

[First Reprint]  
**SENATE, No. 3205**

**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

INTRODUCED NOVEMBER 26, 2018

**Sponsored by:**

**Senator SANDRA B. CUNNINGHAM**

**District 31 (Hudson)**

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**District 29 (Essex)**

**Senator STEPHEN M. SWEENEY**

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

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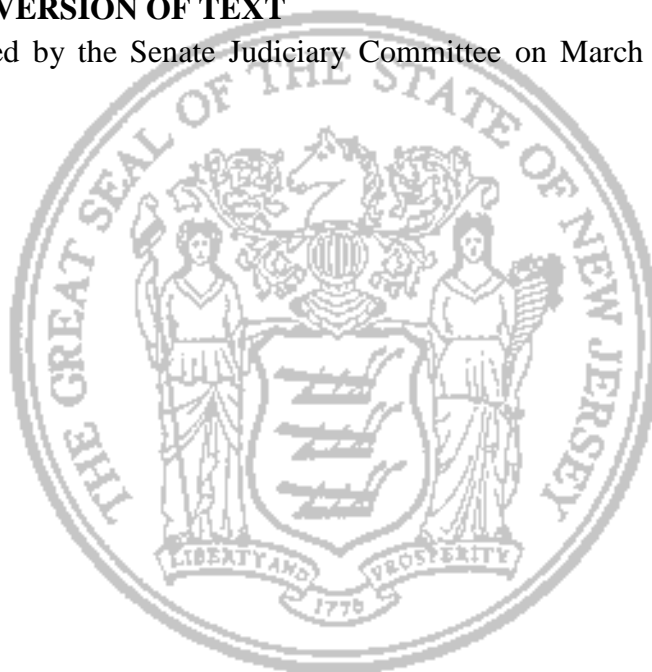
**Senator Codey**

**SYNOPSIS**

Revises certain procedures for expungement of records of conviction.

**CURRENT VERSION OF TEXT**

As reported by the Senate Judiciary Committee on March 18, 2019, with amendments.



**(Sponsorship Updated As Of: 5/17/2019)**

1 AN ACT concerning certain procedures for expunging records of  
2 conviction and revising various parts of the statutory law.

3

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

6

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

8 2C:52-1. Definition of Expungement. a. Except as otherwise  
9 provided in this chapter, expungement shall mean the extraction,  
10 **[and]** <sup>1</sup>**[sealing]** impounding,<sup>1</sup> or isolation of all records on file  
11 within any court, detention or correctional facility, law enforcement  
12 or criminal justice agency concerning a person's detection,  
13 apprehension, arrest, detention, trial or disposition of an offense  
14 within the criminal justice system.

15 b. Expunged records shall include complaints, warrants,  
16 arrests, commitments, processing records, fingerprints,  
17 photographs, index cards, "rap sheets" and judicial docket records.  
18 (cf: P.L.1979, c.178, s.108)

19

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

21 2C:52-2. Indictable Offenses.

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

25 the person has been convicted of one crime under the laws of this  
26 State, and does not otherwise have any **[prior or]** subsequent  
27 conviction for another crime, whether within this State or any other  
28 jurisdiction; or

29 the person has been convicted of one crime and less than four  
30 disorderly persons or petty disorderly persons offenses under the  
31 laws of this State, and does not otherwise have any **[prior or]**  
32 subsequent conviction for another crime, or **[any prior or]**  
33 **subsequent]** conviction for another disorderly persons or petty  
34 disorderly persons offense such that the total number of convictions  
35 for disorderly persons and petty disorderly persons offenses would  
36 exceed three, whether any such crime or offense conviction was  
37 within this State or any other jurisdiction; or

38 the person has been convicted of multiple crimes or a  
39 combination of one or more crimes and one or more disorderly  
40 persons or petty disorderly persons offenses under the laws of this  
41 State, all of which are listed in a single judgment of conviction, and  
42 does not otherwise have any **[prior or]** subsequent conviction for  
43 another crime or offense in addition to those convictions included in  
44 the expungement application, whether any such conviction was  
45 within this State or any other jurisdiction; or

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SJU committee amendments adopted March 18, 2019.

1 the person has been convicted of multiple crimes or a  
2 combination of one or more crimes and one or more disorderly  
3 persons or petty disorderly persons offenses under the laws of this  
4 State, which crimes or combination of crimes and offenses were  
5 interdependent or closely related in circumstances and were  
6 committed as part of a sequence of events that took place within a  
7 comparatively short period of time, regardless of the date of  
8 conviction or sentencing for each individual crime or offense, and  
9 the person does not otherwise have any **【prior or】** subsequent  
10 conviction for another crime or offense in addition to those  
11 convictions included in the expungement application, whether any  
12 such conviction was within this State or any other jurisdiction.

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

31 Notwithstanding the provisions concerning the **【six-year】** five-  
32 year time requirement, if a fine which is **【currently】** subject at the  
33 time of application to collection under the comprehensive  
34 enforcement program established pursuant to P.L.1995, c.9  
35 (C.2B:19-1 et al.) is not yet satisfied due to reasons other than  
36 willful noncompliance, but the time requirement of **【six】** five years  
37 is otherwise satisfied, the person may submit the expungement  
38 application and the court may grant an expungement, provided,  
39 however, that **【if expungement is granted under this paragraph,】** the  
40 court shall provide **【for the continued collection of any outstanding**  
41 **amount owed that is necessary to satisfy the fine or】** the entry of  
42 civil judgment in the name of the Treasurer, State of New Jersey  
43 and transfer collections and disbursement responsibility to the  
44 Treasurer, State of New Jersey for the outstanding amount in  
45 accordance with section 8 of P.L.2017, c.244 (C.2C:52-23.1).

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

1 less than **[six]** five years have expired in accordance with the time  
2 requirements when the court finds:

3 (1) the fine is satisfied but less than **[six]** five years have  
4 expired from the date of satisfaction, and the time requirement of  
5 **[six]** five years is otherwise satisfied, and the court finds that the  
6 person substantially complied with any payment plan ordered  
7 pursuant to N.J.S.2C:46-1 et seq., or could not do so due to  
8 compelling circumstances affecting his ability to satisfy the fine; or

9 (2) at least **[five]** four but less than **[six]** five years have  
10 expired from the date of the most recent conviction, payment of  
11 fine, satisfactory completion of probation or parole, or release from  
12 incarceration, whichever is later; and

13 the person has not been otherwise convicted of a crime,  
14 disorderly persons offense, or petty disorderly persons offense since  
15 the time of the most recent conviction; and the court finds in its  
16 discretion that <sup>1</sup>**[expungement is in the public interest, giving due**  
17 **consideration to the nature of the offense or offenses, and the**  
18 **applicant's character and conduct since the conviction or**  
19 **convictions]** compelling circumstances exist to grant the  
20 expungement. The prosecutor may object pursuant to N.J.S.2C:52-  
21 24<sup>1</sup>.

22 In determining whether compelling circumstances exist for the  
23 purposes of paragraph (1) of this subsection, a court may consider  
24 the amount of the fine or fines imposed, the person's age at the time  
25 of the offense or offenses, the person's financial condition and other  
26 relevant circumstances regarding the person's ability to pay.

27 b. <sup>1</sup>**[“Clean slate” expungement. In all cases, except as**  
28 otherwise provided in this subsection, a person may present an  
29 expungement application to the Superior Court pursuant to this  
30 subsection if the person has been convicted of multiple crimes or a  
31 combination of one or more crimes and one or more disorderly  
32 persons or petty disorderly persons offenses under the laws of this  
33 State and is not otherwise eligible under subsection a. of this  
34 section.

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

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

5 Notwithstanding the provisions concerning the ten-year time  
6 requirement, if a fine which is currently subject to collection under  
7 the comprehensive enforcement program established pursuant to  
8 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 ten  
10 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 subsection, the court shall provide for the entry of civil judgment in  
14 the name of the Treasurer, State of New Jersey and transfer  
15 collection and disbursement responsibility to the Treasurer, State of  
16 New Jersey for the outstanding amount in accordance with section 8  
17 of P.L.2017, c.244 (C.2C:52-23.1).】<sup>1</sup>

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

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

1 subparagraph (b) of paragraph (5) of subsection b. of N.J.S.2C:24-4  
2 (Possessing or viewing items depicting the sexual exploitation or  
3 abuse of a child); section 8 of P.L.2017, c.141 (C.2C:24-4.1)  
4 (Leader of a child pornography network); N.J.S.2C:28-1 (Perjury);  
5 N.J.S.2C:28-2 (False Swearing); paragraph (4) of subsection b. of  
6 N.J.S.2C:34-1 (Knowingly promoting the prostitution of the actor's  
7 child); section 2 of P.L.2002, c.26 (C.2C:38-2) (Terrorism);  
8 subsection a. of section 3 of P.L.2002, c.26 (C.2C:38-3) (Producing  
9 or Possessing Chemical Weapons, Biological Agents or Nuclear or  
10 Radiological Devices); and conspiracies or attempts to commit such  
11 crimes.

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

18 c. **[In the case of conviction for the sale or distribution of a**  
19 **controlled dangerous substance or possession thereof with intent to**  
20 **sell, expungement shall be denied except where the crimes involve:**

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

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

25 (3) Any controlled dangerous substance provided that the  
26 conviction is of the third or fourth degree, where the court finds that  
27 expungement is consistent with the public interest, giving due  
28 consideration to the nature of the offense and the petitioner's  
29 character and conduct since conviction. <sup>1</sup>~~[(Deleted by~~  
30 ~~amendment, P.L. c. ) (pending before the Legislature as this~~  
31 ~~bill)]<sup>1</sup>~~

32 <sup>1</sup>(1) Except as provided in paragraph (2) of this subsection, in the  
33 case of conviction for the sale or distribution of a controlled  
34 dangerous substance or possession thereof with intent to sell,  
35 expungement shall be denied except where the crimes involve:

36 (a) Marijuana, where the total quantity sold, distributed or  
37 possessed with intent to sell was less than one ounce;

38 (b) Hashish, where the total quantity sold, distributed or  
39 possessed with intent to sell was less than five grams; or

40 (c) Any controlled dangerous substance provided that the  
41 conviction is of the third or fourth degree, where the court finds that  
42 compelling circumstances exist to grant the expungement. The  
43 prosecutor may object pursuant to N.J.S.2C:52-24.

44 (2) Notwithstanding any other provision of law to the contrary,  
45 beginning on the effective date of P.L. , c. (C. ) (pending  
46 before the Legislature as Senate Committee Substitute for Senate  
47 Bill No. 2703(1R)), the following persons may file a petition for an  
48 expedited expungement at any time:

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

15       (b) any person who, prior to the effective date, was charged  
16 with, convicted of, or adjudicated delinquent for any number of  
17 offenses which if committed by an adult would constitute, obtaining  
18 or possessing marijuana or hashish in violation of paragraph (3) or  
19 (4) of subsection a. of N.J.S.2C:35-10; or

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

27       (3) The provisions of N.J.S.2C:52-7 through N.J.S.2C:52-14  
28 shall not apply to a petition filed pursuant to paragraph (2) of this  
29 subsection and the court, upon review of the petition, shall  
30 immediately grant an expedited expungement for each charge,  
31 conviction, or adjudication of delinquency pursuant to this section.

32       (4) No fee shall be charged for an expedited expungement  
33 pursuant to paragraph (2) of this subsection.

34       (5) Any public employee, or public agency that provides  
35 information or records pursuant to this section shall be immune  
36 from criminal and civil liability as a result of an act of commission  
37 or omission by that person or entity arising out of and in the course  
38 of participation in, or assistance with, in good faith, an expedited  
39 expungement. The immunity shall be in addition to and not in  
40 limitation of any other immunity provided by law.<sup>1</sup>

41       d. In the case of a State licensed physician or podiatrist  
42 convicted of an offense involving drugs or alcohol or pursuant to  
43 section 14 or 15 of P.L.1989, c.300 (C.2C:21-20 or 2C:21-4.1), the  
44 **【court】** prosecutor shall notify the State Board of Medical  
45 Examiners upon receipt of a petition for expungement of the  
46 conviction and records and information pertaining thereto.

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

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

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

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

15 b. Eligibility. Any person who has been convicted of one or  
16 more disorderly persons or petty disorderly persons offenses under  
17 the laws of this State who has not been convicted of any crime,  
18 whether within this State or any other jurisdiction, may present an  
19 expungement application to the Superior Court pursuant to this  
20 section if:

21 the person has been convicted, under the laws of this State, on  
22 the same or separate occasions of no more than **[four]** five  
23 disorderly persons offenses, no more than **[four]** five petty  
24 disorderly persons offenses, or a combination of no more than  
25 **[four]** five disorderly persons and petty disorderly persons  
26 offenses, and the person does not otherwise have any **[prior or]**  
27 subsequent conviction for a disorderly persons or petty disorderly  
28 persons offense, whether within this State or any other jurisdiction,  
29 such that the total number of convictions for disorderly persons and  
30 petty disorderly persons offenses would exceed **[four]** five; or

31 the person has been convicted of multiple disorderly persons  
32 offenses or multiple petty disorderly persons offenses under the  
33 laws of this State, or a combination of multiple disorderly persons  
34 and petty disorderly persons offenses under the laws of this State,  
35 which convictions were entered on the same day, and does not  
36 otherwise have any **[prior or]** subsequent conviction for another  
37 offense in addition to those convictions included in the  
38 expungement application, whether any such conviction was within  
39 this State or any other jurisdiction; or

40 the person has been convicted of multiple disorderly persons  
41 offenses or multiple petty disorderly persons offenses under the  
42 laws of this State, or a combination of multiple disorderly persons  
43 and petty disorderly persons offenses under the laws of this State,  
44 which offenses or combination of offenses were interdependent or  
45 closely related in circumstances and were committed as part of a  
46 sequence of events that took place within a comparatively short  
47 period of time, regardless of the date of conviction or sentencing for  
48 each individual offense, and the person does not otherwise have any



1 prior or subsequent conviction for another offense in addition to  
2 those convictions included in the expungement application, whether  
3 within this State or any other jurisdiction.

4 <sup>1</sup>Notwithstanding any other provision of law to the contrary, for  
5 purposes of determining eligibility to present an expungement  
6 application to the Superior Court pursuant to this section,  
7 beginning on the effective date of P.L. , c. (C. ) (pending  
8 before the Legislature as Senate Committee Substitute for Senate  
9 Bill No. 2703(1R)), the following shall not be considered a  
10 conviction of a crime within this State or any other jurisdiction,  
11 regardless of when the conviction occurred, but shall instead be  
12 considered a conviction of a disorderly person offense within this  
13 State or an equivalent category of offense within the other  
14 jurisdiction: a conviction for unlawful distribution of, or possessing  
15 or having under control with intent to distribute, marijuana or  
16 hashish in violation of paragraph (11) of subsection b. of  
17 N.J.S.2C:35-5, or a lesser amount of marijuana or hashish in  
18 violation of paragraph (12) of subsection b. of that section, or a  
19 violation of either of those paragraphs and a violation of subsection  
20 a. of section 1 of P.L.1987, c.101 (C.2C:35-7) or subsection a. of  
21 section 1 of P.L.1997, c.327 (C.2C:35-7.1), for distributing, or  
22 possessing or having under control with intent to distribute, on or  
23 within 1,000 feet of any school property, or on or within 500 feet of  
24 the real property comprising a public housing facility, public park,  
25 or public building, or for obtaining or possessing marijuana or  
26 hashish in violation of paragraph (3) of subsection a. of  
27 N.J.S.2C:35-10, or for an equivalent crime in another jurisdiction.  
28 A conviction for obtaining, possessing, using, being under the  
29 influence of, or failing to make lawful disposition of marijuana or  
30 hashish in violation of paragraph (4) of subsection a., or subsection  
31 b., or subsection c. of N.J.S.2C:35-10, or a violation involving  
32 marijuana or hashish as described herein and using or possessing  
33 with intent to use drug paraphernalia with that marijuana or hashish  
34 in violation of N.J.S.2C:36-2, or for an equivalent crime or offense  
35 in another jurisdiction, regardless of when the conviction occurred,  
36 shall not be considered a conviction within this State or any other  
37 jurisdiction.<sup>1</sup>

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

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

8 <sup>1</sup>【c. For any person who may be eligible for an expungement  
9 pursuant to subsection b. of this section, the Superior Court in the  
10 county in which the most recent conviction for a disorderly persons  
11 or petty disorderly persons offense was adjudged shall, within 30  
12 days of the person filing the application, notify relevant law  
13 enforcement and criminal justice agencies pursuant to subsection d.  
14 of this section.】<sup>1</sup>

15 <sup>1</sup>【d.(1) For any person who may be eligible after the effective  
16 date of P.L. , c. (C. ) (pending before the Legislature as this  
17 bill) and who has filed an expungement application, the court shall  
18 provide information to accompany the notice to law enforcement  
19 and criminal justice agencies, which shall include the information  
20 required by N.J.S.2C:52-7 for each conviction eligible to be  
21 expunged, to relevant law enforcement and criminal justice  
22 agencies, as set forth in N.J.S.2C:52-10, within 30 days of the filing  
23 of the expungement application.

24 (2) Upon receipt of the information from the courts pursuant to  
25 paragraph (1) of this subsection, the Superintendent of State Police,  
26 the Attorney General, and the county prosecutor of any county in  
27 which the person was adjudged a disorderly person or petty  
28 disorderly person shall, within 30 days, notify the Administrative  
29 Office of the Courts of any inaccurate or incomplete data contained  
30 in the information provided by the Administrative Office of the  
31 Courts or of any other basis for ineligibility under this section.

32 (3) Unless the relevant law enforcement and criminal justice  
33 agencies, in response to the information received from the  
34 Administrative Office of the Courts, provide information about any  
35 inaccurate or incomplete data, or any other basis for ineligibility,  
36 the Administrative Office of the Courts shall promptly provide  
37 notice of the person's eligibility and the Superior Court shall issue  
38 an order listing the conviction or convictions to be expunged.】<sup>1</sup>

39 <sup>1</sup>c.<sup>1</sup> Notwithstanding the provisions of the five-year time  
40 requirement, an application may be filed and presented to the  
41 Superior Court in the county in which the most recent conviction  
42 for a disorderly persons or petty disorderly persons offense was  
43 adjudged, <sup>1</sup>【which contains a separate,】 with a<sup>1</sup> duly verified  
44 petition as provided in N.J.S.2C:52-7 <sup>1</sup>【for each conviction sought  
45 to be expunged,】<sup>1</sup> and the court may grant an expungement  
46 pursuant to this section, when the court finds:

47 (1) the fine is satisfied but less than five years have expired  
48 from the date of satisfaction, and the five-year time requirement is

1 otherwise satisfied, and the court finds that the person substantially  
2 complied with any payment plan ordered pursuant to N.J.S.2C:46-1  
3 et seq., or could not do so due to compelling circumstances  
4 affecting his ability to satisfy the fine; or

5 (2) at least three but less than five years have expired from the  
6 date of the most recent conviction, payment of fine, satisfactory  
7 completion of probation or parole, or release from incarceration,  
8 whichever is later; and

9 the person has not been otherwise convicted of a crime,  
10 disorderly persons offense, or petty disorderly persons offense since  
11 the time of the most recent conviction; and the court finds in its  
12 discretion that <sup>1</sup>【expungement is in the public interest, giving due  
13 consideration to the nature of the offense or offenses, and the  
14 applicant's character and conduct since the conviction or  
15 convictions】 compelling circumstances exist to grant the  
16 expungement. The prosecutor may object pursuant to N.J.S.2C:52-  
17 24<sup>1</sup>.

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

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

24

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

26 2C:52-6. Arrests not resulting in conviction.

27 a. When a person has been arrested or held to answer for a  
28 crime, disorderly persons offense, petty disorderly persons offense,  
29 or municipal ordinance violation under the laws of this State or of  
30 any governmental entity thereof and proceedings against the person  
31 were dismissed, the person was acquitted, or the person was  
32 discharged without a conviction or finding of guilt, the Superior  
33 Court shall, at the time of dismissal, acquittal, or discharge, or, in  
34 any case set forth in paragraph (1) of this subsection, 【upon receipt  
35 of an application from the person,】 order the expungement of all  
36 records and information relating to the arrest or charge.

37 (1) If proceedings took place in municipal court, the municipal  
38 court shall 【provide the person, upon request, with appropriate  
39 documentation to】 transmit to the Superior Court 【to】 <sup>1</sup>【a request  
40 to expunge】<sup>1</sup> 【expungement】 <sup>1</sup>the necessary documentation<sup>1</sup>  
41 pursuant to procedures developed by the Administrative <sup>1</sup>【Office】  
42 Director<sup>1</sup> of the Courts. Upon receipt of the documentation, the  
43 Superior Court shall enter an ex parte order expunging all records  
44 and information relating to the person's arrest or charge.

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

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

6 (4) The Superior Court shall forward a copy of the expungement  
7 order to the appropriate court and to the 'county' prosecutor. The  
8 'county' prosecutor shall promptly distribute copies of the  
9 expungement order to appropriate law enforcement agencies and  
10 correctional institutions who have custody and control of the  
11 records specified in the order so that they may comply with the  
12 requirements of N.J.S.2C:52-15.

13 (5) An expungement related to a dismissal, acquittal, or  
14 discharge ordered pursuant to this subsection shall not bar any  
15 future expungement.

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

23 b. When a person did not apply or a prosecutor did not move  
24 on behalf of an eligible servicemember for an expungement of an  
25 arrest or charge not resulting in a conviction pursuant to subsection  
26 a. of this section, the person may at any time following the  
27 disposition of proceedings, present a duly verified petition as  
28 provided in N.J.S.2C:52-7 to the Superior Court in the county in  
29 which the disposition occurred praying that records of such arrest  
30 and all records and information pertaining thereto be expunged. No  
31 fee shall be charged to the person for applying for an expungement  
32 of an arrest or charge not resulting in a conviction pursuant to this  
33 subsection.

34 c. (1) Any person who has had charges dismissed against him  
35 pursuant to a program of supervisory treatment pursuant to  
36 N.J.S.2C:43-12, or conditional discharge pursuant to N.J.S.2C:36A-  
37 1, or conditional dismissal pursuant to P.L.2013, c.158 (C.2C:43-  
38 13.1 et al.), shall be barred from the relief provided in this section  
39 until six months after the entry of the order of dismissal.

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

45 d. Any person who has been arrested or held to answer for a  
46 crime shall be barred from the relief provided in this section where  
47 the dismissal, discharge, or acquittal resulted from a determination

1 that the person was insane or lacked the mental capacity to commit  
2 the crime charged.

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

4

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

6 2C:52-8. Statements to accompany petition. There shall be  
7 attached to a petition for expungement:

8 a. A statement with the affidavit or verification that there are  
9 no disorderly persons, petty disorderly persons or criminal charges  
10 pending against the petitioner at the time of filing of the petition for  
11 expungement.

12 b. In those instances where the petitioner is seeking the  
13 expungement of a criminal conviction **【**, or the expungement of  
14 convictions**】** pursuant to **【**N.J.S.2C:52-3 for multiple disorderly  
15 persons or petty disorderly persons offenses, all of which were  
16 entered the same day, or which were interdependent or closely  
17 related in circumstances and were committed as part of a sequence  
18 of events that took place within a comparatively short period of  
19 time**】** N.J.S.2C:52-2, a statement with affidavit or verification that  
20 he has never been granted expungement, sealing or similar relief  
21 regarding a criminal conviction **【**or convictions for multiple  
22 disorderly persons or petty disorderly persons offenses, all of which  
23 were entered the same day, or which were interdependent or closely  
24 related in circumstances and were committed as part of a sequence  
25 of events that took place within a comparatively short period of  
26 time**】** by any court in this State or other state or by any Federal  
27 court. "Sealing" refers to the relief previously granted pursuant to  
28 P.L.1973, c.191 (C.2A:85-15 et seq.).

29 c. In those instances where a person has received a dismissal of  
30 a criminal charge because of acceptance into a supervisory  
31 treatment or any other diversion program, a statement with affidavit  
32 or verification setting forth the nature of the original charge, the  
33 court of disposition and date of disposition.

34 d. A statement as to whether the petitioner has legally changed  
35 their name, the date of judgment of name change, and the previous  
36 legal name. <sup>1</sup>The petitioner shall provide a copy of the order for  
37 name change.<sup>1</sup>

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

39

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

41 2C:52-14. A petition for expungement filed pursuant to this  
42 chapter shall be denied when:

43 a. Any statutory prerequisite, including any provision of this  
44 chapter, is not fulfilled or there is any other statutory basis for  
45 denying relief.

46 b. The need for the availability of the records outweighs the  
47 desirability of having a person freed from any disabilities as  
48 otherwise provided in this chapter. An application may be denied

1 under this subsection only following objection of a party given  
2 notice pursuant to N.J.S.2C:52-10 and the burden of asserting such  
3 grounds shall be on the objector **】, except that in regard to**  
4 **expungement sought for third or fourth degree drug offenses**  
5 **pursuant to paragraph (3) of subsection c. of N.J.S.2C:52-2, the**  
6 **court shall consider whether this factor applies regardless of**  
7 **whether any party objects on this basis】<sup>1</sup>, except that in regard to**  
8 **expungement sought for third or fourth degree drug offenses**  
9 **pursuant to paragraph (1) of subsection c. of N.J.S.2C:52-2, the**  
10 **court shall consider whether this factor applies regardless of**  
11 **whether any party objects on this basis<sup>1</sup>.**

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

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

22 e. **【A person has had a previous criminal conviction expunged**  
23 **regardless of the lapse of time between the prior expungement, or**  
24 **sealing under prior law, and the present petition. This provision**  
25 **shall not apply:**

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

28 (2) When the person is seeking the expungement of records  
29 pursuant to N.J.S.2C:52-6.】<sup>1</sup>**【(Deleted by amendment, P.L. c. )**  
30 **(pending before the Legislature as this bill)】<sup>1</sup>**

31 **<sup>1</sup>A person has had a previous criminal conviction expunged**  
32 **regardless of the lapse of time between the prior expungement, or**  
33 **sealing under prior law, and the present petition. This provision**  
34 **shall not apply:**

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

37 **(2) When the person is seeking the expungement of records**  
38 **pursuant to N.J.S.2C:52-6.<sup>1</sup>**

39 f. (Deleted by amendment, P.L.2017, c.244)  
40 (cf: P.L.2017, c.244, s.5)

41

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

43 2C:52-15. a. Except as provided in subsection b. of this section,  
44 if an order of expungement of records of arrest or conviction under  
45 this chapter is granted by the court, all the records specified in said  
46 order shall be removed from the files of the agencies which have  
47 been noticed of the pendency of petitioner's motion and which are,  
48 by the provisions of this chapter, entitled to notice, and shall be

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

12 b. Records of the Probation Division of the Superior Court  
13 related to restitution, a fine, or other court-ordered financial  
14 assessment that remains due at the time the court grants an  
15 expungement **【**may be retained as confidential, restricted-access  
16 records in the Judiciary's automated system to facilitate the  
17 collection and distribution of any outstanding assessments by the  
18 comprehensive enforcement program established pursuant to  
19 P.L.1995, c.9 (C.2B:19-1 et al.) as ordered by the court. The  
20 Administrative Director of the Courts shall ensure that such records  
21 are not released to the public. Such records shall be removed from  
22 the Judiciary's automated system upon satisfaction of court-ordered  
23 financial assessments or by order of the court**】** shall be transferred  
24 to the New Jersey Department of Treasury for the collection and  
25 disbursement of future payments and satisfaction of judgments.

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

27

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

30 8. <sup>1</sup>**【a.】**<sup>1</sup> Notwithstanding any provision in this act to the  
31 contrary, expunged records may be used by the **【**comprehensive  
32 enforcement program established pursuant to P.L.1995, c.9  
33 (C.2B:19-1 et al.)**】** Treasurer, State of New Jersey to collect  
34 restitution, fines and other court-ordered financial assessments that  
35 remain due at the time an expungement is granted by the  
36 court. Information regarding the nature of such financial  
37 assessments or their derivation from expunged criminal convictions  
38 shall not be disclosed to the public. Any record of a civil judgment  
39 for the unpaid portion of court-ordered financial obligations that  
40 may be docketed after the court has granted an expungement of the  
41 underlying criminal conviction shall be entered in the name of the  
42 Treasurer, State of New Jersey. The State Treasurer shall thereafter  
43 administer such judgments **【**in cooperation with the comprehensive  
44 enforcement program**】** without disclosure of any information  
45 related to the underlying criminal nature of the assessments.

46 <sup>1</sup>**【b.** The court, after providing appropriate due process, may  
47 nullify an expungement granted to a person pursuant to subsection  
48 a. of N.J.S.2C:52-2 if the person willfully fails to comply with an

1 established payment plan or otherwise cooperate with the  
2 comprehensive enforcement program to facilitate the collection of  
3 any outstanding restitution, fines, and other court-ordered  
4 assessments, provided that prior to nullifying the expungement the  
5 person shall be afforded an opportunity to comply with or  
6 restructure the payment plan, or otherwise cooperate to facilitate the  
7 collection of outstanding restitution, fines, and other court-ordered  
8 assessments. In the event of nullification, the court may restore the  
9 previous expungement granted if the person complies with the  
10 payment plan or otherwise cooperates to facilitate the collection of  
11 any outstanding restitution, fines, and other court-ordered  
12 assessments. 】 (Deleted by amendment, P.L. c. ) (pending before  
13 the Legislature as this bill)<sup>1</sup>  
14 (cf: P.L.2017, c.244, s.8)  
15

16 <sup>1</sup>9. (New section) “Clean slate” expungement. In all cases,  
17 except as otherwise provided in this chapter, a person may present  
18 an expungement application to the Superior Court pursuant to this  
19 section if the person has been convicted of multiple crimes or a  
20 combination of one or more crimes and one or more disorderly  
21 persons or petty disorderly persons offenses under the laws of this  
22 State.

23 The person, if eligible, may present the expungement application  
24 after the expiration of a period of 10 years from the date of his most  
25 recent conviction or adjudication, payment of fine, satisfactory  
26 completion of probation or parole, or release from incarceration,  
27 whichever is later. The term “fine” as used herein and throughout  
28 this section means and includes any fine, restitution, and other  
29 court-ordered financial assessment imposed by the court as part of  
30 the sentence for the conviction, for which payment of restitution  
31 takes precedence in accordance with chapter 46 of Title 2C of the  
32 New Jersey Statutes. The person shall submit the expungement  
33 application to the Superior Court in the county of the conviction for  
34 the most recent crime, disorderly persons offense, or petty  
35 disorderly persons offense was adjudged, including a duly verified  
36 petition as provided in N.J.S.2C:52-7 praying that the conviction or  
37 convictions, and all records and information pertaining thereto, be  
38 expunged. The petition appended to an application shall comply  
39 with the requirements set forth in N.J.S.2C:52-1 et seq.

40 Notwithstanding the provisions concerning the 10 year time  
41 requirement, if a fine which is currently subject to collection under  
42 the comprehensive enforcement program established pursuant to  
43 P.L.1995, c.9 (C.2B:19-1 et al.) is not yet satisfied due to reasons  
44 other than willful noncompliance, but the time requirement of 10  
45 years is otherwise satisfied, the person may submit the  
46 expungement application and the court may grant an expungement,  
47 provided, however, that if expungement is granted under this  
48 subsection, the court shall provide for the entry of civil judgment in



1 the name of the Treasurer, State of New Jersey and transfer  
2 collection and disbursement responsibility to the Treasurer, State of  
3 New Jersey for the outstanding amount in accordance with section 8  
4 of P.L.2017, c.244 (C.2C:52-23.1).<sup>1</sup>  
5

6 <sup>1</sup>10. (New section) a. For any person who may be eligible for  
7 an expungement pursuant to N.J.S.2C:52-1 et seq., the Superior  
8 Court in the county in which the most recent conviction was  
9 adjudged shall, within 30 days of the person filing the application,  
10 notify relevant law enforcement and criminal justice agencies  
11 pursuant to subsection b. of this section.

12 b. (1) For any person who may be eligible after the effective  
13 date of P.L. , c. (C. ) (pending before the Legislature as this  
14 bill) and who has filed an expungement application, the court shall  
15 provide information to accompany the notice to law enforcement  
16 and criminal justice agencies, which shall include the information  
17 required by N.J.S.2C:52-7 for each conviction eligible to be  
18 expunged, to relevant law enforcement and criminal justice  
19 agencies, as set forth in N.J.S.2C:52-10.

20 (2) Upon receipt of the information from the courts pursuant to  
21 paragraph (1) of this subsection, the Superintendent of State Police,  
22 the Attorney General, and the county prosecutor of any county in  
23 which the person was adjudged a disorderly person or petty  
24 disorderly person shall, within 30 days, review and confirm the  
25 information against the Criminal Case History and notify the court  
26 of any inaccurate or incomplete data contained in the information or  
27 of any other basis for ineligibility under this section.

28 (3) Unless the relevant law enforcement and criminal justice  
29 agencies, in response to the information received from the court  
30 provide information about any inaccurate or incomplete data, or any  
31 other basis for ineligibility, the Superior Court hearing the matter  
32 shall issue an order listing the conviction or convictions to be  
33 expunged.<sup>1</sup>  
34

35 <sup>1</sup>11. N.J.S.22A:2-25 is amended to read as follows:

36 22A:2-25. Law Division filing fees

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

43 Entering of complaint or first paper of any action or proceeding ...  
44 .....\$ 9.00  
45 Filing  
46 complaint.....  
47 .....\$ 3.00

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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
11	.....		appeal
12	.....	\$15.00	
13	Filing	proceedings	or
14	.....		papers
15	.....		on
16	.....		appeal
17	<sup>1</sup> <b>[</b> Filing	first	paper
18	.....		on
19	.....		petition
20	.....		for
21	.....		expungement
22	.....		<sup>1</sup> <b>]</b>
23	Filing any other paper or document not herein stated		
24	.....	\$ 4.50	
25	Signing	and	sealing
26	.....		habeas
27	.....		corpus
28	.....		\$
29	7.50		
30	Signing	and	issuing
31	subpena.....		
	.....	\$ 1.50	
	(cf: P.L.1985, c. 422, s. 1) <sup>1</sup>		
	<sup>1</sup> <b>[</b> 9.] <u>12.</u> <sup>1</sup>		N.J.S.2C:52-29 is repealed.
	<sup>1</sup> <b>[</b> 10.] <u>13.</u> <sup>1</sup>		This act shall take effect <sup>1</sup> <b>[</b> immediately <b>]</b> <u>on the 90<sup>th</sup></u>
			<u>day following enactment except section 11 eliminating the fee for</u>
			<u>expungement shall take effect immediately</u> <sup>1</sup> .