courts shall collaborate with, the
35 technical and informational standards required to effectuate the
36 transfer of the collection and disbursement responsibilities.
37 Notwithstanding any provision in this law or any other law to the
38 contrary, the court shall have sole authority to amend the judgment
39 concerning the amount of any court-ordered financial assessment
40 that remains due at the time the court grants an expungement ¹or
41 sealing of records¹.

42 (cf: P.L.2017, c.244, s.6)

43
44 ¹~~["13.]"~~ 14.¹ Section 8 of P.L.2017, c.244 (C.2C:52-23.1) is
45 amended to read as follows:

46 8. a. Notwithstanding any provision in this act to the contrary,
47 expunged ¹or sealed¹ records may be used ~~["by the comprehensive~~

1 enforcement program established pursuant to P.L.1995, c.9
2 (C.2B:19-1 et al.) to **collect restitution, fines and other** facilitate
3 the State Treasurer's collection of any court-ordered financial
4 assessments that remain due at the time an expungement ¹or sealing
5 of records¹ is granted by the court. The term "court-ordered
6 financial assessment" as used herein and throughout this section
7 means and includes any fine, fee, penalty, restitution, and other
8 form of financial assessment imposed by the court as part of the
9 sentence for the conviction ¹or convictions that are the subject of
10 the expungement or sealing order¹ , for which payment of
11 restitution takes precedence in accordance with chapter 46 of Title
12 2C of the New Jersey Statutes. Information regarding the nature of
13 such financial assessments or their derivation from expunged
14 ¹**criminal convictions** or sealed records¹ shall not be disclosed to
15 the public. Any record of a civil judgment for the unpaid portion of
16 any court-ordered financial **obligations** assessment that may be
17 docketed after the court has granted an expungement ¹**of the**
18 **underlying criminal conviction** or sealing of records¹ shall be
19 entered in the name of the Treasurer, State of New Jersey. The State
20 Treasurer shall thereafter administer such judgments **in**
21 **cooperation with the comprehensive enforcement program** without
22 disclosure of any information related to the underlying ¹**criminal**¹
23 nature of the assessments.

24 b. **The court, after providing appropriate due process, may**
25 nullify an expungement granted to a person pursuant to subsection
26 a. of N.J.S.2C:52-2 if the person willfully fails to comply with an
27 established payment plan or otherwise cooperate with the
28 comprehensive enforcement program to facilitate the collection of
29 any outstanding restitution, fines, and other court-ordered
30 assessments, provided that prior to nullifying the expungement the
31 person shall be afforded an opportunity to comply with or
32 restructure the payment plan, or otherwise cooperate to facilitate the
33 collection of outstanding restitution, fines, and other court-ordered
34 assessments. In the event of nullification, the court may restore the
35 previous expungement granted if the person complies with the
36 payment plan or otherwise cooperates to facilitate the collection of
37 any outstanding restitution, fines, and other court-ordered
38 assessments. **(Deleted by amendment, P.L. c.) (pending before**
39 the Legislature as this bill)
40 (cf: P.L.2017, c.244, s.8)

41

42 ¹**[14.] 15.**¹ N.J.S.22A:2-25 is amended to read as follows:
43 22A:2-25. Law Division filing fees

44 Upon the filing, entering or docketing with the deputy clerk of
45 the Superior Court in the various counties of the herein-mentioned
46 papers or documents by either party to any action or proceeding in

1 the Law Division of the Superior Court, other than a civil action in
 2 which a summons or writ must be issued, he shall pay the deputy
 3 clerk of the court the following fees:
 4 Entering of complaint or first paper of any action or proceeding ...
 5\$ 9.00
 6 Filing
 7 complaint.....\$ 3.00
 8\$ 3.00
 9 Filing answer or
 10 appearance.....\$ 6.00
 11\$ 6.00
 12 Filing any other pleading, any amended pleading or any amendment
 13 to a pleading\$ 3.00
 14 Filing and entering each order or judgment of court, including
 15 order to show cause.....\$ 6.00
 16 Filing and entering a voluntary dismissal, either by stipulation or
 17 order of court.....\$ 7.50
 18 Filing notice of appeal
 19
 20\$15.00
 21 Filing proceedings or papers on appeal
 22\$ 6.00
 23 **【Filing first paper on petition for expungement**
 24 **.....\$22.50 】**
 25 Filing any other paper or document not herein stated
 26\$ 4.50
 27 Signing and sealing habeas corpus
 28\$
 29 7.50
 30 Signing and issuing
 31 subpena.....
 32\$ 1.50
 33 (cf: P.L.1985, c.422, s.1)
 34

35 ¹**【15.】 16.** N.J.S.2C:52-29 is amended to read as follows:
 36 2C:52-29. Any person who files an application pursuant to this
 37 chapter shall **【pay to the State Treasurer】** not be charged a fee **【of**
 38 **\$30.00 to defer administrative costs in processing an application**
 39 **hereunder】** for applying for an expungement, and any fee set forth
 40 in the Rules of Court, which was, based on the Supreme Court’s
 41 temporary authority pursuant to sections 12 through 15, and 17
 42 through 19 of P.L.2014, c.31 (C.2B:1-7 through C.2B:1-13), a
 43 revision or supplement by the Supreme Court to the fee charged
 44 pursuant to this section prior to its amendment by P.L. _____,
 45 c. (C. _____) (pending before the Legislature as this bill), is void.
 46 (cf: N.J.S.2C:52-29)

1 ~~1~~**[16.]** 17.¹ There is appropriated from the General Fund to the
2 Department of Law and Public Safety the sum of \$15,000,000 to
3 implement the provisions of this act.

4
5 ~~1~~**[17.]** 18.¹ Section 8 of this act, concerning the automated
6 “clean slate” process and the task force assisting with its
7 development and implementation, sections ~~1~~**[14 and]**¹ 15 ~~1~~**and 16**¹
8 of this act, eliminating expungement filings fees, and section ~~1~~**[16]**
9 17¹ of this act, making an appropriation, shall take effect
10 immediately, and the remaining sections of this act shall take effect
11 on the 180th day following enactment. Concerning those sections
12 which do not take effect immediately, the Attorney General and the
13 Administrative Director of the Courts may take any anticipatory
14 administrative action as may be necessary to effectuate those
15 provisions.

16
17
18
19

20 Revises expungement eligibility and procedures, including new
21 “clean slate” automated process to render convictions and related
22 records inaccessible; creates e-filing system for expungements;
23 eliminates expungement filing fees; appropriates \$15 million to
24 DLPS for implementation.

SENATE, No. 4154

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED SEPTEMBER 12, 2019

Sponsored by:

Senator SANDRA B. CUNNINGHAM

District 31 (Hudson)

Senator STEPHEN M. SWEENEY

District 3 (Cumberland, Gloucester and Salem)

Senator M. TERESA RUIZ

District 29 (Essex)

Assemblyman JAMEL C. HOLLEY

District 20 (Union)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

Senator Turner, Assemblyman Chiaravalloti, Assemblywomen Tucker, Jasey and Timberlake

SYNOPSIS

Revises expungement eligibility and procedures, including new “clean slate” automated process to render convictions and related records inaccessible; creates e-filing system for expungements; eliminates expungement filing fees; appropriates \$15 million to DLPS for implementation.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 12/17/2019)

1 AN ACT concerning expungement eligibility and procedures,
2 amending and supplementing various parts of the statutory law
3 and making an appropriation.
4

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

8 1. N.J.S.2C:52-1 is amended to read as follows:

9 2C:52-1. Definition of Expungement. a. Except as otherwise
10 provided in this chapter, expungement shall mean the extraction,
11 sealing, [and] impounding, or isolation of all records on file within
12 any court, detention or correctional facility, law enforcement or
13 criminal justice agency concerning a person's detection,
14 apprehension, arrest, detention, trial or disposition of an offense
15 within the criminal justice system.

16 b. Expunged records shall include complaints, warrants,
17 arrests, commitments, processing records, fingerprints,
18 photographs, index cards, "rap sheets" and judicial docket records.
19 (cf: N.J.S.2C:52-1)
20

21 2. N.J.S.2C:52-2 is amended to read as follows:

22 2C:52-2. Indictable Offenses.

23 a. In all cases, except as herein provided, a person may present
24 an expungement application to the Superior Court pursuant to this
25 section if:

26 the person has been convicted of one crime under the laws of this
27 State, and does not otherwise have any [prior or] subsequent
28 conviction for another crime, whether within this State or any other
29 jurisdiction. A prior conviction for another crime shall not bar
30 presenting an application seeking expungement relief for the
31 criminal conviction that is the subject of the application; or

32 the person has been convicted of one crime and [less than four]
33 no more than three disorderly persons or petty disorderly persons
34 offenses under the laws of this State, and does not otherwise have
35 any [prior or] subsequent conviction for another crime, or any
36 [prior or] subsequent conviction for another disorderly persons or
37 petty disorderly persons offense such that the total number of
38 convictions for disorderly persons and petty disorderly persons
39 offenses would exceed three, whether any such crime or offense
40 conviction was within this State or any other jurisdiction. A prior
41 conviction for another crime, disorderly persons offense, or petty
42 disorderly persons offense shall not bar presenting an application
43 seeking expungement relief for the one criminal conviction and no
44 more than three convictions for disorderly persons or petty

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 disorderly persons offenses that are the subject of the application;
2 or

3 the person has been convicted of multiple crimes or a
4 combination of one or more crimes and one or more disorderly
5 persons or petty disorderly persons offenses under the laws of this
6 State, all of which are listed in a single judgment of conviction, and
7 does not otherwise have any **【prior or】** subsequent conviction for
8 another crime or offense in addition to those convictions included in
9 the expungement application, whether any such conviction was
10 within this State or any other jurisdiction. A prior conviction for
11 another crime, disorderly persons offense, or petty disorderly
12 persons offense that is not listed in a single judgement of conviction
13 shall not bar presenting an application seeking expungement relief
14 for the convictions listed in a single judgment of conviction that are
15 the subject of the application; or

16 the person has been convicted of multiple crimes or a
17 combination of one or more crimes and one or more disorderly
18 persons or petty disorderly persons offenses under the laws of this
19 State, which crimes or combination of crimes and offenses were
20 interdependent or closely related in circumstances and were
21 committed as part of a sequence of events that took place within a
22 comparatively short period of time, regardless of the date of
23 conviction or sentencing for each individual crime or offense, and
24 the person does not otherwise have any **【prior or】** subsequent
25 conviction for another crime or offense in addition to those
26 convictions included in the expungement application, whether any
27 such conviction was within this State or any other jurisdiction. A
28 prior conviction for another crime, disorderly persons offense, or
29 petty disorderly persons offense that was not interdependent or
30 closely related in circumstances and was not committed within a
31 comparatively short period of time as described above shall not bar
32 presenting an application seeking expungement relief for the
33 convictions of crimes or crimes and offenses that were
34 interdependent or closely related and committed within a
35 comparatively short period of time, and that are the subject of the
36 application.

37 For purposes of determining eligibility to present an
38 expungement application to the Superior Court pursuant to this
39 section, a conviction for unlawful distribution of, or possessing or
40 having under control with intent to distribute, marijuana or hashish
41 in violation of paragraph (11) of subsection b. of N.J.S.2C:35-5, or
42 a lesser amount of marijuana or hashish in violation of paragraph
43 (12) of subsection b. of that section, or a violation of either of those
44 paragraphs and a violation of subsection a. of section 1 of P.L.1987,
45 c.101 (C.2C:35-7) or subsection a. of section 1 of P.L.1997, c.327
46 (C.2C:35-7.1), for distributing, or possessing or having under
47 control with intent to distribute, on or within 1,000 feet of any
48 school property, or on or within 500 feet of the real property

1 comprising a public housing facility, public park, or public
2 building, or for obtaining or possessing marijuana or hashish in
3 violation of paragraph (3) of subsection a. of N.J.S.2C:35-10, or for
4 an equivalent crime in another jurisdiction, regardless of when the
5 conviction occurred, shall not be considered a conviction of a crime
6 within this State or any other jurisdiction but shall instead be
7 considered a conviction of a disorderly person offense within this
8 State or an equivalent category of offense within the other
9 jurisdiction, and a conviction for obtaining, possessing, using, being
10 under the influence of, or failing to make lawful disposition of
11 marijuana or hashish in violation of paragraph (4) of subsection a.,
12 or subsection b., or subsection c. of N.J.S.2C:35-10, or a violation
13 involving marijuana or hashish as described herein and using or
14 possessing with intent to use drug paraphernalia with that marijuana
15 or hashish in violation of N.J.S.2C:36-2, or for an equivalent crime
16 or offense in another jurisdiction, regardless of when the conviction
17 occurred, shall not be considered a conviction within this State or
18 any other jurisdiction.

19 The person, if eligible, may present the expungement application
20 after the expiration of a period of **【six】** five years from the date of
21 his most recent conviction, payment of **【fine】** any court-ordered
22 financial assessment, satisfactory completion of probation or
23 parole, or release from incarceration, whichever is later. The term
24 **【"fine"】** “court-ordered financial assessment” as used herein and
25 throughout this section means and includes any fine, fee, penalty,
26 restitution, and other 【court-ordered】 form of financial assessment
27 imposed by the court as part of the sentence for the conviction, for
28 which payment of restitution takes precedence in accordance with
29 chapter 46 of Title 2C of the New Jersey Statutes. The person shall
30 submit the expungement application to the Superior Court in the
31 county in which the most recent conviction for **【the】** a crime was
32 adjudged, **【which contains a separate,】** which includes a duly
33 verified petition as provided in N.J.S.2C:52-7 **【for each conviction**
34 sought to be expunged,】 praying that the conviction, or convictions
35 if applicable, and all records and information pertaining thereto be
36 expunged. The petition **【for each conviction】** appended to an
37 application shall comply with the requirements set forth in
38 N.J.S.2C:52-1 et seq.

39 Notwithstanding the provisions concerning the **【six-year】** five-
40 year time requirement, if, at the time of application, a **【fine which is**
41 **currently】** court-ordered financial assessment subject to collection
42 under the comprehensive enforcement program established pursuant
43 to P.L.1995, c.9 (C.2B:19-1 et al.) is not yet satisfied due to reasons
44 other than willful noncompliance, but the time requirement of **【six】**
45 five years is otherwise satisfied, the person may submit the
46 expungement application and the court may grant an expungement;
47 provided, however, that if expungement is granted **【under this**

1 paragraph,] the court shall [provide for the continued collection of
2 any outstanding amount owed that is necessary to satisfy the fine or
3 the entry of] enter a civil judgment for the unpaid portion of the
4 court-ordered financial assessment in the name of the Treasurer,
5 State of New Jersey and transfer collections and disbursement
6 responsibility to the State Treasurer for the outstanding amount in
7 accordance with section 8 of P.L.2017, c.244 (C.2C:52-23.1). The
8 Treasurer may specify, and the Administrative Office of the Courts
9 shall collaborate with, the technical and informational standards
10 required to effectuate the transfer of the collection and
11 disbursement responsibilities. Notwithstanding any provision in this
12 law or any other law to the contrary, the court shall have sole
13 discretion to amend the judgment.

14 Additionally, an application may be filed and presented, and the
15 court may grant an expungement pursuant to this section, although
16 less than [six] five years have expired in accordance with the time
17 requirements when the court finds:

18 (1) the [fine] court-ordered financial assessment is satisfied but
19 less than [six] five years have expired from the date of satisfaction,
20 and the time requirement of [six] five years is otherwise satisfied,
21 and the court finds that the person substantially complied with any
22 payment plan ordered pursuant to N.J.S.2C:46-1 et seq., or could
23 not do so due to compelling circumstances affecting his ability to
24 satisfy the [fine] assessment; or

25 (2) at least [five] four but less than [six] five years have expired
26 from the date of the most recent conviction, payment of [fine] any
27 court-ordered financial assessment, satisfactory completion of
28 probation or parole, or release from incarceration, whichever is
29 later; and

30 the person has not been otherwise convicted of a crime,
31 disorderly persons offense, or petty disorderly persons offense since
32 the time of the most recent conviction; and the court finds in its
33 discretion that [expungement is in the public interest, giving due
34 consideration to the nature of the offense or offenses, and the
35 applicant's character and conduct since the conviction or
36 convictions] compelling circumstances exist to grant the
37 expungement. The prosecutor may object pursuant to section 10 of
38 P.L., c. (C.) (pending before the Legislature as this bill),
39 N.J.S.2C:52-11, N.J.S.2C:52-14, or N.J.S.2C:52-24.

40 In determining whether compelling circumstances exist for the
41 purposes of paragraph (1) of this subsection, a court may consider
42 the amount of [the fine or fines] any court-ordered financial
43 assessment imposed, the person's age at the time of the offense or
44 offenses, the person's financial condition and other relevant
45 circumstances regarding the person's ability to pay.

46 b. Records of conviction pursuant to statutes repealed by this
47 Code for the crimes of murder, manslaughter, treason, anarchy,

1 kidnapping, rape, forcible sodomy, arson, perjury, false swearing,
2 robbery, embracery, or a conspiracy or any attempt to commit any
3 of the foregoing, or aiding, assisting or concealing persons accused
4 of the foregoing crimes, shall not be expunged.

5 Records of conviction for the following crimes specified in the
6 New Jersey Code of Criminal Justice shall not be subject to
7 expungement: N.J.S.2C:11-1 et seq. (Criminal Homicide), except
8 death by auto as specified in N.J.S.2C:11-5 and strict liability
9 vehicular homicide as specified in section 1 of P.L.2017, c.165
10 (C.2C:11-5.3); N.J.S.2C:13-1 (Kidnapping); section 1 of P.L.1993,
11 c.291 (C.2C:13-6) (Luring or Enticing); section 1 of P.L.2005, c.77
12 (C.2C:13-8) (Human Trafficking); N.J.S.2C:14-2 (Sexual Assault or
13 Aggravated Sexual Assault); subsection a. of N.J.S.2C:14-3
14 (Aggravated Criminal Sexual Contact); if the victim is a minor,
15 subsection b. of N.J.S.2C:14-3 (Criminal Sexual Contact); if the
16 victim is a minor and the offender is not the parent of the victim,
17 N.J.S.2C:13-2 (Criminal Restraint) or N.J.S.2C:13-3 (False
18 Imprisonment); N.J.S.2C:15-1 (Robbery); N.J.S.2C:17-1 (Arson
19 and Related Offenses); subsection a. of N.J.S.2C:24-4 (Endangering
20 the welfare of a child by engaging in sexual conduct which would
21 impair or debauch the morals of the child, or causing the child other
22 harm); paragraph (4) of subsection b. of N.J.S.2C:24-4
23 (Photographing or filming a child in a prohibited sexual act or for
24 portrayal in a sexually suggestive manner); paragraph (3) of
25 subsection b. of N.J.S.2C:24-4 (Causing or permitting a child to
26 engage in a prohibited sexual act or the simulation of an act, or to
27 be portrayed in a sexually suggestive manner); subparagraph (a) of
28 paragraph (5) of subsection b. of N.J.S.2C:24-4 (Distributing,
29 possessing with intent to distribute or using a file-sharing program
30 to store items depicting the sexual exploitation or abuse of a child);
31 subparagraph (b) of paragraph (5) of subsection b. of N.J.S.2C:24-4
32 (Possessing or viewing items depicting the sexual exploitation or
33 abuse of a child); section 8 of P.L.2017, c.141 (C.2C:24-4.1)
34 (Leader of a child pornography network); N.J.S.2C:28-1 (Perjury);
35 N.J.S.2C:28-2 (False Swearing); paragraph (4) of subsection b. of
36 N.J.S.2C:34-1 (Knowingly promoting the prostitution of the actor's
37 child); section 2 of P.L.2002, c.26 (C.2C:38-2) (Terrorism);
38 subsection a. of section 3 of P.L.2002, c.26 (C.2C:38-3) (Producing
39 or Possessing Chemical Weapons, Biological Agents or Nuclear or
40 Radiological Devices); and conspiracies or attempts to commit such
41 crimes.

42 Records of conviction for any crime committed by a person
43 holding any public office, position or employment, elective or
44 appointive, under the government of this State or any agency or
45 political subdivision thereof and any conspiracy or attempt to
46 commit such a crime shall not be subject to expungement if the
47 crime involved or touched such office, position or employment.

1 c. In the case of conviction for the sale or distribution of a
2 controlled dangerous substance or possession thereof with intent to
3 sell, expungement shall be denied except where the crimes involve:

4 (1) Marijuana, where the total quantity sold, distributed or
5 possessed with intent to sell was less than one ounce;

6 (2) Hashish, where the total quantity sold, distributed or
7 possessed with intent to sell was less than five grams; or

8 (3) Any controlled dangerous substance provided that the
9 conviction is of the third or fourth degree, where the court finds that
10 **[expungement is consistent with the public interest, giving due**
11 **consideration to the nature of the offense and the petitioner's**
12 **character and conduct since conviction]** compelling circumstances
13 exist to grant the expungement. The prosecutor may object
14 pursuant to section 10 of P.L. , c. (C.) (pending before the
15 Legislature as this bill), N.J.S.2C:52-11, N.J.S.2C:52-14, or
16 N.J.S.2C:52-24.

17 d. In the case of a State licensed physician or podiatrist
18 convicted of an offense involving drugs or alcohol or pursuant to
19 section 14 or 15 of P.L.1989, c.300 (C.2C:21-20 or 2C:21-4.1), the
20 **[court]** applicant shall notify the State Board of Medical Examiners
21 upon **[receipt of a petition]** filing an application for expungement
22 **[of the conviction and records and information pertaining thereto]**
23 and provide the board with a copy thereof. The applicant shall also
24 provide to the court a certification attesting that the requirements of
25 this subsection were satisfied. Failure to satisfy the requirements of
26 this subsection shall be grounds for denial of the expungement
27 application and, if applicable, administrative discipline by the
28 board.

29 (cf: P.L.2017, c.244, s.1)

30
31 3. N.J.S.2C:52-3 is amended to read as follows:

32 2C:52-3. Disorderly persons offenses and petty disorderly
33 persons offenses.

34 a. Any person who has been convicted of one or more
35 disorderly persons or petty disorderly persons offenses under the
36 laws of this State who has not been convicted of any crime, whether
37 within this State or any other jurisdiction, may present an
38 expungement application to the Superior Court pursuant to this
39 section. Any person who has been convicted of one or more
40 disorderly persons or petty disorderly persons offenses under the
41 laws of this State who has also been convicted of one or more
42 crimes shall not be eligible to apply for an expungement pursuant to
43 this section, but may present an expungement application to the
44 Superior Court pursuant to N.J.S.2C:52-2.

45 b. Any person who has been convicted of one or more
46 disorderly persons or petty disorderly persons offenses under the
47 laws of this State who has not been convicted of any crime, whether

1 within this State or any other jurisdiction, may present an
2 expungement application to the Superior Court pursuant to this
3 section if:

4 the person has been convicted, under the laws of this State, on
5 the same or separate occasions of no more than **[four]** five
6 disorderly persons offenses, no more than **[four]** five petty
7 disorderly persons offenses, or a combination of no more than
8 **[four]** five disorderly persons and petty disorderly persons
9 offenses, and the person does not otherwise have any **[prior or]**
10 subsequent conviction for a disorderly persons or petty disorderly
11 persons offense, whether within this State or any other jurisdiction,
12 such that the total number of convictions for disorderly persons and
13 petty disorderly persons offenses would exceed **[four]** five. A
14 prior conviction for another disorderly persons offense or petty
15 disorderly persons offense shall not bar presenting an application
16 seeking expungement relief for the convictions that are the subject
17 of the application, which may include convictions for no more than
18 five disorderly persons or petty disorderly persons offenses, or
19 combination thereof; or

20 the person has been convicted of multiple disorderly persons
21 offenses or multiple petty disorderly persons offenses under the
22 laws of this State, or a combination of multiple disorderly persons
23 and petty disorderly persons offenses under the laws of this State,
24 which convictions were entered on the same day, and does not
25 otherwise have any **[prior or]** subsequent conviction for another
26 offense in addition to those convictions included in the
27 expungement application, whether any such conviction was within
28 this State or any other jurisdiction. A prior conviction for another
29 disorderly persons or petty disorderly persons offense that was not
30 entered on the same day shall not bar presenting an application
31 seeking expungement relief for the convictions entered on the same
32 day that are the subject of the application; or

33 the person has been convicted of multiple disorderly persons
34 offenses or multiple petty disorderly persons offenses under the
35 laws of this State, or a combination of multiple disorderly persons
36 and petty disorderly persons offenses under the laws of this State,
37 which offenses or combination of offenses were interdependent or
38 closely related in circumstances and were committed as part of a
39 sequence of events that took place within a comparatively short
40 period of time, regardless of the date of conviction or sentencing for
41 each individual offense, and the person does not otherwise have any
42 **[prior or]** subsequent conviction for another offense in addition to
43 those convictions included in the expungement application, whether
44 within this State or any other jurisdiction. A prior conviction for
45 another disorderly persons offense or petty disorderly persons
46 offense that was not interdependent or closely related in
47 circumstances and was not committed within a comparatively short

1 period of time as described above shall not bar presenting an
2 application seeking expungement relief for the convictions of
3 offenses that were interdependent or closely related and committed
4 within a comparatively short period of time, and that are the subject
5 of the application.

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

36 The person, if eligible, may present the expungement application
37 after the expiration of a period of five years from the date of his
38 most recent conviction, payment of **【fine】** any court-ordered
39 financial assessment, satisfactory completion of probation or parole,
40 or release from incarceration, whichever is later. The term **【"fine"】**
41 “court-ordered financial assessment” as used herein and throughout
42 this section means and includes any fine, fee, penalty, restitution,
43 and other **【court-ordered】** form of financial assessment imposed by
44 the court as part of the sentence for the conviction, for which
45 payment of restitution takes precedence in accordance with chapter
46 46 of Title 2C of the New Jersey Statutes. The person shall submit
47 the expungement application to the Superior Court in the county in
48 which the most recent conviction for a disorderly persons or petty

1 disorderly persons offense was adjudged, **【**which contains a
2 separate,**】** which includes a duly verified petition as provided in
3 N.J.S.2C:52-7 **【**for each conviction sought to be expunged,**】**
4 praying that the conviction, or convictions if applicable, and all
5 records and information pertaining thereto be expunged. The
6 petition **【**for each conviction**】** appended to an application shall
7 comply with the requirements of N.J.S.2C:52-1 et seq.

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

27 Additionally, an application may be filed and presented, and the
28 court may grant an expungement pursuant to this section, **although**
29 less than five years have expired in accordance with the time
30 requirements when the court finds:

31 (1) the **【**fine**】** court-ordered financial assessment is satisfied but
32 less than five years have expired from the date of satisfaction, and
33 the five-year time requirement is otherwise satisfied, and the court
34 finds that the person substantially complied with any payment plan
35 ordered pursuant to N.J.S.2C:46-1 et seq., or could not do so due to
36 compelling circumstances affecting his ability to satisfy the **【**fine**】**
37 assessment; or

38 (2) at least three but less than five years have expired from the
39 date of the most recent conviction, payment of **【**fine**】** any court-
40 ordered financial assessment, satisfactory completion of probation
41 or parole, or release from incarceration, whichever is later; and

42 the person has not been otherwise convicted of a crime,
43 disorderly persons offense, or petty disorderly persons offense since
44 the time of the most recent conviction; and the court finds in its
45 discretion that **【**expungement is in the public interest, giving due
46 consideration to the nature of the offense or offenses, and the
47 applicant's character and conduct since the conviction or

1 convictions】 compelling circumstances exist to grant the
2 expungement. The prosecutor may object pursuant to section 10 of
3 P.L. , c. (C.) (pending before the Legislature as this bill),
4 N.J.S.2C:52-11, N.J.S.2C:52-14, or N.J.S.2C:52-24.

5 In determining whether compelling circumstances exist for the
6 purposes of paragraph (1) of this subsection, a court may consider
7 the amount of 【the fine or fines】 any court-ordered financial
8 assessment imposed, the person's age at the time of the offense or
9 offenses, the person's financial condition and other relevant
10 circumstances regarding the person's ability to pay.

11 (cf: P.L.2017, c.244, s.2)

12

13 4. N.J.S.2C:52-6 is amended to read as follows:

14 2C:52-6. Arrests not resulting in conviction.

15 a. When a person has been arrested or held to answer for a
16 crime, disorderly persons offense, petty disorderly persons offense,
17 or municipal ordinance violation under the laws of this State or of
18 any governmental entity thereof and proceedings against the person
19 were dismissed, the person was acquitted, or the person was
20 discharged without a conviction or finding of guilt, the Superior
21 Court shall, at the time of dismissal, acquittal, or discharge, or, in
22 any case set forth in paragraph (1) of this subsection, 【upon receipt
23 of an application from the person,】 order the expungement of all
24 records and information relating to the arrest or charge.

25 (1) If proceedings took place in municipal court, the municipal
26 court shall 【provide the person, upon request, with appropriate
27 documentation to transmit to the Superior Court to request
28 expungement pursuant to】 follow procedures developed by the
29 Administrative 【Office】 Director of the Courts. 【Upon receipt of
30 the documentation, the Superior Court shall enter an ex parte order
31 expunging all records and information relating to the person's arrest
32 or charge.】

33 (2) The provisions of N.J.S.2C:52-7 through N.J.S.2C:52-14
34 shall not apply to an expungement pursuant to this subsection 【and
35 no fee shall be charged to the person making such application】.

36 (3) An expungement under this subsection shall not be ordered
37 where the dismissal, acquittal, or discharge resulted from a plea
38 bargaining agreement involving the conviction of other
39 charges. This bar, however, shall not apply once the conviction is
40 itself expunged.

41 (4) The 【Superior Court】 court shall forward a copy of the
42 expungement order to 【the appropriate court and to】 the county
43 prosecutor. The county prosecutor shall promptly distribute copies
44 of the expungement order to appropriate law enforcement agencies
45 and correctional institutions who have custody and control of the
46 records specified in the order so that they may comply with the
47 requirements of N.J.S.2C:52-15.

1 (5) An expungement related to a dismissal, acquittal, or
2 discharge ordered pursuant to this subsection shall not bar any
3 future expungement.

4 (6) Where a dismissal of an offense is based on an eligible
5 servicemember's successful participation in a Veterans Diversion
6 Program pursuant to P.L.2017, c.42 (C.2C:43-23 et al.), the county
7 prosecutor, on behalf of the eligible servicemember, may move
8 before the court for the expungement of all records and information
9 relating to the arrest or charge, and the diversion at the time of
10 dismissal pursuant to this section.

11 b. When a person did not apply or a prosecutor did not move
12 on behalf of an eligible servicemember for an expungement of an
13 arrest or charge not resulting in a conviction pursuant to subsection
14 a. of this section, the person may at any time following the
15 disposition of proceedings, present a duly verified petition as
16 provided in N.J.S.2C:52-7 to the Superior Court in the county in
17 which the disposition occurred praying that records of such arrest
18 and all records and information pertaining thereto be expunged.
19 **【No fee shall be charged to the person for applying for an**
20 **expungement of an arrest or charge not resulting in a conviction**
21 **pursuant to this subsection.】**

22 c. (1) Any person who has had charges dismissed against him
23 pursuant to a program of supervisory treatment pursuant to
24 N.J.S.2C:43-12, or conditional discharge pursuant to N.J.S.2C:36A-
25 1, or conditional dismissal pursuant to P.L.2013, c.158 (C.2C:43-
26 13.1 et al.), shall be barred from the relief provided in this section
27 until six months after the entry of the order of dismissal.

28 (2) A servicemember who has successfully participated in a
29 Veterans Diversion Program pursuant to P.L.2017, c.42 (C.2C:43-
30 23 et al.) may apply for expungement pursuant to this section at any
31 time following the order of dismissal if an expungement was not
32 granted at the time of dismissal.

33 d. Any person who has been arrested or held to answer for a
34 crime shall be barred from the relief provided in this section where
35 the dismissal, discharge, or acquittal resulted from a determination
36 that the person was insane or lacked the mental capacity to commit
37 the crime charged.

38 (cf: P.L.2017, c.42, s.7)

39
40 5. (New section) a. (1) Notwithstanding the requirements of
41 N.J.S.2C:52-2 and N.J.S.2C:52-3 or any other provision of law to
42 the contrary, beginning on the effective date of this section, the
43 following persons may file a petition for an expungement with the
44 Superior Court at any time, provided they have satisfied, except as
45 otherwise set forth in this subsection, payment of any court-ordered
46 financial assessment as defined in section 8 of P.L. 2017, c.244
47 (C.2C:52-23.1), satisfactorily completed probation or parole, been

1 released from incarceration, or been discharged from legal custody
2 or supervision at the time of application:

3 (a) any person who, prior to the effective date of this section,
4 was charged with, convicted of, or adjudicated delinquent for, any
5 number of offenses, which in the case of a delinquent if committed
6 by an adult would constitute, unlawful distribution of, or possessing
7 or having under control with intent to distribute, marijuana or
8 hashish in violation of paragraph (12) of subsection b. of
9 N.J.S.2C:35-5, or a violation of that paragraph and a violation of
10 subsection a. of section 1 of P.L.1987, c.101 (C.2C:35-7) or
11 subsection a. of section 1 of P.L.1997, c.327 (C.2C:35-7.1) for
12 distributing, or possessing or having under control with intent to
13 distribute, on or within 1,000 feet of any school property, or on or
14 within 500 feet of the real property comprising a public housing
15 facility, public park, or public building; or

16 (b) any person who, prior to the effective date of this section,
17 was charged with, convicted of, or adjudicated delinquent for, any
18 number of offenses, which in the case of a delinquent if committed
19 by an adult would constitute, obtaining, possessing, using, being
20 under the influence of, or failing to make lawful disposition of
21 marijuana or hashish in violation of paragraph (3) or (4) of
22 subsection a., or subsection b., or subsection c. of N.J.S.2C:35-10;
23 or

24 (c) any person who, prior to the effective date of this section,
25 was charged with, convicted of, or adjudicated delinquent for, any
26 number of offenses, which in the case of a delinquent if committed
27 by an adult would constitute, a violation involving marijuana or
28 hashish as described in subparagraph (a) or (b) of this paragraph
29 and using or possessing with intent to use drug paraphernalia with
30 that marijuana or hashish in violation of N.J.S.2C:36-2.

31 (2) If, at the time of application, a court-ordered financial
32 assessment subject to collection under the comprehensive
33 enforcement program established pursuant to P.L.1995, c.9
34 (C.2B:19-1 et al.) is not yet satisfied due to reasons other than
35 willful noncompliance, but the provisions of paragraph (1) of this
36 subsection are otherwise satisfied, the person may submit the
37 expungement application and the court shall grant an expungement
38 in accordance with subsection c. of this section; provided, however,
39 that at the time the expungement is granted the court shall enter a
40 civil judgment for the unpaid portion of the court-ordered financial
41 assessment in the name of the Treasurer, State of New Jersey and
42 transfer collection and disbursement responsibility to the State
43 Treasurer for the outstanding amount in accordance with section 8
44 of P.L.2017, c.244 (C.2C:52:23.1). The Treasurer may specify, and
45 the Administrative Office of the Courts shall collaborate with, the
46 technical and informational standards required to effectuate the
47 transfer of the collection and disbursement responsibilities.
48 Notwithstanding any provision in this law or any other law to the

1 contrary, the court shall have sole discretion to amend the
2 judgment.

3 b. (1) Notwithstanding the requirements of N.J.S.2C:52-2 and
4 N.J.S.2C:52-3 or any other provision of law to the contrary,
5 beginning on the effective date of this section, a person who, prior,
6 on, or after that effective date is charged with, convicted of, or
7 adjudicated delinquent for, any number of offenses, which in the
8 case of a delinquent if committed by an adult would constitute,
9 unlawful distribution of, or possessing or having under control with
10 intent to distribute, marijuana or hashish in violation of paragraph
11 (11) of subsection b. of N.J.S.2C:35-5, may file a petition for an
12 expungement with the Superior Court after the expiration of three
13 years from the date of the most recent conviction, payment of any
14 court-ordered financial assessment as defined in N.J.S.2C:52-2,
15 satisfactory completion of probation or parole, release from
16 incarceration, or discharge from legal custody or supervision,
17 whichever is later.

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

39 (b) Additionally, an application may be filed and presented, and
40 an expungement granted pursuant to subsection c. of this section,
41 although less than three years have expired in accordance with the
42 time requirement set forth in paragraph (1) of this subsection, when
43 the court finds that the court-ordered financial assessment is
44 satisfied but less than three years have expired from the date of
45 satisfaction, and the time requirement of three years is otherwise
46 satisfied, and the court finds that the person substantially complied
47 with any payment plan ordered pursuant to N.J.S.2C:46-1 et seq., or

1 could not do so due to compelling circumstances affecting the
2 person's ability to satisfy the financial assessment.

3 c. (1) The provisions of N.J.S.2C:52-8 through N.J.S.2C:52-14
4 shall not apply to an expungement as set forth in this section.

5 (2) Upon review of the petition, the court shall immediately grant
6 an expungement for each charge, conviction, or adjudication of
7 delinquency as described in subsection a. or b. of this section, as
8 applicable. The court shall provide copies of the expungement
9 order to the person who is the subject of the petition.

10 (3) A court order vacating an expungement that is granted to a
11 person pursuant to this subsection may be issued upon an action
12 filed by a county prosecutor with the court that granted the
13 expungement, if filed no later than 30 days after the expungement
14 order was issued, with notice to the person, and a hearing is
15 scheduled at which the county prosecutor shows proof that the
16 expungement was granted in error due to a statutory disqualification
17 to expungement that existed at the time the relief was initially
18 granted.

19 d. Any public employee or public agency that provides
20 information or records pursuant to this section shall be immune
21 from criminal and civil liability as a result of an act of commission
22 or omission by that person or entity arising out of and in the course
23 of participation in, or assistance with, in good faith, an
24 expungement. The immunity shall be in addition to and not in
25 limitation of any other immunity provided by law.

26

27 6. (New section) a. Unless otherwise provided by law, a court
28 shall order the nondisclosure of the records of the court and probation
29 services, and records of law enforcement agencies with respect to any
30 arrest, charge, conviction, or adjudication of delinquency, and any
31 proceedings related thereto, upon disposition of any case occurring on
32 or after the date of this section that solely includes the following
33 convictions or adjudications of delinquency:

34 (1) any number of offenses for, or juvenile acts which if committed
35 by an adult would constitute, unlawful distribution of, or possessing or
36 having under control with intent to distribute, marijuana or hashish in
37 violation of paragraph (12) of subsection b. of N.J.S.2C:35-5, or a
38 violation of that paragraph and a violation of subsection a. of section 1
39 of P.L.1987, c.101 (C.2C:35-7) or subsection a. of section 1 of
40 P.L.1997, c.327 (C.2C:35-7.1) for distributing, or possessing or having
41 under control with intent to distribute, on or within 1,000 feet of any
42 school property, or on or within 500 feet of the real property
43 comprising a public housing facility, public park, or public building;

44 (2) any number of offenses for, or juvenile acts which if committed
45 by an adult would constitute, obtaining, possessing, using, being under
46 the influence of, or failing to make lawful disposition of marijuana or
47 hashish in violation of paragraph (3) or (4) of subsection a., or
48 subsection b., or subsection c. of N.J.S.2C:35-10; or

1 (3) a violation involving marijuana or hashish as described in
2 paragraph (1) or (2) of this subsection and any number of offenses for,
3 or juvenile acts which if committed by an adult would constitute, using
4 or possessing with intent to use drug paraphernalia in violation of
5 N.J.S.2C:36-2 if the drug paraphernalia appears to be for use, intended
6 for use, or designed for use with marijuana or hashish, unless the
7 owner or anyone in control of the object was in possession of one
8 ounce or more of marijuana, five grams or more of hashish, or another
9 illegal controlled dangerous substance or controlled substance analog,
10 or the object was in proximity of one ounce or more of marijuana, five
11 grams or more of hashish, or another illegally possessed controlled
12 dangerous substance or controlled substance analog to indicate its use,
13 intended use, or design for use with that controlled dangerous
14 substance or controlled substance analog.

15 b. Notice of the sealing order issued pursuant to subsection a. of
16 this section shall be provided to:

17 (1) The Attorney General, county prosecutor, or municipal
18 prosecutor handling the case; and

19 (2) The State Police and any local law enforcement agency having
20 custody of the files and records.

21 c. Upon the entry of a sealing order issued pursuant to subsection
22 a. of this section, the proceedings in the case shall be sealed and all
23 index references shall be marked “not available” or “no record.” Law
24 enforcement agencies shall reply to requests for information or records
25 of a person subject to a sealing order that there is no information or
26 records. The person may also reply to any inquiry that there is no
27 information or record, except that information subject to a sealing
28 order shall be revealed by that person if seeking employment within
29 the judicial branch or with a law enforcement or corrections agency,
30 and the information shall continue to provide a disability to the extent
31 provided by law.

32 d. Records subject to a sealing order issued pursuant to subsection
33 a. of this section may be maintained for purposes of prior offender
34 status, identification and law enforcement purposes, provided that the
35 records shall not be considered whenever the Pretrial Services
36 Program established by the Administrative Office of the Courts
37 pursuant to section 11 of P.L.2014, c.31 (C.2A:162-25) conducts a risk
38 assessment on an eligible defendant for the purpose of making
39 recommendations to the court concerning an appropriate pretrial
40 release decision in accordance with sections 1 through 11 of P.L.2014,
41 c.31 (C.2A:162-15 et seq.) or used for sentencing purposes in any
42 other case.

43
44 7. (New section) “Clean slate” expungement by petition. a. A
45 person, who is not otherwise eligible to present an expungement
46 application pursuant to any other section of chapter 52 of Title 2C
47 of the New Jersey Statutes or other section of law, may present an
48 expungement application to the Superior Court pursuant to this

1 section if the person has been convicted of one or more crimes, one
2 or more disorderly persons or petty disorderly persons offenses, or a
3 combination of one or more crimes and offenses under the laws of
4 this State, unless the person has a conviction for a crime which is
5 not subject to expungement pursuant to subsection b. or c. of
6 N.J.S.2C:52-2. The person may present an application pursuant to
7 this section regardless of whether the person would otherwise be
8 ineligible pursuant to subsection e. of N.J.S.2C:52-14 for having
9 had a previous criminal conviction expunged, or due to having been
10 granted an expungement pursuant to this or any other provision of
11 law.

12 b. The person, if eligible, may present the expungement
13 application after the expiration of a period of ten years from the
14 date of the person's most recent conviction, payment of any court-
15 ordered financial assessment, satisfactory completion of probation
16 or parole, or release from incarceration, whichever is later. The
17 term "court-ordered financial assessment" as used herein and
18 throughout this section means and includes any fine, fee, penalty,
19 restitution, and other form of financial assessment imposed by the
20 court as part of the sentence for the conviction, for which payment
21 of restitution takes precedence in accordance with chapter 46 of
22 Title 2C of the New Jersey Statutes. The person shall submit the
23 expungement application to the Superior Court in the county in
24 which the most recent conviction for a crime or offense was
25 adjudged, which includes a duly verified petition as provided in
26 N.J.S.2C:52-7 praying that all the person's convictions, and all
27 records and information pertaining thereto, be expunged. The
28 petition appended to an application shall comply with the
29 requirements set forth in N.J.S.2C:52-1 et seq.

30 c. Notwithstanding the provisions concerning the ten-year time
31 requirement, if, at the time of application, a court-ordered financial
32 assessment subject to collection under the comprehensive
33 enforcement program established pursuant to P.L.1995, c.9
34 (C.2B:19-1 et al.) is not yet satisfied due to reasons other than
35 willful noncompliance, but the time requirement of ten years is
36 otherwise satisfied, the person may submit the expungement
37 application and the court shall grant an expungement in accordance
38 with this section; provided, however, that at the time of the
39 expungement the court shall enter a civil judgment for the unpaid
40 portion of the court-ordered financial assessment in the name of the
41 Treasurer, State of New Jersey and transfer collection and
42 disbursement responsibility to the State Treasurer for the
43 outstanding amount in accordance with section 8 of P.L.2017, c.244
44 (C.2C:52-23.1). The Treasurer may specify, and the Administrative
45 Office of the Courts shall collaborate with, the technical and
46 informational standards required to effectuate the transfer of the
47 collection and disbursement responsibilities. Notwithstanding any

1 provision in this law or any other law to the contrary, the court shall
2 have sole discretion to amend the judgment.

3 d. No expungement applications may be filed pursuant to this
4 section after the establishment of the automated process pursuant to
5 subsection a. of section 8 of P.L. c. (C.) (pending before the
6 Legislature as this bill).

7
8 8. (New section) Automated “clean slate” process. a. The
9 following provisions set forth in this subsection shall become
10 operative on the 180th day following enactment of this section:

11 (1) The State shall develop and implement an automated process,
12 based, to the greatest extent practicable, on the recommendations of
13 the task force established pursuant to subsection b. of this section,
14 by which all convictions, and all records and information pertaining
15 thereto, shall be rendered inaccessible to the public, through
16 sealing, expungement, or some equivalent process, for any person
17 who has been convicted of one or more crimes, one or more
18 disorderly persons or petty disorderly persons offenses, or a
19 combination of one or more crimes and offenses under the laws of
20 this State, unless the person has a conviction for a crime which is
21 not subject to expungement pursuant to subsection b. or c. of
22 N.J.S.2C:52-2, upon the expiration of a period of ten years from the
23 date of the person’s most recent conviction, payment of any court-
24 ordered financial assessment, satisfactory completion of probation
25 or parole, or release from incarceration, whichever is later. The
26 term “court-ordered financial assessment” as used herein means and
27 includes any fine, fee, penalty, restitution, and other form of
28 financial assessment imposed by the court as part of the sentence
29 for the conviction, for which payment of restitution takes
30 precedence in accordance with chapter 46 of Title 2C of the New
31 Jersey Statutes.

32 (2) The automated process shall be designed to restore a person’s
33 convictions and other criminal history on the State Police Criminal
34 History if the person is subsequently convicted of a crime, for
35 which the conviction is not subject to expungement pursuant to
36 subsection b. or c. of N.J.S.2C:52-2. A prosecutor may submit the
37 restored criminal history to the court for consideration at sentencing
38 for the subsequent conviction.

39 (3) Upon establishment of the automated process pursuant to
40 this subsection, any pending “clean slate” expungement petitions
41 filed pursuant to section 7 of P.L. , c. (C.) (pending before
42 the Legislature as this bill) shall be rendered moot and shall be
43 withdrawn or dismissed in accordance with procedures established
44 by the Supreme Court.

45 b. (1) (a) There is established a task force for the purpose of
46 examining, evaluating, and making recommendations regarding the
47 development and implementation of the automated process described
48 in subsection a. of this section, by which all of a person’s convictions,

1 and all records and information pertaining thereto, shall be rendered
2 inaccessible to the public.

3 (b) The task force shall consist of at least the following members:

4 The Chief Technology Officer of the Office of Information
5 Technology, or a designee or designees;

6 The Attorney General, or a designee or designees, one or more of
7 whom may be members of the State Bureau of Identification and the
8 Information Technology Bureau in the Division of State Police
9 designated by the Superintendent of the State Police;

10 The Administrative Director of the Courts, or a designee or
11 designees;

12 The Director of Information Technology for the Administrative
13 Office of the Courts, or a designee or designees;

14 The Commissioner of the Department of Corrections, or a designee
15 or designees;

16 The President of the New Jersey County Jail Wardens Association,
17 or a designee or designees;

18 The President of the New Jersey State Association of Chiefs of
19 Police, or a designee or designees;

20 Two members of the Senate, who shall each be of different
21 political parties, appointed by the Governor upon the recommendation
22 of the Senate President;

23 Two members of the General Assembly, who shall each be of
24 different political parties, appointed by the Governor upon the
25 recommendation of the Speaker of the General Assembly;

26 Two members of academic institutions or non-profit entities who
27 have a background in, or special knowledge of, computer technology,
28 database management, or recordkeeping processes; and

29 Four members of the public appointed by the Governor who each
30 have a background in, or special knowledge of, the technological,
31 criminal record or legal processes of expungement, or criminal history
32 recordkeeping, of which two of whom shall be appointed by the
33 Governor upon recommendation of the Senate President and two of
34 whom shall be appointed by the Governor upon recommendation of
35 the Speaker of the General Assembly.

36 (c) Appointments to the task force shall be made within 30 days of
37 the effective date of this section. Vacancies in the membership of the
38 task force shall be filled in the same manner as the original
39 appointments were made.

40 (d) Members of the task force shall serve without compensation,
41 but shall be reimbursed for necessary expenditures incurred in the
42 performance of their duties as members of the task force within the
43 limits of funds appropriated or otherwise made available to the task
44 force for its purposes.

45 (e) The task force shall organize as soon as practicable, but no
46 later than 30 days following the appointment of its members. The task
47 force shall choose a chairperson from among its members and shall
48 appoint a secretary who need not be a member of the task force.

1 (f) The Department of Law and Public Safety shall provide such
2 stenographic, clerical, and other administrative assistants, and such
3 professional staff as the task force requires to carry out its work. The
4 task force shall also be entitled to call to its assistance and avail itself
5 of the services of the employees of any State, county, or municipal
6 department, board, bureau, commission, or agency as it may require
7 and as may be available for its purposes.

8 (2) It shall be the duty of the task force to identify, analyze and
9 recommend solutions to any technological, fiscal, resource, and
10 practical issues that may arise in the development and implementation
11 of the automated process described in subsection a. of this section. In
12 carrying out these responsibilities, the task force shall to the extent
13 feasible:

14 (a) examine and evaluate the effectiveness of the design and
15 implementation of automated processes in Pennsylvania and California
16 and other jurisdictions that have implemented similar programs, and
17 consult with officials in those jurisdictions concerning their processes
18 and any technological, fiscal, resource, and practical issues that they
19 may have encountered, contemplated, or addressed in developing and
20 implementing those systems; and

21 (b) consult with non-profit computer programming organizations
22 such as "Code for America" with expertise in assisting in the
23 implementation of automated processes and expungement processing
24 generally, to the extent those organizations make themselves available
25 for this purpose; and

26 (c) identify the necessary systemic changes, required technology,
27 cost estimates, and possible sources of funding for developing and
28 implementing the automated process described in subsection a. of this
29 section.

30 (3) (a) The task force shall issue a final report of its findings and
31 recommendations to the Governor, and to the Legislature pursuant to
32 section 2 of P.L.1991, c.164 (C.52:14-19.1), no later than 180 days
33 after the task force organizes.

34 (b) The task force shall expire 30 days after the issuance of its
35 report.

36
37 9. N.J.S.2C:52-8 is amended to read as follows:

38 2C:52-8. Statements to accompany petition. There shall be
39 attached to a petition for expungement:

40 a. A statement with the affidavit or verification that there are
41 no disorderly persons, petty disorderly persons or criminal charges
42 pending against the petitioner at the time of filing of the petition for
43 expungement.

44 b. In those instances where the petitioner is seeking the
45 expungement of a criminal conviction **【**, or the expungement of
46 convictions**】** pursuant to **【**N.J.S.2C:52-3 for multiple disorderly
47 persons or petty disorderly persons offenses, all of which were
48 entered the same day, or which were interdependent or closely

1 related in circumstances and were committed as part of a sequence
2 of events that took place within a comparatively short period of
3 time] N.J.S.2C:52-2, a statement with affidavit or verification that
4 he has never been granted expungement, sealing or similar relief
5 regarding a criminal conviction [or convictions for multiple
6 disorderly persons or petty disorderly persons offenses, all of which
7 were entered the same day, or which were interdependent or closely
8 related in circumstances and were committed as part of a sequence
9 of events that took place within a comparatively short period of
10 time] by any court in this State or other state or by any Federal
11 court. "Sealing" refers to the relief previously granted pursuant to
12 P.L.1973, c.191 (C.2A:85-15 et seq.).

13 c. In those instances where a person has received a dismissal of
14 a criminal charge because of acceptance into a supervisory
15 treatment or any other diversion program, a statement with affidavit
16 or verification setting forth the nature of the original charge, the
17 court of disposition and date of disposition.

18 d. A statement as to whether the petitioner has legally changed
19 the petitioner's name, the date of judgment of name change, and the
20 previous legal name. If applicable, the petitioner shall provide a
21 copy of the order for name change.

22 (cf: P.L.2017, c.244, s.4)

23

24 10. (New section) a. (1) No later than twelve months after the
25 effective date of this section, the Administrative Office of the Courts
26 shall develop and maintain a system for petitioners to electronically
27 file expungement applications pursuant to N.J.S.2C:52-1 et seq. The
28 e-filing system shall be available Statewide and include electronic
29 filing, electronic service of process, and electronic document
30 management.

31 (2) The system shall, within 30 days of the person filing the
32 application for expungement, electronically notify relevant law
33 enforcement and criminal justice agencies, if applicable, pursuant to
34 N.J.S.2C:52-10.

35 (3) The system shall electronically compile a listing of all possibly
36 relevant Judiciary records for an expungement petitioner and transmit
37 this information to the appropriate criminal justice agencies subject to
38 notice of the petition in accordance with N.J.S.2C:52-10.

39 b. Upon receipt of the information from the court pursuant to
40 paragraphs (2) and (3) of subsection a. of this section, the
41 Superintendent of State Police, the Attorney General, and the county
42 prosecutor of any county in which the person was convicted shall,
43 within 60 days, review and confirm, as appropriate, the information
44 against the Criminal Case History and notify the court of any
45 inaccurate or incomplete data contained in the information or of any
46 other basis for ineligibility, if applicable, pursuant to N.J.S.2C:52-14.

47 c. The court shall provide copies of an expungement order to the
48 person who is the subject of the petition and electronically transmit the

1 order to the previously noticed parties, or parties otherwise entitled to
2 notice, in accordance with N.J.S.2C:52-15.

3

4 11. N.J.S.2C:52-14 is amended to read as follows:

5 2C:52-14. A petition for expungement filed pursuant to this
6 chapter shall be denied when:

7 a. Any statutory prerequisite, including any provision of this
8 chapter, is not fulfilled or there is any other statutory basis for
9 denying relief.

10 b. The need for the availability of the records outweighs the
11 desirability of having a person freed from any disabilities as
12 otherwise provided in this chapter. An application may be denied
13 under this subsection only following objection of a party given
14 notice pursuant to N.J.S.2C:52-10 and the burden of asserting such
15 grounds shall be on the objector **],** except that in regard to
16 expungement sought for third or fourth degree drug offenses
17 pursuant to paragraph (3) of subsection c. of N.J.S.2C:52-2, the
18 court shall consider whether this factor applies regardless of
19 whether any party objects on this basis**].**

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

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

30 e. **[A]** Except as set forth in subsection a. of section 7 of
31 P.L. , c. (C.) (pending before the Legislature as this bill)
32 concerning a “clean slate” expungement petition, the person has had
33 a previous criminal conviction expunged regardless of the lapse of
34 time between the prior expungement, or sealing under prior law,
35 and the present petition. This provision shall not apply:

36 (1) When the person is seeking the expungement of a municipal
37 ordinance violation or,

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

40 f. (Deleted by amendment, P.L.2017, c.244)

41 (cf: P.L.2017, c.244, s.5)

42

43 12. N.J.S.2C:52-15 is amended to read as follows:

44 2C:52-15. a. Except as provided in subsection b. of this section,
45 if an order of expungement of records of arrest or conviction under
46 this chapter is granted by the court, all the records specified in said
47 order shall be removed from the files of the agencies which have

1 been noticed of the pendency of petitioner's motion and which are,
2 by the provisions of this chapter, entitled to notice, and shall be
3 placed in the control of a person who has been designated by the
4 head of each such agency which, at the time of the hearing,
5 possesses said records. That designated person shall, except as
6 otherwise provided in this chapter, ensure that such records or the
7 information contained therein are not released for any reason and
8 are not utilized or referred to for any purpose. In response to
9 requests for information or records of the person who was arrested
10 or convicted, all noticed officers, departments and agencies shall
11 reply, with respect to the arrest, conviction or related proceedings
12 which are the subject of the order, that there is no record
13 information.

14 b. Records of the Probation Division of the Superior Court
15 related to **restitution, a fine, or other** any court-ordered financial
16 assessment that remains due at the time the court grants an
17 expungement [may be retained as confidential, restricted-access
18 records in the Judiciary's automated system to facilitate the
19 collection and distribution of any outstanding assessments by the
20 comprehensive enforcement program established pursuant to
21 P.L.1995, c.9 (C.2B:19-1 et al.) as ordered by the court. The
22 Administrative Director of the Courts shall ensure that such records
23 are not released to the public. Such records shall be removed from
24 the Judiciary's automated system upon satisfaction of court-ordered
25 financial assessments or by order of the court] shall be transferred
26 to the New Jersey Department of Treasury for the collection and
27 disbursement of future payments and satisfaction of judgments in
28 accordance with section 8 of P.L.2017, c.244 (C.2C:52-23.1). The
29 term "court-ordered financial assessment" as used herein and
30 throughout this section means and includes any fine, fee, penalty,
31 restitution, and other form of financial assessment imposed by the
32 court as part of the sentence for the conviction, for which payment
33 of restitution takes precedence in accordance with chapter 46 of
34 Title 2C of the New Jersey Statutes. The Treasurer may specify,
35 and the Administrative Office of the Courts shall collaborate with,
36 the technical and informational standards required to effectuate the
37 transfer of the collection and disbursement responsibilities.
38 Notwithstanding any provision in this law or any other law to the
39 contrary, the court shall have sole authority to amend the judgment
40 concerning the amount of any court-ordered financial assessment
41 that remains due at the time the court grants an expungement.

42 (cf: P.L.2017, c.244, s.6)

43

44 13. Section 8 of P.L.2017, c.244 (C.2C:52-23.1) is amended to
45 read as follows:

46 8. a. Notwithstanding any provision in this act to the contrary,

1 expunged records may be used **【**by the comprehensive
2 enforcement program established pursuant to P.L.1995, c.9
3 (C.2B:19-1 et al.)**】** to **【**collect restitution, fines and other**】** facilitate
4 the State Treasurer’s collection of any court-ordered financial
5 assessments that remain due at the time an expungement is granted
6 by the court. The term “court-ordered financial assessment” as used
7 herein and throughout this section means and includes any fine, fee,
8 penalty, restitution, and other form of financial assessment imposed
9 by the court as part of the sentence for the conviction, for which
10 payment of restitution takes precedence in accordance with chapter
11 46 of Title 2C of the New Jersey Statutes. Information regarding
12 the nature of such financial assessments or their derivation from
13 expunged criminal convictions shall not be disclosed to the
14 public. Any record of a civil judgment for the unpaid portion of
15 any court-ordered financial **【**obligations**】** assessment that may be
16 docketed after the court has granted an expungement of the
17 underlying criminal conviction shall be entered in the name of the
18 Treasurer, State of New Jersey. The State Treasurer shall thereafter
19 administer such judgments **【**in cooperation with the comprehensive
20 enforcement program**】** without disclosure of any information
21 related to the underlying criminal nature of the assessments.

22 b. **【**The court, after providing appropriate due process, may
23 nullify an expungement granted to a person pursuant to subsection
24 a. of N.J.S.2C:52-2 if the person willfully fails to comply with an
25 established payment plan or otherwise cooperate with the
26 comprehensive enforcement program to facilitate the collection of
27 any outstanding restitution, fines, and other court-ordered
28 assessments, provided that prior to nullifying the expungement the
29 person shall be afforded an opportunity to comply with or
30 restructure the payment plan, or otherwise cooperate to facilitate the
31 collection of outstanding restitution, fines, and other court-ordered
32 assessments. In the event of nullification, the court may restore the
33 previous expungement granted if the person complies with the
34 payment plan or otherwise cooperates to facilitate the collection of
35 any outstanding restitution, fines, and other court-ordered
36 assessments.**】** (Deleted by amendment, P.L. c.) (pending before
37 the Legislature as this bill)
38 (cf: P.L.2017, c.244, s.8)

39

40 14. N.J.S.22A:2-25 is amended to read as follows:

41 22A:2-25. Law Division filing fees

42 Upon the filing, entering or docketing with the deputy clerk of
43 the Superior Court in the various counties of the herein-mentioned
44 papers or documents by either party to any action or proceeding in
45 the Law Division of the Superior Court, other than a civil action in
46 which a summons or writ must be issued, he shall pay the deputy
47 clerk of the court the following fees:

S4154 CUNNINGHAM, SWEENEY

| | | | | | | | | |
|----|--|-------------|---------|--------|----------|---------|-------------|---------|
| 1 | Entering of complaint or first paper of any action or proceeding ... | | | | | | | |
| 2 | ..... | \$ 9.00 | | | | | | |
| 3 | Filing | | | | | | | |
| 4 | complaint..... | | | | | | | |
| 5 | ..... | \$ 3.00 | | | | | | |
| 6 | Filing | answer | or | | | | | |
| 7 | appearance..... | | | | | | | |
| 8 | ..... | \$ 6.00 | | | | | | |
| 9 | Filing any other pleading, any amended pleading or any amendment | | | | | | | |
| 10 | to a pleading | \$ 3.00 | | | | | | |
| 11 | Filing and entering each order or judgment of court, including | | | | | | | |
| 12 | order to show cause..... | \$ 6.00 | | | | | | |
| 13 | Filing and entering a voluntary dismissal, either by stipulation or | | | | | | | |
| 14 | order of court..... | \$ 7.50 | | | | | | |
| 15 | Filing | notice | of | appeal | | | | |
| 16 | ..... |  |  |  |  |  |  |  |
| 17 | ..... | \$15.00 | | | | | | |
| 18 | Filing | proceedings | or | papers | on | appeal | | |
| 19 | ..... |  |  |  |  | \$ 6.00 | | |
| 20 | 【 Filing | first | paper | on | petition | for | expungement | |
| 21 | ..... |  |  |  |  |  | 】 | \$22.50 |
| 22 | Filing any other paper or document not herein stated | | | | | | | |
| 23 | ..... |  |  |  |  |  |  | \$ 4.50 |
| 24 | Signing | and | sealing | habeas | corpus | | | |
| 25 | ..... |  |  |  |  |  |  | \$ |
| 26 | 7.50 | | | | | | | |
| 27 | Signing | | and | | issuing | | | |
| 28 | subpena..... | | | | | | | |
| 29 | ..... |  |  |  |  |  |  | \$ 1.50 |
| 30 | (cf: P.L.1985, c. 422, s. 1) | | | | | | | |

31

32 15. N.J.S.2C:52-29 is amended to read as follows:

33 2C:52-29. Any person who files an application pursuant to this

34 chapter shall **【**pay to the State Treasurer**】** not be charged a fee **【**of

35 \$30.00 to defer administrative costs in processing an application

36 hereunder**】** for applying for an expungement, and any fee set forth

37 in the Rules of Court, which was, based on the Supreme Court's

38 temporary authority pursuant to sections 12 through 15, and 17

39 through 19 of P.L.2014, c.31 (C.2B:1-7 through C.2B:1-13), a

40 revision or supplement by the Supreme Court to the fee charged

41 pursuant to this section prior to its amendment by P.L. _____,

42 c. (C. _____) (pending before the Legislature as this bill), is void.

43 (cf: N.J.S.2C:52-29)

44

45 16. There is appropriated from the General Fund to the

46 Department of Law and Public Safety the sum of \$15,000,000 to

47 implement the provisions of this act.

1 17. Section 8 of this act, concerning the automated “clean slate”
2 process and the task force assisting with its development and
3 implementation, sections 14 and 15 of this act, eliminating
4 expungement filings fees, and section 16 of this act, making an
5 appropriation, shall take effect immediately, and the remaining
6 sections of this act shall take effect on the 180th day following
7 enactment. Concerning those sections which do not take effect
8 immediately, the Attorney General and the Administrative Director
9 of the Courts may take any anticipatory administrative action as
10 may be necessary to effectuate those provisions.
11
12

13 STATEMENT
14

15 This bill concerns several reforms to expungement eligibility and
16 procedures, some focused on the treatment of various marijuana or
17 hashish possession, distribution, and drug paraphernalia crimes and
18 offenses and others being more generally applicable to any
19 expungement. Notably, the bill would establish: a new “clean slate”
20 process to generally clear a person’s entire criminal history, initially
21 by expungement petition and later replaced by an automated “clean
22 slate” process; create a new electronic filing system for all
23 expungements; and appropriate \$15,000,000 to the Department of Law
24 and Public Safety to assist with implementation of the reforms. The
25 bill’s provisions are almost entirely based upon a combination of the
26 Second Reprint of Senate Bill No. 3205, which passed both Houses of
27 the Legislature on June 10, 2019, and the suggested changes presented
28 in the Governor’s Conditional Veto of the bill, which was received by
29 the Senate on August 23, 2019.

30 “Standard” Expungement Process

31 Concerning the “standard” expungement process for criminal
32 convictions, a person’s eligibility based upon the number or types of
33 convictions would be broadened in several ways. Under current law,
34 any prior conviction which would cause a person to exceed the
35 numerical cap on convictions to be expunged or which would fall
36 outside the types of “grouped” eligible convictions to be expunged
37 would render a person ineligible to pursue expungement relief. The
38 bill would eliminate ineligibility stemming from any such prior
39 conviction, thereby permitting a person to proceed with an application
40 seeking to expunge a conviction or convictions on the basis of any of
41 the following categories, regardless of any prior conviction of record:

- 42 - one crime, and the person does not otherwise have any
43 subsequent criminal conviction;
- 44 - one crime and no more than three disorderly persons or petty
45 disorderly persons offenses, and the person does not otherwise have
46 any subsequent conviction for another crime or offense;
- 47 - multiple crimes or a combination of one or more crimes and one
48 or more disorderly persons or petty disorderly persons offenses, all

1 listed in a single judgment of conviction, and the person does not
2 otherwise have any subsequent conviction for another crime or
3 offense; or

4 - multiple crimes or a combination of one or more crimes and one
5 or more disorderly persons or petty disorderly persons offenses that
6 occurred as part of a one-time “crime spree,” and the person does not
7 otherwise have any subsequent conviction for another crime or
8 offense.

9 As to eligibility based on waiting periods, the current law’s six-
10 year time period after which a person may first file an expungement
11 application that includes any criminal conviction or convictions,
12 measured from the date of the most recent conviction, payment of
13 any court-ordered financial assessment (such as a fine or
14 restitution), satisfactory completion of probation or parole, or
15 release from incarceration, whichever is later, would be reduced to
16 five years. This five-year waiting period would also apply to any
17 person who at the time of application had not completed paying all
18 financial assessments, but otherwise satisfied the waiting period, as
19 is currently permitted based on the existing six-year period – any
20 such outstanding financial assessment post-expungement (for this
21 category and other categories of expungement, when specifically
22 available as detailed throughout the statement) would be subject to
23 collection and disbursement by the State Treasurer as described at the
24 end of the statement under the heading Reforms Applicable to All
25 Categories of Expungement.

26 Also subject to reduction by one year, from five years to four
27 years, would be the waiting period for when a person who, having
28 satisfied the financial assessment and all other aspects of
29 sentencing, could make an early application by proving to the court
30 that there are “compelling circumstances” for granting such early
31 expungement (this is currently known as an early, “public interest”
32 expungement).

33 For an application only containing disorderly persons or petty
34 disorderly persons convictions, it would be permitted to include
35 requests for expungement relief addressing up to five convictions,
36 which is one conviction greater than what is currently permitted under
37 the law (if the application is not based upon multiple convictions being
38 entered on the same day or multiple offenses making up a one-time
39 “crime spree,” for which no numerical caps exist). Additionally, the
40 general five-year waiting period applicable to the appropriate timing
41 for filing an application addressing only disorderly persons and petty
42 disorderly persons offenses would not prevent a person from filing an
43 application, if at the time of submission, the financial assessment was
44 not paid-off, but all other aspects of sentencing were satisfied for at
45 least five years. Doing so makes consistent all of the various
46 categories of expungement, both under current law and those created
47 by the bill that may involve convictions for disorderly persons and
48 petty disorderly persons offenses, with respect to the potential earlier

1 filing of an expungement application, regardless of outstanding
2 financial assessments. Doing so also clarifies the State Treasurer's
3 authority to engage in post-expungement collection and disbursement
4 of any such outstanding assessments.

5 A person's eligibility under the "standard" expungement process
6 for convictions of either crimes, offenses, or both crimes and offenses
7 based upon not exceeding the aforementioned numerical caps on
8 convictions would be modified concerning how certain marijuana and
9 hashish distribution, possession, and drug paraphernalia crimes and
10 offenses are counted. Any conviction for the following crimes would
11 be considered a lesser conviction of a disorderly persons offense
12 instead of a criminal conviction for purposes of determining eligibility,
13 and thus would only count against the cap on convictions for
14 disorderly persons or petty disorderly persons offenses:

15 - unlawful distribution of, or possessing or having under control
16 with intent to distribute, less than five pounds of marijuana, or less
17 than one pound of hashish, in violation of paragraph (11) or (12) of
18 subsection b. of N.J.S.2C:35-5, or a violation of either of those
19 paragraphs and a violation of subsection a. of section 1 of P.L.1987,
20 c.101 (C.2C:35-7) or subsection a. of section 1 of P.L.1997, c.327
21 (C.2C:35-7.1), for distributing, or possessing or having under control
22 with intent to distribute, on or within 1,000 feet of any school
23 property, or on or within 500 feet of the real property comprising a
24 public housing facility, public park, or public building; and

25 - obtaining or possessing marijuana or hashish in violation of
26 paragraph (3) of subsection a. of N.J.S.2C:35-10.

27 And any conviction for the following disorderly persons offenses
28 would not be counted at all towards any numerical cap:

29 - obtaining or possessing a small amount of marijuana or hashish
30 in violation of paragraph (4) of subsection a. of N.J.S.2C:35-10, or
31 using, being under the influence of, or failing to make lawful
32 disposition of marijuana or hashish in violation of subsection b. or
33 subsection c. of that section; and

34 - any violation involving marijuana or hashish as described
35 above concerning distribution or possession with intent to
36 distribute, or obtaining or possessing, and using or possessing with
37 intent to use drug paraphernalia with that marijuana or hashish in
38 violation of N.J.S.2C:36-2.

39 The "standard" expungement application process concerning
40 convictions for either crimes, offenses, or both crimes and offenses
41 would be simplified by no longer requiring a separate, duly verified
42 petition for each individual conviction for which expungement
43 relief is sought. The current law already requires a person to list all
44 of the person's convictions for crimes and offenses within each
45 petition, so all such information, which is readily contained in just
46 one petition, need not be repeated in multiple petitions as currently
47 required.

1 For those situations in municipal court when no conviction is
2 entered, due to proceedings being dismissed, the person being
3 acquitted, or the person being discharged without a conviction or
4 finding of guilt, the bill would place responsibility on the municipal
5 court to follow procedures developed by the Administrative Director
6 of the Courts to assist with the expungement. Under the current law,
7 the person involved in the municipal court proceeding is given
8 documentation which the person could use to later file for an
9 expungement.

10 Faster Expungement Process and Court-Initiated Sealing for
11 Various Possession, Distribution, and Drug Paraphernalia Crimes and
12 Offenses

13 An additional category of expungement, as well as a new, court-
14 initiated sealing of records upon disposition of a case (i.e., at
15 sentencing) would be available as a means of more quickly clearing or
16 rendering unavailable a person's record with respect to any number of
17 the above described marijuana or hashish possession, distribution, or
18 drug paraphernalia crimes and offenses:

19 -for any person, *who prior to the effective date of the bill*, was
20 charged with, convicted of, or adjudicated delinquent for any number
21 of such marijuana or hashish crimes or offenses, other than a larger
22 amount distribution crime in violation of paragraph (11) of subsection
23 b. of N.J.S.2C:35-5, there would be no waiting period before
24 applications could be filed, so long as the person has satisfied payment
25 of any court-ordered financial assessment (with an exception noted
26 below), satisfactorily completed probation or parole, been released
27 from incarceration, or been discharged from legal custody or
28 supervision at the time of application. If a financial assessment is still
29 subject to collection, the person could proceed with the expungement
30 application and be granted relief so long as the remaining factors
31 associated with the conviction are satisfied;

32 -for any person, *who on or after the effective date*, was charged,
33 convicted, or adjudicated delinquent for any number of such marijuana
34 or hashish crimes or offenses, other than a larger amount distribution
35 crime, and for drug paraphernalia, only violations involving possession
36 of less than one ounce of marijuana, or less than five grams of hashish,
37 the court would order, on its own initiative, the sealing of all
38 records through an "order of nondisclosure" concerning these
39 offenses. The order would be issued immediately upon the
40 disposition of the associated charges, and would cover relevant
41 court and probation records, and law enforcement records. The
42 general unavailability of sealed records would be similar to the
43 legal effect of rendering expunged records unavailable.

44 -for any person, concerning a larger amount distribution crime in
45 violation of paragraph (11) of subsection b. of N.J.S.2C:35-5,
46 *regardless of when charged, convicted, or adjudicated delinquent*, that
47 person would only be permitted to apply for an expungement after a
48 period of three years, although with the ability to file even if all court-

1 ordered financial assessments were not completely paid off at the time
2 of filing. There would be no authority for a court to issue a sealing
3 order following disposition of a case involving a larger amount
4 distribution crime.

5 “Clean Slate” Process – By Petition, Then Automated

6 The bill would initially establish a new “clean slate” expungement
7 which would permit a person, who is not otherwise eligible to present
8 an expungement application pursuant to any other category of
9 expungement, to expunge any number of convictions for crimes,
10 disorderly persons offenses, petty disorderly persons offenses, or a
11 combination thereof, unless the person has a conviction for a more
12 serious or violent crime which is not subject to expungement
13 pursuant to subsection b. of N.J.S.2C:52-2, or pursuant to
14 subsection c. of that section because the conviction involved a
15 larger amount controlled dangerous substance distribution offense
16 graded as a first or second degree crime. An eligible person could
17 file for “clean slate” expungement relief even if that person had a
18 previous criminal conviction expunged, which is normally a
19 disqualifier for expungement pursuant to subsection e. of
20 N.J.S.2C:52-14.

21 An application for this broad form of expungement relief could be
22 filed after the expiration of a period of ten years from the date of the
23 person’s most recent conviction, payment of any court-ordered
24 financial assessment, satisfactory completion of probation or parole, or
25 release from incarceration, whichever is later. As with the “standard”
26 waiting period and shorter waiting period for the above described
27 marijuana- and hashish-related offenses, a person could still apply for
28 a “clean slate” expungement, even though at the time of application
29 the court-ordered financial assessments were not completely paid
30 off, so long as that person had otherwise satisfied the “clean slate”
31 ten-year waiting period.

32 This petition-based process would be subsequently replaced by
33 an automated “clean slate” process using the same eligibility
34 criteria concerning the types of convictions that can be expunged.
35 The automated process would be designed to restore a person’s
36 entire criminal record if the person was subsequently convicted of a
37 more serious, violent, or distribution crime, for which the
38 conviction is not eligible for expungement pursuant to subsection b.
39 or c. of N.J.S.2C:52-2 as described above.

40 The automated process would be developed and implemented, to
41 the greatest extent practicable, following the recommendations of a
42 task force established by the bill. The task force would include at
43 least 13 members, including several ex-official cabinet members,
44 such as the Attorney General and Commissioner of Corrections, the
45 Administrative Director of the Courts, two Senators and two
46 members of the General Assembly, and four public members. The
47 executive and judicial branch representatives could assign one or
48 more designees to participate in the task force in their place.

1 The task force would be responsible for identifying, analyzing,
2 and recommending solutions to “any technological, fiscal, resource,
3 and practical issues that may arise in the development and
4 implementation of the automated process.” It would issue its final
5 report of findings and recommendations to the Governor and
6 Legislature no later than 180 days after it first organized (and
7 thereafter it would expire).

8 Upon establishment of the automated “clean slate” process, no
9 more “clean slate” expungement petitions could be filed in court,
10 and any pending petitions would be rendered moot and be
11 withdrawn or dismissed in accordance with procedures established
12 by the Supreme Court.

13 Reforms Applicable to All Categories of Expungement

14 The bill eliminates the existing court filing fee for all expungement
15 applications (currently \$75).

16 To assist with expungement applications, the Administrative
17 Office of the Courts would develop an expungement e-filing
18 system, to be used in the future for all expungement filings, and
19 upon implementation would additionally provide for electronic
20 service of process and document management. Electronic
21 distribution of notices for expungement relief and copies of
22 expungement orders to appropriate law enforcement and criminal
23 justice agencies would also be done by the courts.

24 Upon receipt of information presented through the e-filing
25 system, the Superintendent of State Police, Attorney General, and
26 the county prosecutor of any county in which a person seeking
27 expungement relief was convicted would, within 60 days, review
28 and confirm, as appropriate, the information against their own
29 records and notify the court of any inaccurate or incomplete data
30 contained in the information received, as well as any other basis for
31 the person’s ineligibility.

32 Lastly, with respect to the on-going collection of court-ordered
33 financial assessments following the granting of an expungement, when
34 applicable, the bill would transfer responsibility for such collection
35 and disbursement efforts to the State Treasurer. Under current law, the
36 Judiciary continues as the primary collector of monies post-
37 expungement through its comprehensive enforcement program
38 established pursuant to P.L.1995, c.9 (C.2B:19-1 et al.). The bill also
39 removes the willful non-payment of court-ordered financial
40 assessments through the comprehensive enforcement program as a
41 reason to nullify an expungement granted by a court, since this
42 program would no longer be involved in the post-expungement
43 collection efforts.

STATEMENT TO
SENATE, No. 4154

with Assembly Floor Amendments
(Proposed by Assemblyman HOLLEY)

ADOPTED: DECEMBER 16, 2019

The floor amendments to the bill, which concerns several reforms to expungement eligibility and procedures, do the following:

- clarify that a person who at any time had a previous criminal conviction expunged is still disqualified from seeking an expungement of additional convictions for crimes, disorderly persons offenses, or petty disorderly persons offenses under the “standard” expungement process set forth in N.J.S.2C:52-2 and -3, even under the expanded eligibility criteria established by the bill;

- clarify that the term “court-ordered financial assessment” means and includes all forms of financial assessment imposed as part of the sentence for the conviction or convictions for which expungement is sought, or for which expungement or sealing has been granted;

- permit any court, as specified by court rule, to handle expungement petitions under the “standard” expungement process when that petition only involves convictions for disorderly persons or petty disorderly persons offenses, or under the faster expungement process that addresses various marijuana and hashish possession, distribution, and drug paraphernalia offenses set forth in section 5 of the bill;

- eliminate all references to expunging or sealing any charges, both in the current statutory law and new sections set forth in the bill, based upon information provided by the Administrative Office of the Courts indicating that charges are not expungable;

- provide a period of nine months for the Administrative Office of the Courts to develop and maintain the system described in section 6 of the bill for sealing records from the public, upon order of a court, which pertain to offenses or delinquent acts involving the various marijuana and hashish possession, distribution, and drug paraphernalia offenses eligible for sealing under that section (the nine-month period is calculated as the relevant provisions taking effect 180 days after enactment, plus language stating that the system be developed “no later than three months” after the provisions take effect);

- include provisions regarding the post-sealing collection and disbursement of court-ordered financial assessments by the State Treasurer, which would be carried out in the same manner as the collection and disbursement of post-expungement financial assessments;

- provide a consistent time period for transitioning from expunging, in a more expedited fashion, those offenses or delinquent acts involving the various marijuana and hashish possession,

distribution, and drug paraphernalia offenses eligible for faster expungement, as described above, to the new record sealing system which will address those same offenses once the system begins operating;

- make language pertaining to marijuana and hashish drug paraphernalia offenses that are eligible for expungement or sealing consistent throughout the bill;

- eliminate the 180-day waiting period before the provisions establishing the automated “clean slate” process take effect; although they would now take effect immediately, the automated process would still be subject to development and implementation in the future based on recommendations of the task force created by the bill to support the automated process;

- include references to a person’s criminal history as “criminal history record information” in order to maintain consistency for such references within the expungement statutes and other relevant sections of statutory law dealing with criminal histories;

- provide for the forthcoming e-filing system for expungement applications to serve copies of an expungement petition and all supporting documents upon the Superintendent of State Police, the Attorney General, and the county prosecutor of any county in which the person seeking expungement relief was convicted (the e-filing system would be established within a period of 18 months (calculated as the relevant provisions taking effect 180 days after enactment, plus language stating that the system be developed “no later than twelve months” after the provisions take effect)); and

- require that a court, following the issuance of a court order granting expungement, provide proof of the expungement to the person whose records have been expunged or to that person’s representative.

These floor amendments make this bill identical to the First Reprint of Assembly Bill No. 5981.

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 4154
STATE OF NEW JERSEY
218th LEGISLATURE

DATED: DECEMBER 19, 2019

SUMMARY

- Synopsis:** Revises expungement eligibility and procedures, including new “clean slate” automated process to render convictions and related records inaccessible; creates e-filing system for expungements; eliminates expungement filing fees; appropriates \$15 million to DLPS for implementation.
- Type of Impact:** Annual State expenditure increase and revenue decrease.
- Agencies Affected:** The Judiciary; Department of Law and Public Safety; Local governments.

Office of Legislative Services Estimate

| Fiscal Impact | |
|---------------------------|--|
| State Expenditures | Indeterminate increase, including an appropriation of \$15 million |
| State Revenue | Indeterminate annual decrease |
| Local Expenditures | Indeterminate increase |

- The Office of Legislative Services (OLS) estimates that the Judiciary would incur a substantial annual expenditure increase due to review of additional expungement requests in order to determine eligibility and to process the requests. However, OLS does not have sufficient information to forecast the number of additional applications. According to data provided by the Administrative Office of the Courts (AOC) in 2018, 11,707 expungements were filed. On average, approximately 9,000 expungements were filed annually in last five years.
- The OLS anticipates the bill would result in substantial cost increase for the Judiciary in the short term, as the AOC would need to develop an expungement e-filing system, to be used for all expungement filings and to provide for electronic processing and document management. According to the AOC, upgrading technology to implement the sealing of records provision and to build the e-filing system would cost approximately \$10 million.
- The bill establishes an automated “clean slate” process and makes other changes to the expungement process that will increase applications and the related workload of the



Department of Law and Public Safety. The bill appropriates \$15 million to the department to fund the bill's cost impact. The full cost impact on the department is indeterminate

- The OLS projects an indeterminate reduction in annual State revenue as the bill eliminates the existing \$75 court filing fees for all expungement applications.
- The impact of the bill on local law enforcement agencies, county detention facilities, and municipal courts is not known but is likely to consist of higher administrative and compliance costs.

BILL DESCRIPTION

This bill concerns several reforms to expungement eligibility and procedures, some focused on the treatment of various marijuana or hashish possession, distribution, and drug paraphernalia crimes and offenses and others being more generally applicable to any expungement. Notably, the bill would: establish a new “clean slate” process to generally clear a person's entire criminal history, initially by expungement petition and later replaced by an automated “clean slate” process; create a new electronic filing system for all expungements; and appropriate \$15,000,000 to the Department of Law and Public Safety to assist with implementation of the reforms. The bill's provisions are almost entirely based upon a combination of the Second Reprint of Senate Bill No. 3205, which passed both Houses of the Legislature on June 10, 2019, and the suggested changes presented in the Governor's Conditional Veto of the bill, which was received by the Senate on August 23, 2019.

The bill broadens eligibility for the “standard” expungement process for criminal convictions, by permitting a person to seek to expunge convictions on the basis of any of the following categories, regardless of any prior conviction of record:

- one crime, and the person does not otherwise have any subsequent criminal conviction;
- one crime and no more than three disorderly persons or petty disorderly persons offenses, and the person does not otherwise have any subsequent conviction for another crime or offense;
- multiple crimes or a combination of one or more crimes and one or more disorderly persons or petty disorderly persons offenses, all listed in a single judgment of conviction, and the person does not otherwise have any subsequent conviction for another crime or offense; or
- multiple crimes or a combination of one or more crimes and one or more disorderly persons or petty disorderly persons offenses that occurred as part of a one-time “crime spree,” and the person does not otherwise have any subsequent conviction for another crime or offense.

The bill also expands eligibility based on waiting periods by reducing the current six-year time period to five years and modifying other current requirements.

Also subject to reduction by one year, from five years to four years, would be the waiting period for when a person who, having satisfied the financial assessment and all other aspects of sentencing, could make an early application by proving to the court that there are “compelling circumstances” for granting such early expungement (this is currently known as an early, “public interest” expungement).

The bill also expands eligibility under the “standard” expungement process by modifying the impact of certain marijuana and hashish distribution, possession, and drug paraphernalia crimes and offenses.

In addition, the “standard” expungement application process would be simplified by no longer requiring a separate, duly verified petition for each individual conviction for which expungement relief is sought.

The bill also creates an additional category of expungement, as well as a new, court-initiated sealing of records upon disposition of a case (i.e., at sentencing) as a means of more quickly clearing or rendering unavailable a person's record with respect to certain marijuana or hashish possession, distribution, or drug paraphernalia crimes and offenses.

Furthermore, the bill would establish a new "clean slate" expungement which would permit a person, who is not otherwise eligible to present an expungement application pursuant to any other category of expungement, to expunge any number of convictions for crimes, disorderly persons offenses, petty disorderly persons offenses, or a combination thereof, unless the person has a conviction for more serious or violent crimes not subject to expungement. An eligible person could file for "clean slate" expungement relief even if that person had a previous criminal conviction expunged, which is normally a disqualifier for expungement pursuant to subsection e. of N.J.S.2C:52-14. An application for this broad form of expungement relief could be filed after the expiration of a period of ten years from the date of the person's most recent conviction, payment of any court-ordered financial assessment, satisfactory completion of probation or parole, or release from incarceration, whichever is later.

Eventually, an automated "clean slate" process would commence, based upon recommendations of a task force established by the bill. The task force would be responsible for identifying, analyzing, and recommending solutions to "any technological, fiscal, resource, and practical issues that may arise in the development and implementation of the automated process." It would issue its final report of findings and recommendations to the Governor and Legislature no later than 180 days after it first organized (and thereafter it would expire).

Upon establishment of the automated "clean slate" process, no more "clean slate" expungement petitions could be filed in court, and any pending petitions would be rendered moot and be withdrawn or dismissed in accordance with procedures established by the Supreme Court.

The bill eliminates the existing court filing fees for all expungement applications (currently \$75). It further requires, the Administrative Office of the Courts to develop an expungement e-filing system, that also provides for electronic service of process and document management. Electronic distribution of notices for expungement relief and copies of expungement orders to appropriate law enforcement and criminal justice agencies would also be done by the courts.

Lastly, with respect to the on-going collection of court-ordered financial assessments following the granting of an expungement, when applicable, the bill would transfer responsibility for such collection and disbursement efforts to the State Treasurer. Under current law, the Judiciary continues as the primary collector of monies post-expungement through its comprehensive enforcement program established pursuant to P.L.1995, c.9 (C.2B:19-1 et al.). The bill also removes the willful non-payment of court-ordered financial assessments through the comprehensive enforcement program as a reason to nullify an expungement granted by a court, since this program would no longer be involved in the post-expungement collection efforts.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received. However, information on a similar version of this bill was informally provided by both the Department of Law and Public Safety and the Administrative Office of the Courts, which the OLS took into consideration in its conclusions.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that the bill's enactment will increase State expenditures annually by indeterminate amounts. The bill appropriates \$15 million to fund increased costs which will be incurred by the Department of Law and Public Safety (LPS), including costs to the Division of State Police to review and process a higher volume of expungement applications. The provisions of the bill related to clean slate expungements and expedited expungement for certain marijuana and hashish offenses could potentially result in approximately two million new expungement applications within the first year after the bill goes into effect (based on figures provided by the LPS and the Judiciary), which compares to 9,426 applications that were reviewed by the State Police last year according to LPS. Other bill provisions regarding reduced waiting periods to file an application and the elimination of filing fees could also potentially increase the number of applications going forward as well. However, it is not known how many individuals eligible for expungement under this bill would go through the requisite process to have their records expunged or how many would do so within their first year of eligibility.

The OLS estimates that the Judiciary would incur a substantial annual expenditure increase due to review of additional expungement requests in order to determine eligibility and to process the requests. However, OLS does not have sufficient information to forecast a more accurate increase in the number of applications. On average, approximately 9,000 expungements were filed annually in last five years. The Judiciary was unable to determine the cost for administering an expungement request.

The OLS anticipates the bill would also result in a substantial cost increase for the Judiciary in the short term, to develop an expungement e-filing system to provide for electronic processing and document management. The AOC would also be responsible for electronic distribution of notices for expungement relief and copies of expungement orders to appropriate law enforcement and criminal justice agencies. According to the AOC, technology upgrades to implement the sealing of records provision and to build the e-filing system would cost approximately \$10 million. The AOC had previously indicated that it was working toward the development of an e-filing solution for expungements. It is thus unclear the extent to which the Judiciary's expenditures to implement the bill's provisions will duplicate what it would spend on information technology enhancements absent the enactment of the bill. The OLS notes that the Judiciary annually collects revenue earmarked for information technology investment and improvement.

The OLS projects an indeterminate reduction in annual State revenue because the bill eliminates the existing \$75 court filing fee for all expungement applications. Based on information informally provided by the Judiciary, the OLS estimates the revenue loss to be no greater than \$500,000.

The impact of the bill on local law enforcement agencies, county detention facilities, and municipal courts is not known but is likely to result in higher administrative and compliance costs as these entities coordinate with the State Police to ensure that expunged records include all complaints, warrants, arrests, commitments, processing records, fingerprints, photographs, index cards, rap sheets, and judicial docket records.

Section: Judiciary

Analyst: Anuja Pande Joshi
Assistant Research Analyst

Approved: Frank W. Haines III
Legislative Budget and Finance Officer

ASSEMBLY, No. 5981

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED NOVEMBER 14, 2019

Sponsored by:

Assemblyman JAMEL C. HOLLEY

District 20 (Union)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

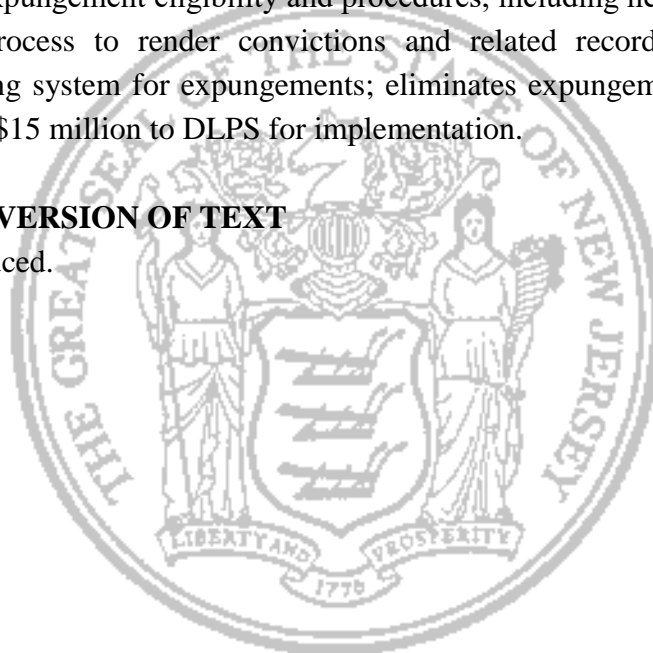
Assemblyman Chiaravalloti, Assemblywomen Tucker and Jasey

SYNOPSIS

Revises expungement eligibility and procedures, including new “clean slate” automated process to render convictions and related records inaccessible; creates e-filing system for expungements; eliminates expungement filing fees; appropriates \$15 million to DLPS for implementation.

CURRENT VERSION OF TEXT

As introduced.



A5981 HOLLEY, QUIJANO

2

1 AN ACT concerning expungement eligibility and procedures,
2 amending and supplementing various parts of the statutory law
3 and making an appropriation.

4

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

7

8 1. N.J.S.2C:52-1 is amended to read as follows:

9 2C:52-1. Definition of Expungement. a. Except as otherwise
10 provided in this chapter, expungement shall mean the extraction,
11 sealing, [and] impounding, or isolation of all records on file within
12 any court, detention or correctional facility, law enforcement or
13 criminal justice agency concerning a person's detection,
14 apprehension, arrest, detention, trial or disposition of an offense
15 within the criminal justice system.

16 b. Expunged records shall include complaints, warrants,
17 arrests, commitments, processing records, fingerprints,
18 photographs, index cards, "rap sheets" and judicial docket records.
19 (cf: N.J.S.2C:52-1)

20

21 2. N.J.S.2C:52-2 is amended to read as follows:

22 2C:52-2. Indictable Offenses.

23 a. In all cases, except as herein provided, a person may present
24 an expungement application to the Superior Court pursuant to this
25 section if:

26 the person has been convicted of one crime under the laws of this
27 State, and does not otherwise have any **[prior or]** subsequent
28 conviction for another crime, whether within this State or any other
29 jurisdiction. A prior conviction for another crime shall not bar
30 presenting an application seeking expungement relief for the
31 criminal conviction that is the subject of the application; or

32 the person has been convicted of one crime and **[less than four]**
33 no more than three disorderly persons or petty disorderly persons
34 offenses under the laws of this State, and does not otherwise have
35 any **[prior or]** subsequent conviction for another crime, or any
36 **[prior or]** subsequent conviction for another disorderly persons or
37 petty disorderly persons offense such that the total number of
38 convictions for disorderly persons and petty disorderly persons
39 offenses would exceed three, whether any such crime or offense
40 conviction was within this State or any other jurisdiction. A prior
41 conviction for another crime, disorderly persons offense, or petty
42 disorderly persons offense shall not bar presenting an application
43 seeking expungement relief for the one criminal conviction and no
44 more than three convictions for disorderly persons or petty

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 disorderly persons offenses that are the subject of the application;
2 or

3 the person has been convicted of multiple crimes or a
4 combination of one or more crimes and one or more disorderly
5 persons or petty disorderly persons offenses under the laws of this
6 State, all of which are listed in a single judgment of conviction, and
7 does not otherwise have any **【prior or】** subsequent conviction for
8 another crime or offense in addition to those convictions included in
9 the expungement application, whether any such conviction was
10 within this State or any other jurisdiction. A prior conviction for
11 another crime, disorderly persons offense, or petty disorderly
12 persons offense that is not listed in a single judgement of conviction
13 shall not bar presenting an application seeking expungement relief
14 for the convictions listed in a single judgment of conviction that are
15 the subject of the application; or

16 the person has been convicted of multiple crimes or a
17 combination of one or more crimes and one or more disorderly
18 persons or petty disorderly persons offenses under the laws of this
19 State, which crimes or combination of crimes and offenses were
20 interdependent or closely related in circumstances and were
21 committed as part of a sequence of events that took place within a
22 comparatively short period of time, regardless of the date of
23 conviction or sentencing for each individual crime or offense, and
24 the person does not otherwise have any **【prior or】** subsequent
25 conviction for another crime or offense in addition to those
26 convictions included in the expungement application, whether any
27 such conviction was within this State or any other jurisdiction. A
28 prior conviction for another crime, disorderly persons offense, or
29 petty disorderly persons offense that was not interdependent or
30 closely related in circumstances and was not committed within a
31 comparatively short period of time as described above shall not bar
32 presenting an application seeking expungement relief for the
33 convictions of crimes or crimes and offenses that were
34 interdependent or closely related and committed within a
35 comparatively short period of time, and that are the subject of the
36 application.

37 For purposes of determining eligibility to present an
38 expungement application to the Superior Court pursuant to this
39 section, a conviction for unlawful distribution of, or possessing or
40 having under control with intent to distribute, marijuana or hashish
41 in violation of paragraph (11) of subsection b. of N.J.S.2C:35-5, or
42 a lesser amount of marijuana or hashish in violation of paragraph
43 (12) of subsection b. of that section, or a violation of either of those
44 paragraphs and a violation of subsection a. of section 1 of P.L.1987,
45 c.101 (C.2C:35-7) or subsection a. of section 1 of P.L.1997, c.327
46 (C.2C:35-7.1), for distributing, or possessing or having under
47 control with intent to distribute, on or within 1,000 feet of any
48 school property, or on or within 500 feet of the real property

1 comprising a public housing facility, public park, or public
2 building, or for obtaining or possessing marijuana or hashish in
3 violation of paragraph (3) of subsection a. of N.J.S.2C:35-10, or for
4 an equivalent crime in another jurisdiction, regardless of when the
5 conviction occurred, shall not be considered a conviction of a crime
6 within this State or any other jurisdiction but shall instead be
7 considered a conviction of a disorderly person offense within this
8 State or an equivalent category of offense within the other
9 jurisdiction, and a conviction for obtaining, possessing, using, being
10 under the influence of, or failing to make lawful disposition of
11 marijuana or hashish in violation of paragraph (4) of subsection a.,
12 or subsection b., or subsection c. of N.J.S.2C:35-10, or a violation
13 involving marijuana or hashish as described herein and using or
14 possessing with intent to use drug paraphernalia with that marijuana
15 or hashish in violation of N.J.S.2C:36-2, or for an equivalent crime
16 or offense in another jurisdiction, regardless of when the conviction
17 occurred, shall not be considered a conviction within this State or
18 any other jurisdiction.

19 The person, if eligible, may present the expungement application
20 after the expiration of a period of **【six】** five years from the date of
21 his most recent conviction, payment of **【fine】** any court-ordered
22 financial assessment, satisfactory completion of probation or
23 parole, or release from incarceration, whichever is later. The term
24 **【"fine"】** “court-ordered financial assessment” as used herein and
25 throughout this section means and includes any fine, fee, penalty,
26 restitution, and other 【court-ordered】 form of financial assessment
27 imposed by the court as part of the sentence for the conviction, for
28 which payment of restitution takes precedence in accordance with
29 chapter 46 of Title 2C of the New Jersey Statutes. The person shall
30 submit the expungement application to the Superior Court in the
31 county in which the most recent conviction for **【the】** a crime was
32 adjudged, **【which contains a separate,】** which includes a duly
33 verified petition as provided in N.J.S.2C:52-7 **【for each conviction**
34 sought to be expunged,】 praying that the conviction, or convictions
35 if applicable, and all records and information pertaining thereto be
36 expunged. The petition **【for each conviction】** appended to an
37 application shall comply with the requirements set forth in
38 N.J.S.2C:52-1 et seq.

39 Notwithstanding the provisions concerning the **【six-year】** five-
40 year time requirement, if, at the time of application, a **【fine which is**
41 **currently】** court-ordered financial assessment subject to collection
42 under the comprehensive enforcement program established pursuant
43 to P.L.1995, c.9 (C.2B:19-1 et al.) is not yet satisfied due to reasons
44 other than willful noncompliance, but the time requirement of **【six】**
45 five years is otherwise satisfied, the person may submit the
46 expungement application and the court may grant an expungement;
47 provided, however, that if expungement is granted **【under this**

1 paragraph,] the court shall [provide for the continued collection of
2 any outstanding amount owed that is necessary to satisfy the fine or
3 the entry of] enter a civil judgment for the unpaid portion of the
4 court-ordered financial assessment in the name of the Treasurer,
5 State of New Jersey and transfer collections and disbursement
6 responsibility to the State Treasurer for the outstanding amount in
7 accordance with section 8 of P.L.2017, c.244 (C.2C:52-23.1). The
8 Treasurer may specify, and the Administrative Office of the Courts
9 shall collaborate with, the technical and informational standards
10 required to effectuate the transfer of the collection and
11 disbursement responsibilities. Notwithstanding any provision in this
12 law or any other law to the contrary, the court shall have sole
13 discretion to amend the judgment.

14 Additionally, an application may be filed and presented, and the
15 court may grant an expungement pursuant to this section, although
16 less than [six] five years have expired in accordance with the time
17 requirements when the court finds:

18 (1) the [fine] court-ordered financial assessment is satisfied but
19 less than [six] five years have expired from the date of satisfaction,
20 and the time requirement of [six] five years is otherwise satisfied,
21 and the court finds that the person substantially complied with any
22 payment plan ordered pursuant to N.J.S.2C:46-1 et seq., or could
23 not do so due to compelling circumstances affecting his ability to
24 satisfy the [fine] assessment; or

25 (2) at least [five] four but less than [six] five years have expired
26 from the date of the most recent conviction, payment of [fine] any
27 court-ordered financial assessment, satisfactory completion of
28 probation or parole, or release from incarceration, whichever is
29 later; and

30 the person has not been otherwise convicted of a crime,
31 disorderly persons offense, or petty disorderly persons offense since
32 the time of the most recent conviction; and the court finds in its
33 discretion that [expungement is in the public interest, giving due
34 consideration to the nature of the offense or offenses, and the
35 applicant's character and conduct since the conviction or
36 convictions] compelling circumstances exist to grant the
37 expungement. The prosecutor may object pursuant to section 10 of
38 P.L., c. (C.) (pending before the Legislature as this bill),
39 N.J.S.2C:52-11, N.J.S.2C:52-14, or N.J.S.2C:52-24.

40 In determining whether compelling circumstances exist for the
41 purposes of paragraph (1) of this subsection, a court may consider
42 the amount of [the fine or fines] any court-ordered financial
43 assessment imposed, the person's age at the time of the offense or
44 offenses, the person's financial condition and other relevant
45 circumstances regarding the person's ability to pay.

46 b. Records of conviction pursuant to statutes repealed by this
47 Code for the crimes of murder, manslaughter, treason, anarchy,

1 kidnapping, rape, forcible sodomy, arson, perjury, false swearing,
2 robbery, embracery, or a conspiracy or any attempt to commit any
3 of the foregoing, or aiding, assisting or concealing persons accused
4 of the foregoing crimes, shall not be expunged.

5 Records of conviction for the following crimes specified in the
6 New Jersey Code of Criminal Justice shall not be subject to
7 expungement: N.J.S.2C:11-1 et seq. (Criminal Homicide), except
8 death by auto as specified in N.J.S.2C:11-5 and strict liability
9 vehicular homicide as specified in section 1 of P.L.2017, c.165
10 (C.2C:11-5.3); N.J.S.2C:13-1 (Kidnapping); section 1 of P.L.1993,
11 c.291 (C.2C:13-6) (Luring or Enticing); section 1 of P.L.2005, c.77
12 (C.2C:13-8) (Human Trafficking); N.J.S.2C:14-2 (Sexual Assault or
13 Aggravated Sexual Assault); subsection a. of N.J.S.2C:14-3
14 (Aggravated Criminal Sexual Contact); if the victim is a minor,
15 subsection b. of N.J.S.2C:14-3 (Criminal Sexual Contact); if the
16 victim is a minor and the offender is not the parent of the victim,
17 N.J.S.2C:13-2 (Criminal Restraint) or N.J.S.2C:13-3 (False
18 Imprisonment); N.J.S.2C:15-1 (Robbery); N.J.S.2C:17-1 (Arson
19 and Related Offenses); subsection a. of N.J.S.2C:24-4 (Endangering
20 the welfare of a child by engaging in sexual conduct which would
21 impair or debauch the morals of the child, or causing the child other
22 harm); paragraph (4) of subsection b. of N.J.S.2C:24-4
23 (Photographing or filming a child in a prohibited sexual act or for
24 portrayal in a sexually suggestive manner); paragraph (3) of
25 subsection b. of N.J.S.2C:24-4 (Causing or permitting a child to
26 engage in a prohibited sexual act or the simulation of an act, or to
27 be portrayed in a sexually suggestive manner); subparagraph (a) of
28 paragraph (5) of subsection b. of N.J.S.2C:24-4 (Distributing,
29 possessing with intent to distribute or using a file-sharing program
30 to store items depicting the sexual exploitation or abuse of a child);
31 subparagraph (b) of paragraph (5) of subsection b. of N.J.S.2C:24-4
32 (Possessing or viewing items depicting the sexual exploitation or
33 abuse of a child); section 8 of P.L.2017, c.141 (C.2C:24-4.1)
34 (Leader of a child pornography network); N.J.S.2C:28-1 (Perjury);
35 N.J.S.2C:28-2 (False Swearing); paragraph (4) of subsection b. of
36 N.J.S.2C:34-1 (Knowingly promoting the prostitution of the actor's
37 child); section 2 of P.L.2002, c.26 (C.2C:38-2) (Terrorism);
38 subsection a. of section 3 of P.L.2002, c.26 (C.2C:38-3) (Producing
39 or Possessing Chemical Weapons, Biological Agents or Nuclear or
40 Radiological Devices); and conspiracies or attempts to commit such
41 crimes.

42 Records of conviction for any crime committed by a person
43 holding any public office, position or employment, elective or
44 appointive, under the government of this State or any agency or
45 political subdivision thereof and any conspiracy or attempt to
46 commit such a crime shall not be subject to expungement if the
47 crime involved or touched such office, position or employment.

1 c. In the case of conviction for the sale or distribution of a
2 controlled dangerous substance or possession thereof with intent to
3 sell, expungement shall be denied except where the crimes involve:

4 (1) Marijuana, where the total quantity sold, distributed or
5 possessed with intent to sell was less than one ounce;

6 (2) Hashish, where the total quantity sold, distributed or
7 possessed with intent to sell was less than five grams; or

8 (3) Any controlled dangerous substance provided that the
9 conviction is of the third or fourth degree, where the court finds that
10 **[expungement is consistent with the public interest, giving due**
11 **consideration to the nature of the offense and the petitioner's**
12 **character and conduct since conviction]** compelling circumstances
13 exist to grant the expungement. The prosecutor may object
14 pursuant to section 10 of P.L. , c. (C.) (pending before the
15 Legislature as this bill), N.J.S.2C:52-11, N.J.S.2C:52-14, or
16 N.J.S.2C:52-24.

17 d. In the case of a State licensed physician or podiatrist
18 convicted of an offense involving drugs or alcohol or pursuant to
19 section 14 or 15 of P.L.1989, c.300 (C.2C:21-20 or 2C:21-4.1), the
20 **[court]** applicant shall notify the State Board of Medical Examiners
21 upon **[receipt of a petition]** filing an application for expungement
22 **[of the conviction and records and information pertaining thereto]**
23 and provide the board with a copy thereof. The applicant shall also
24 provide to the court a certification attesting that the requirements of
25 this subsection were satisfied. Failure to satisfy the requirements of
26 this subsection shall be grounds for denial of the expungement
27 application and, if applicable, administrative discipline by the
28 board.

29 (cf: P.L.2017, c.244, s.1)

30

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

32 2C:52-3. Disorderly persons offenses and petty disorderly
33 persons offenses.

34 a. Any person who has been convicted of one or more
35 disorderly persons or petty disorderly persons offenses under the
36 laws of this State who has not been convicted of any crime, whether
37 within this State or any other jurisdiction, may present an
38 expungement application to the Superior Court pursuant to this
39 section. Any person who has been convicted of one or more
40 disorderly persons or petty disorderly persons offenses under the
41 laws of this State who has also been convicted of one or more
42 crimes shall not be eligible to apply for an expungement pursuant to
43 this section, but may present an expungement application to the
44 Superior Court pursuant to N.J.S.2C:52-2.

45 b. Any person who has been convicted of one or more
46 disorderly persons or petty disorderly persons offenses under the
47 laws of this State who has not been convicted of any crime, whether

1 within this State or any other jurisdiction, may present an
2 expungement application to the Superior Court pursuant to this
3 section if:

4 the person has been convicted, under the laws of this State, on
5 the same or separate occasions of no more than **[four]** five
6 disorderly persons offenses, no more than **[four]** five petty
7 disorderly persons offenses, or a combination of no more than
8 **[four]** five disorderly persons and petty disorderly persons
9 offenses, and the person does not otherwise have any **[prior or]**
10 subsequent conviction for a disorderly persons or petty disorderly
11 persons offense, whether within this State or any other jurisdiction,
12 such that the total number of convictions for disorderly persons and
13 petty disorderly persons offenses would exceed **[four]** five. A
14 prior conviction for another disorderly persons offense or petty
15 disorderly persons offense shall not bar presenting an application
16 seeking expungement relief for the convictions that are the subject
17 of the application, which may include convictions for no more than
18 five disorderly persons or petty disorderly persons offenses, or
19 combination thereof; or

20 the person has been convicted of multiple disorderly persons
21 offenses or multiple petty disorderly persons offenses under the
22 laws of this State, or a combination of multiple disorderly persons
23 and petty disorderly persons offenses under the laws of this State,
24 which convictions were entered on the same day, and does not
25 otherwise have any **[prior or]** subsequent conviction for another
26 offense in addition to those convictions included in the
27 expungement application, whether any such conviction was within
28 this State or any other jurisdiction. A prior conviction for another
29 disorderly persons or petty disorderly persons offense that was not
30 entered on the same day shall not bar presenting an application
31 seeking expungement relief for the convictions entered on the same
32 day that are the subject of the application; or

33 the person has been convicted of multiple disorderly persons
34 offenses or multiple petty disorderly persons offenses under the
35 laws of this State, or a combination of multiple disorderly persons
36 and petty disorderly persons offenses under the laws of this State,
37 which offenses or combination of offenses were interdependent or
38 closely related in circumstances and were committed as part of a
39 sequence of events that took place within a comparatively short
40 period of time, regardless of the date of conviction or sentencing for
41 each individual offense, and the person does not otherwise have any
42 **[prior or]** subsequent conviction for another offense in addition to
43 those convictions included in the expungement application, whether
44 within this State or any other jurisdiction. A prior conviction for
45 another disorderly persons offense or petty disorderly persons
46 offense that was not interdependent or closely related in
47 circumstances and was not committed within a comparatively short

1 period of time as described above shall not bar presenting an
2 application seeking expungement relief for the convictions of
3 offenses that were interdependent or closely related and committed
4 within a comparatively short period of time, and that are the subject
5 of the application.

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

36 The person, if eligible, may present the expungement application
37 after the expiration of a period of five years from the date of his
38 most recent conviction, payment of **【fine】** any court-ordered
39 financial assessment, satisfactory completion of probation or parole,
40 or release from incarceration, whichever is later. The term **【"fine"】**
41 “court-ordered financial assessment” as used herein and throughout
42 this section means and includes any fine, fee, penalty, restitution,
43 and other **【court-ordered】** form of financial assessment imposed by
44 the court as part of the sentence for the conviction, for which
45 payment of restitution takes precedence in accordance with chapter
46 46 of Title 2C of the New Jersey Statutes. The person shall submit
47 the expungement application to the Superior Court in the county in
48 which the most recent conviction for a disorderly persons or petty

1 disorderly persons offense was adjudged, **【**which contains a
2 separate,**】** which includes a duly verified petition as provided in
3 N.J.S.2C:52-7 **【**for each conviction sought to be expunged,**】**
4 praying that the conviction, or convictions if applicable, and all
5 records and information pertaining thereto be expunged. The
6 petition **【**for each conviction**】** appended to an application shall
7 comply with the requirements of N.J.S.2C:52-1 et seq.

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

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

31 (1) the **【**fine**】** court-ordered financial assessment is satisfied but
32 less than five years have expired from the date of satisfaction, and
33 the five-year time requirement is otherwise satisfied, and the court
34 finds that the person substantially complied with any payment plan
35 ordered pursuant to N.J.S.2C:46-1 et seq., or could not do so due to
36 compelling circumstances affecting his ability to satisfy the **【**fine**】**
37 assessment; or

38 (2) at least three but less than five years have expired from the
39 date of the most recent conviction, payment of **【**fine**】** any court-
40 ordered financial assessment, satisfactory completion of probation
41 or parole, or release from incarceration, whichever is later; and

42 the person has not been otherwise convicted of a crime,
43 disorderly persons offense, or petty disorderly persons offense since
44 the time of the most recent conviction; and the court finds in its
45 discretion that **【**expungement is in the public interest, giving due
46 consideration to the nature of the offense or offenses, and the
47 applicant's character and conduct since the conviction or

1 convictions】 compelling circumstances exist to grant the
2 expungement. The prosecutor may object pursuant to section 10 of
3 P.L. , c. (C.) (pending before the Legislature as this bill),
4 N.J.S.2C:52-11, N.J.S.2C:52-14, or N.J.S.2C:52-24.

5 In determining whether compelling circumstances exist for the
6 purposes of paragraph (1) of this subsection, a court may consider
7 the amount of 【the fine or fines】 any court-ordered financial
8 assessment imposed, the person's age at the time of the offense or
9 offenses, the person's financial condition and other relevant
10 circumstances regarding the person's ability to pay.

11 (cf: P.L.2017, c.244, s.2)

12

13 4. N.J.S.2C:52-6 is amended to read as follows:

14 2C:52-6. Arrests not resulting in conviction.

15 a. When a person has been arrested or held to answer for a
16 crime, disorderly persons offense, petty disorderly persons offense,
17 or municipal ordinance violation under the laws of this State or of
18 any governmental entity thereof and proceedings against the person
19 were dismissed, the person was acquitted, or the person was
20 discharged without a conviction or finding of guilt, the Superior
21 Court shall, at the time of dismissal, acquittal, or discharge, or, in
22 any case set forth in paragraph (1) of this subsection, 【upon receipt
23 of an application from the person,】 order the expungement of all
24 records and information relating to the arrest or charge.

25 (1) If proceedings took place in municipal court, the municipal
26 court shall 【provide the person, upon request, with appropriate
27 documentation to transmit to the Superior Court to request
28 expungement pursuant to】 follow procedures developed by the
29 Administrative 【Office】 Director of the Courts. 【Upon receipt of
30 the documentation, the Superior Court shall enter an ex parte order
31 expunging all records and information relating to the person's arrest
32 or charge.】

33 (2) The provisions of N.J.S.2C:52-7 through N.J.S.2C:52-14
34 shall not apply to an expungement pursuant to this subsection 【and
35 no fee shall be charged to the person making such application】.

36 (3) An expungement under this subsection shall not be ordered
37 where the dismissal, acquittal, or discharge resulted from a plea
38 bargaining agreement involving the conviction of other
39 charges. This bar, however, shall not apply once the conviction is
40 itself expunged.

41 (4) The 【Superior Court】 court shall forward a copy of the
42 expungement order to 【the appropriate court and to】 the county
43 prosecutor. The county prosecutor shall promptly distribute copies
44 of the expungement order to appropriate law enforcement agencies
45 and correctional institutions who have custody and control of the
46 records specified in the order so that they may comply with the
47 requirements of N.J.S.2C:52-15.

1 (5) An expungement related to a dismissal, acquittal, or
2 discharge ordered pursuant to this subsection shall not bar any
3 future expungement.

4 (6) Where a dismissal of an offense is based on an eligible
5 servicemember's successful participation in a Veterans Diversion
6 Program pursuant to P.L.2017, c.42 (C.2C:43-23 et al.), the county
7 prosecutor, on behalf of the eligible servicemember, may move
8 before the court for the expungement of all records and information
9 relating to the arrest or charge, and the diversion at the time of
10 dismissal pursuant to this section.

11 b. When a person did not apply or a prosecutor did not move
12 on behalf of an eligible servicemember for an expungement of an
13 arrest or charge not resulting in a conviction pursuant to subsection
14 a. of this section, the person may at any time following the
15 disposition of proceedings, present a duly verified petition as
16 provided in N.J.S.2C:52-7 to the Superior Court in the county in
17 which the disposition occurred praying that records of such arrest
18 and all records and information pertaining thereto be expunged.
19 **【No fee shall be charged to the person for applying for an**
20 **expungement of an arrest or charge not resulting in a conviction**
21 **pursuant to this subsection.】**

22 c. (1) Any person who has had charges dismissed against him
23 pursuant to a program of supervisory treatment pursuant to
24 N.J.S.2C:43-12, or conditional discharge pursuant to N.J.S.2C:36A-
25 1, or conditional dismissal pursuant to P.L.2013, c.158 (C.2C:43-
26 13.1 et al.), shall be barred from the relief provided in this section
27 until six months after the entry of the order of dismissal.

28 (2) A servicemember who has successfully participated in a
29 Veterans Diversion Program pursuant to P.L.2017, c.42 (C.2C:43-
30 23 et al.) may apply for expungement pursuant to this section at any
31 time following the order of dismissal if an expungement was not
32 granted at the time of dismissal.

33 d. Any person who has been arrested or held to answer for a
34 crime shall be barred from the relief provided in this section where
35 the dismissal, discharge, or acquittal resulted from a determination
36 that the person was insane or lacked the mental capacity to commit
37 the crime charged.

38 (cf: P.L.2017, c.42, s.7)

39
40 5. (New section) a. (1) Notwithstanding the requirements of
41 N.J.S.2C:52-2 and N.J.S.2C:52-3 or any other provision of law to
42 the contrary, beginning on the effective date of this section, the
43 following persons may file a petition for an expungement with the
44 Superior Court at any time, provided they have satisfied, except as
45 otherwise set forth in this subsection, payment of any court-ordered
46 financial assessment as defined in section 8 of P.L. 2017, c.244
47 (C.2C:52-23.1), satisfactorily completed probation or parole, been

1 released from incarceration, or been discharged from legal custody
2 or supervision at the time of application:

3 (a) any person who, prior to the effective date of this section,
4 was charged with, convicted of, or adjudicated delinquent for, any
5 number of offenses, which in the case of a delinquent if committed
6 by an adult would constitute, unlawful distribution of, or possessing
7 or having under control with intent to distribute, marijuana or
8 hashish in violation of paragraph (12) of subsection b. of
9 N.J.S.2C:35-5, or a violation of that paragraph and a violation of
10 subsection a. of section 1 of P.L.1987, c.101 (C.2C:35-7) or
11 subsection a. of section 1 of P.L.1997, c.327 (C.2C:35-7.1) for
12 distributing, or possessing or having under control with intent to
13 distribute, on or within 1,000 feet of any school property, or on or
14 within 500 feet of the real property comprising a public housing
15 facility, public park, or public building; or

16 (b) any person who, prior to the effective date of this section,
17 was charged with, convicted of, or adjudicated delinquent for, any
18 number of offenses, which in the case of a delinquent if committed
19 by an adult would constitute, obtaining, possessing, using, being
20 under the influence of, or failing to make lawful disposition of
21 marijuana or hashish in violation of paragraph (3) or (4) of
22 subsection a., or subsection b., or subsection c. of N.J.S.2C:35-10;
23 or

24 (c) any person who, prior to the effective date of this section,
25 was charged with, convicted of, or adjudicated delinquent for, any
26 number of offenses, which in the case of a delinquent if committed
27 by an adult would constitute, a violation involving marijuana or
28 hashish as described in subparagraph (a) or (b) of this paragraph
29 and using or possessing with intent to use drug paraphernalia with
30 that marijuana or hashish in violation of N.J.S.2C:36-2.

31 (2) If, at the time of application, a court-ordered financial
32 assessment subject to collection under the comprehensive
33 enforcement program established pursuant to P.L.1995, c.9
34 (C.2B:19-1 et al.) is not yet satisfied due to reasons other than
35 willful noncompliance, but the provisions of paragraph (1) of this
36 subsection are otherwise satisfied, the person may submit the
37 expungement application and the court shall grant an expungement
38 in accordance with subsection c. of this section; provided, however,
39 that at the time the expungement is granted the court shall enter a
40 civil judgment for the unpaid portion of the court-ordered financial
41 assessment in the name of the Treasurer, State of New Jersey and
42 transfer collection and disbursement responsibility to the State
43 Treasurer for the outstanding amount in accordance with section 8
44 of P.L.2017, c.244 (C.2C:52:23.1). The Treasurer may specify, and
45 the Administrative Office of the Courts shall collaborate with, the
46 technical and informational standards required to effectuate the
47 transfer of the collection and disbursement responsibilities.
48 Notwithstanding any provision in this law or any other law to the

1 contrary, the court shall have sole discretion to amend the
2 judgment.

3 b. (1) Notwithstanding the requirements of N.J.S.2C:52-2 and
4 N.J.S.2C:52-3 or any other provision of law to the contrary,
5 beginning on the effective date of this section, a person who, prior,
6 on, or after that effective date is charged with, convicted of, or
7 adjudicated delinquent for, any number of offenses, which in the
8 case of a delinquent if committed by an adult would constitute,
9 unlawful distribution of, or possessing or having under control with
10 intent to distribute, marijuana or hashish in violation of paragraph
11 (11) of subsection b. of N.J.S.2C:35-5, may file a petition for an
12 expungement with the Superior Court after the expiration of three
13 years from the date of the most recent conviction, payment of any
14 court-ordered financial assessment as defined in N.J.S.2C:52-2,
15 satisfactory completion of probation or parole, release from
16 incarceration, or discharge from legal custody or supervision,
17 whichever is later.

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

39 (b) Additionally, an application may be filed and presented, and
40 an expungement granted pursuant to subsection c. of this section,
41 although less than three years have expired in accordance with the
42 time requirement set forth in paragraph (1) of this subsection, when
43 the court finds that the court-ordered financial assessment is
44 satisfied but less than three years have expired from the date of
45 satisfaction, and the time requirement of three years is otherwise
46 satisfied, and the court finds that the person substantially complied
47 with any payment plan ordered pursuant to N.J.S.2C:46-1 et seq., or

1 could not do so due to compelling circumstances affecting the
2 person's ability to satisfy the financial assessment.

3 c. (1) The provisions of N.J.S.2C:52-8 through N.J.S.2C:52-14
4 shall not apply to an expungement as set forth in this section.

5 (2) Upon review of the petition, the court shall immediately grant
6 an expungement for each charge, conviction, or adjudication of
7 delinquency as described in subsection a. or b. of this section, as
8 applicable. The court shall provide copies of the expungement
9 order to the person who is the subject of the petition.

10 (3) A court order vacating an expungement that is granted to a
11 person pursuant to this subsection may be issued upon an action
12 filed by a county prosecutor with the court that granted the
13 expungement, if filed no later than 30 days after the expungement
14 order was issued, with notice to the person, and a hearing is
15 scheduled at which the county prosecutor shows proof that the
16 expungement was granted in error due to a statutory disqualification
17 to expungement that existed at the time the relief was initially
18 granted.

19 d. Any public employee or public agency that provides
20 information or records pursuant to this section shall be immune
21 from criminal and civil liability as a result of an act of commission
22 or omission by that person or entity arising out of and in the course
23 of participation in, or assistance with, in good faith, an
24 expungement. The immunity shall be in addition to and not in
25 limitation of any other immunity provided by law.

26

27 6. (New section) a. Unless otherwise provided by law, a court
28 shall order the nondisclosure of the records of the court and probation
29 services, and records of law enforcement agencies with respect to any
30 arrest, charge, conviction, or adjudication of delinquency, and any
31 proceedings related thereto, upon disposition of any case occurring on
32 or after the date of this section that solely includes the following
33 convictions or adjudications of delinquency:

34 (1) any number of offenses for, or juvenile acts which if
35 committed by an adult would constitute, unlawful distribution of, or
36 possessing or having under control with intent to distribute, marijuana
37 or hashish in violation of paragraph (12) of subsection b. of
38 N.J.S.2C:35-5, or a violation of that paragraph and a violation of
39 subsection a. of section 1 of P.L.1987, c.101 (C.2C:35-7) or subsection
40 a. of section 1 of P.L.1997, c.327 (C.2C:35-7.1) for distributing, or
41 possessing or having under control with intent to distribute, on or
42 within 1,000 feet of any school property, or on or within 500 feet of
43 the real property comprising a public housing facility, public park, or
44 public building;

45 (2) any number of offenses for, or juvenile acts which if committed
46 by an adult would constitute, obtaining, possessing, using, being under
47 the influence of, or failing to make lawful disposition of marijuana or

1 hashish in violation of paragraph (3) or (4) of subsection a., or
2 subsection b., or subsection c. of N.J.S.2C:35-10; or

3 (3) a violation involving marijuana or hashish as described in
4 paragraph (1) or (2) of this subsection and any number of offenses for,
5 or juvenile acts which if committed by an adult would constitute, using
6 or possessing with intent to use drug paraphernalia in violation of
7 N.J.S.2C:36-2 if the drug paraphernalia appears to be for use, intended
8 for use, or designed for use with marijuana or hashish, unless the
9 owner or anyone in control of the object was in possession of one
10 ounce or more of marijuana, five grams or more of hashish, or another
11 illegal controlled dangerous substance or controlled substance analog,
12 or the object was in proximity of one ounce or more of marijuana, five
13 grams or more of hashish, or another illegally possessed controlled
14 dangerous substance or controlled substance analog to indicate its use,
15 intended use, or design for use with that controlled dangerous
16 substance or controlled substance analog.

17 b. Notice of the sealing order issued pursuant to subsection a. of
18 this section shall be provided to:

19 (1) The Attorney General, county prosecutor, or municipal
20 prosecutor handling the case; and

21 (2) The State Police and any local law enforcement agency having
22 custody of the files and records.

23 c. Upon the entry of a sealing order issued pursuant to subsection
24 a. of this section, the proceedings in the case shall be sealed and all
25 index references shall be marked “not available” or “no record.” Law
26 enforcement agencies shall reply to requests for information or records
27 of a person subject to a sealing order that there is no information or
28 records. The person may also reply to any inquiry that there is no
29 information or record, except that information subject to a sealing
30 order shall be revealed by that person if seeking employment within
31 the judicial branch or with a law enforcement or corrections agency,
32 and the information shall continue to provide a disability to the extent
33 provided by law.

34 d. Records subject to a sealing order issued pursuant to subsection
35 a. of this section may be maintained for purposes of prior offender
36 status, identification and law enforcement purposes, provided that the
37 records shall not be considered whenever the Pretrial Services
38 Program established by the Administrative Office of the Courts
39 pursuant to section 11 of P.L.2014, c.31 (C.2A:162-25) conducts a risk
40 assessment on an eligible defendant for the purpose of making
41 recommendations to the court concerning an appropriate pretrial
42 release decision in accordance with sections 1 through 11 of P.L.2014,
43 c.31 (C.2A:162-15 et seq.) or used for sentencing purposes in any
44 other case.

45
46 7. (New section) “Clean slate” expungement by petition. a. A
47 person, who is not otherwise eligible to present an expungement
48 application pursuant to any other section of chapter 52 of Title 2C

1 of the New Jersey Statutes or other section of law, may present an
2 expungement application to the Superior Court pursuant to this
3 section if the person has been convicted of one or more crimes, one
4 or more disorderly persons or petty disorderly persons offenses, or a
5 combination of one or more crimes and offenses under the laws of
6 this State, unless the person has a conviction for a crime which is
7 not subject to expungement pursuant to subsection b. or c. of
8 N.J.S.2C:52-2. The person may present an application pursuant to
9 this section regardless of whether the person would otherwise be
10 ineligible pursuant to subsection e. of N.J.S.2C:52-14 for having
11 had a previous criminal conviction expunged, or due to having been
12 granted an expungement pursuant to this or any other provision of
13 law.

14 b. The person, if eligible, may present the expungement
15 application after the expiration of a period of ten years from the
16 date of the person's most recent conviction, payment of any court-
17 ordered financial assessment, satisfactory completion of probation
18 or parole, or release from incarceration, whichever is later. The
19 term "court-ordered financial assessment" as used herein and
20 throughout this section means and includes any fine, fee, penalty,
21 restitution, and other form of financial assessment imposed by the
22 court as part of the sentence for the conviction, for which payment
23 of restitution takes precedence in accordance with chapter 46 of
24 Title 2C of the New Jersey Statutes. The person shall submit the
25 expungement application to the Superior Court in the county in
26 which the most recent conviction for a crime or offense was
27 adjudged, which includes a duly verified petition as provided in
28 N.J.S.2C:52-7 praying that all the person's convictions, and all
29 records and information pertaining thereto, be expunged. The
30 petition appended to an application shall comply with the
31 requirements set forth in N.J.S.2C:52-1 et seq.

32 c. Notwithstanding the provisions concerning the ten-year time
33 requirement, if, at the time of application, a court-ordered financial
34 assessment subject to collection under the comprehensive
35 enforcement program established pursuant to P.L.1995, c.9
36 (C.2B:19-1 et al.) is not yet satisfied due to reasons other than
37 willful noncompliance, but the time requirement of ten years is
38 otherwise satisfied, the person may submit the expungement
39 application and the court shall grant an expungement in accordance
40 with this section; provided, however, that at the time of the
41 expungement the court shall enter a civil judgment for the unpaid
42 portion of the court-ordered financial assessment in the name of the
43 Treasurer, State of New Jersey and transfer collection and
44 disbursement responsibility to the State Treasurer for the
45 outstanding amount in accordance with section 8 of P.L.2017, c.244
46 (C.2C:52-23.1). The Treasurer may specify, and the Administrative
47 Office of the Courts shall collaborate with, the technical and
48 informational standards required to effectuate the transfer of the

1 collection and disbursement responsibilities. Notwithstanding any
2 provision in this law or any other law to the contrary, the court shall
3 have sole discretion to amend the judgment.

4 d. No expungement applications may be filed pursuant to this
5 section after the establishment of the automated process pursuant to
6 subsection a. of section 8 of P.L. c. (C.)(pending before the
7 Legislature as this bill).

8

9 8. (New section) Automated “clean slate” process. a. The
10 following provisions set forth in this subsection shall become
11 operative on the 180th day following enactment of this section:

12 (1) The State shall develop and implement an automated
13 process, based, to the greatest extent practicable, on the
14 recommendations of the task force established pursuant to
15 subsection b. of this section, by which all convictions, and all
16 records and information pertaining thereto, shall be rendered
17 inaccessible to the public, through sealing, expungement, or some
18 equivalent process, for any person who has been convicted of one or
19 more crimes, one or more disorderly persons or petty disorderly
20 persons offenses, or a combination of one or more crimes and
21 offenses under the laws of this State, unless the person has a
22 conviction for a crime which is not subject to expungement
23 pursuant to subsection b. or c. of N.J.S.2C:52-2, upon the expiration
24 of a period of ten years from the date of the person’s most recent
25 conviction, payment of any court-ordered financial assessment,
26 satisfactory completion of probation or parole, or release from
27 incarceration, whichever is later. The term “court-ordered financial
28 assessment” as used herein means and includes any fine, fee,
29 penalty, restitution, and other form of financial assessment imposed
30 by the court as part of the sentence for the conviction, for which
31 payment of restitution takes precedence in accordance with chapter
32 46 of Title 2C of the New Jersey Statutes.

33 (2) The automated process shall be designed to restore a
34 person’s convictions and other criminal history on the State Police
35 Criminal History if the person is subsequently convicted of a crime,
36 for which the conviction is not subject to expungement pursuant to
37 subsection b. or c. of N.J.S.2C:52-2. A prosecutor may submit the
38 restored criminal history to the court for consideration at sentencing
39 for the subsequent conviction.

40 (3) Upon establishment of the automated process pursuant to
41 this subsection, any pending “clean slate” expungement petitions
42 filed pursuant to section 7 of P.L. , c. (C.) (pending before
43 the Legislature as this bill) shall be rendered moot and shall be
44 withdrawn or dismissed in accordance with procedures established
45 by the Supreme Court.

46 b. (1) (a) There is established a task force for the purpose of
47 examining, evaluating, and making recommendations regarding the
48 development and implementation of the automated process described

1 in subsection a. of this section, by which all of a person's convictions,
2 and all records and information pertaining thereto, shall be rendered
3 inaccessible to the public.

4 (b) The task force shall consist of at least the following members:

5 The Chief Technology Officer of the Office of Information
6 Technology, or a designee or designees;

7 The Attorney General, or a designee or designees, one or more of
8 whom may be members of the State Bureau of Identification and the
9 Information Technology Bureau in the Division of State Police
10 designated by the Superintendent of the State Police;

11 The Administrative Director of the Courts, or a designee or
12 designees;

13 The Director of Information Technology for the Administrative
14 Office of the Courts, or a designee or designees;

15 The Commissioner of the Department of Corrections, or a designee
16 or designees;

17 The President of the New Jersey County Jail Wardens Association,
18 or a designee or designees;

19 The President of the New Jersey State Association of Chiefs of
20 Police, or a designee or designees;

21 Two members of the Senate, who shall each be of different
22 political parties, appointed by the Governor upon the recommendation
23 of the Senate President;

24 Two members of the General Assembly, who shall each be of
25 different political parties, appointed by the Governor upon the
26 recommendation of the Speaker of the General Assembly;

27 Two members of academic institutions or non-profit entities who
28 have a background in, or special knowledge of, computer technology,
29 database management, or recordkeeping processes; and

30 Four members of the public appointed by the Governor who each
31 have a background in, or special knowledge of, the technological,
32 criminal record or legal processes of expungement, or criminal history
33 recordkeeping, of which two of whom shall be appointed by the
34 Governor upon recommendation of the Senate President and two of
35 whom shall be appointed by the Governor upon recommendation of
36 the Speaker of the General Assembly.

37 (c) Appointments to the task force shall be made within 30 days of
38 the effective date of this section. Vacancies in the membership of the
39 task force shall be filled in the same manner as the original
40 appointments were made.

41 (d) Members of the task force shall serve without compensation,
42 but shall be reimbursed for necessary expenditures incurred in the
43 performance of their duties as members of the task force within the
44 limits of funds appropriated or otherwise made available to the task
45 force for its purposes.

46 (e) The task force shall organize as soon as practicable, but no
47 later than 30 days following the appointment of its members. The task

1 force shall choose a chairperson from among its members and shall
2 appoint a secretary who need not be a member of the task force.

3 (f) The Department of Law and Public Safety shall provide such
4 stenographic, clerical, and other administrative assistants, and such
5 professional staff as the task force requires to carry out its work. The
6 task force shall also be entitled to call to its assistance and avail itself
7 of the services of the employees of any State, county, or municipal
8 department, board, bureau, commission, or agency as it may require
9 and as may be available for its purposes.

10 (2) It shall be the duty of the task force to identify, analyze and
11 recommend solutions to any technological, fiscal, resource, and
12 practical issues that may arise in the development and implementation
13 of the automated process described in subsection a. of this section. In
14 carrying out these responsibilities, the task force shall to the extent
15 feasible:

16 (a) examine and evaluate the effectiveness of the design and
17 implementation of automated processes in Pennsylvania and California
18 and other jurisdictions that have implemented similar programs, and
19 consult with officials in those jurisdictions concerning their processes
20 and any technological, fiscal, resource, and practical issues that they
21 may have encountered, contemplated, or addressed in developing and
22 implementing those systems; and

23 (b) consult with non-profit computer programming organizations
24 such as "Code for America" with expertise in assisting in the
25 implementation of automated processes and expungement processing
26 generally, to the extent those organizations make themselves available
27 for this purpose; and

28 (c) identify the necessary systemic changes, required technology,
29 cost estimates, and possible sources of funding for developing and
30 implementing the automated process described in subsection a. of this
31 section.

32 (3) (a) The task force shall issue a final report of its findings and
33 recommendations to the Governor, and to the Legislature pursuant to
34 section 2 of P.L.1991, c.164 (C.52:14-19.1), no later than 180 days
35 after the task force organizes.

36 (b) The task force shall expire 30 days after the issuance of its
37 report.

38

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

40 2C:52-8. Statements to accompany petition. There shall be
41 attached to a petition for expungement:

42 a. A statement with the affidavit or verification that there are
43 no disorderly persons, petty disorderly persons or criminal charges
44 pending against the petitioner at the time of filing of the petition for
45 expungement.

46 b. In those instances where the petitioner is seeking the
47 expungement of a criminal conviction **【**, or the expungement of
48 convictions**】** pursuant to **【**N.J.S.2C:52-3 for multiple disorderly

1 persons or petty disorderly persons offenses, all of which were
2 entered the same day, or which were interdependent or closely
3 related in circumstances and were committed as part of a sequence
4 of events that took place within a comparatively short period of
5 time] N.J.S.2C:52-2, a statement with affidavit or verification that
6 he has never been granted expungement, sealing or similar relief
7 regarding a criminal conviction [or convictions for multiple
8 disorderly persons or petty disorderly persons offenses, all of which
9 were entered the same day, or which were interdependent or closely
10 related in circumstances and were committed as part of a sequence
11 of events that took place within a comparatively short period of
12 time] by any court in this State or other state or by any Federal
13 court. "Sealing" refers to the relief previously granted pursuant to
14 P.L.1973, c.191 (C.2A:85-15 et seq.).

15 c. In those instances where a person has received a dismissal of
16 a criminal charge because of acceptance into a supervisory
17 treatment or any other diversion program, a statement with affidavit
18 or verification setting forth the nature of the original charge, the
19 court of disposition and date of disposition.

20 d. A statement as to whether the petitioner has legally changed
21 the petitioner's name, the date of judgment of name change, and the
22 previous legal name. If applicable, the petitioner shall provide a
23 copy of the order for name change.

24 (cf: P.L.2017, c.244, s.4)

25

26 10. (New section) a. (1) No later than twelve months after the
27 effective date of this section, the Administrative Office of the Courts
28 shall develop and maintain a system for petitioners to electronically
29 file expungement applications pursuant to N.J.S.2C:52-1 et seq. The
30 e-filing system shall be available Statewide and include electronic
31 filing, electronic service of process, and electronic document
32 management.

33 (2) The system shall, within 30 days of the person filing the
34 application for expungement, electronically notify relevant law
35 enforcement and criminal justice agencies, if applicable, pursuant to
36 N.J.S.2C:52-10.

37 (3) The system shall electronically compile a listing of all possibly
38 relevant Judiciary records for an expungement petitioner and transmit
39 this information to the appropriate criminal justice agencies subject to
40 notice of the petition in accordance with N.J.S.2C:52-10.

41 b. Upon receipt of the information from the court pursuant to
42 paragraphs (2) and (3) of subsection a. of this section, the
43 Superintendent of State Police, the Attorney General, and the county
44 prosecutor of any county in which the person was convicted shall,
45 within 60 days, review and confirm, as appropriate, the information
46 against the Criminal Case History and notify the court of any
47 inaccurate or incomplete data contained in the information or of any
48 other basis for ineligibility, if applicable, pursuant to N.J.S.2C:52-14.

1 c. The court shall provide copies of an expungement order to the
2 person who is the subject of the petition and electronically transmit the
3 order to the previously noticed parties, or parties otherwise entitled to
4 notice, in accordance with N.J.S.2C:52-15.

5
6 11. N.J.S.2C:52-14 is amended to read as follows:

7 2C:52-14. A petition for expungement filed pursuant to this
8 chapter shall be denied when:

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

12 b. The need for the availability of the records outweighs the
13 desirability of having a person freed from any disabilities as
14 otherwise provided in this chapter. An application may be denied
15 under this subsection only following objection of a party given
16 notice pursuant to N.J.S.2C:52-10 and the burden of asserting such
17 grounds shall be on the objector **】, except that in regard to**
18 **expungement sought for third or fourth degree drug offenses**
19 **pursuant to paragraph (3) of subsection c. of N.J.S.2C:52-2, the**
20 **court shall consider whether this factor applies regardless of**
21 **whether any party objects on this basis】.**

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

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

32 e. **【A】** Except as set forth in subsection a. of section 7 of
33 P.L. , c. (C.) (pending before the Legislature as this bill)
34 concerning a “clean slate” expungement petition, the person has had
35 a previous criminal conviction expunged regardless of the lapse of
36 time between the prior expungement, or sealing under prior law,
37 and the present petition. This provision shall not apply:

38 (1) When the person is seeking the expungement of a municipal
39 ordinance violation or,

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

42 f. (Deleted by amendment, P.L.2017, c.244)

43 (cf: P.L.2017, c.244, s.5)

44
45 12. N.J.S.2C:52-15 is amended to read as follows:

46 2C:52-15. a. Except as provided in subsection b. of this section,
47 if an order of expungement of records of arrest or conviction under
48 this chapter is granted by the court, all the records specified in said

1 order shall be removed from the files of the agencies which have
2 been noticed of the pendency of petitioner's motion and which are,
3 by the provisions of this chapter, entitled to notice, and shall be
4 placed in the control of a person who has been designated by the
5 head of each such agency which, at the time of the hearing,
6 possesses said records. That designated person shall, except as
7 otherwise provided in this chapter, ensure that such records or the
8 information contained therein are not released for any reason and
9 are not utilized or referred to for any purpose. In response to
10 requests for information or records of the person who was arrested
11 or convicted, all noticed officers, departments and agencies shall
12 reply, with respect to the arrest, conviction or related proceedings
13 which are the subject of the order, that there is no record
14 information.

15 b. Records of the Probation Division of the Superior Court
16 related to **【**restitution, a fine, or other**】** any court-ordered financial
17 assessment that remains due at the time the court grants an
18 expungement **【**may be retained as confidential, restricted-access
19 records in the Judiciary's automated system to facilitate the
20 collection and distribution of any outstanding assessments by the
21 comprehensive enforcement program established pursuant to
22 P.L.1995, c.9 (C.2B:19-1 et al.) as ordered by the court. The
23 Administrative Director of the Courts shall ensure that such records
24 are not released to the public. Such records shall be removed from
25 the Judiciary's automated system upon satisfaction of court-ordered
26 financial assessments or by order of the court**】** shall be transferred
27 to the New Jersey Department of Treasury for the collection and
28 disbursement of future payments and satisfaction of judgments in
29 accordance with section 8 of P.L.2017, c.244 (C.2C:52-23.1). The
30 term "court-ordered financial assessment" as used herein and
31 throughout this section means and includes any fine, fee, penalty,
32 restitution, and other form of financial assessment imposed by the
33 court as part of the sentence for the conviction, for which payment
34 of restitution takes precedence in accordance with chapter 46 of
35 Title 2C of the New Jersey Statutes. The Treasurer may specify,
36 and the Administrative Office of the Courts shall collaborate with,
37 the technical and informational standards required to effectuate the
38 transfer of the collection and disbursement responsibilities.
39 Notwithstanding any provision in this law or any other law to the
40 contrary, the court shall have sole authority to amend the judgment
41 concerning the amount of any court-ordered financial assessment
42 that remains due at the time the court grants an expungement.

43 (cf: P.L.2017, c.244, s.6)

44

45 13. Section 8 of P.L.2017, c.244 (C.2C:52-23.1) is amended to
46 read as follows:

47 8. a. Notwithstanding any provision in this act to the contrary,
48 expunged records may be used **【**by the comprehensive enforcement

1 program established pursuant to P.L.1995, c.9 (C.2B:19-1 et al.)】 to
2 **【collect restitution, fines and other】** facilitate the State Treasurer’s
3 collection of any court-ordered financial assessments that remain
4 due at the time an expungement is granted by the court. The term
5 “court-ordered financial assessment” as used herein and throughout
6 this section means and includes any fine, fee, penalty, restitution,
7 and other form of financial assessment imposed by the court as part
8 of the sentence for the conviction, for which payment of restitution
9 takes precedence in accordance with chapter 46 of Title 2C of the
10 New Jersey Statutes. Information regarding the nature of such
11 financial assessments or their derivation from expunged criminal
12 convictions shall not be disclosed to the public. Any record of a
13 civil judgment for the unpaid portion of any court-ordered financial
14 **【obligations】** assessment that may be docketed after the court has
15 granted an expungement of the underlying criminal conviction shall
16 be entered in the name of the Treasurer, State of New Jersey. The
17 State Treasurer shall thereafter administer such judgments **【in**
18 **cooperation with the comprehensive enforcement program】** without
19 disclosure of any information related to the underlying criminal
20 nature of the assessments.

21 b. **【The court, after providing appropriate due process, may**
22 **nullify an expungement granted to a person pursuant to subsection**
23 **a. of N.J.S.2C:52-2 if the person willfully fails to comply with an**
24 **established payment plan or otherwise cooperate with the**
25 **comprehensive enforcement program to facilitate the collection of**
26 **any outstanding restitution, fines, and other court-ordered**
27 **assessments, provided that prior to nullifying the expungement the**
28 **person shall be afforded an opportunity to comply with or**
29 **restructure the payment plan, or otherwise cooperate to facilitate the**
30 **collection of outstanding restitution, fines, and other court-ordered**
31 **assessments. In the event of nullification, the court may restore the**
32 **previous expungement granted if the person complies with the**
33 **payment plan or otherwise cooperates to facilitate the collection of**
34 **any outstanding restitution, fines, and other court-ordered**
35 **assessments.】** (Deleted by amendment, P.L. c.) (pending before
36 the Legislature as this bill)
37 (cf: P.L.2017, c.244, s.8)

38

39 14. N.J.S.22A:2-25 is amended to read as follows:

40 22A:2-25. Law Division filing fees

41 Upon the filing, entering or docketing with the deputy clerk of
42 the Superior Court in the various counties of the herein-mentioned
43 papers or documents by either party to any action or proceeding in
44 the Law Division of the Superior Court, other than a civil action in
45 which a summons or writ must be issued, he shall pay the deputy
46 clerk of the court the following fees:

A5981 HOLLEY, QUIJANO

| | | | | | | | | |
|----|--|-------------|---------|--------|----------|---------|-------------|---------|
| 1 | Entering of complaint or first paper of any action or proceeding ... | | | | | | | |
| 2 | ..... | \$ 9.00 | | | | | | |
| 3 | Filing | | | | | | | |
| 4 | complaint..... | | | | | | | |
| 5 | ..... | \$ 3.00 | | | | | | |
| 6 | Filing | answer | or | | | | | |
| 7 | appearance..... | | | | | | | |
| 8 | ..... | \$ 6.00 | | | | | | |
| 9 | Filing any other pleading, any amended pleading or any amendment | | | | | | | |
| 10 | to a pleading | \$ 3.00 | | | | | | |
| 11 | Filing and entering each order or judgment of court, including | | | | | | | |
| 12 | order to show cause..... | \$ 6.00 | | | | | | |
| 13 | Filing and entering a voluntary dismissal, either by stipulation or | | | | | | | |
| 14 | order of court..... | \$ 7.50 | | | | | | |
| 15 | Filing | notice | of | appeal | | | | |
| 16 | ..... |  |  |  |  |  |  |  |
| 17 | ..... | \$15.00 | | | | | | |
| 18 | Filing | proceedings | or | papers | on | appeal | | |
| 19 | ..... |  |  |  |  | \$ 6.00 | | |
| 20 | 【 Filing | first | paper | on | petition | for | expungement | |
| 21 | ..... |  |  |  |  |  | 】 | \$22.50 |
| 22 | Filing any other paper or document not herein stated | | | | | | | |
| 23 | ..... |  |  |  |  |  |  | \$ 4.50 |
| 24 | Signing | and | sealing | habeas | corpus | | | |
| 25 | ..... |  |  |  |  |  |  | \$ |
| 26 | 7.50 | | | | | | | |
| 27 | Signing | | and | | issuing | | | |
| 28 | subpena..... | | | | | | | |
| 29 | ..... |  |  |  |  |  |  | \$ 1.50 |
| 30 | (cf: P.L.1985, c.422, s.1) | | | | | | | |

31

32 15. N.J.S.2C:52-29 is amended to read as follows:

33 2C:52-29. Any person who files an application pursuant to this

34 chapter shall **【**pay to the State Treasurer**】** not be charged a fee **【**of

35 \$30.00 to defer administrative costs in processing an application

36 hereunder**】** for applying for an expungement, and any fee set forth

37 in the Rules of Court, which was, based on the Supreme Court's

38 temporary authority pursuant to sections 12 through 15, and 17

39 through 19 of P.L.2014, c.31 (C.2B:1-7 through C.2B:1-13), a

40 revision or supplement by the Supreme Court to the fee charged

41 pursuant to this section prior to its amendment by P.L. _____,

42 c. (C. _____) (pending before the Legislature as this bill), is void.

43 (cf: N.J.S.2C:52-29)

44

45 16. There is appropriated from the General Fund to the

46 Department of Law and Public Safety the sum of \$15,000,000 to

47 implement the provisions of this act.

1 17. Section 8 of this act, concerning the automated “clean slate”
2 process and the task force assisting with its development and
3 implementation, sections 14 and 15 of this act, eliminating
4 expungement filings fees, and section 16 of this act, making an
5 appropriation, shall take effect immediately, and the remaining
6 sections of this act shall take effect on the 180th day following
7 enactment. Concerning those sections which do not take effect
8 immediately, the Attorney General and the Administrative Director
9 of the Courts may take any anticipatory administrative action as
10 may be necessary to effectuate those provisions.

11

12

13

STATEMENT

14

15 This bill concerns several reforms to expungement eligibility and
16 procedures, some focused on the treatment of various marijuana or
17 hashish possession, distribution, and drug paraphernalia crimes and
18 offenses and others being more generally applicable to any
19 expungement. Notably, the bill would: establish a new “clean slate”
20 process to generally clear a person’s entire criminal history, initially
21 by expungement petition and later replaced by an automated “clean
22 slate” process; create a new electronic filing system for all
23 expungements; and appropriate \$15,000,000 to the Department of Law
24 and Public Safety to assist with implementation of the reforms. The
25 bill’s provisions are almost entirely based upon a combination of the
26 Second Reprint of Senate Bill No. 3205, which passed both Houses of
27 the Legislature on June 10, 2019, and the suggested changes presented
28 in the Governor’s Conditional Veto of the bill, which was received by
29 the Senate on August 23, 2019.

30 “Standard” Expungement Process

31 Concerning the “standard” expungement process for criminal
32 convictions, a person’s eligibility based upon the number or types of
33 convictions would be broadened in several ways. Under current law,
34 any prior conviction which would cause a person to exceed the
35 numerical cap on convictions to be expunged or which would fall
36 outside the types of “grouped” eligible convictions to be expunged
37 would render a person ineligible to pursue expungement relief. The
38 bill would eliminate ineligibility stemming from any such prior
39 conviction, thereby permitting a person to proceed with an application
40 seeking to expunge a conviction or convictions on the basis of any of
41 the following categories, regardless of any prior conviction of record:

42 - one crime, and the person does not otherwise have any
43 subsequent criminal conviction;

44 - one crime and no more than three disorderly persons or petty
45 disorderly persons offenses, and the person does not otherwise have
46 any subsequent conviction for another crime or offense;

47 - multiple crimes or a combination of one or more crimes and one
48 or more disorderly persons or petty disorderly persons offenses, all

1 listed in a single judgment of conviction, and the person does not
2 otherwise have any subsequent conviction for another crime or
3 offense; or

4 - multiple crimes or a combination of one or more crimes and one
5 or more disorderly persons or petty disorderly persons offenses that
6 occurred as part of a one-time “crime spree,” and the person does not
7 otherwise have any subsequent conviction for another crime or
8 offense.

9 As to eligibility based on waiting periods, the current law’s six-
10 year time period after which a person may first file an expungement
11 application that includes any criminal conviction or convictions,
12 measured from the date of the most recent conviction, payment of
13 any court-ordered financial assessment (such as a fine or
14 restitution), satisfactory completion of probation or parole, or
15 release from incarceration, whichever is later, would be reduced to
16 five years. This five-year waiting period would also apply to any
17 person who at the time of application had not completed paying all
18 financial assessments, but otherwise satisfied the waiting period, as
19 is currently permitted based on the existing six-year period – any
20 such outstanding financial assessment post-expungement (for this
21 category and other categories of expungement, when specifically
22 available as detailed throughout the statement) would be subject to
23 collection and disbursement by the State Treasurer as described at the
24 end of the statement under the heading Reforms Applicable to All
25 Categories of Expungement.

26 Also subject to reduction by one year, from five years to four
27 years, would be the waiting period for when a person who, having
28 satisfied the financial assessment and all other aspects of
29 sentencing, could make an early application by proving to the court
30 that there are “compelling circumstances” for granting such early
31 expungement (this is currently known as an early, “public interest”
32 expungement).

33 For an application only containing disorderly persons or petty
34 disorderly persons convictions, it would be permitted to include
35 requests for expungement relief addressing up to five convictions,
36 which is one conviction greater than what is currently permitted under
37 the law (if the application is not based upon multiple convictions being
38 entered on the same day or multiple offenses making up a one-time
39 “crime spree,” for which no numerical caps exist). Additionally, the
40 general five-year waiting period applicable to the appropriate timing
41 for filing an application addressing only disorderly persons and petty
42 disorderly persons offenses would not prevent a person from filing an
43 application, if at the time of submission, the financial assessment was
44 not paid-off, but all other aspects of sentencing were satisfied for at
45 least five years. Doing so makes consistent all of the various
46 categories of expungement, both under current law and those created
47 by the bill that may involve convictions for disorderly persons and
48 petty disorderly persons offenses, with respect to the potential earlier

1 filing of an expungement application, regardless of outstanding
2 financial assessments. Doing so also clarifies the State Treasurer's
3 authority to engage in post-expungement collection and disbursement
4 of any such outstanding assessments.

5 A person's eligibility under the "standard" expungement process
6 for convictions of either crimes, offenses, or both crimes and offenses
7 based upon not exceeding the aforementioned numerical caps on
8 convictions would be modified concerning how certain marijuana and
9 hashish distribution, possession, and drug paraphernalia crimes and
10 offenses are counted. Any conviction for the following crimes would
11 be considered a lesser conviction of a disorderly persons offense
12 instead of a criminal conviction for purposes of determining eligibility,
13 and thus would only count against the cap on convictions for
14 disorderly persons or petty disorderly persons offenses:

15 - unlawful distribution of, or possessing or having under control
16 with intent to distribute, less than five pounds of marijuana, or less
17 than one pound of hashish, in violation of paragraph (11) or (12) of
18 subsection b. of N.J.S.2C:35-5, or a violation of either of those
19 paragraphs and a violation of subsection a. of section 1 of P.L.1987,
20 c.101 (C.2C:35-7) or subsection a. of section 1 of P.L.1997, c.327
21 (C.2C:35-7.1), for distributing, or possessing or having under control
22 with intent to distribute, on or within 1,000 feet of any school
23 property, or on or within 500 feet of the real property comprising a
24 public housing facility, public park, or public building; and

25 - obtaining or possessing marijuana or hashish in violation of
26 paragraph (3) of subsection a. of N.J.S.2C:35-10.

27 And any conviction for the following disorderly persons offenses
28 would not be counted at all towards any numerical cap:

29 - obtaining or possessing a small amount of marijuana or hashish
30 in violation of paragraph (4) of subsection a. of N.J.S.2C:35-10, or
31 using, being under the influence of, or failing to make lawful
32 disposition of marijuana or hashish in violation of subsection b. or
33 subsection c. of that section; and

34 - any violation involving marijuana or hashish as described
35 above concerning distribution or possession with intent to
36 distribute, or obtaining or possessing, and using or possessing with
37 intent to use drug paraphernalia with that marijuana or hashish in
38 violation of N.J.S.2C:36-2.

39 The "standard" expungement application process concerning
40 convictions for either crimes, offenses, or both crimes and offenses
41 would be simplified by no longer requiring a separate, duly verified
42 petition for each individual conviction for which expungement
43 relief is sought. The current law already requires a person to list all
44 of the person's convictions for crimes and offenses within each
45 petition, so all such information, which is readily contained in just
46 one petition, need not be repeated in multiple petitions as currently
47 required.

1 For those situations in municipal court when no conviction is
2 entered, due to proceedings being dismissed, the person being
3 acquitted, or the person being discharged without a conviction or
4 finding of guilt, the bill would place responsibility on the municipal
5 court to follow procedures developed by the Administrative Director
6 of the Courts to assist with the expungement. Under the current law,
7 the person involved in the municipal court proceeding is given
8 documentation which the person could use to later file for an
9 expungement.

10 Faster Expungement Process and Court-Initiated Sealing for
11 Various Possession, Distribution, and Drug Paraphernalia Crimes and
12 Offenses

13 An additional category of expungement, as well as a new, court-
14 initiated sealing of records upon disposition of a case (i.e., at
15 sentencing) would be available as a means of more quickly clearing or
16 rendering unavailable a person's record with respect to any number of
17 the above described marijuana or hashish possession, distribution, or
18 drug paraphernalia crimes and offenses:

19 -for any person, *who prior to the effective date of the bill*, was
20 charged with, convicted of, or adjudicated delinquent for any number
21 of such marijuana or hashish crimes or offenses, other than a larger
22 amount distribution crime in violation of paragraph (11) of subsection
23 b. of N.J.S.2C:35-5, there would be no waiting period before
24 applications could be filed, so long as the person has satisfied payment
25 of any court-ordered financial assessment (with an exception noted
26 below), satisfactorily completed probation or parole, been released
27 from incarceration, or been discharged from legal custody or
28 supervision at the time of application. If a financial assessment is still
29 subject to collection, the person could proceed with the expungement
30 application and be granted relief so long as the remaining factors
31 associated with the conviction are satisfied;

32 -for any person, *who on or after the effective date*, was charged,
33 convicted, or adjudicated delinquent for any number of such marijuana
34 or hashish crimes or offenses, other than a larger amount distribution
35 crime, and for drug paraphernalia, only violations involving possession
36 of less than one ounce of marijuana, or less than five grams of hashish,
37 the court would order, on its own initiative, the sealing of all
38 records through an "order of nondisclosure" concerning these
39 offenses. The order would be issued immediately upon the
40 disposition of the associated charges, and would cover relevant
41 court and probation records, and law enforcement records. The
42 general unavailability of sealed records would be similar to the
43 legal effect of rendering expunged records unavailable.

44 -for any person, concerning a larger amount distribution crime in
45 violation of paragraph (11) of subsection b. of N.J.S.2C:35-5,
46 *regardless of when charged, convicted, or adjudicated delinquent*, that
47 person would only be permitted to apply for an expungement after a
48 period of three years, although with the ability to file even if all court-

1 ordered financial assessments were not completely paid off at the time
2 of filing. There would be no authority for a court to issue a sealing
3 order following disposition of a case involving a larger amount
4 distribution crime.

5 “Clean Slate” Process – By Petition, Then Automated

6 The bill would initially establish a new “clean slate” expungement
7 which would permit a person, who is not otherwise eligible to present
8 an expungement application pursuant to any other category of
9 expungement, to expunge any number of convictions for crimes,
10 disorderly persons offenses, petty disorderly persons offenses, or a
11 combination thereof, unless the person has a conviction for a more
12 serious or violent crime which is not subject to expungement
13 pursuant to subsection b. of N.J.S.2C:52-2, or pursuant to
14 subsection c. of that section because the conviction involved a
15 larger amount controlled dangerous substance distribution offense
16 graded as a first or second degree crime. An eligible person could
17 file for “clean slate” expungement relief even if that person had a
18 previous criminal conviction expunged, which is normally a
19 disqualifier for expungement pursuant to subsection e. of
20 N.J.S.2C:52-14.

21 An application for this broad form of expungement relief could be
22 filed after the expiration of a period of ten years from the date of the
23 person’s most recent conviction, payment of any court-ordered
24 financial assessment, satisfactory completion of probation or parole, or
25 release from incarceration, whichever is later. As with the “standard”
26 waiting period and shorter waiting period for the above described
27 marijuana- and hashish-related offenses, a person could still apply for
28 a “clean slate” expungement, even though at the time of application
29 the court-ordered financial assessments were not completely paid
30 off, so long as that person had otherwise satisfied the “clean slate”
31 ten-year waiting period.

32 This petition-based process would be subsequently replaced by
33 an automated “clean slate” process using the same eligibility
34 criteria concerning the types of convictions that can be expunged.
35 The automated process would be designed to restore a person’s
36 entire criminal record if the person was subsequently convicted of a
37 more serious, violent, or distribution crime, for which the
38 conviction is not eligible for expungement pursuant to subsection b.
39 or c. of N.J.S.2C:52-2 as described above.

40 The automated process would be developed and implemented, to
41 the greatest extent practicable, following the recommendations of a
42 task force established by the bill. The task force would include at
43 least 13 members, including several ex-official cabinet members,
44 such as the Attorney General and Commissioner of Corrections, the
45 Administrative Director of the Courts, two Senators and two
46 members of the General Assembly, and four public members. The
47 executive and judicial branch representatives could assign one or
48 more designees to participate in the task force in their place.

1 The task force would be responsible for identifying, analyzing,
2 and recommending solutions to “any technological, fiscal, resource,
3 and practical issues that may arise in the development and
4 implementation of the automated process.” It would issue its final
5 report of findings and recommendations to the Governor and
6 Legislature no later than 180 days after it first organized (and
7 thereafter it would expire).

8 Upon establishment of the automated “clean slate” process, no
9 more “clean slate” expungement petitions could be filed in court,
10 and any pending petitions would be rendered moot and be
11 withdrawn or dismissed in accordance with procedures established
12 by the Supreme Court.

13 Reforms Applicable to All Categories of Expungement

14 The bill eliminates the existing court filing fee for all expungement
15 applications (currently \$75).

16 To assist with expungement applications, the Administrative
17 Office of the Courts would develop an expungement e-filing
18 system, to be used in the future for all expungement filings, and
19 upon implementation would additionally provide for electronic
20 service of process and document management. Electronic
21 distribution of notices for expungement relief and copies of
22 expungement orders to appropriate law enforcement and criminal
23 justice agencies would also be done by the courts.

24 Upon receipt of information presented through the e-filing
25 system, the Superintendent of State Police, Attorney General, and
26 the county prosecutor of any county in which a person seeking
27 expungement relief was convicted would, within 60 days, review
28 and confirm, as appropriate, the information against their own
29 records and notify the court of any inaccurate or incomplete data
30 contained in the information received, as well as any other basis for
31 the person’s ineligibility.

32 Lastly, with respect to the on-going collection of court-ordered
33 financial assessments following the granting of an expungement, when
34 applicable, the bill would transfer responsibility for such collection
35 and disbursement efforts to the State Treasurer. Under current law, the
36 Judiciary continues as the primary collector of monies post-
37 expungement through its comprehensive enforcement program
38 established pursuant to P.L.1995, c.9 (C.2B:19-1 et al.). The bill also
39 removes the willful non-payment of court-ordered financial
40 assessments through the comprehensive enforcement program as a
41 reason to nullify an expungement granted by a court, since this
42 program would no longer be involved in the post-expungement
43 collection efforts.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5981

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 12, 2019

The Assembly Appropriations Committee reports favorably Assembly Bill No. 5981, with committee amendments.

As amended, this bill concerns several reforms to expungement eligibility and procedures, some focused on the treatment of various marijuana or hashish possession, distribution, and drug paraphernalia crimes and offenses and others being more generally applicable to any expungement. Notably, the bill would: establish a new “clean slate” process to generally clear a person’s entire criminal history, initially by expungement petition and later replaced by an automated “clean slate” process; create a new electronic filing system for all expungements; and appropriate \$15,000,000 to the Department of Law and Public Safety to assist with implementation of the reforms. The bill’s provisions are largely based upon a combination of the Second Reprint of Senate Bill No. 3205, which passed both Houses of the Legislature on June 10, 2019, and the suggested changes presented in the Governor’s Conditional Veto of the bill, which was received by the Senate on August 23, 2019.

“Standard” Expungement Process

Concerning the “standard” expungement process for criminal convictions, a person’s eligibility based upon the number or types of convictions would be broadened in several ways. Under current law, any prior conviction which would cause a person to exceed the numerical cap on convictions to be expunged or which would fall outside the types of “grouped” eligible convictions to be expunged would render a person ineligible to pursue expungement relief. The bill would eliminate ineligibility stemming from any such prior conviction, thereby permitting a person to proceed with an application in the Superior Court seeking to expunge a conviction or convictions on the basis of any of the following categories, regardless of any prior conviction of record:

- one crime, and the person does not otherwise have any subsequent criminal conviction;
- one crime and no more than three disorderly persons or petty disorderly persons offenses, and the person does not otherwise have any subsequent conviction for another crime or offense;

- multiple crimes or a combination of one or more crimes and one or more disorderly persons or petty disorderly persons offenses, all listed in a single judgment of conviction, and the person does not otherwise have any subsequent conviction for another crime or offense; or

- multiple crimes or a combination of one or more crimes and one or more disorderly persons or petty disorderly persons offenses that occurred as part of a one-time “crime spree,” and the person does not otherwise have any subsequent conviction for another crime or offense.

As to eligibility based on waiting periods, the current law’s six-year time period after which a person may first file an expungement application that includes any criminal conviction or convictions, measured from the date of the most recent conviction, payment of any court-ordered financial assessment (such as a fine or restitution), satisfactory completion of probation or parole, or release from incarceration, whichever is later, would be reduced to five years. This five-year waiting period would also apply to any person who at the time of application had not completed paying all financial assessments, but otherwise satisfied the waiting period, as is currently permitted based on the existing six-year period – any such outstanding financial assessment post-expungement (for this category and other categories of expungement as detailed throughout the statement) would be subject to collection and disbursement by the State Treasurer as described at the end of the statement under the heading Reforms Applicable to All Categories of Expungement).

Also subject to reduction by one year, from five years to four years, would be the waiting period for when a person who, having satisfied the financial assessment and all other aspects of sentencing, could make an early application by proving to the court that there are “compelling circumstances” for granting such early expungement (this is currently known as an early, “public interest” expungement).

For an application only containing disorderly persons or petty disorderly persons convictions, such application could be filed in any court designated by the Rules of Court, instead of being limited to only being filed in the Superior Court. Such an application could include requests for expungement relief addressing up to five convictions, which is one conviction greater than what is currently permitted under the law (if the application is not based upon multiple convictions being entered on the same day or multiple offenses making up a one-time “crime spree,” for which no numerical caps exist). Additionally, the general five-year waiting period applicable to the appropriate timing for filing an application addressing only disorderly persons and petty disorderly persons offenses would not prevent a person from filing an application, if at the time of submission, any court-ordered financial assessment was not paid-off, but all other aspects of sentencing were

satisfied for at least five years. Doing so makes consistent all of the various categories of expungement, both under current law and those created by the bill that may involve convictions for disorderly persons and petty disorderly persons offenses, with respect to the potential earlier filing of an expungement application, regardless of outstanding financial assessments. Doing so also clarifies the State Treasurer's authority to engage in post-expungement collection and disbursement of any such outstanding assessments.

A person's eligibility under the "standard" expungement process for convictions of either crimes, offenses, or both crimes and offenses based upon not exceeding the aforementioned numerical caps on convictions would be modified concerning how certain marijuana and hashish possession, distribution, and drug paraphernalia crimes and offenses are counted. Any conviction for the following crimes would be considered a lesser conviction of a disorderly persons offense instead of a criminal conviction for purposes of determining eligibility, and thus would only count against the cap on convictions for disorderly persons or petty disorderly persons offenses:

- unlawful distribution of, or possessing or having under control with intent to distribute, less than five pounds of marijuana, or less than one pound of hashish, in violation of paragraph (11) or (12) of subsection b. of N.J.S.2C:35-5, or a violation of either of those paragraphs and a violation of subsection a. of section 1 of P.L.1987, c.101 (C.2C:35-7) or subsection a. of section 1 of P.L.1997, c.327 (C.2C:35-7.1), for distributing, or possessing or having under control with intent to distribute, on or within 1,000 feet of any school property, or on or within 500 feet of the real property comprising a public housing facility, public park, or public building; and

- obtaining or possessing marijuana or hashish in violation of paragraph (3) of subsection a. of N.J.S.2C:35-10.

And any conviction for the following disorderly persons offenses would not be counted at all towards any numerical cap:

- obtaining or possessing a small amount of marijuana or hashish in violation of paragraph (4) of subsection a. of N.J.S.2C:35-10, or using, being under the influence of, or failing to make lawful disposition of marijuana or hashish in violation of subsection b. or subsection c. of that section; and

- any violation involving marijuana or hashish as described above concerning distribution or possession with intent to distribute, or obtaining or possessing marijuana or hashish, and using or possessing with intent to use drug paraphernalia with that marijuana or hashish in violation of N.J.S.2C:36-2.

The "standard" expungement application process concerning convictions for either crimes, offenses, or both crimes and offenses would be simplified by no longer requiring a separate, duly verified petition for each individual conviction for which expungement relief is sought. The current law already requires a person to list all

of the person's convictions for crimes and offenses within each petition, so all such information, which can be readily contained in just one petition, need not be repeated in multiple petitions as currently required.

Lastly, for an expungement concerning proceedings in municipal court when no conviction is entered, due to the proceedings being dismissed, the person being acquitted, or the person being discharged without a conviction or finding of guilt, the bill would place responsibility on the municipal court to follow procedures developed by the Administrative Director of the Courts to assist with the expungement. Under the current law, a person involved in such a municipal court proceeding is given documentation which the person could use to later file for an expungement in the Superior Court.

Faster Expungement Petition Process and Court-Initiated Records Sealing for Various Possession, Distribution, and Drug Paraphernalia Crimes and Offenses

An additional category of expungement, as well as a new, court-initiated sealing of records upon disposition of a case (i.e., at sentencing) would be available as a means of more quickly clearing or generally rendering unavailable a person's record with respect to any number of the above described marijuana or hashish possession, distribution, or drug paraphernalia crimes and offenses:

-for any person, *who prior to the development of the record sealing system*, was arrested, convicted, or adjudicated delinquent for any number of such marijuana or hashish crimes or offenses, other than a larger amount distribution crime in violation of paragraph (11) of subsection b. of N.J.S.2C:35-5, there would be no waiting period before expungement applications could be filed, so long as the person has satisfied payment of any court-ordered financial assessment (with an exception noted below), satisfactorily completed probation or parole, been released from incarceration, or been discharged from legal custody or supervision at the time of application. If a financial assessment is still subject to collection, the person could proceed with the application and be granted relief so long as the remaining factors associated with the conviction are satisfied;

-for any person, *who on and after the development of the record sealing system*, was arrested, convicted, or adjudicated delinquent for any number of such marijuana or hashish crimes or offenses, other than a larger amount distribution crime, the court would order, on its own initiative, the sealing of all records through an "order of nondisclosure to the public" concerning these offenses. The order would be issued immediately upon the disposition of the associated case, and would cover relevant court and probation records, and law enforcement records. The general unavailability of sealed records would be similar to the legal effect of rendering expunged records unavailable. Any court-ordered financial assessments due at the time of sealing the records would be subject to post-sealing

collection and disbursement by the State Treasurer in the same fashion as if the records were instead expunged; and

-for any person, concerning a larger amount distribution crime in violation of paragraph (11) of subsection b. of N.J.S.2C:35-5, *regardless of when arrested, convicted, or adjudicated delinquent*, that person would only be permitted to apply for an expungement after a period of three years, although with the ability to file even if all court-ordered financial assessments were not completely paid off at the time of filing. There would be no authority for a court to issue an order sealing the relevant records immediately upon disposition of a case involving a larger amount distribution crime.

“Clean Slate” Process – By Petition, Then Automated

The bill would initially establish a new “clean slate” expungement which would permit a person, who is not otherwise eligible to present an expungement application pursuant to any other category of expungement, to expunge any number of convictions for crimes, disorderly persons offenses, petty disorderly persons offenses, or a combination thereof, unless the person has a conviction for a more serious or violent crime which is not subject to expungement pursuant to subsection b. of N.J.S.2C:52-2, or pursuant to subsection c. of that section because the conviction involved a larger amount controlled dangerous substance distribution offense graded as a first or second degree crime. An eligible person could file for “clean slate” expungement relief even if that person had a previous criminal conviction expunged, which is normally a disqualifier for expungement pursuant to subsection e. of N.J.S.2C:52-14.

An application for this broad form of expungement relief could be filed after the expiration of a period of ten years from the date of the person’s most recent conviction, payment of any court-ordered financial assessment, satisfactory completion of probation or parole, or release from incarceration, whichever is later. As with the other categories of expungement, a person could still apply for a “clean slate” expungement even though at the time of application the court-ordered financial assessments were not completely paid off, so long as that person had otherwise satisfied the “clean slate” ten-year waiting period.

The petition-based process would be subsequently replaced by an automated “clean slate” process using the same eligibility criteria concerning the types of convictions that can be expunged. The automated process would be designed to restore a person’s entire criminal record if the person was subsequently convicted of a more serious, violent, or distribution crime for which expungement relief is not permitted pursuant to subsection b. or c. of N.J.S.2C:52-2 as described above.

The automated process would be developed and implemented, to the greatest extent practicable, following the recommendations of a

task force established by the bill. The task force would include at least 18 members, including several cabinet members serving ex-officio, such as the Attorney General and Commissioner of Corrections, the Administrative Director of the Courts, two Senators and two members of the General Assembly, and four public members. The executive and judicial branch representatives could assign one or more designees to participate in the task force in their place.

The task force would be responsible for identifying, analyzing, and recommending solutions to “any technological, fiscal, resource, and practical issues that may arise in the development and implementation of the automated process.” It would issue its final report of findings and recommendations to the Governor and Legislature no later than 180 days after it first organized (and thereafter it would expire).

Upon establishment of the automated “clean slate” process, no more “clean slate” expungement petitions could be filed in court, and any pending petitions would be rendered moot and then withdrawn or dismissed in accordance with procedures established by the Supreme Court.

Reforms Applicable to All Categories of Expungement

The bill eliminates the existing court filing fee for all expungement applications (currently \$75).

To assist with expungement applications, the Administrative Office of the Courts would develop an expungement e-filing system, to be used in the future for all expungement filings, and upon implementation would additionally provide for electronic service of process and document management. The e-filing system would also be used to electronically distribute notices for expungement relief, copies of expungement petitions and all supporting documents, and copies of expungement orders to appropriate law enforcement and criminal justice agencies.

Upon receipt of information presented through the e-filing system, the Superintendent of State Police, Attorney General, and the county prosecutor of any county in which a person seeking expungement relief was convicted would, within 60 days, review and confirm, as appropriate, the information against their own records and notify the court of any inaccurate or incomplete data contained in the information received, as well as any other basis for the person’s ineligibility.

Lastly, with respect to the on-going collection of court-ordered financial assessments following the granting of an expungement or sealing of records, when applicable, the bill would transfer responsibility for such collection and disbursement efforts to the State Treasurer. Under current law, the Judiciary continues as the primary collector of monies through its comprehensive enforcement program established pursuant to P.L.1995, c.9 (C.2B:19-1 et al.). Since the

Judiciary's enforcement program would no longer be involved in any collection efforts, the bill also removes the willful non-payment of court-ordered financial assessments through the program as a reason to nullify an expungement granted by a court.

COMMITTEE AMENDMENTS:

The committee amendments to the bill:

- clarify that a person who at any time had a previous criminal conviction expunged is still disqualified from seeking an expungement of additional convictions for crimes, disorderly persons offenses, or petty disorderly persons offenses under the "standard" expungement process set forth in N.J.S.2C:52-2 and -3, even under the expanded eligibility criteria established by the bill;

- clarify that the term "court-ordered financial assessment" means and includes all forms of financial assessment imposed as part of the sentence for the conviction or convictions for which expungement is sought, or for which expungement or sealing has been granted;

- permit any court, as specified by court rule, to handle expungement petitions under the "standard" expungement process when that petition only involves convictions for disorderly persons or petty disorderly persons offenses, or under the faster expungement process that addresses various marijuana and hashish possession, distribution, and drug paraphernalia offenses as described above;

- eliminate all references to expunging or sealing any charges, both in the current statutory law and new sections set forth in the bill, based upon information provided by the Administrative Office of the Courts indicating that charges are not expungable;

- provide a period of nine months for the Administrative Office of the Courts to develop and maintain the system for sealing records from the public, upon order of a court, which pertain to offenses or delinquent acts involving the various marijuana and hashish possession, distribution, and drug paraphernalia offenses eligible for sealing as described above (the nine-month period is calculated as the relevant provisions taking effect 180 days after enactment, plus language stating that the system be developed "no later than three months" after the provisions take effect);

- include provisions regarding the post-sealing collection and disbursement of court-ordered financial assessments by the State Treasurer, which would be carried out in the same manner as the collection and disbursement of post-expungement financial assessments;

- provide a consistent time period for transitioning from expunging, in a more expedited fashion, those offenses or delinquent acts involving the various marijuana and hashish possession, distribution, and drug paraphernalia offenses eligible for faster expungement, as described above, to the new record sealing system

which will address those same offenses once the system begins operating;

- make language pertaining to marijuana and hashish drug paraphernalia offenses that are eligible for expungement or sealing consistent throughout the bill;

- eliminate the 180-day waiting period before the provisions establishing the automated “clean slate” process take effect; although they would now take effect immediately, the automated process would still be subject to development and implementation in the future based on recommendations of the task force created by the bill to support the automated process;

- include references to a person’s criminal history as “criminal history record information” in order to maintain consistency for such references within the expungement statutes and other relevant sections of statutory law dealing with criminal histories;

- provide for the forthcoming e-filing system for expungement applications to serve copies of an expungement petition and all supporting documents upon the Superintendent of State Police, the Attorney General, and the county prosecutor of any county in which the person seeking expungement relief was convicted (the e-filing system would be established within a period of 18 months (calculated as the relevant provisions taking effect 180 days after enactment, plus language stating that the system be developed “no later than twelve months” after the provisions take effect)); and

- require that a court, following the issuance of a court order granting expungement, provide proof of the expungement to the person whose records have been expunged or to that person’s representative.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that the Judiciary would incur a substantial annual expenditure increase due to review of additional expungement requests in order to determine eligibility and to process the requests. However, OLS does not have sufficient information to forecast a more accurate increase in the number of applications. According to data provided by the Administrative Office of the Courts (AOC) in 2018, 11,707 expungements were filed. On average, approximately 9,000 expungements were filed annually in last five years. The Judiciary was unable to determine the cost for administering an expungement request.

The OLS anticipates the bill would result in a substantial cost increase for the Judiciary in the short term, as the AOC would need to develop an expungement e-filing system, to be used for all expungement filings and to provide for electronic processing and document management. According to the AOC, technology upgrades

to implement the sealing of records provision and to build the e-filing system would cost approximately \$10 million.

The bill establishes an automated “clean slate” process and makes other changes to the expungement process that will increase applications and the related workload of the Department of Law and Public Safety. The bill appropriates \$15 million to the department to fund the bill’s cost impact. The full cost impact on the department is indeterminate.

The OLS projects an indeterminate reduction in annual State revenue as the bill eliminates the existing \$75 court filing fees for all expungement applications.

The impact of the bill on local law enforcement agencies, county detention facilities, and municipal courts is not known but is likely to consist of higher administrative and compliance costs.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 5981

STATE OF NEW JERSEY 218th LEGISLATURE

DATED: DECEMBER 18, 2019

SUMMARY

Synopsis: Revises expungement eligibility and procedures, including new “clean slate” automated process to render convictions and related records inaccessible; creates e-filing system for expungements; eliminates expungement filing fees; appropriates \$15 million to DLPS for implementation.

Type of Impact: Annual State expenditure increase and revenue decrease.

Agencies Affected: The Judiciary; Department of Law and Public Safety; Local governments.

Office of Legislative Services Estimate

| Fiscal Impact | |
|---------------------------|--|
| State Expenditures | Indeterminate increase, including an appropriation of \$15 million |
| State Revenue | Indeterminate annual decrease |
| Local Expenditures | Indeterminate increase |

- The Office of Legislative Services (OLS) estimates that the Judiciary would incur a substantial annual expenditure increase due to review of additional expungement requests in order to determine eligibility and to process the requests. However, OLS does not have sufficient information to forecast the number of additional applications. According to data provided by the Administrative Office of the Courts (AOC) in 2018, 11,707 expungements were filed. On average, approximately 9,000 expungements were filed annually in last five years.
- The OLS anticipates the bill would result in substantial cost increase for the Judiciary in the short term, as the AOC would need to develop an expungement e-filing system, to be used for all expungement filings and to provide for electronic processing and document management. According to the AOC, upgrading technology to implement the sealing of records provision and to build the e-filing system would cost approximately \$10 million.

- The bill establishes an automated “clean slate” process and makes other changes to the expungement process that will increase applications and the related workload of the Department of Law and Public Safety. The bill appropriates \$15 million to the department to fund the bill’s cost impact. The full cost impact on the department is indeterminate
- The OLS projects an indeterminate reduction in annual State revenue as the bill eliminates the existing \$75 court filing fees for all expungement applications.
- The impact of the bill on local law enforcement agencies, county detention facilities, and municipal courts is not known but is likely to consist of higher administrative and compliance costs.

BILL DESCRIPTION

This bill concerns several reforms to expungement eligibility and procedures, some focused on the treatment of various marijuana or hashish possession, distribution, and drug paraphernalia crimes and offenses and others being more generally applicable to any expungement. Notably, the bill would: establish a new “clean slate” process to generally clear a person’s entire criminal history, initially by expungement petition and later replaced by an automated “clean slate” process; create a new electronic filing system for all expungements; and appropriate \$15,000,000 to the Department of Law and Public Safety to assist with implementation of the reforms. The bill’s provisions are almost entirely based upon a combination of the Second Reprint of Senate Bill No. 3205, which passed both Houses of the Legislature on June 10, 2019, and the suggested changes presented in the Governor’s Conditional Veto of the bill, which was received by the Senate on August 23, 2019.

The bill broadens eligibility for the “standard” expungement process for criminal convictions, by permitting a person to seek to expunge convictions on the basis of any of the following categories, regardless of any prior conviction of record:

- one crime, and the person does not otherwise have any subsequent criminal conviction;
- one crime and no more than three disorderly persons or petty disorderly persons offenses, and the person does not otherwise have any subsequent conviction for another crime or offense;
- multiple crimes or a combination of one or more crimes and one or more disorderly persons or petty disorderly persons offenses, all listed in a single judgment of conviction, and the person does not otherwise have any subsequent conviction for another crime or offense; or
- multiple crimes or a combination of one or more crimes and one or more disorderly persons or petty disorderly persons offenses that occurred as part of a one-time “crime spree,” and the person does not otherwise have any subsequent conviction for another crime or offense.

The bill also expands eligibility based on waiting periods by reducing the current six-year time period to five years and modifying other current requirements.

Also subject to reduction by one year, from five years to four years, would be the waiting period for when a person who, having satisfied the financial assessment and all other aspects of sentencing, could make an early application by proving to the court that there are “compelling circumstances” for granting such early expungement (this is currently known as an early, “public interest” expungement).

The bill also expands eligibility under the “standard” expungement process by modifying the impact of certain marijuana and hashish distribution, possession, and drug paraphernalia crimes and offenses.

In addition, the “standard” expungement application process would be simplified by no longer requiring a separate, duly verified petition for each individual conviction for which expungement relief is sought.

The bill also creates an additional category of expungement, as well as a new, court-initiated sealing of records upon disposition of a case (i.e., at sentencing) as a means of more quickly clearing or rendering unavailable a person’s record with respect to certain marijuana or hashish possession, distribution, or drug paraphernalia crimes and offenses.

Furthermore, the bill would establish a new “clean slate” expungement which would permit a person, who is not otherwise eligible to present an expungement application pursuant to any other category of expungement, to expunge any number of convictions for crimes, disorderly persons offenses, petty disorderly persons offenses, or a combination thereof, unless the person has a conviction for more serious or violent crimes not subject to expungement. An eligible person could file for “clean slate” expungement relief even if that person had a previous criminal conviction expunged, which is normally a disqualifier for expungement pursuant to subsection e. of N.J.S.2C:52-14. An application for this broad form of expungement relief could be filed after the expiration of a period of ten years from the date of the person’s most recent conviction, payment of any court-ordered financial assessment, satisfactory completion of probation or parole, or release from incarceration, whichever is later.

Eventually, an automated “clean slate” process would commence, based upon recommendations of a task force established by the bill. The task force would be responsible for identifying, analyzing, and recommending solutions to “any technological, fiscal, resource, and practical issues that may arise in the development and implementation of the automated process.” It would issue its final report of findings and recommendations to the Governor and Legislature no later than 180 days after it first organized (and thereafter it would expire).

Upon establishment of the automated “clean slate” process, no more “clean slate” expungement petitions could be filed in court, and any pending petitions would be rendered moot and be withdrawn or dismissed in accordance with procedures established by the Supreme Court.

The bill eliminates the existing court filing fees for all expungement applications (currently \$75). It further requires, the Administrative Office of the Courts to develop an expungement e-filing system, that also provides for electronic service of process and document management. Electronic distribution of notices for expungement relief and copies of expungement orders to appropriate law enforcement and criminal justice agencies would also be done by the courts.

Lastly, with respect to the on-going collection of court-ordered financial assessments following the granting of an expungement, when applicable, the bill would transfer responsibility for such collection and disbursement efforts to the State Treasurer. Under current law, the Judiciary continues as the primary collector of monies post-expungement through its comprehensive enforcement program established pursuant to P.L.1995, c.9 (C.2B:19-1 et al.). The bill also removes the willful non-payment of court-ordered financial assessments through the comprehensive enforcement program as a reason to nullify an expungement granted by a court, since this program would no longer be involved in the post-expungement collection efforts.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received. However, information on a similar version of this bill was informally provided by both the Department of Law and Public Safety and the Administrative Office of the Courts, which the OLS took into consideration in its conclusions.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that the bill's enactment will increase State expenditures annually by indeterminate amounts. The bill appropriates \$15 million to fund increased costs which will be incurred by the Department of Law and Public Safety (LPS), including costs to the Division of State Police to review and process a higher volume of expungement applications. The provisions of the bill related to clean slate expungements and expedited expungement for certain marijuana and hashish offenses could potentially result in approximately two million new expungement applications within the first year after the bill goes into effect (based on figures provided by the LPS and the Judiciary), which compares to 9,426 applications that were reviewed by the State Police last year according to LPS. Other bill provisions regarding reduced waiting periods to file an application and the elimination of filing fees could also potentially increase the number of applications going forward as well. However, it is not known how many individuals eligible for expungement under this bill would go through the requisite process to have their records expunged or how many would do so within their first year of eligibility.

The OLS estimates that the Judiciary would incur a substantial annual expenditure increase due to review of additional expungement requests in order to determine eligibility and to process the requests. However, OLS does not have sufficient information to forecast a more accurate increase in the number of applications. On average, approximately 9,000 expungements were filed annually in last five years. The Judiciary was unable to determine the cost for administering an expungement request.

The OLS anticipates the bill would also result in a substantial cost increase for the Judiciary in the short term, to develop an expungement e-filing system to provide for electronic processing and document management. The AOC would also be responsible for electronic distribution of notices for expungement relief and copies of expungement orders to appropriate law enforcement and criminal justice agencies. According to the AOC, technology upgrades to implement the sealing of records provision and to build the e-filing system would cost approximately \$10 million. The AOC had previously indicated that it was working toward the development of an e-filing solution for expungements. It is thus unclear the extent to which the Judiciary's expenditures to implement the bill's provisions will duplicate what it would spend on information technology enhancements absent the enactment of the bill. The OLS notes that the Judiciary annually collects revenue earmarked for information technology investment and improvement.

The OLS projects an indeterminate reduction in annual State revenue because the bill eliminates the existing \$75 court filing fee for all expungement applications. Based on information informally provided by the Judiciary, the OLS estimates the revenue loss to be no greater than \$500,000.

The impact of the bill on local law enforcement agencies, county detention facilities, and municipal courts is not known but is likely to result in higher administrative and compliance costs as these entities coordinate with the State Police to ensure that expunged records include all complaints, warrants, arrests, commitments, processing records, fingerprints, photographs, index cards, rap sheets, and judicial docket records.

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 Legislative Budget and Finance Officer

Governor Murphy Signs Major Criminal Justice Reform Legislation

12/18/2019

Murphy Signs One of the Most Progressive Expungement Reforms in the Nation and Restores Voting Rights to Over 80,000 Residents on Probation or Parole

NEWARK – Governor Phil Murphy today signed two major pieces of legislation to reform New Jersey’s criminal justice system as part of his Second Chance Agenda. The bills, which will reform New Jersey’s expungement process to be one of the most progressive in the nation and restore voting rights to those on probation or parole, will help give individuals entangled in the criminal justice system the opportunity to fully participate in our society and democracy.

“Our Administration is deeply committed to transforming our criminal justice system, and today we are taking a historic step to give residents impacted by that system a second chance,” **said Governor Murphy**. “I am proud to sign one of the most progressive expungement laws in the nation, which will allow more New Jerseyans the opportunity to fully engage in our society. I am also proud to enact legislation that will restore voting rights to over 80,000 residents on probation or parole, allowing them to fully participate in our democracy.”

“Fixing our broken criminal justice system remains one of the most challenging issues plaguing our nation. Formerly incarcerated individuals continue to face overwhelming obstacles as they rejoin their communities,” **said U.S. Senator Cory Booker**. “It’s often difficult to obtain jobs and housing and many have lost their right to vote. These measures signed today by Governor Murphy will help restore fairness to the criminal justice system and remove some of the fundamental barriers to re-entry. I’m grateful to the State Legislators who sponsored these measures and to Governor Murphy for helping make New Jersey a nationwide leader in bold criminal justice reform.”

“I am proud to stand with the Governor today for a monumental bill signing that will positively impact the City of Newark and its residents,” **said Newark Mayor Ras Baraka**. “Our state’s democracy will be further strengthened by legislation that will allow the right to vote for those that are on parole and/or probation and improve the process for expungements in our state. Historically, the failure to do so has held back too many individuals from having access to their basic freedoms and liberties. I look forward to continuing to work with the Governor and our legislators on policy efforts that will advance civil rights in our state.”

S4154 creates a petition process for “clean slate” expungement for residents who have not committed an offense in ten years and who have not been convicted of the most serious crimes. The bill also requires the State to implement an automated clean slate expungement system, which will be developed by a task force charged with studying the technological, fiscal, and practical issues and challenges associated with such a system. Further, the bill requires that low-level marijuana convictions be sealed upon the disposition of a case, preventing those convictions from being used against those individuals in the future. It also makes numerous other changes to existing expungement procedures, including the creation of an e-filing system that would eliminate filing fees to petition for an expungement.

The bill was sponsored by Senator Sandra Cunningham, Senate President Steve Sweeney, and Senator Teresa Ruiz, and Assemblymembers Jamel Holley, Annette Quijano, Angela McKnight, Benjie Wimberly, and Verlina Reynolds-Jackson.

A5823 restores voting rights to New Jersey residents on probation or parole, a category that currently comprises over 80,000 individuals. 16 other states, including Indiana, Montana, and Utah, currently restore voting rights to individuals on probations or parole, and Governor Murphy has called for New Jersey to join this group of states for several years. The bill will take effect 90 days after signature.

The bill was sponsored by Assemblymembers Shavonda Sumter, Cleopatra Tucker, Jamel Holley, and Britnee Timberlake, and Senators Ronald Rice and Sandra Cunningham.

“There is no more fundamental right or duty in society than the right to vote. The bills Governor Murphy is signing today will help us to correct racial and social inequities by restoring the right to vote for individuals on probation or parole and making the expungement process easier, allowing people to move forward with their lives,” **said Lt. Governor Sheila Oliver, who serves as Commissioner of the Department of Community Affairs**. “For centuries, the Black community has been disproportionately affected by this voting prohibition and onerous expungement process. I am relieved that these discriminatory barriers are finally being eliminated in New Jersey.”

"This Administration is committed to encouraging and assisting former convicted offenders in their efforts to successfully reintegrate into society as full, productive citizens," **said Attorney General Gurbir Grewal**. "The laws signed by the Governor today will help advance that important goal."

"These historic pieces of legislation represent more than Governor Murphy's enduring vision and the legislature's dedication—they are rooted in reintegration through redemption," **said New Jersey State Parole Board Chairman Samuel J. Plumeri, Jr.** "The more offenders assimilate into society, the greater chance they feel less marginalized and more empowered to contribute in positive ways."

"The Department of Corrections is committed to providing resources that can assist with ensuring a positive trajectory for those exiting our system," **said New Jersey Department of Corrections Acting Commissioner Marcus O. Hicks, Esq.** "As such, we stand with our partners in criminal justice reform and legislators on sound policies that remove barriers to successful reentry."

"The impact of mass incarceration stretches far beyond the prison walls. When someone is released, the stigma of their conviction can hinder their ability to find a job or even a place to live and their status as a parolee or probationer can revoke their most basic rights," **said Senator Cunningham**. "Expanding expungement, allowing more individuals to shed the weight of their record and more fully reenter society, is nothing short of life changing. There is still a lot of work to do, but today is a momentous day for all those who have spent years fighting for this legislation. I am grateful Governor Murphy sees the value in this issue and I look forward to continuing to work together to reform our criminal justice system."

"Expanding the expungement program is an important part of our ongoing effort to bring meaningful reforms to the criminal justice system," **said Senate President Sweeney, who has advocated for a series of other reforms**. "If we are to truly give former offenders a fair opportunity to succeed, they need to have the ability for a clean slate. Removing the stigma of past convictions will allow them to get jobs so they can support themselves and their families as productive members of society. Everyone deserves a second chance, this is a way of actually giving people that opportunity."

"After fighting for so long, those on parole or probation will finally regain the right to vote, and have the opportunity to participate in our democracy," **said Senator Rice**. "The right to vote is our most important right, one that was fought for by our predecessors. We cannot take these new opportunities for granted, and need to continue to work to make sure no one in New Jersey and this country loses the right to vote."

"The collateral consequences that come with a criminal conviction have been devastating communities of color, perpetuating the cycle of poverty and fracturing families for much too long. Whenever there is a conversation about the racial disparities among our state's incarceration rates, we cannot forget that those convictions follow people for the rest of their lives," **said Senator Ruiz**. "Expungement can begin to address the inequalities that exist in our criminal justice system. There is more work that needs to be done, but this legislation is a significant step in the right direction."

"Taking New Jersey's expungement process from antiquated and onerous to one that can actually be navigated by a resident with success is major step toward justice for all," **said Assemblywoman Quijano**. "This move will make it possible for thousands of residents now and in the future to truly be able to turn the corner and not have long forgotten mistakes marking them like a 'scarlet letter' for the rest of their lives. After meeting all of their obligations, the ability to expunge these incidents from their record mean the difference in the type of job they can apply for and how much money they can make for their families. Most importantly, it will allow people to simply move on."

"Making it possible for residents to clear their record and clean the slate will create employment opportunities, advancement and economic growth for those affected," **said Assemblywoman McKnight**. "Creating an avenue for residents to clear their name and their record moves New Jersey closer to equity and justice in the expungement process."

"Changing the expungement system ensures fairness in implementation for all residents of all socio-economic backgrounds," **said Assemblyman Wimberly**. "Minor convictions that could have well been removed from a person's record with an easier process in place could change the lives and the direction of many youth in our communities. An opportunity to expunge a criminal record could mean the difference between working and not working."

"A more advanced and manageable expungement process will bring us a step closer to social equity and social justice for offenders who have not committed a law violation in years," **said Assemblywoman Reynolds-Jackson**. "Removing barriers to work opportunities and housing will help to raise the status of many African American and Latino American residents, providing them with the ability to move up in the workplace and climb the economic ladder. We needed to get this done for all of those who have been held back because of their record."

"New Jersey will now lead the nation as a model of racial justice and inclusive democracy," **said Assemblywoman Sumter**. "The privilege to participate in the election process is a constitutional right afforded every American regardless of background, race or status. Every person of voting age should have the ability to cast their ballot without interference and without judgement of their personal history."

"Voting is an opportunity for all residents to have their say in who leads their communities and state," **said Assemblywoman Tucker**. "No one population should be disproportionately denied their right to vote. These are outdated laws that have no place in a modern democracy."

"The story of mass incarceration and disproportionate disenfranchisement in America can no longer be the narrative for New Jersey," **said Assemblywoman Timberlake**. "People with criminal records face enough trials post-incarceration in searching for employment, paying down debt and reconnecting with their families. Ending the prohibition on voting for probationers and parolees gives them a chance to move forward, to have their voices heard."

"I don't know of many families, if I know any, that does not have someone in their family who rightfully or wrongly have been involved in some way with the criminal justice system. All of them need a way to be redeemed, returned, or restored," **said Reverend Al Sharpton, President and Founder of the National Action Network (NAN)**. "As we look at this and as we deal with so much rancor and division, as we are going into the holiday season, this is a way that families can come together and feel that there is hope for even those that may have had a misstep in life."

"I've been open about my colorful past, but my life has changed, and today I am the pastor of a major church and the Northeast Regional Director for one of the country's biggest civil rights organizations, National Action Network," **said Pastor Steffie Bartley, Senior Pastor of New Hope Baptist Church and Northeast Regional Director of the National Action Network (NAN)**. "I fundamentally believe that voting is not only a constitutional right but essential to improving the lives of Black and Brown boys and girls in New Jersey. I applaud Governor Murphy's commitment to social justice and his administration's efforts to correct historic wrongs inflicted on our communities by a criminal justice system that has disproportionately punished communities of color, Rev. Sharpton, NAN, and I have been at the forefront of keeping the criminal justice reform a priority for lawmakers. I believe this bill can go further for the cause of justice, and I am hopeful that we can move forward collectively with a bill that provides a path to expungement and allows for relief for those convicted of low-level and non-violent offenses to participate in our democracy and exercise their right to vote."

"On this historic day, New Jersey has lifted my colleague Ron Pierce – a veteran, husband and college graduate – and 83,000 ghosts of democracy out of the shadows so that they can finally be seen, heard, and represented," **said Ryan P. Haygood, President & CEO of the New Jersey Institute for Social Justice**. "Two years after we and our partners launched the 1844 No More campaign—named for the year New Jersey denied the vote to people with convictions and restricted voting to white men in its Constitution—New Jersey has taken an important step in becoming 1844 no more. This is what it looks like to build an inclusive democracy, from the ground up, in this difficult national moment. We thank the Legislature and Governor Murphy for taking this bold action."

"With the Governor's signature, people who have been disenfranchised in every sense of the word regained the most fundamental power an individual can have in a democracy," **said ACLU-NJ Executive Director Amol Sinha**. "Some rights are too important to lose, and voting is one of them. Because this country's history of disenfranchisement has always been rooted in racial oppression, and because the effects of disenfranchisement today produce the same ends, this legislation is a critical, monumental step for racial justice and civil rights – one that advocates have worked for decades to achieve. We need to continue that progress by striving to include all people completing sentences, including those who are incarcerated. New Jersey makes history by becoming the 15th state to restore the right to vote to people on probation and parole. Today, we have shown that New Jersey stands for the ideals of justice, democracy, and having a voice."

"Today, thousands of New Jersey's returning citizens are being enfranchised and given a clean slate," **said Reverend Charles Boyer**. "That's what justice looks like. I salute the impacted, the advocates, the faith community, Governor Murphy and the Legislature for embracing the humanity of our sisters and brothers coming home."

"For those of us who have taken advantage of second chances, who have reformed our lives, not being able to vote was a particularly dehumanizing indignity in a life full of indignities," **said Daamin Durden, a facilitator at the Newark Community Street Team**. "We know that when people are unable to work, they are more likely to get into the dangers of the hustle. I thank Governor Murphy for signing this bill and showing the world that he believes in forgiveness and second chances."

"People who over the long haul of the years have been deemed invisible and marginalized have been made visible again by way of the work done by civil rights advocates and social justice minded legislators," **said Safeer Quraishi, Administrative Director of the NAACP New Jersey State Conference**. "With the passage of Assembly Bill 5823 we are able to restore the right to vote for those who have paid their debt to society and are serving their probation or parole periods. This particular piece of legislation will add approximately 83,000 people to our voting rolls, not only

making these individuals feel like they are a part of the community once more, but giving them a voice and the ability to choose representatives consistent with their values. Those who have been silenced and disenfranchised for far too long are beginning to get their voices back, and we look forward to the Governor signing this bill and playing his part in this movement. The right to vote is just that - a right, and we commend all of those who helped us throughout this fight.

"I am elated that the Governor is signing both of these bills into law today, these are much needed reforms in our criminal justice system. Again, it will put New Jersey with those states that are leaders in the nation in the effort of criminal justice reform," **said Lawrence Hamm, Chairman of the People's Organization for Progress.** "With regard to the voting rights bill, this is a very important bill. It is a much-needed reform, a reform that people have been calling for many years. I want especially to thank those activist organizations and individuals that have been pushing for this reform for years. This bill will expand the franchise for literally thousands of people from New Jersey for the period they are on parole and probation. This is important because when we ensure the voting rights for one segment of the population, it strengthens voting rights for the rest of the population."

The expungement is extremely important, it is important for people to have their record expunged, because heretofore, when they have these records, it locks them out from employment, for housing and other opportunities in society. I am glad that Governor Murphy is signing both of these bills and I thank Governor Murphy for his leadership."

"Today New Jersey joins the ranks of state that recognize that a robust and participatory democracy makes our country stronger. By welcoming people back into our democracy, we are saying that every American counts," **said Myrna Pérez, Director of the Voting Rights and Elections Program at the Brennan Center for Justice.**"