

[First Reprint]
SENATE, No. 3307

STATE OF NEW JERSEY
217th LEGISLATURE

INTRODUCED JUNE 15, 2017

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**Senators Ruiz, Pou, Turner, Assemblyman Wisniewski and
Assemblywoman McKnight**

SYNOPSIS

Revises procedures for expunging criminal and other records and information, including shortening of certain waiting periods for expungement eligibility and increasing number of convictions which may be expunged.

CURRENT VERSION OF TEXT

As reported by the Senate Judiciary Committee on June 29, 2017, with amendments.

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

1 AN ACT revising procedures for expunging criminal and other
2 records and information, amending various parts of the statutory
3 law and supplementing chapter 52 of Title 2C of the New Jersey
4 Statutes.

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

8
9 1. N.J.S.2C:52-2 is amended to read as follows:
10 2C:52-2. Indictable Offenses.

11 a. In all cases, except as herein provided, **[wherein]** a person
12 may present an expungement application to the Superior Court
13 pursuant to this section if:

14 the person has been convicted of ¹[a] one¹ crime under the laws
15 of this State **[and who has not]** ¹, and does not otherwise have any
16 prior or subsequent conviction for another crime, whether within
17 this State or any other jurisdiction;¹ or

18 ¹**[a combination]** the person has been convicted¹ of one crime
19 and less than four disorderly persons or petty disorderly persons
20 offenses under the laws of this State ¹**[which were not closely**
21 related in circumstances or in time, provided that the person has],
22 and does¹ not otherwise ¹**[been convicted of]** have¹ any prior or
23 subsequent ¹conviction for another¹ crime, or any prior or
24 subsequent ¹conviction for another¹ disorderly persons or petty
25 disorderly persons offense ¹**[or offenses]**¹ such that the total
26 number of convictions for disorderly persons and petty disorderly
27 persons offenses would exceed three, whether any such crime or
28 offense conviction was within this State or any other jurisdiction **[,**
29 and has not been convicted of a disorderly persons or petty
30 disorderly persons offense on more than two occasions **];** or

31 ¹the person has been convicted of multiple crimes or a
32 combination of one or more crimes and one or more disorderly
33 persons or petty disorderly persons offenses under the laws of this
34 State, all of which are listed in a single judgment of conviction, and
35 does not otherwise have any prior or subsequent conviction for
36 another crime or offense in addition to those convictions included in
37 the expungement application, whether any such conviction was
38 within this State or any other jurisdiction; or¹

39 the person has been convicted of ¹**[more than one crime under**
40 the laws of this State,] multiple crimes¹ or a combination of one or
41 more crimes and ¹one or more¹ disorderly persons or petty
42 disorderly persons offenses under the laws of this State, which
43 crimes or combination of crimes and offenses were ¹interdependent

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SJU committee amendments adopted June 29, 2017.

1 or¹ closely related in circumstances ¹【or in】 and were committed
2 as part of a sequence of events that took place within a
3 comparatively short period of¹ time, ¹regardless of the date of
4 conviction or sentencing for each individual crime or offense,¹ and
5 the person ¹【has】 does¹ not otherwise ¹【been convicted of】 have¹
6 any prior or subsequent ¹conviction for another¹ crime or offense
7 ¹in addition to those convictions included in the expungement
8 application¹ , whether ¹any such conviction was¹ within this State
9 or any other jurisdiction.

10 The person, if eligible, may 【,】 present the expungement
11 application after the expiration of a period of 【10】 six years from
12 the date of his most recent conviction, payment of fine, satisfactory
13 completion of probation or parole, or release from incarceration
14 【for that crime or for any disorderly persons or petty disorderly
15 persons offense】, whichever is later 【, present an】. ¹The term
16 “fine” as used herein and throughout this section means and
17 includes any fine, restitution, and other court-ordered financial
18 assessment imposed by the court as part of the sentence for the
19 conviction, for which payment of restitution takes precedence in
20 accordance with chapter 46 of Title 2C of the New Jersey Statutes.¹
21 The person shall submit the expungement application to the
22 Superior Court in the county in which the conviction for the crime
23 was adjudged, which contains a separate, duly verified petition as
24 provided in N.J.S.2C:52-7 for 【the criminal】 each conviction
25 sought to be expunged, 【and may also contain additional duly
26 verified petitions for no more than two convictions for any
27 disorderly persons or petty disorderly persons offenses,】 praying
28 that the conviction, or convictions if applicable, and all records and
29 information pertaining thereto be expunged. The petition for each
30 conviction appended to an application shall comply with the
31 requirements set forth in N.J.S.2C:52-1 et seq.

32 Notwithstanding the provisions ¹【of the preceding paragraph, a
33 petition】 concerning the six-year time requirement, if a fine which
34 is currently 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 six years is
38 otherwise satisfied, the person may submit the expungement
39 application and the court may grant an expungement, provided,
40 however, that if expungement is granted under this paragraph, the
41 court shall provide for the continued collection of any outstanding
42 amount owed that is necessary to satisfy the fine or the entry of
43 civil judgment for the outstanding amount in accordance with
44 section 8 of P.L. , c. (C.) (pending before the Legislature as
45 this bill).

46 Additionally, an application¹ may be filed and presented, and the
47 court may grant an expungement pursuant to this section, although

1 less than **[10]** six years **[has]** have expired in accordance with the
2 'time' requirements **'[of the preceding paragraph]'** **[where]** when
3 the court finds:

4 (1) 'the fine is satisfied but' less than **[10]** six years **[has]** have
5 expired from the 'date of' satisfaction **'[of a fine]'**, **'[but] and'** the
6 **[ten-year]** time requirement of six years is otherwise satisfied, and
7 the court finds that the person substantially complied with any
8 payment plan ordered pursuant to N.J.S.2C:46-1 et seq., or could
9 not do so due to compelling circumstances affecting his ability to
10 satisfy the fine **'[, provided that appropriate arrangements are in**
11 **place for the person to satisfy any outstanding obligation to pay**
12 **restitution to a victim]'**; or

13 (2) **'[less than six years have expired from the satisfaction of a**
14 **fine, but]'** at least five 'but less than six' years **[has]** have expired
15 from the date of **[his]** the most recent conviction, **[payment of**
16 **fine,]** 'payment of fine,' satisfactory completion of probation or
17 parole, or release from incarceration, whichever is later **'[, and the**
18 **court finds that the person substantially complied with any payment**
19 **plan ordered pursuant to N.J.S.2C:46-1 et seq., or could not do so**
20 **due to compelling circumstances affecting his ability to satisfy the**
21 **fine, provided that appropriate arrangements are in place for the**
22 **person to satisfy any outstanding obligation to pay restitution to a**
23 **victim]'**; **'and'**

24 the person has not been otherwise convicted of a crime,
25 disorderly persons offense, or petty disorderly persons offense since
26 the time of the most recent conviction; and the court finds in its
27 discretion that expungement is in the public interest, giving due
28 consideration to the nature of the offense or offenses, and the
29 applicant's character and conduct since the conviction or
30 convictions.

31 **'[If the person qualifies for expungement under this subsection,**
32 **but there remains an outstanding balance of restitution, a fine, or**
33 **other court-ordered financial assessment ordered by the court as**
34 **part of the sentence for a criminal conviction, the court shall**
35 **provide for the continued collection of any outstanding restitution**
36 **and may order the continued collection of other financial**
37 **assessments in accordance with section 8 of P.L. , c. (C.)**
38 **(pending before the Legislature as this bill).]'**

39 In determining whether compelling circumstances exist for the
40 purposes of **[paragraph]** **'[paragraphs]** paragraph¹ (1) **'[or (2)]'**
41 of this subsection, a court may consider the amount of the fine or
42 fines imposed, the person's age at the time of the offense or
43 offenses, the person's financial condition and other relevant
44 circumstances regarding the person's ability to pay.

45 **[Although subsequent convictions for no more than two**
46 **disorderly or petty disorderly persons offenses shall not be an**
47 **absolute bar to relief, the nature of those conviction or convictions**

1 and the circumstances surrounding them shall be considered by the
2 court and may be a basis for denial of relief if they or either of them
3 constitute a continuation of the type of unlawful activity embodied
4 in the criminal conviction for which expungement is sought. **】**

5 b. Records of conviction pursuant to statutes repealed by this
6 Code for the crimes of murder, manslaughter, treason, anarchy,
7 kidnapping, rape, forcible sodomy, arson, perjury, false swearing,
8 robbery, embracery, or a conspiracy or any attempt to commit any
9 of the foregoing, or aiding, assisting or concealing persons accused
10 of the foregoing crimes, shall not be expunged.

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

43 Records of conviction for any crime committed by a person
44 holding any public office, position or employment, elective or
45 appointive, under the government of this State or any agency or
46 political subdivision thereof and any conspiracy or attempt to
47 commit such a crime shall not be subject to expungement if the
48 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 **[25 grams or]** less than one ounce;

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

9 (3) Any controlled dangerous substance provided that the
10 conviction is of the third or fourth degree, where the court finds that
11 expungement is consistent with the public interest, giving due
12 consideration to the nature of the offense and the petitioner's
13 character and conduct since conviction.

14 d. In the case of a State licensed physician or podiatrist
15 convicted of an offense involving drugs or alcohol or pursuant to
16 section 14 or 15 of P.L.1989, c.300 (C.2C:21-20 or 2C:21-4.1), the
17 court shall notify the State Board of Medical Examiners upon
18 receipt of a petition for expungement of the conviction and records
19 and information pertaining thereto.

20 (cf: P.L.2015, c.261, s.2)

21
22 2. N.J.S.2C:52-3 is amended to read as follows:

23 2C:52-3. Disorderly persons offenses and petty disorderly
24 persons offenses.

25 a. Any person who has been convicted of **[a]** one or more
26 disorderly persons **[offense]** or petty disorderly persons **[offense]**
27 offenses under the laws of this State who has not been convicted of
28 any **[prior or subsequent]** crime, whether within this State or any
29 other jurisdiction, may present an expungement application to the
30 Superior Court pursuant to this section. Any person who has been
31 convicted of **[a]** one or more disorderly persons **[offense]** or petty
32 disorderly persons **[offense]** offenses under the laws of this State
33 who has also been convicted of **[a prior or subsequent crime]** one
34 or more crimes shall not be eligible to apply for an expungement
35 pursuant to this section, but may present an expungement
36 application to the Superior Court pursuant to N.J.S.2C:52-2.

37 b. Any person who has been convicted of **[a]** one or more
38 disorderly persons **[offense]** or petty disorderly persons **[offense]**
39 offenses under the laws of this State who has not been convicted of
40 any **[prior or subsequent]** crime, whether within this State or any
41 other jurisdiction, **[or who has not been convicted of a disorderly**
42 **persons or petty disorderly persons offense on more than two other**
43 **occasions,]** may present an expungement application to the
44 Superior Court pursuant to this section if:

45 the person has been convicted ¹, under the laws of this State,¹ on
46 'the same or' ¹ separate occasions of no more than four disorderly
47 persons offenses, no more than four petty disorderly persons

1 offenses, or a combination of no more than four disorderly persons
2 and petty disorderly persons offenses, ¹【provided that】 and¹ the
3 person ¹【has】 does¹ not otherwise ¹【been convicted of any
4 additional】 have any¹ prior or subsequent ¹【offenses】 conviction
5 for a disorderly persons or petty disorderly persons offense¹ ,
6 whether within this State or any other jurisdiction, such that the
7 total number of convictions for disorderly persons and petty
8 disorderly persons offenses would exceed four; or

9 ¹the person has been convicted of multiple disorderly persons
10 offenses or multiple petty disorderly persons offenses under the
11 laws of this State, or a combination of multiple disorderly persons
12 and petty disorderly persons offenses under the laws of this State,
13 which convictions were entered on the same day, and does not
14 otherwise have any prior or subsequent conviction for another
15 offense in addition to those convictions included in the
16 expungement application, whether any such conviction was within
17 this State or any other jurisdiction; or¹

18 the person has been convicted of multiple disorderly persons
19 offenses or multiple petty disorderly persons offenses under the
20 laws of this State, or a combination of multiple disorderly persons
21 and petty disorderly persons offenses under the laws of this State,
22 which offenses or combination of offenses were ¹interdependent or¹
23 closely related in circumstances ¹【or in】 and were committed as
24 part of a sequence of events that took place within a comparatively
25 short period of¹ time, ¹regardless of the date of conviction or
26 sentencing for each individual offense,¹ and the person ¹【has】
27 does¹ not otherwise ¹【been convicted of】 have¹ any prior or
28 subsequent ¹conviction for another¹ offense ¹in addition to those
29 convictions included in the expungement application¹ , whether
30 within this State or any other jurisdiction.

31 The person, if eligible, may 【,】 present the expungement
32 application after the expiration of a period of five years from the
33 date of his most recent conviction, payment of fine, satisfactory
34 completion of probation or release from incarceration 【for any
35 disorderly persons or petty disorderly persons offense】, whichever
36 is later 【, present an】. ¹The term “fine” as used herein and
37 throughout this section means and includes any fine, restitution, and
38 other court-ordered financial assessment imposed by the court as
39 part of the sentence for the conviction, for which payment of
40 restitution takes precedence in accordance with chapter 46 of Title
41 2C of the New Jersey Statutes.¹ The person shall submit the
42 expungement application to the Superior Court in the county in
43 which the most recent conviction for 【the most recent】 a disorderly
44 persons or petty disorderly persons offense was adjudged, which
45 contains a separate, duly verified petition as provided in
46 N.J.S.2C:52-7 for 【the disorderly persons or petty disorderly
47 persons】 each conviction sought to be expunged, 【and which may

1 also contain additional duly verified petitions for no more than two
2 other convictions for disorderly persons or petty disorderly persons
3 offenses,] praying that the conviction, or convictions if applicable,
4 and all records and information pertaining thereto be expunged.
5 The petition for each conviction appended to an application shall
6 comply with the requirements of N.J.S.2C:52-1 et seq.

7 Notwithstanding the provisions of the ¹[preceding paragraph, a
8 petition] five-year time requirement, an application¹ may be filed
9 and presented, and the court may grant an expungement pursuant to
10 this section, when the court finds:

11 (1) ¹the fine is satisfied but¹ less than five years [has] have
12 expired from the ¹date of¹ satisfaction ¹[of a fine]¹, ¹[but] and¹ the
13 five-year time requirement is otherwise satisfied, and the court finds
14 that the person substantially complied with any payment plan
15 ordered pursuant to N.J.S.2C:46-1 et seq., or could not do so due to
16 compelling circumstances affecting his ability to satisfy the fine ¹[,
17 provided that appropriate arrangements are in place for the person
18 to satisfy any outstanding obligation to pay restitution to a victim]¹;
19 or

20 (2) ¹[less than five years have expired from the satisfaction of a
21 fine, but]¹ at least three ¹but less than five¹ years have expired from
22 the date of [his] the most recent conviction, [payment of fine,]
23 ¹payment of fine,¹ satisfactory completion of probation or parole, or
24 release from incarceration, whichever is later ¹[,
25 and the court finds
26 that the person substantially complied with any payment plan
27 ordered pursuant to N.J.S.2C:46-1 et seq., or could not do so due to
28 compelling circumstances affecting his ability to satisfy the fine,
29 provided that appropriate arrangements are in place for the person
30 to satisfy any outstanding obligation to pay restitution to a victim]¹;
31 ¹and¹

32 the person has not been otherwise convicted of a crime,
33 disorderly persons offense, or petty disorderly persons offense since
34 the time of the most recent conviction; and the court finds in its
35 discretion that expungement is in the public interest, giving due
36 consideration to the nature of the offense or offenses, and the
37 applicant's character and conduct since the conviction or
convictions.

38 In determining whether compelling circumstances exist for the
39 purposes of [paragraph] ¹[paragraphs] paragraph¹ (1) ¹[or (2)¹] of
40 this subsection, a court may consider the amount of the fine or fines
41 imposed, the person's age at the time of the offense or offenses, the
42 person's financial condition and other relevant circumstances
43 regarding the person's ability to pay.

44 (cf: P.L.2015, c.261, s.3)

45

46 3. N.J.S.2C:52-5 is amended to read as follows:

1 2C:52-5. Expungement of Records of Young Drug Offenders.
2 Notwithstanding the provisions of **sections** N.J.S.2C:52-2 and
3 N.J.S.2C:52-3, after a period of not less than one year following
4 conviction, termination of probation or parole or discharge from
5 custody, whichever is later, any person convicted of an offense
6 under chapters 35 or 36 of this title for the possession or use of a
7 controlled dangerous substance, convicted of violating P.L. 1955, c.
8 277, s. 3 (C. 2A:170-77.5), or convicted of violating P.L. 1962, c.
9 113, s. 1 (C. 2A:170-77.8), and who at the time of the offense was
10 21 years of age or younger, may apply to the Superior Court in the
11 county wherein the matter was disposed of for the expungement of
12 such person's conviction and all records pertaining thereto. The
13 relief of expungement under this section shall be granted only if
14 said person has not, prior to the time of hearing, violated any of the
15 conditions of his probation or parole, albeit subsequent to discharge
16 from probation or parole, has not been convicted of any previous or
17 subsequent criminal act or any subsequent or previous violation of
18 chapters 35 or 36 of this title or of P.L. 1955, c. 277, s. 3 (C.
19 2A:170-77.5) or of P.L. 1962, c. 113, s. 1 (C. 2A:170-77.8), or who
20 has not had a prior or subsequent criminal matter dismissed because
21 of acceptance into a supervisory treatment or other diversion
22 program.

23 This section shall not apply to any person who has been
24 convicted of the sale or distribution of a controlled dangerous
25 substance or possession with the intent to sell any controlled
26 dangerous substance except:

27 (1) Marihuana, where the total sold, distributed or possessed
28 with intent to sell was **25 grams or** less than one ounce, or

29 (2) Hashish, where the total amount sold, distributed or
30 possessed with intent to sell was **5 grams or** less than five grams.

31 (cf: P.L.1987, c.106, s.16)

32

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

34 2C:52-8. Statements to accompany petition. There shall be
35 attached to a petition for expungement:

36 a. A statement with the affidavit or verification that there are no
37 disorderly persons, petty disorderly persons or criminal charges
38 pending against the petitioner at the time of filing of the petition for
39 expungement.

40 b. In those instances where the petitioner is seeking the
41 expungement of a criminal conviction, or the expungement of
42 convictions pursuant to N.J.S.2C:52-3 for multiple disorderly
43 persons or petty disorderly persons offenses ¹, all of which were
44 entered the same day, or¹ which were ¹interdependent or¹ closely
45 related in circumstances ¹**[or in]** and were committed as part of a
46 sequence of events that took place within a comparatively short
47 period of¹ time, a statement with affidavit or verification that he has
48 never been granted expungement, sealing or similar relief regarding

1 a criminal conviction or convictions for multiple disorderly persons
2 or petty disorderly persons offenses ¹, all of which were entered the
3 same day, or¹ which were ¹interdependent or¹ closely related in
4 circumstances ¹[or in] and were committed as part of a sequence of
5 events that took place within a comparatively short period of¹ time
6 by any court in this State or other state or by any Federal court.
7 "Sealing" refers to the relief previously granted pursuant to
8 P.L.1973, c.191 (C.2A:85-15 et seq.).

9 c. In those instances where a person has received a dismissal of
10 a criminal charge because of acceptance into a supervisory
11 treatment or any other diversion program, a statement with affidavit
12 or verification setting forth the nature of the original charge, the
13 court of disposition and date of disposition.
14 (cf: N.J.S.2C:52-8)

15
16 5. N.J.S.2C:52-14 is amended to read as follows:

17 2C:52-14. A petition for expungement filed pursuant to this
18 chapter shall be denied when:

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

22 b. The need for the availability of the records outweighs the
23 desirability of having a person freed from any disabilities as
24 otherwise provided in this chapter. An application may be denied
25 under this subsection only following objection of a party given
26 notice pursuant to N.J.S.2C:52-10 and the burden of asserting such
27 grounds shall be on the objector, except that in regard to
28 expungement sought for third or fourth degree drug offenses
29 pursuant to paragraph (3) of subsection c. of N.J.S.2C:52-2, the
30 court shall consider whether this factor applies regardless of
31 whether any party objects on this basis.

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

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

42 e. A person has had a previous criminal conviction expunged
43 regardless of the lapse of time between the prior expungement, or
44 sealing under prior law, and the present petition. This provision
45 shall not apply:

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

1 (2) When the person is seeking the expungement of records
2 pursuant to **[section]** N.J.S.2C:52-6.

3 f. **[The person seeking the relief of expungement of a**
4 **conviction for a disorderly persons, petty disorderly persons, or**
5 **criminal offense has prior to or subsequent to said conviction been**
6 **granted the dismissal of criminal charges following completion of a**
7 **supervisory treatment or other diversion program.]** (Deleted by
8 amendment, P.L. , c.) (pending before the Legislature as this
9 bill)

10 (cf: P.L.2009, c.188, s.3)

11
12 6. N.J.S.2C:52-15 is amended to read as follows:

13 2C:52-15. **[If]** a. Except as provided in subsection b. of this
14 section, if an order of expungement of records of arrest or
15 conviction under this chapter is granted by the court, all the records
16 specified in said order shall be removed from the files of the
17 agencies which have been noticed of the pendency of petitioner's
18 motion and which are, by the provisions of this chapter, entitled to
19 notice, and shall be placed in the control of a person who has been
20 designated by the head of each such agency which, at the time of
21 the hearing, possesses said records. That designated person shall,
22 except as otherwise provided in this chapter, **[insure]** ensure that
23 such records or the information contained therein are not released
24 for any reason and are not utilized or referred to for any purpose.
25 In response to requests for information or records of the person who
26 was arrested or convicted, all noticed officers, departments and
27 agencies shall reply, with respect to the arrest, conviction or related
28 proceedings which are the subject of the order, that there is no
29 record information.

30 b. Records of the Probation Division of the Superior Court
31 related to restitution, a fine, or other court-ordered financial
32 assessment that remains due at the time the court grants an
33 expungement may be retained as confidential, restricted-access
34 records in the Judiciary's automated system to facilitate the
35 collection and distribution of any outstanding assessments by the
36 comprehensive enforcement program established pursuant to
37 P.L.1995, c.9 (C.2B:19-1 et al.) as ordered by the court. The
38 Administrative Director of the Courts shall ensure that such records
39 are not released to the public. Such records shall be removed from
40 the Judiciary's automated system upon satisfaction of court-ordered
41 financial assessments or by order of the court.

42 (cf: N.J.S.2C:52-15)

43
44 7. N.J.S.2C:52-18 is amended to read as follows:

45 2C:52-18. Information contained in expunged records may be
46 supplied to the Violent Crimes Compensation **[Board]** Office, in
47 conjunction with any claim which has been filed with said **[board]**

1 office ¹], or to the Administrative Office of the Courts in
2 conjunction with the obligation to pay restitution to a victim ¹.
3 (cf: N.J.S.2C:52-18)

4
5 8. ¹a. ¹ (New Section) Notwithstanding any provision in this
6 act to the contrary, expunged records may be used by the
7 comprehensive enforcement program established pursuant to
8 P.L.1995, c.9 (C.2B:19-1 et al.) to collect restitution, fines and
9 other court-ordered financial assessments that remain due at the
10 time an expungement is granted by the court. Information
11 regarding the nature of such financial assessments or their
12 derivation from expunged criminal convictions shall not be
13 disclosed to the public. Any record of a civil judgment for the
14 unpaid portion of court-ordered financial obligations that may be
15 docketed after the court has granted an expungement of the
16 underlying criminal conviction shall be entered in the name of the
17 Treasurer, State of New Jersey. The State Treasurer shall thereafter
18 administer such judgments in cooperation with the comprehensive
19 enforcement program without disclosure of any information related
20 to the underlying criminal nature of the assessments.

21 ¹b. 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. ¹

36
37 9. This act shall take effect on the first day of the ¹[third]
38 tenth ¹ month next following enactment.