

[Second Reprint]

SENATE, No. 3205

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED NOVEMBER 26, 2018

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District 31 (Hudson)

Senator M. TERESA RUIZ

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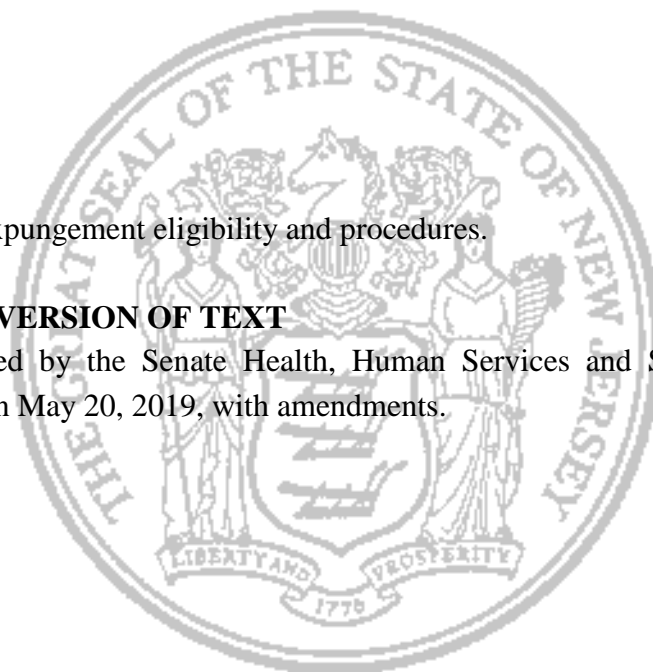
Senators Codey, Turner, Assemblyman Chiaravalloti, Assemblywomen Tucker, Reynolds-Jackson and Jasey

SYNOPSIS

Revises expungement eligibility and procedures.

CURRENT VERSION OF TEXT

As reported by the Senate Health, Human Services and Senior Citizens Committee on May 20, 2019, with amendments.



(Sponsorship Updated As Of: 6/11/2019)

1 AN ACT concerning ²**[certain]** expungement eligibility and²
 2 procedures ²**[for expunging records of conviction]** ² and
 3 ²**[revising]** amending and supplementing² various parts of the
 4 statutory law.

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

8

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

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

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

21

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

23 2C:52-2. Indictable Offenses.

24 a. In all cases, except as herein provided, a person may present
 25 an expungement application to the Superior Court pursuant to this
 26 **[section]** ²**[subsection]** section² if:

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

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

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

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SJU committee amendments adopted March 18, 2019.

²Senate SHH committee amendments adopted May 20, 2019.

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

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

45 The person, if eligible, may present the expungement application
46 after the expiration of a period of **【six】** five years from the date of
47 his most recent conviction, payment of fine, satisfactory completion
48 of probation or parole, or release from incarceration, whichever is

1 later. The term "fine" as used herein and throughout this section
2 means and includes any fine, restitution, and other court-ordered
3 financial assessment imposed by the court as part of the sentence
4 for the conviction, for which payment of restitution takes
5 precedence in accordance with chapter 46 of Title 2C of the New
6 Jersey Statutes. The person shall submit the expungement
7 application to the Superior Court in the county in which the ²most
8 recent² conviction for ²[the] a² crime was adjudged, ¹[which
9 contains a separate,] ²[including] which includes² a¹ duly verified
10 petition as provided in N.J.S.2C:52-7 [for each conviction sought to
11 be expunged,] praying that the conviction, or convictions if
12 applicable, and all records and information pertaining thereto be
13 expunged. The petition [for each conviction] appended to an
14 application shall comply with the requirements set forth in
15 N.J.S.2C:52-1 et seq.

16 Notwithstanding the provisions concerning the [six-year] five-
17 year time requirement, if a fine which is [currently] subject at the
18 time of application to collection under the comprehensive
19 enforcement program established pursuant to P.L.1995, c.9
20 (C.2B:19-1 et al.) is not yet satisfied due to reasons other than
21 willful noncompliance, but the time requirement of [six] five years
22 is otherwise satisfied, the person may submit the expungement
23 application and the court may grant an expungement ²[,];²
24 provided, however, that [if expungement is granted under this
25 paragraph,] the court shall ²[provide [for the continued collection
26 of any outstanding amount owed that is necessary to satisfy the fine
27 or] the entry of] enter a² civil judgment ²for the unpaid portion of
28 the fine² in the name of the Treasurer, State of New Jersey and
29 transfer collections and disbursement responsibility to the ²State²
30 Treasurer ²[, State of New Jersey]² for the outstanding amount in
31 accordance with section 8 of P.L.2017, c.244 (C.2C:52-23.1).

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

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

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

46 the person has not been otherwise convicted of a crime,
47 disorderly persons offense, or petty disorderly persons offense since

1 the time of the most recent conviction; and the court finds in its
2 discretion that ¹ [expungement is in the public interest, giving due
3 consideration to the nature of the offense or offenses, and the
4 applicant's character and conduct since the conviction or
5 convictions] compelling circumstances exist to grant the
6 expungement. The prosecutor may object pursuant to ²section 8 of
7 P.L., c. (C.) (pending before the Legislature as this bill),
8 N.J.5.2C:52-11, N.J.5.2C:52-14, or² N.J.S.2C:52-24¹.

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

14 b. ¹ “Clean slate” expungement. In all cases, except as
15 otherwise provided in this subsection, a person may present an
16 expungement application to the Superior Court pursuant to this
17 subsection if the person has been convicted of multiple crimes or a
18 combination of one or more crimes and one or more disorderly
19 persons or petty disorderly persons offenses under the laws of this
20 State and is not otherwise eligible under subsection a. of this
21 section.

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

40 Notwithstanding the provisions concerning the ten-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 ten
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).】¹

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

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

48 Records of conviction for any crime committed by a person
49 holding any public office, position or employment, elective or

1 appointive, under the government of this State or any agency or
 2 political subdivision thereof and any conspiracy or attempt to
 3 commit such a crime shall not be subject to expungement if the
 4 crime involved or touched such office, position or employment.

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

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

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

12 (3) Any controlled dangerous substance provided that the
 13 conviction is of the third or fourth degree, where the court finds that
 14 expungement is consistent with the public interest, giving due
 15 consideration to the nature of the offense and the petitioner's
 16 character and conduct since conviction.】¹【(Deleted by

17 amendment, P.L. c.) (pending before the Legislature as this
 18 bill)】

19 ²【(1) Except as provided in paragraph (2) of this subsection, in】
 20 In² the case of conviction for the sale or distribution of a controlled
 21 dangerous substance or possession thereof with intent to sell,
 22 expungement shall be denied except where the crimes involve:

23 ²【(a)】 (1)² Marijuana, where the total quantity sold, distributed
 24 or possessed with intent to sell was less than one ounce;

25 ²【(b)】 (2)² Hashish, where the total quantity sold,
 26 distributed or possessed with intent to sell was less than five grams;
 27 or

28 ²【(c)】 (3)² Any controlled dangerous substance provided that the
 29 conviction is of the third or fourth degree, where the court finds that
 30 compelling circumstances exist to grant the expungement. The
 31 prosecutor may object pursuant to ²section 8 of P.L. ,
 32 c. (C.) (pending before the Legislature as this bill),
 33 N.J.S.2C:52-11, N.J.S.2C:52-14, or² N.J.S.2C:52-24.

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

39 (a) any person who, prior to the effective date, was charged
 40 with, convicted of, or adjudicated delinquent for any number of
 41 offenses which if committed by an adult would constitute unlawful
 42 distribution of, or possessing or having under control with intent to
 43 distribute, marijuana or hashish in violation of paragraph (11) of
 44 subsection b. of N.J.S.2C:35-5, or a lesser amount of marijuana or
 45 hashish in violation of paragraph (12) of subsection b. of
 46 N.J.S.2C:35-5 or a violation of either of those paragraphs and a
 47 violation of subsection a. of section 1 of P.L.1987, c.101 (C.2C:35-
 48 7) or subsection a. of section 1 of P.L.1997, c.327 (C.2C:35-7.1) for

1 distributing, or possessing or having under control with intent to
2 distribute, on or within 1,000 feet of any school property, or on or
3 within 500 feet of the real property comprising a public housing
4 facility, public park, or public building;

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

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

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

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

24 (5) Any public employee, or public agency that provides
25 information or records pursuant to this section shall be immune
26 from criminal and civil liability as a result of an act of commission
27 or omission by that person or entity arising out of and in the course
28 of participation in, or assistance with, in good faith, an expedited
29 expungement. The immunity shall be in addition to and not in
30 limitation of any other immunity provided by law.¹²

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

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

38
39 3. N.J.S.2C:52-3 is amended to read as follows:

40 2C:52-3. Disorderly persons offenses and petty disorderly
41 persons offenses.

42 a. Applicability. Any person who has been convicted of one or
43 more disorderly persons or petty disorderly persons offenses under
44 the laws of this State who has not been convicted of any crime,
45 whether within this State or any other jurisdiction, may present an
46 expungement application to the Superior Court pursuant to this
47 section. Any person who has been convicted of one or more
48 disorderly persons or petty disorderly persons offenses under the
49 laws of this State who has also been convicted of one or more

1 crimes shall not be eligible to apply for an expungement pursuant to
2 this section, but may present an expungement application to the
3 Superior Court pursuant to N.J.S.2C:52-2.

4 b. Eligibility. 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 if:

10 the person has been convicted, under the laws of this State, on
11 the same or separate occasions of no more than **[four]** five
12 disorderly persons offenses, no more than **[four]** five petty
13 disorderly persons offenses, or a combination of no more than
14 **[four]** five disorderly persons and petty disorderly persons
15 offenses, and the person does not otherwise have any **[prior or]**
16 subsequent conviction for a disorderly persons or petty disorderly
17 persons offense, whether within this State or any other jurisdiction,
18 such that the total number of convictions for disorderly persons and
19 petty disorderly persons offenses would exceed **[four]** five; or

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

29 the person has been convicted of multiple disorderly persons
30 offenses or multiple petty disorderly persons offenses under the
31 laws of this State, or a combination of multiple disorderly persons
32 and petty disorderly persons offenses under the laws of this State,
33 which offenses or combination of offenses were interdependent or
34 closely related in circumstances and were committed as part of a
35 sequence of events that took place within a comparatively short
36 period of time, regardless of the date of conviction or sentencing for
37 each individual offense, and the person does not otherwise have any
38 ²**[prior or]**² subsequent conviction for another offense in addition
39 to those convictions included in the expungement application,
40 whether within this State or any other jurisdiction.

41 ²¹Notwithstanding any other provision of law to the contrary,
42 for] For² purposes of determining eligibility to present an
43 expungement application to the Superior Court pursuant to this
44 section, ²[beginning on the effective date of P.L. , c. (C.)
45 (pending before the Legislature as Senate Committee Substitute for
46 Senate Bill No. 2703(1R)), the following shall not be considered a
47 conviction of a crime within this State or any other jurisdiction,
48 regardless of when the conviction occurred, but shall instead be

1 considered a conviction of a disorderly person offense within this
2 State or an equivalent category of offense within the other
3 jurisdiction:】² a conviction for unlawful distribution of, or
4 possessing or having under control with intent to distribute,
5 marijuana or hashish in violation of paragraph (11) of subsection b.
6 of N.J.S.2C:35-5, or a lesser amount of marijuana or hashish in
7 violation of paragraph (12) of subsection b. of that section, or a
8 violation of either of those paragraphs and a violation of subsection
9 a. of section 1 of P.L.1987, c.101 (C.2C:35-7) or subsection a. of
10 section 1 of P.L.1997, c.327 (C.2C:35-7.1), for distributing, or
11 possessing or having under control with intent to distribute, on or
12 within 1,000 feet of any school property, or on or within 500 feet of
13 the real property comprising a public housing facility, public park,
14 or public building, or for obtaining or possessing marijuana or
15 hashish in violation of paragraph (3) of subsection a. of
16 N.J.S.2C:35-10, or for an equivalent crime in another jurisdiction
17 ²【. A】 , regardless of when the conviction occurred, shall not be
18 considered a conviction of a crime within this State or any other
19 jurisdiction but shall instead be considered a conviction of a
20 disorderly person offense within this State or an equivalent category
21 of offense within the other jurisdiction, and a² conviction for
22 obtaining, possessing, using, being under the influence of, or failing
23 to make lawful disposition of marijuana or hashish in violation of
24 paragraph (4) of subsection a., or subsection b., or subsection c. of
25 N.J.S.2C:35-10, or a violation involving marijuana or hashish as
26 described herein and using or possessing with intent to use drug
27 paraphernalia with that marijuana or hashish in violation of
28 N.J.S.2C:36-2, or for an equivalent crime or offense in another
29 jurisdiction, regardless of when the conviction occurred, shall not
30 be considered a conviction within this State or any other
31 jurisdiction.¹

32 The person, if eligible, may present the expungement application
33 after the expiration of a period of five years from the date of his
34 most recent conviction, payment of fine, satisfactory completion of
35 probation ²or parole,² or release from incarceration, whichever is
36 later. The term "fine" as used herein and throughout this section
37 means and includes any fine, restitution, and other court-ordered
38 financial assessment imposed by the court as part of the sentence
39 for the conviction, for which payment of restitution takes
40 precedence in accordance with chapter 46 of Title 2C of the New
41 Jersey Statutes. The person shall submit the expungement
42 application to the Superior Court in the county in which the most
43 recent conviction for a disorderly persons or petty disorderly
44 persons offense was adjudged, ¹【which contains a separate,】
45 ²【including】 which includes² a¹ duly verified petition as provided
46 in N.J.S.2C:52-7 ¹【for each conviction sought to be expunged,】¹
47 praying that the conviction, or convictions if applicable, and all
48 records and information pertaining thereto be expunged. The

1 petition ¹【for each conviction】¹ appended to an application shall
2 comply with the requirements of N.J.S.2C:52-1 et seq.

3 c. ¹【For any person who may be eligible for an expungement
4 pursuant to subsection b. of this section, the Superior Court in the
5 county in which the most recent conviction for a disorderly persons
6 or petty disorderly persons offense was adjudged shall, within 30
7 days of the person filing the application, notify relevant law
8 enforcement and criminal justice agencies pursuant to subsection d.
9 of this section.

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

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

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

34 Notwithstanding the provisions of the five-year time
35 requirement, an application may be filed and presented ²【to the
36 Superior Court in the county in which the most recent conviction
37 for a disorderly persons or petty disorderly persons offense was
38 adjudged】², ¹【which contains a separate,】 ²【with a¹ duly verified
39 petition as provided in N.J.S.2C:52-7】² ¹【for each conviction
40 sought to be expunged,】¹ and the court may grant an expungement
41 pursuant to this section, when the court finds:

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

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

5 the person has not been otherwise convicted of a crime,
6 disorderly persons offense, or petty disorderly persons offense since
7 the time of the most recent conviction; and the court finds in its
8 discretion that ¹【expungement is in the public interest, giving due
9 consideration to the nature of the offense or offenses, and the
10 applicant's character and conduct since the conviction or
11 convictions】 compelling circumstances exist to grant the
12 expungement. The prosecutor may object pursuant to ²section 8 of
13 P.L. , c. (C.) (pending before the Legislature as this bill),
14 N.J.S.2C:52-11, N.J.S.2C:52-14, or² N.J.S.2C:52-24¹.

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

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

21
22 4. N.J.S.2C:52-6 is amended to read as follows:

23 2C:52-6. Arrests not resulting in conviction.

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

34 (1) If proceedings took place in municipal court, the municipal
35 court shall 【provide the person, upon request, with appropriate
36 documentation to】 transmit to the Superior Court 【to】 ¹【a request
37 to expunge】¹ 【expungement】 ¹the necessary documentation¹
38 pursuant to procedures developed by the Administrative ¹【Office】
39 Director¹ of the Courts. Upon receipt of the documentation, the
40 Superior Court shall enter an ex parte order expunging all records
41 and information relating to the person's arrest or charge.

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

45 (3) An expungement under this subsection shall not be ordered
46 where the dismissal, acquittal, or discharge resulted from a plea
47 bargaining agreement involving the conviction of other

1 charges. This bar, however, shall not apply once the conviction is
2 itself expunged.

3 (4) The Superior Court shall forward a copy of the expungement
4 order to the appropriate court and to the ¹county¹ prosecutor. The
5 ¹county¹ prosecutor shall promptly distribute copies of the
6 expungement order to appropriate law enforcement agencies and
7 correctional institutions who have custody and control of the
8 records specified in the order so that they may comply with the
9 requirements of N.J.S.2C:52-15.

10 (5) An expungement related to a dismissal, acquittal, or
11 discharge ordered pursuant to this subsection shall not bar any
12 future expungement.

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

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

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

37 (2) A servicemember who has successfully participated in a
38 Veterans Diversion Program pursuant to P.L.2017, c.42 (C.2C:43-
39 23 et al.) may apply for expungement pursuant to this section at any
40 time following the order of dismissal if an expungement was not
41 granted at the time of dismissal.

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

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

1 25. (New section) a. (1) Notwithstanding the requirements of
2 N.J.S.2C:52-2 and N.J.S.2C:52-3 or any other provision of law to
3 the contrary, beginning on the effective date of P.L. , c. (C.)
4 (pending before the Legislature as this bill), the following persons
5 may file a petition for an expedited expungement with the Superior
6 Court at any time:

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

21 (b) any person who, prior to the effective date of P.L. , c.
22 (C.) (pending before the Legislature as this bill), was charged
23 with, convicted of, or adjudicated delinquent for, any number of
24 offenses which if committed by an adult would constitute,
25 obtaining, possessing, using, being under the influence of, or failing
26 to make lawful disposition of marijuana or hashish in violation of
27 paragraph (3) or (4) of subsection a., or subsection b., or subsection
28 c. of N.J.S.2C:35-10; or

29 (c) any person who, prior to the effective date of P.L. ,
30 c. (C.) (pending before the Legislature as this bill), was
31 charged with, convicted of, or adjudicated delinquent for any
32 number of offenses which if committed by an adult would
33 constitute, a violation involving marijuana or hashish as described
34 in subparagraph (a) or (b) of this paragraph and using or possessing
35 with intent to use drug paraphernalia with that marijuana or hashish
36 in violation of N.J.S.2C:36-2.

37 (2) Notwithstanding the requirements of N.J.S.2C:52-2 and
38 N.J.S.2C:52-3 or any other provision of law to the contrary,
39 beginning on the effective date of P.L. , c. (C.) (pending
40 before the Legislature as this bill), a person who, on or after the
41 effective date of P.L. , c. (C.) (pending before the
42 Legislature as this bill), is charged with, convicted of, or
43 adjudicated delinquent for any number of, offenses which if
44 committed by an adult would constitute, any offenses enumerated in
45 paragraph (1) of this subsection, may file a petition for an expedited
46 expungement with the Superior Court after the expiration of 18
47 months from the date of the most recent conviction, payment of
48 fine, restitution, or other court-ordered financial assessment,

1 satisfactory completion of probation or parole, or release from
2 incarceration, whichever is later.

3 (a) Notwithstanding the provisions concerning the 18-month time
4 requirement set forth in this paragraph, if a court-ordered financial
5 assessment which is currently subject to collection is not yet
6 satisfied due to reasons other than willful noncompliance, but the
7 time requirement is otherwise satisfied, the person may submit the
8 expungement application and the court shall grant an expungement
9 in accordance with this section, provided, however, that at the time
10 the expungement is granted the court shall enter a civil judgment
11 for the unpaid portion of the court-ordered financial assessment and
12 provide for its continued collection.

13 (b) Additionally, an application may be filed and presented, and
14 an expungement granted pursuant to this section, although less than
15 18 months have expired in accordance with the time requirement set
16 forth in this paragraph when the court finds that the court-ordered
17 financial assessment is satisfied but less than 18-months have
18 expired from the date of satisfaction, and the time requirement of 18
19 months is otherwise satisfied, and the court finds that the person
20 substantially complied with any payment plan ordered pursuant to
21 N.J.S.2C:46-1 et seq., or could not do so due to compelling
22 circumstances affecting the person's ability to satisfy the financial
23 assessment.

24 (3) Notwithstanding the requirements of N.J.S.2C:52-2 and
25 N.J.S.2C:52-3 or any other provision of law to the contrary,
26 beginning on the effective date of P.L. , c. (C.) (pending
27 before the Legislature as this bill), a person who, prior, on, or after
28 the effective date of P.L. , c. (C.) (pending before the
29 Legislature as this bill), is charged with, convicted of, or
30 adjudicated delinquent for, any number of offenses which if
31 committed by an adult would constitute unlawful distribution of, or
32 possessing or having under control with intent to distribute,
33 marijuana or hashish in violation of paragraph (11) of subsection b.
34 of N.J.S.2C:35-5, may file a petition for an expedited expungement
35 with the Superior Court after the expiration of three years from the
36 date of the most recent conviction, payment of fine, restitution, or
37 other court-ordered financial assessment, satisfactory completion of
38 probation or parole, or release from incarceration, whichever is
39 later.

40 (a) Notwithstanding the provisions concerning the three-year
41 time requirement set forth in this paragraph, if a court-ordered
42 financial assessment which is currently subject to collection is not
43 yet satisfied due to reasons other than willful noncompliance, but
44 the time requirement is otherwise satisfied, the person may submit
45 the expungement application and the court shall grant an
46 expungement in accordance with this section, provided, however,
47 that at the time the expungement is granted the court shall enter a
48 civil judgment for the unpaid portion of the court-ordered financial
49 assessment and provide for its continued collection.

1 **(b) Additionally, an application may be filed and presented, and**
2 **an expungement granted pursuant to this section, although less than**
3 **three years have expired in accordance with the time requirement**
4 **set forth in this paragraph when the court finds that the court-**
5 **ordered financial assessment is satisfied but less than three years**
6 **have expired from the date of satisfaction, and the time requirement**
7 **of three years is otherwise satisfied, and the court finds that the**
8 **person substantially complied with any payment plan ordered**
9 **pursuant to N.J.S.2C:46-1 et seq., or could not do so due to**
10 **compelling circumstances affecting the person's ability to satisfy**
11 **the financial assessment.**

12 **b. (1) The provisions of N.J.S.2C:52-7 through N.J.S.2C:52-14**
13 **shall not apply to an expedited expungement as described in this**
14 **section.**

15 **(2) Upon review of the petition, the court shall immediately grant**
16 **an expedited expungement for each charge, conviction, or**
17 **adjudication of delinquency pursuant to this section. The court**
18 **shall provide copies of the expungement order to the person who is**
19 **the subject of the petition.**

20 **(3) A court order vacating an expedited expungement that is**
21 **granted to a person pursuant to this section may be issued upon an**
22 **action filed by a county prosecutor with the court that granted the**
23 **expungement, if filed no later than 30 days after the expungement**
24 **order was issued, with notice to the person, and a hearing is**
25 **scheduled at which the county prosecutor shows proof that the**
26 **expedited expungement was granted in error due to a statutory**
27 **disqualification to expungement that existed at the time the relief**
28 **was initially granted.**

29 **c. Any public employee or public agency that provides**
30 **information or records pursuant to this section shall be immune**
31 **from criminal and civil liability as a result of an act of commission**
32 **or omission by that person or entity arising out of and in the course**
33 **of participation in, or assistance with, in good faith, an expedited**
34 **expungement. The immunity shall be in addition to and not in**
35 **limitation of any other immunity provided by law.²**

36
37 ²**6. (New section) "Clean slate" expungement. a. In all cases,**
38 **except as otherwise provided in this chapter, a person may present**
39 **an expungement application to the Superior Court pursuant to this**
40 **section if the person has been convicted of multiple crimes or a**
41 **combination of one or more crimes and one or more disorderly**
42 **persons or petty disorderly persons offenses under the laws of this**
43 **State.**

44 **b. The person, if eligible, may present the expungement**
45 **application after the expiration of a period of ten years from the**
46 **date of the person's most recent conviction, payment of fine,**
47 **satisfactory completion of probation or parole, or release from**
48 **incarceration, whichever is later. The term "fine" as used herein**
49 **and throughout this section means and includes any fine, restitution,**

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

12 c. Notwithstanding the provisions concerning the ten-year time
13 requirement, if a fine which is subject at the time of application to
14 collection under the comprehensive enforcement program
15 established pursuant to P.L.1995, c.9 (C.2B:19-1 et al.) is not yet
16 satisfied due to reasons other than willful noncompliance, but the
17 time requirement of ten years is otherwise satisfied, the person may
18 submit the expungement application and the court may grant an
19 expungement; provided, however, that the court shall enter a civil
20 judgment for the unpaid portion of the fine in the name of the
21 Treasurer, State of New Jersey and transfer collection and
22 disbursement responsibility to the State Treasurer for the
23 outstanding amount in accordance with section 8 of P.L.2017, c.244
24 (C.2C:52-23.1).²

25

26 ²**[5.] 7.**² N.J.S.2C:52-8 is amended to read as follows:

27 2C:52-8. Statements to accompany petition. There shall be
28 attached to a petition for expungement:

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

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

1 court. "Sealing" refers to the relief previously granted pursuant to
2 P.L.1973, c.191 (C.2A:85-15 et seq.).

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

8 d. A statement as to whether the petitioner has legally changed
9 their name, the date of judgment of name change, and the previous
10 legal name. ¹The petitioner shall provide a copy of the order for
11 name change.¹

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

13

14 ²8. (New section) a. For any person who may be eligible for an
15 expungement pursuant to N.J.S.2C:52-1 et seq., the Superior Court
16 shall, within 30 days of the person filing the application for
17 expungement, notify relevant law enforcement and criminal justice
18 agencies pursuant to subsection b. of this section.

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

27 (2) Upon receipt of the information from the courts pursuant to
28 paragraph (1) of this subsection, the Superintendent of State Police,
29 the Attorney General, and the county prosecutor of any county in
30 which the person was convicted shall, within 30 days, review and
31 confirm the information against the Criminal Case History and
32 notify the court of any inaccurate or incomplete data contained in
33 the information or of any other basis for ineligibility under
34 N.J.S.2C:52-1 et seq.

35 (3) Unless the relevant law enforcement and criminal justice
36 agencies, in response to the information received from the court
37 provide information about any inaccurate or incomplete data, or any
38 other basis for ineligibility, the Superior Court hearing the matter
39 shall issue an order listing the conviction or convictions to be
40 expunged.²

41

42 ²[6.] ^{9.}² N.J.S.2C:52-14 is amended to read as follows:

43 2C:52-14. A petition for expungement filed pursuant to this
44 chapter shall be denied when:

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

1 b. The need for the availability of the records outweighs the
2 desirability of having a person freed from any disabilities as
3 otherwise provided in this chapter. An application may be denied
4 under this subsection only following objection of a party given
5 notice pursuant to N.J.S.2C:52-10 and the burden of asserting such
6 grounds shall be on the objector **】, except that in regard to**
7 **expungement sought for third or fourth degree drug offenses**
8 **pursuant to paragraph (3) of subsection c. of N.J.S.2C:52-2, the**
9 **court shall consider whether this factor applies regardless of**
10 **whether any party objects on this basis】¹, except that in regard to**
11 **expungement sought for third or fourth degree drug offenses**
12 **pursuant to ²【paragraph (1) of】² subsection c. of N.J.S.2C:52-2, the**
13 **court shall consider whether this factor applies regardless of**
14 **whether any party objects on this basis¹.**

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

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

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

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

31 (2) When the person is seeking the expungement of records
32 pursuant to N.J.S.2C:52-6.】¹**【(Deleted by amendment, P.L. c.)**
33 **(pending before the Legislature as this bill)】**

34 **A person has had a previous criminal conviction expunged**
35 **regardless of the lapse of time between the prior expungement, or**
36 **sealing under prior law, and the present petition. This provision**
37 **shall not apply:**

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

40 **(2) When the person is seeking the expungement of records**
41 **pursuant to N.J.S.2C:52-6.¹**

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

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

44

45 ²**【7.】** ²**10.** N.J.S.2C:52-15 is amended to read as follows:

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

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

15 b. Records of the Probation Division of the Superior Court
16 related to restitution, a fine, or other court-ordered financial
17 assessment that remains due at the time the court grants an
18 expungement **【**may be retained as confidential, restricted-access
19 records in the Judiciary's automated system to facilitate the
20 collection and distribution of any outstanding assessments by the
21 comprehensive enforcement program established pursuant to
22 P.L.1995, c.9 (C.2B:19-1 et al.) as ordered by the court. The
23 Administrative Director of the Courts shall ensure that such records
24 are not released to the public. Such records shall be removed from
25 the Judiciary's automated system upon satisfaction of court-ordered
26 financial assessments or by order of the court**】** shall be transferred
27 to the New Jersey Department of Treasury for the collection and
28 disbursement of future payments and satisfaction of judgments ²in
29 accordance with section 8 of P.L.2017, c.244 (C.2C:52-23.1)².
30 (cf: P.L.2017, c.244, s.6)

31

32 ²**【**8.**】** 11.² Section 8 of P.L.2017, c.244 (C.2C:52-23.1) is
33 amended to read as follows:

34 8. ¹**【**a.**】**¹ ²a.² Notwithstanding any provision in this act to the
35 contrary, expunged records may be used by the **【**comprehensive
36 enforcement program established pursuant to P.L.1995, c.9
37 (C.2B:19-1 et al.)**】** ²State² Treasurer ²**【**, State of New Jersey**】**² to
38 collect restitution, fines and other court-ordered financial
39 assessments that remain due at the time an expungement is granted
40 by the court. Information regarding the nature of such financial
41 assessments or their derivation from expunged criminal convictions
42 shall not be disclosed to the public. Any record of a civil judgment
43 for the unpaid portion of court-ordered financial obligations that
44 may be docketed after the court has granted an expungement of the
45 underlying criminal conviction shall be entered in the name of the
46 Treasurer, State of New Jersey. The State Treasurer shall thereafter
47 administer such judgments **【**in cooperation with the comprehensive

1 enforcement program] without disclosure of any information
2 related to the underlying criminal nature of the assessments.

3 b. ¹[The court, after providing appropriate due process, may
4 nullify an expungement granted to a person pursuant to subsection
5 a. of N.J.S.2C:52-2 if the person willfully fails to comply with an
6 established payment plan or otherwise cooperate with the
7 comprehensive enforcement program to facilitate the collection of
8 any outstanding restitution, fines, and other court-ordered
9 assessments, provided that prior to nullifying the expungement the
10 person shall be afforded an opportunity to comply with or
11 restructure the payment plan, or otherwise cooperate to facilitate the
12 collection of outstanding restitution, fines, and other court-ordered
13 assessments. In the event of nullification, the court may restore the
14 previous expungement granted if the person complies with the
15 payment plan or otherwise cooperates to facilitate the collection of
16 any outstanding restitution, fines, and other court-ordered
17 assessments.] (Deleted by amendment, P.L. c.) (pending before
18 the Legislature as this bill)¹
19 (cf: P.L.2017, c.244, s.8)

20
21 ²[¹⁹. (New section) “Clean slate” expungement. In all
22 cases, except as otherwise provided in this chapter, a person may
23 present an expungement application to the Superior Court pursuant
24 to this section if the person has been convicted of multiple crimes or
25 a 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.

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

45 Notwithstanding the provisions concerning the 10 year time
46 requirement, if a fine which is currently subject to collection under
47 the comprehensive enforcement program established pursuant to
48 P.L.1995, c.9 (C.2B:19-1 et al.) is not yet satisfied due to reasons

1 other than willful noncompliance, but the time requirement of 10
2 years is otherwise satisfied, the person may submit the
3 expungement application and the court may grant an expungement,
4 provided, however, that if expungement is granted under this
5 subsection, the court shall provide for the entry of civil judgment in
6 the name of the Treasurer, State of New Jersey and transfer
7 collection and disbursement responsibility to the Treasurer, State of
8 New Jersey for the outstanding amount in accordance with section 8
9 of P.L.2017, c.244 (C.2C:52-23.1).¹】²

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

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

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

33 (3) Unless the relevant law enforcement and criminal justice
34 agencies, in response to the information received from the court
35 provide information about any inaccurate or incomplete data, or any
36 other basis for ineligibility, the Superior Court hearing the matter
37 shall issue an order listing the conviction or convictions to be
38 expunged.¹】²

39
40 ²【¹11.】 12.² N.J.S.22A:2-25 is amended to read as follows:

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

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

1	Entering of complaint or first paper of any action or proceeding ...	
2	.....	\$ 9.00
3	Filing	
4	complaint.....	
5	.....	\$ 3.00
6	Filing	answer
7	appearance.....	or
8	.....	\$ 6.00
9	Filing any other pleading, any amended pleading or any amendment	
10	to a pleading	\$ 3.00
11	Filing and entering each order or judgment of court, including	
12	order to show cause.....	\$ 6.00
13	Filing and entering a voluntary dismissal, either by stipulation or	
14	order of court.....	\$ 7.50
15	Filing	notice
16	.....	of
17	.....	appeal
18	Filing	proceedings
19	.....	or
20	.....	papers
21	.....	on
22	.....	appeal
23	.....	\$ 6.00
24	¹ 【Filing first paper on petition for expungement	
25	.....	\$22.50 ¹ 】
26	Filing any other paper or document not herein stated	
27	.....	\$ 4.50
28	Signing	and
29	.....	sealing
30	.....	habeas
31	.....	corpus
32	.....	\$
33	7.50	
34	Signing	and
35	.....	issuing
36	subpena.....	
37	.....	\$ 1.50
38	(cf: P.L.1985, c. 422, s. 1) ¹	

²【¹【9.】 12.】¹ N.J.S.2C:52-29 is repealed.】²

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

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

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

1 ¹~~10.~~ ²~~13.~~¹ This 14. Sections 12 and 13 of this² act ²,
2 eliminating the fee for expungement applications,² shall take effect
3 ¹~~immediately~~ ²immediately, and the remaining sections of this
4 act shall take effect² on the 90th day following enactment ²~~except~~
5 section 11 eliminating the fee for expungement shall take effect
6 immediately¹ , or the same day that P.L. , c. (C.) (pending
7 before the Legislature as Senate Bill No. 3801) takes effect,
8 whichever date occurs first. Concerning those sections which do
9 not take effect immediately, the Attorney General and the
10 Administrative Director of the Courts may take any anticipatory
11 administrative action as may be necessary to effectuate their
12 provisions².