

[First Reprint]

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)

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District 35 (Bergen and Passaic)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

**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 reported by the Assembly Appropriations Committee on December 12, 2019, with amendments.

(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. 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

35 the person has been convicted of one crime and [less than four]
36 no more than three disorderly persons or petty disorderly persons
37 offenses under the laws of this State, and does not otherwise have
38 any [prior or] subsequent conviction for another crime, or any
39 [prior or] subsequent conviction for another disorderly persons or
40 petty disorderly persons offense such that the total number of
41 convictions for disorderly persons and petty disorderly persons
42 offenses would exceed three, whether any such crime or offense
43 conviction was within this State or any other jurisdiction. ¹[A]
44 Subject to the provision of subsection e. of N.J.S.2C:52-14

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 AAP committee amendments adopted December 12, 2019.

1 requiring denial of an expungement petition when a person has had
2 a previous criminal conviction expunged, a¹ prior conviction for
3 another crime, disorderly persons offense, or petty disorderly
4 persons offense shall not bar presenting an application seeking
5 expungement relief for the one criminal conviction and no more
6 than three convictions for disorderly persons or petty disorderly
7 persons offenses that are the subject of the application; or
8 the person has been convicted of multiple crimes or a
9 combination of one or more crimes and one or more disorderly
10 persons or petty disorderly persons offenses under the laws of this
11 State, all of which are listed in a single judgment of conviction, and
12 does not otherwise have any **[prior or]** subsequent conviction for
13 another crime or offense in addition to those convictions included in
14 the expungement application, whether any such conviction was
15 within this State or any other jurisdiction. **'[A]** Subject to the
16 provision of subsection e. of N.J.S.2C:52-14 requiring denial of an
17 expungement petition when a person has had a previous criminal
18 conviction expunged, a¹ prior conviction for another crime,
19 disorderly persons offense, or petty disorderly persons offense that
20 is not listed in a single judgement of conviction shall not bar
21 presenting an application seeking expungement relief for the
22 convictions listed in a single judgment of conviction that are the
23 subject of the application; or
24 the person has been convicted of multiple crimes or a
25 combination of one or more crimes and one or more disorderly
26 persons or petty disorderly persons offenses under the laws of this
27 State, which crimes or combination of crimes and offenses were
28 interdependent or closely related in circumstances and were
29 committed as part of a sequence of events that took place within a
30 comparatively short period of time, regardless of the date of
31 conviction or sentencing for each individual crime or offense, and
32 the person does not otherwise have any **[prior or]** subsequent
33 conviction for another crime or offense in addition to those
34 convictions included in the expungement application, whether any
35 such conviction was within this State or any other jurisdiction.
36 **'[A]** Subject to the provision of subsection e. of N.J.S.2C:52-14
37 requiring denial of an expungement petition when a person has had
38 a previous criminal conviction expunged, a¹ prior conviction for
39 another crime, disorderly persons offense, or petty disorderly
40 persons offense that was not interdependent or closely related in
41 circumstances and was not committed within a comparatively short
42 period of time as described above shall not bar presenting an
43 application seeking expungement relief for the convictions of
44 crimes or crimes and offenses that were interdependent or closely
45 related and committed within a comparatively short period of time,
46 and that are the subject of the application.

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

31 The person, if eligible, may present the expungement application
32 after the expiration of a period of **[six]** five years from the date of
33 his most recent conviction, payment of **[fine]** any court-ordered
34 financial assessment, satisfactory completion of probation or
35 parole, or release from incarceration, whichever is later. The term
36 **["fine"]** "court-ordered financial assessment" as used herein and
37 throughout this section means and includes any fine, fee, penalty,
38 restitution, and other **[court-ordered]** form of financial assessment
39 imposed by the court as part of the sentence for the conviction ¹or
40 convictions that are the subject of the application¹, for which
41 payment of restitution takes precedence in accordance with chapter
42 46 of Title 2C of the New Jersey Statutes. The person shall submit
43 the expungement application to the Superior Court in the county in
44 which the most recent conviction for **[the]** a crime was adjudged,
45 **[which contains a separate,]** which includes a duly verified petition
46 as provided in N.J.S.2C:52-7 **[for each conviction sought to be**
47 expunged,] praying that the conviction, or convictions if applicable,

1 and all records and information pertaining thereto be expunged. The
2 petition **【for each conviction】** appended to an application shall
3 comply with the requirements set forth in N.J.S.2C:52-1 et seq.

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

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

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

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

1 applicant's character and conduct since the conviction or
2 convictions] compelling circumstances exist to grant the
3 expungement. The prosecutor may object pursuant to section 1 [10]
4 11¹ of P.L., c. (C.) (pending before the Legislature as this
5 bill), N.J.S.2C:52-11, N.J.S.2C:52-14, or N.J.S.2C:52-24.

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

12 b. Records of conviction pursuant to statutes repealed by this
13 Code for the crimes of murder, manslaughter, treason, anarchy,
14 kidnapping, rape, forcible sodomy, arson, perjury, false swearing,
15 robbery, embracery, or a conspiracy or any attempt to commit any
16 of the foregoing, or aiding, assisting or concealing persons accused
17 of the foregoing crimes, shall not be expunged.

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

1 N.J.S.2C:34-1 (Knowingly promoting the prostitution of the actor's
2 child); section 2 of P.L.2002, c.26 (C.2C:38-2) (Terrorism);
3 subsection a. of section 3 of P.L.2002, c.26 (C.2C:38-3) (Producing
4 or Possessing Chemical Weapons, Biological Agents or Nuclear or
5 Radiological Devices); and conspiracies or attempts to commit such
6 crimes.

7 Records of conviction for any crime committed by a person
8 holding any public office, position or employment, elective or
9 appointive, under the government of this State or any agency or
10 political subdivision thereof and any conspiracy or attempt to
11 commit such a crime shall not be subject to expungement if the
12 crime involved or touched such office, position or employment.

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

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

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

20 (3) Any controlled dangerous substance provided that the
21 conviction is of the third or fourth degree, where the court finds that
22 **[expungement is consistent with the public interest, giving due**
23 **consideration to the nature of the offense and the petitioner's**
24 **character and conduct since conviction]** compelling circumstances
25 exist to grant the expungement. The prosecutor may object
26 pursuant to section ¹[10] 11¹ of P.L. _____, c. (C. _____) (pending
27 before the Legislature as this bill), N.J.S.2C:52-11, N.J.S.2C:52-14,
28 or N.J.S.2C:52-24.

29 d. In the case of a State licensed physician or podiatrist
30 convicted of an offense involving drugs or alcohol or pursuant to
31 section 14 or 15 of P.L.1989, c.300 (C.2C:21-20 or 2C:21-4.1), the
32 **[court]** ¹**[applicant]** petitioner¹ shall notify the State Board of
33 Medical Examiners upon **[receipt of a petition]** filing an
34 application for expungement **[of the conviction and records and**
35 **information pertaining thereto]** and provide the board with a copy
36 thereof. The ¹[applicant] petitioner¹ shall also provide to the court
37 a certification attesting that the requirements of this subsection were
38 satisfied. Failure to satisfy the requirements of this subsection shall
39 be grounds for denial of the expungement application and, if
40 applicable, administrative discipline by the board.

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

42
43 3. N.J.S.2C:52-3 is amended to read as follows:

44 2C:52-3. Disorderly persons offenses and petty disorderly
45 persons offenses.

46 a. Any person who has been convicted of one or more
47 disorderly persons or petty disorderly persons offenses under the

1 laws of this State who has not been convicted of any crime, whether
2 within this State or any other jurisdiction, may present an
3 expungement application to ¹**the Superior Court** a court¹ pursuant
4 to this section. Any person who has been convicted of one or more
5 disorderly persons or petty disorderly persons offenses under the
6 laws of this State who has also been convicted of one or more
7 crimes shall not be eligible to apply for an expungement pursuant to
8 this section, but may present an expungement application to the
9 Superior Court pursuant to N.J.S.2C:52-2.

10 b. 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 ¹pursuant to this section¹ to ¹**the**
15 **Superior Court pursuant to this section** any court designated by the
16 Rules of Court¹ if:

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

36 the person has been convicted of multiple disorderly persons
37 offenses or multiple petty disorderly persons offenses under the
38 laws of this State, or a combination of multiple disorderly persons
39 and petty disorderly persons offenses under the laws of this State,
40 which convictions were entered on the same day, and does not
41 otherwise have any **prior or** subsequent conviction for another
42 offense in addition to those convictions included in the
43 expungement application, whether any such conviction was within
44 this State or any other jurisdiction. ¹**A** Subject to the provision of
45 subsection e. of N.J.S.2C:52-14 requiring denial of an expungement
46 petition when a person has had a previous criminal conviction
47 expunged, a¹ prior conviction for another disorderly persons or

1 petty disorderly persons offense that was not entered on the same
2 day shall not bar presenting an application seeking expungement
3 relief for the convictions entered on the same day that are the
4 subject of the application; or

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

27 For purposes of determining eligibility to present an
28 expungement application to the ¹**【Superior Court】** court¹ pursuant
29 to this section, a conviction for unlawful distribution of, or
30 possessing or having under control with intent to distribute,
31 marijuana or hashish in violation of paragraph (11) of subsection b.
32 of N.J.S.2C:35-5, or a lesser amount of marijuana or hashish in
33 violation of paragraph (12) of subsection b. of that section, or a
34 violation of either of those paragraphs and a violation of subsection
35 a. of section 1 of P.L.1987, c.101 (C.2C:35-7) or subsection a. of
36 section 1 of P.L.1997, c.327 (C.2C:35-7.1), for distributing, or
37 possessing or having under control with intent to distribute, on or
38 within 1,000 feet of any school property, or on or within 500 feet of
39 the real property comprising a public housing facility, public park,
40 or public building, or for obtaining or possessing marijuana or
41 hashish in violation of paragraph (3) of subsection a. of
42 N.J.S.2C:35-10, or for an equivalent crime in another jurisdiction,
43 regardless of when the conviction occurred, shall not be considered
44 a conviction of a crime within this State or any other jurisdiction
45 but shall instead be considered a conviction of a disorderly
46 ¹**【person】** persons¹ offense within this State or an equivalent
47 category of offense within the other jurisdiction, and a conviction

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

11 The person, if eligible, may present the expungement application
12 after the expiration of a period of five years from the date of his
13 most recent conviction, payment of **【fine】** any court-ordered
14 financial assessment, satisfactory completion of probation or parole,
15 or release from incarceration, whichever is later. The term **【"fine"】**
16 “court-ordered financial assessment” as used herein and throughout
17 this section means and includes any fine, fee, penalty, restitution,
18 and other **【court-ordered】** form of financial assessment imposed by
19 the court as part of the sentence for the conviction ¹or convictions
20 that are the subject of the application¹, for which payment of
21 restitution takes precedence in accordance with chapter 46 of Title
22 2C of the New Jersey Statutes. The person shall submit the
23 expungement application to ¹**【the Superior Court】** a court¹ in the
24 county in which the most recent conviction for a disorderly persons
25 or petty disorderly persons offense was adjudged, **【which contains a**
26 **separate,】** which includes a duly verified petition as provided in
27 N.J.S.2C:52-7 **【for each conviction sought to be expunged,】**
28 praying that the conviction, or convictions if applicable, and all
29 records and information pertaining thereto be expunged. The
30 petition **【for each conviction】** appended to an application shall
31 comply with the requirements of N.J.S.2C:52-1 et seq.

32 Notwithstanding the provisions of the five-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 five years is
38 otherwise satisfied, the person may submit the expungement
39 application and the court may grant an expungement; provided,
40 however, that the court shall enter a civil judgment for the unpaid
41 portion of the court-ordered financial assessment in the name of the
42 Treasurer, State of New Jersey and transfer collections and
43 disbursement responsibility to the State Treasurer for the
44 outstanding amount in accordance with section 8 of P.L.2017, c.244
45 (C.2C:52-23.1). The Treasurer may specify, and the Administrative
46 Office of the Courts shall collaborate with, the technical and
47 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 Additionally, an application may be filed and presented, and the
5 court may grant an expungement pursuant to this section, although
6 less than five years have expired in accordance with the time
7 requirements when the court finds:

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

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

19 the person has not been otherwise convicted of a crime,
20 disorderly persons offense, or petty disorderly persons offense since
21 the time of the most recent conviction; and the court finds in its
22 discretion that **【expungement is in the public interest, giving due**
23 **consideration to the nature of the offense or offenses, and the**
24 **applicant's character and conduct since the conviction or**
25 **convictions】** compelling circumstances exist to grant the
26 expungement. The prosecutor may object pursuant to section ¹**【10】**
27 11¹ of P.L. , c. (C.) (pending before the Legislature as this
28 bill), N.J.S.2C:52-11, N.J.S.2C:52-14, or N.J.S.2C:52-24.

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

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

36

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

38 2C:52-6. Arrests not resulting in conviction.

39 a. When a person has been arrested or held to answer for a
40 crime, disorderly persons offense, petty disorderly persons offense,
41 or municipal ordinance violation under the laws of this State or of
42 any governmental entity thereof and proceedings against the person
43 were dismissed, the person was acquitted, or the person was
44 discharged without a conviction or finding of guilt, the Superior
45 Court shall, at the time of dismissal, acquittal, or discharge, or, in
46 any case set forth in paragraph (1) of this subsection, **【upon receipt**

1 of an application from the person,] order the expungement of all
2 records and information relating to the arrest ¹['or charge']¹.

3 (1) If proceedings took place in municipal court, the municipal
4 court shall [provide the person, upon request, with appropriate
5 documentation to transmit to the Superior Court to request
6 expungement pursuant to] follow procedures developed by the
7 Administrative [Office] Director of the Courts. [Upon receipt of
8 the documentation, the Superior Court shall enter an ex parte order
9 expunging all records and information relating to the person's arrest
10 or charge.]

11 (2) The provisions of N.J.S.2C:52-7 through N.J.S.2C:52-14
12 shall not apply to an expungement pursuant to this subsection [and
13 no fee shall be charged to the person making such application].

14 (3) An expungement under this subsection shall not be ordered
15 where the dismissal, acquittal, or discharge resulted from a plea
16 bargaining agreement involving the conviction of other
17 charges. This bar, however, shall not apply once the conviction is
18 itself expunged.

19 (4) The [Superior Court] court shall forward a copy of the
20 expungement order to [the appropriate court and to] the county
21 prosecutor. The county prosecutor shall promptly distribute copies
22 of the expungement order to appropriate law enforcement agencies
23 and correctional institutions who have custody and control of the
24 records specified in the order so that they may comply with the
25 requirements of N.J.S.2C:52-15.

26 (5) An expungement related to a dismissal, acquittal, or
27 discharge ordered pursuant to this subsection shall not bar any
28 future expungement.

29 (6) Where a dismissal of an offense is based on an eligible
30 servicemember's successful participation in a Veterans Diversion
31 Program pursuant to P.L.2017, c.42 (C.2C:43-23 et al.), the county
32 prosecutor, on behalf of the eligible servicemember, may move
33 before the court for the expungement of all records and information
34 relating to the arrest ¹['or charge,']¹ and the diversion at the time of
35 dismissal pursuant to this section.

36 b. When a person did not apply or a prosecutor did not move
37 on behalf of an eligible servicemember for an expungement of an
38 arrest ¹['or charge']¹ not resulting in a conviction pursuant to
39 subsection a. of this section, the person may at any time following
40 the disposition of proceedings, present a duly verified petition as
41 provided in N.J.S.2C:52-7 to the Superior Court in the county in
42 which the disposition occurred praying that records of such arrest
43 and all records and information pertaining thereto be expunged.
44 [No fee shall be charged to the person for applying for an
45 expungement of an arrest or charge not resulting in a conviction
46 pursuant to this subsection.]

1 c. (1) Any person who has had charges dismissed against him
2 pursuant to a program of supervisory treatment pursuant to
3 N.J.S.2C:43-12, or conditional discharge pursuant to N.J.S.2C:36A-
4 1, or conditional dismissal pursuant to P.L.2013, c.158 (C.2C:43-
5 13.1 et al.), shall be barred from the relief provided in this section
6 until six months after the entry of the order of dismissal.

7 (2) A servicemember who has successfully participated in a
8 Veterans Diversion Program pursuant to P.L.2017, c.42 (C.2C:43-
9 23 et al.) may apply for expungement pursuant to this section at any
10 time following the order of dismissal if an expungement was not
11 granted at the time of dismissal.

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

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

18

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

30 (a) any person who, prior to the ¹【effective date of this】
31 development of a system for sealing records from the public
32 pursuant to¹ section ¹6 of P.L. , c. (C.) (pending before the
33 Legislature as this bill)¹, was charged with, convicted of, or
34 adjudicated delinquent for, any number of offenses ¹【, which in the
35 case of a】 for, or¹ delinquent ¹acts which¹ if committed by an adult
36 would constitute, unlawful distribution of, or possessing or having
37 under control with intent to distribute, marijuana or hashish in
38 violation of paragraph (12) of subsection b. of N.J.S.2C:35-5, or a
39 violation of that paragraph and a violation of subsection a. of
40 section 1 of P.L.1987, c.101 (C.2C:35-7) or subsection a. of section
41 1 of P.L.1997, c.327 (C.2C:35-7.1) for distributing, or possessing or
42 having under control with intent to distribute, on or within 1,000
43 feet of any school property, or on or within 500 feet of the real
44 property comprising a public housing facility, public park, or public
45 building; or

46 (b) any person who, prior to the ¹【effective date of this】
47 development of a system for sealing records from the public

1 pursuant to¹ section ¹6 of P.L. , c. (C.) (pending before the
2 Legislature as this bill)¹, was charged with, convicted of, or
3 adjudicated delinquent for, any number of offenses ¹【, which in the
4 case of a】 for, or¹ delinquent ¹acts which¹ if committed by an adult
5 would constitute, obtaining, possessing, using, being under the
6 influence of, or failing to make lawful disposition of marijuana or
7 hashish in violation of paragraph (3) or (4) of subsection a., or
8 subsection b., or subsection c. of N.J.S.2C:35-10; or

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

19 (2) If, at the time of application, a court-ordered financial
20 assessment subject to collection under the comprehensive
21 enforcement program established pursuant to P.L.1995, c.9
22 (C.2B:19-1 et al.) is not yet satisfied due to reasons other than
23 willful noncompliance, but the provisions of paragraph (1) of this
24 subsection are 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. (1) Notwithstanding the requirements of N.J.S.2C:52-2 and
40 N.J.S.2C:52-3 or any other provision of law to the contrary,
41 beginning on the effective date of this section, a person who, prior,
42 on, or after that effective date is 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 (11) of subsection b. of N.J.S.2C:35-5, may

1 file a petition for an expungement with ¹["the Superior Court"] a
2 court¹ after the expiration of three years from the date of the most
3 recent conviction, payment of any court-ordered financial
4 assessment as defined in ¹["N.J.S.2C:52-2"] section 8 of P.L. 2017,
5 c.244 (C.2C:52-23.1)¹, satisfactory completion of probation or
6 parole, release from incarceration, or discharge from legal custody
7 or supervision, whichever is later.

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

29 (b) Additionally, an application may be filed and presented, and
30 an expungement granted pursuant to subsection c. of this section,
31 although less than three years have expired in accordance with the
32 time requirement set forth in paragraph (1) of this subsection, when
33 the court finds that the court-ordered financial assessment is
34 satisfied but less than three years have expired from the date of
35 satisfaction, and the time requirement of three years is otherwise
36 satisfied, and the court finds that the person substantially complied
37 with any payment plan ordered pursuant to N.J.S.2C:46-1 et seq., or
38 could not do so due to compelling circumstances affecting the
39 person's ability to satisfy the financial assessment.

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

42 (2) Upon review of the petition, the court shall immediately grant
43 an expungement for each ¹["charge"] arrest¹, conviction, or
44 adjudication of delinquency as described in subsection a. or b. of
45 this section, as applicable. The court shall provide copies of the
46 expungement order to the person who is the subject of the petition
47 ¹or that person's representative¹.

1 (3) A court order vacating an expungement that is granted to a
2 person pursuant to this subsection may be issued upon an action
3 filed by a county prosecutor with the court that granted the
4 expungement, if filed no later than 30 days after the expungement
5 order was issued, with notice to the person, and a hearing is
6 scheduled at which the county prosecutor shows proof that the
7 expungement was granted in error due to a statutory disqualification
8 to expungement that existed at the time the relief was initially
9 granted.

10 d. Any public employee or public agency that provides
11 information or records pursuant to this section shall be immune
12 from criminal and civil liability as a result of an act of commission
13 or omission by that person or entity arising out of and in the course
14 of participation in, or assistance with, in good faith, an
15 expungement. The immunity shall be in addition to and not in
16 limitation of any other immunity provided by law.

17
18 6. (New section) a. **1[Unless]** (1) No later than three months
19 after the effective date of this section, the Administrative Office of
20 the Courts shall develop and maintain a system for sealing records
21 from the public, upon order of a court, pertaining to offenses or
22 delinquent acts involving marijuana or hashish as described in this
23 section. Once the system is developed, unless¹ otherwise provided
24 by law, a court shall order the nondisclosure ¹to the public¹ of the
25 records of the court and probation services, and records of law
26 enforcement agencies with respect to any arrest, ¹[charge,]¹
27 conviction, or adjudication of delinquency, and any proceedings
28 related thereto, upon disposition of any case occurring on or after
29 the ¹[date] development¹ of ¹[this section] the system for sealing
30 records¹ that solely includes the following convictions or
31 adjudications of delinquency:

32 **1[(1)] (a)¹** any number of offenses for, or **1[juvenile]**
33 **delinquent¹** acts which if committed by an adult would constitute,
34 unlawful distribution of, or possessing or having under control with
35 intent to distribute, marijuana or hashish in violation of paragraph
36 (12) of subsection b. of N.J.S.2C:35-5, or a violation of that
37 paragraph and a violation of subsection a. of section 1 of P.L.1987,
38 c.101 (C.2C:35-7) or subsection a. of section 1 of P.L.1997, c.327
39 (C.2C:35-7.1) for distributing, or possessing or having under
40 control with intent to distribute, on or within 1,000 feet of any
41 school property, or on or within 500 feet of the real property
42 comprising a public housing facility, public park, or public
43 building;

44 **1[(2)] (b)¹** any number of offenses for, or **1[juvenile]**
45 **delinquent¹** acts which if committed by an adult would constitute,
46 obtaining, possessing, using, being under the influence of, or failing
47 to make lawful disposition of marijuana or hashish in violation of

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

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

21 (2) If the disposition of the case includes a court-ordered
22 financial assessment subject to collection under the comprehensive
23 enforcement program established pursuant to P.L.1995, c.9
24 (C.2B:19-1 et al.), then at the time of issuing the sealing order, the
25 court shall also enter a civil judgment for the unpaid portion of the
26 court-ordered financial assessment in the name of the Treasurer,
27 State of New Jersey and transfer collections and disbursement
28 responsibility to the State Treasurer for the outstanding amount 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 means and
31 includes any fine, fee, penalty, restitution, and other form of
32 financial assessment imposed by the court as part of the sentence
33 for the conviction or convictions that are the subject of the sealing
34 order, for which payment of restitution takes precedence in
35 accordance with chapter 46 of Title 2C of the New Jersey Statutes.
36 The Treasurer may specify, and the Administrative Office of the
37 Courts shall collaborate with, the technical and informational
38 standards required to effectuate the transfer of the collection and
39 disbursement responsibilities. Notwithstanding any provision in this
40 law or any other law to the contrary, the court shall have sole
41 discretion to amend the judgment¹.

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

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

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

1 c. Upon the entry of a sealing order issued pursuant to
2 subsection a. of this section, the proceedings in the case shall be
3 sealed and all index references shall be marked “not available” or
4 “no record.” Law enforcement agencies shall reply to requests for
5 information or records of a person subject to a sealing order that
6 there is no information or records. The person may also reply to
7 any inquiry that there is no information or record, except that
8 information subject to a sealing order shall be revealed by that
9 person if seeking employment within the judicial branch or with a
10 law enforcement or corrections agency, and the information shall
11 continue to provide a disability to the extent provided by law.

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

23
24 7. (New section) “Clean slate” expungement by petition. a. A
25 person, who is not otherwise eligible to present an expungement
26 application pursuant to any other section of chapter 52 of Title 2C
27 of the New Jersey Statutes or other section of law, may present an
28 expungement application to the Superior Court pursuant to this
29 section if the person has been convicted of one or more crimes, one
30 or more disorderly persons or petty disorderly persons offenses, or a
31 combination of one or more crimes and offenses under the laws of
32 this State, unless the person has a conviction for a crime which is
33 not subject to expungement pursuant to subsection b. or c. of
34 N.J.S.2C:52-2. The person may present an application pursuant to
35 this section regardless of whether the person would otherwise be
36 ineligible pursuant to subsection e. of N.J.S.2C:52-14 for having
37 had a previous criminal conviction expunged, or due to having been
38 granted an expungement pursuant to this or any other provision of
39 law.

40 b. The person, if eligible, may present the expungement
41 application after the expiration of a period of ten years from the
42 date of the person’s most recent conviction, payment of any court-
43 ordered financial assessment, satisfactory completion of probation
44 or parole, or release from incarceration, whichever is later. The
45 term “court-ordered financial assessment” as used herein and
46 throughout this section means and includes any fine, fee, penalty,
47 restitution, and other form of financial assessment imposed by the
48 court as part of the sentence for the conviction ¹or convictions that

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

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

31 d. No expungement applications may be filed pursuant to this
32 section after the establishment of the automated "clean slate"¹
33 process pursuant to subsection a. of section 8 of P.L. ,
34 c. (C.)(pending before the Legislature as this bill).
35

36 8. (New section) Automated "clean slate" process. a. ¹**【The**
37 following provisions set forth in this subsection shall become
38 operative on the 180th day following enactment of this section:**】**¹

39 (1) The State shall develop and implement an automated
40 process, based, to the greatest extent practicable, on the
41 recommendations of the task force established pursuant to
42 subsection b. of this section, by which all convictions, and all
43 records and information pertaining thereto, shall be rendered
44 inaccessible to the public, through sealing, expungement, or some
45 equivalent process, for any person who has been convicted of one or
46 more crimes, one or more disorderly persons or petty disorderly
47 persons offenses, or a combination of one or more crimes and
48 offenses under the laws of this State, unless the person has a

1 conviction for a crime which is not subject to expungement
2 pursuant to subsection b. or c. of N.J.S.2C:52-2, upon the expiration
3 of a period of ten years from the date of the person's most recent
4 conviction, payment of any court-ordered financial assessment,
5 satisfactory completion of probation or parole, or release from
6 incarceration, whichever is later. The term "court-ordered financial
7 assessment" as used herein 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 ¹or
10 convictions that are subject to being rendered inaccessible to the
11 public¹, for which payment of restitution takes precedence in
12 accordance with chapter 46 of Title 2C of the New Jersey Statutes.

13 (2) The automated process shall be designed to restore a
14 person's convictions and other ¹information contained in the
15 person's¹ criminal history ¹**【on the State Police Criminal History】**
16 record information files¹ if the person is subsequently convicted of
17 a crime, for which the conviction is not subject to expungement
18 pursuant to subsection b. or c. of N.J.S.2C:52-2. A prosecutor may
19 submit the restored criminal history ¹record information¹ to the
20 court for consideration at sentencing for the subsequent conviction.

21 (3) Upon establishment of the automated process pursuant to this
22 subsection, any pending "clean slate" expungement petitions filed
23 pursuant to section 7 of P.L. , c. (C.) (pending before the
24 Legislature as this bill) shall be rendered moot and shall be
25 withdrawn or dismissed in accordance with procedures established
26 by the Supreme Court.

27 b. (1) (a) There is established a task force for the purpose of
28 examining, evaluating, and making recommendations regarding the
29 development and implementation of the automated process
30 described in subsection a. of this section, by which all of a person's
31 convictions, and all records and information pertaining thereto,
32 shall be rendered inaccessible to the public.

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

35 The Chief Technology Officer of the Office of Information
36 Technology, or a designee or designees;

37 The Attorney General, or a designee or designees, one or more of
38 whom may be members of the State Bureau of Identification and the
39 Information Technology Bureau in the Division of State Police
40 designated by the Superintendent of the State Police;

41 The Administrative Director of the Courts, or a designee or
42 designees;

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

45 The Commissioner of the Department of Corrections, or a
46 designee or designees;

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

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

5 Two members of the Senate, who shall each be of different
6 political parties, appointed by the Governor upon the
7 recommendation of the Senate President;

8 Two members of the General Assembly, who shall each be of
9 different political parties, appointed by the Governor upon the
10 recommendation of the Speaker of the General Assembly;

11 Two members of academic institutions or non-profit entities
12 'appointed by the Governor' who 'each' have a background in, or
13 special knowledge of, computer technology, database management,
14 or recordkeeping processes; and

15 Four members of the public appointed by the Governor who each
16 have a background in, or special knowledge of, the technological,
17 criminal record or legal processes of expungement, or criminal
18 history recordkeeping, of which two of whom shall be appointed by
19 the Governor upon recommendation of the Senate President and two
20 of whom shall be appointed by the Governor upon recommendation
21 of the Speaker of the General Assembly.

22 (c) Appointments to the task force shall be made within 30 days
23 of the effective date of this section. Vacancies in the membership
24 of the task force shall be filled in the same manner as the original
25 appointments were made.

26 (d) Members of the task force shall serve without compensation,
27 but shall be reimbursed for necessary expenditures incurred in the
28 performance of their duties as members of the task force within the
29 limits of funds appropriated or otherwise made available to the task
30 force for its purposes.

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

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

43 (2) It shall be the duty of the task force to identify, analyze and
44 recommend solutions to any technological, fiscal, resource, and
45 practical issues that may arise in the development and
46 implementation of the automated process described in subsection a.
47 of this section. In carrying out these responsibilities, the task force
48 shall to the extent feasible:

1 (a) examine and evaluate the effectiveness of the design and
2 implementation of automated processes in Pennsylvania and
3 California and other jurisdictions that have implemented similar
4 programs, and consult with officials in those jurisdictions
5 concerning their processes and any technological, fiscal, resource,
6 and practical issues that they may have encountered, contemplated,
7 or addressed in developing and implementing those systems; and

8 (b) consult with non-profit computer programming organizations
9 such as "Code for America" with expertise in assisting in the
10 implementation of automated processes and expungement
11 processing generally, to the extent those organizations make
12 themselves available for this purpose; and

13 (c) identify the necessary systemic changes, required
14 technology, cost estimates, and possible sources of funding for
15 developing and implementing the automated process described in
16 subsection a. of this section.

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

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

23

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

25 2C:52-8. Statements to accompany petition. There shall be
26 attached to a petition for expungement:

27 a. A statement with the affidavit or verification that there are
28 no disorderly persons, petty disorderly persons or criminal charges
29 pending against the petitioner at the time of filing of the petition for
30 expungement.

31 b. In those instances where the petitioner is seeking the
32 expungement of a criminal conviction **【**, or the expungement of
33 convictions**】** pursuant to **【**N.J.S.2C:52-3 for multiple disorderly
34 persons or petty disorderly persons offenses, all of which were
35 entered the same day, or which were interdependent or closely
36 related in circumstances and were committed as part of a sequence
37 of events that took place within a comparatively short period of
38 time**】** N.J.S.2C:52-2, a statement with affidavit or verification that
39 he has never been granted expungement, sealing or similar relief
40 regarding a criminal conviction **【**or convictions for multiple
41 disorderly persons or petty disorderly persons offenses, all of which
42 were entered the same day, or which were interdependent or closely
43 related in circumstances and were committed as part of a sequence
44 of events that took place within a comparatively short period of
45 time**】** by any court in this State or other state or by any Federal
46 court. "Sealing" refers to the relief previously granted pursuant to
47 P.L.1973, c.191 (C.2A:85-15 et seq.).

1 c. In those instances where a person has received a dismissal of
2 a criminal charge because of acceptance into a supervisory
3 treatment or any other diversion program, a statement with affidavit
4 or verification setting forth the nature of the original charge, the
5 court of disposition and date of disposition.

6 d. A statement as to whether the petitioner has legally changed
7 the petitioner's name, the date of judgment of name change, and the
8 previous legal name. If applicable, the petitioner shall provide a
9 copy of the order for name change.

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

11
12 ¹10. N.J.S.2C:52-10 is amended to read as follows:

13 2C:52-10. **[A]** a. Until the date that the e-filing system is
14 established by the Administrative Office of the Courts pursuant to
15 section 11 of P.L. , c. (C.) (pending before the Legislature
16 as this bill), a copy of each petition, together with a copy of all
17 supporting documents, shall be served pursuant to the rules of court
18 upon the Superintendent of State Police; the Attorney General; the
19 county prosecutor of the county wherein the court is located; the
20 chief of police or other executive head of the police department of
21 the municipality wherein the offense was committed; the chief law
22 enforcement officer of any other law enforcement agency of this
23 State which participated in the arrest of the individual; the
24 superintendent or warden of any institution in which the petitioner
25 was confined; and, if a disposition was made by a municipal court,
26 upon the magistrate of that court. Service shall be made within 5
27 days from the date of the order setting the date for the hearing upon
28 the matter.

29 b. On and after the date that the e-filing system is established
30 pursuant to section 11 of P.L. , c. (C.) (pending before the
31 Legislature as this bill), a copy of each petition, together with a
32 copy of all supporting documents, shall, upon their filing, be served
33 electronically pursuant to the rules of court upon the Superintendent
34 of State Police, the Attorney General, the county prosecutor of the
35 county wherein the court is located, and the county prosecutor of
36 any county in which the petitioner was convicted, using the e-filing
37 system.¹

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

39
40 ¹**[10.] 11.**¹ (New section) a. (1) No later than twelve months
41 after the effective date of this section, the Administrative Office of
42 the Courts shall develop and maintain a system for petitioners to
43 electronically file expungement applications pursuant to
44 N.J.S.2C:52-1 et seq. The e-filing system shall be available
45 Statewide and include electronic filing, electronic service of
46 process, and electronic document management.

1 (2) The system shall, ¹~~within 30 days of the person filing the~~
2 ~~application for expungement~~ in accordance with N.J.S.2C:52-10¹,
3 ~~electronically notify~~ ¹~~relevant law enforcement and criminal~~
4 ~~justice agencies, if applicable, pursuant to N.J.S.2C:52-10~~ and
5 serve copies of the petition and all supporting documents upon the
6 Superintendent of State Police, the Attorney General, and each
7 county prosecutor as described in that section¹.

8 (3) The system shall electronically compile a listing of all
9 possibly relevant Judiciary records for an expungement petitioner
10 and transmit this information to ¹~~the appropriate criminal justice~~
11 ~~agencies subject to notice of~~ all parties served with copies of¹ the
12 petition ¹and all supporting documents¹ in accordance with
13 ¹~~N.J.S.2C:52-10~~ paragraph (2) of this subsection¹.

14 b. Upon receipt of the information from the court pursuant to
15 paragraphs (2) and (3) of subsection a. of this section, the
16 Superintendent of State Police, the Attorney General, and the
17 county prosecutor of any county in which the person was convicted
18 shall, within 60 days, review and confirm, as appropriate, the
19 information against the ¹~~Criminal Case History~~ person's criminal
20 history record information files¹ and notify the court of any
21 inaccurate or incomplete data contained in the information ¹files,¹
22 or of any other basis for ineligibility, if applicable, pursuant to
23 N.J.S.2C:52-14.

24 c. The court shall provide copies of an expungement order to
25 the person who is the subject of the petition and electronically
26 transmit the order to the ¹~~previously noticed parties, or parties~~
27 ~~otherwise entitled to notice,~~ law enforcement and criminal justice
28 agencies which, at the time of the hearing on the petition, possess
29 any records specified in the order¹ in accordance with N.J.S.2C:52-
30 15.

31
32 ¹~~11.~~ 12.¹ N.J.S.2C:52-14 is amended to read as follows:

33 2C:52-14. A petition for expungement filed pursuant to this
34 chapter shall be denied when:

35 a. Any statutory prerequisite, including any provision of this
36 chapter, is not fulfilled or there is any other statutory basis for
37 denying relief.

38 b. The need for the availability of the records outweighs the
39 desirability of having a person freed from any disabilities as
40 otherwise provided in this chapter. An application may be denied
41 under this subsection only following objection of a party given
42 notice pursuant to N.J.S.2C:52-10 and the burden of asserting such
43 grounds shall be on the objector ~~],~~ except that in regard to
44 expungement sought for third or fourth degree drug offenses
45 pursuant to paragraph (3) of subsection c. of N.J.S.2C:52-2, the

1 court shall consider whether this factor applies regardless of
2 whether any party objects on this basis].

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

8 d. The arrest or conviction sought to be expunged is, at the
9 time of hearing, the subject matter of civil litigation between the
10 petitioner or his legal representative and the State, any
11 governmental entity thereof or any State agency and the
12 representatives or employees of any such body.

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

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

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

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

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

25

26 ¹**[12.] 13.** N.J.S.2C:52-15 is amended to read as follows:

27 2C:52-15. a. Except as provided in subsection b. of this section,
28 if an order of expungement of records of arrest or conviction under
29 this chapter is granted by the court, all the records specified in said
30 order shall be removed from the files of the ¹law enforcement and
31 criminal justice¹ agencies which ¹**[**have been noticed of the
32 pendency of petitioner's motion and which are, by the provisions of
33 this chapter, entitled to notice¹, ¹at the time of the hearing of the
34 petition, possess the records¹ and shall be placed in the control of a
35 person who has been designated by the head of each such agency
36 ¹**[**which, at the time of the hearing, possesses said records¹**]**. That
37 designated person shall, except as otherwise provided in this
38 chapter, ensure that such records or the information contained
39 therein are not released for any reason and are not utilized or
40 referred to for any purpose. In response to requests for information
41 or records of the person who was arrested or convicted, all
42 ¹**[**noticed¹**]** officers, departments and agencies shall reply, with
43 respect to the arrest, conviction or related proceedings which are the
44 subject of the order, that there is no record information. ¹The court
45 shall provide proof of expungement to the person whose records
46 have been expunged or to that person’s representative.¹

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

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

33
34 ¹**[13.] 14.**¹ Section 8 of P.L.2017, c.244 (C.2C:52-23.1) is
35 amended to read as follows:

36 8. a. Notwithstanding any provision in this act to the contrary,
37 expunged ¹or sealed¹ records may be used **by the comprehensive**
38 enforcement program established pursuant to P.L.1995, c.9
39 (C.2B:19-1 et al.) **to collect restitution, fines and other** facilitate
40 the State Treasurer's collection of any court-ordered financial
41 assessments that remain due at the time an expungement ¹or sealing
42 of records¹ is granted by the court. The term "court-ordered
43 financial assessment" as used herein and throughout this section
44 means and includes any fine, fee, penalty, restitution, and other
45 form of financial assessment imposed by the court as part of the
46 sentence for the conviction ¹or convictions that are the subject of

1 the expungement or sealing order¹ , for which payment of
 2 restitution takes precedence in accordance with chapter 46 of Title
 3 2C of the New Jersey Statutes. Information regarding the nature of
 4 such financial assessments or their derivation from expunged
 5 **1**【criminal convictions】 or sealed records¹ shall not be disclosed to
 6 the public. Any record of a civil judgment for the unpaid portion of
 7 any court-ordered financial 【obligations】 assessment that may be
 8 docketed after the court has granted an expungement **1**【of the
 9 underlying criminal conviction】 or sealing of records¹ shall be
 10 entered in the name of the Treasurer, State of New Jersey. The State
 11 Treasurer shall thereafter administer such judgments **【in**
 12 **cooperation with the comprehensive enforcement program】** without
 13 disclosure of any information related to the underlying **1**【criminal】¹
 14 nature of the assessments.

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

32
 33 **1**【14.】 15.¹ N.J.S.22A:2-25 is amended to read as follows:

34 22A:2-25. Law Division filing fees

35 Upon the filing, entering or docketing with the deputy clerk of
 36 the Superior Court in the various counties of the herein-mentioned
 37 papers or documents by either party to any action or proceeding in
 38 the Law Division of the Superior Court, other than a civil action in
 39 which a summons or writ must be issued, he shall pay the deputy
 40 clerk of the court the following fees:

- 41 Entering of complaint or first paper of any action or proceeding ...
- 42\$ 9.00
- 43 Filing
- 44 complaint.....\$ 3.00
- 45

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

27 ¹**【15.】 16.**¹ N.J.S.2C:52-29 is amended to read as follows:

28 2C:52-29. Any person who files an application pursuant to this
29 chapter shall **【pay to the State Treasurer】** not be charged a fee **【of**
30 **】** \$30.00 to defer administrative costs in processing an application
31 hereunder**】** for applying for an expungement, and any fee set forth
32 in the Rules of Court, which was, based on the Supreme Court’s
33 temporary authority pursuant to sections 12 through 15, and 17
34 through 19 of P.L.2014, c.31 (C.2B:1-7 through C.2B:1-13), a
35 revision or supplement by the Supreme Court to the fee charged
36 pursuant to this section prior to its amendment by P.L. _____,
37 c. (C. _____) (pending before the Legislature as this bill), is void.
38 (cf: N.J.S.2C:52-29)
39

40 ¹**【16.】 17.**¹ There is appropriated from the General Fund to the
41 Department of Law and Public Safety the sum of \$15,000,000 to
42 implement the provisions of this act.
43

44 ¹**【17.】 18.**¹ Section 8 of this act, concerning the automated
45 “clean slate” process and the task force assisting with its
46 development and implementation, sections ¹**【14 and】**¹ 15 ¹**and 16**¹
47 of this act, eliminating expungement filings fees, and section ¹**【16】**

1 17¹ of this act, making an appropriation, shall take effect
2 immediately, and the remaining sections of this act shall take effect
3 on the 180th day following enactment. Concerning those sections
4 which do not take effect immediately, the Attorney General and the
5 Administrative Director of the Courts may take any anticipatory
6 administrative action as may be necessary to effectuate those
7 provisions.