

SENATE, No. 3308

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED JUNE 15, 2017

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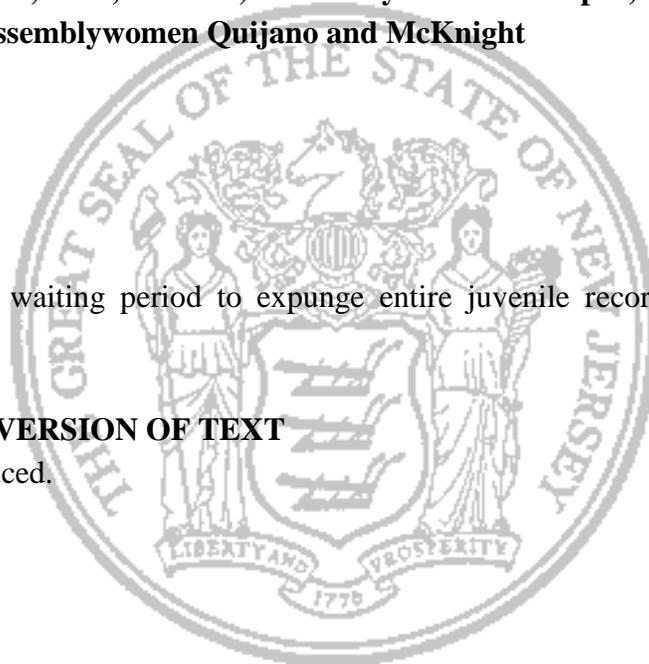
Senators Ruiz, Pou, Turner, Assemblywoman Lampitt, Assemblyman Conaway, Assemblywomen Quijano and McKnight

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



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

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

3

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

6

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

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

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

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

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

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

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

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

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

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

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

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

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

Matter underlined thus is new matter.

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

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

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

9
10
11 STATEMENT

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

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

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

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