

[First Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 1897 and 4269

STATE OF NEW JERSEY
219th LEGISLATURE

ADOPTED JUNE 15, 2020

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**Assemblywomen Carter, Tucker, Reynolds-Jackson, Assemblyman
Spearman, Assemblywoman Jasey, Assemblymen Verrelli and Johnson**

SYNOPSIS

Provides for certain criminal and civil justice reforms, particularly addressing legal consequences associated with certain marijuana and hashish offenses as well as raising awareness of available expungement relief.

CURRENT VERSION OF TEXT

As reported by the Senate Judiciary Committee on November 9, 2020, with amendments.

(Sponsorship Updated As Of: 6/18/2020)

1 AN ACT concerning certain criminal and civil justice reforms,
2 particularly ¹【with respect to】 addressing¹ the legal consequences
3 associated with certain marijuana and hashish offenses as well as
4 ¹【broadening】 raising¹ awareness of available expungement
5 relief, and amending and supplementing various parts of the
6 statutory law.

7

8 **BE IT ENACTED** by the Senate and General Assembly of the State
9 of New Jersey:

10

11 1. N.J.S.2C:35-5 is amended to read as follows:

12 2C:35-5. Manufacturing, Distributing or Dispensing. a. Except
13 as authorized by P.L.1970, c.226 (C.24:21-1 et seq.), it shall be
14 unlawful for any person knowingly or purposely:

15 (1) To manufacture, distribute or dispense, or to possess or have
16 under his control with intent to manufacture, distribute or dispense,
17 a controlled dangerous substance or controlled substance analog; or

18 (2) To create, distribute, or possess or have under his control with
19 intent to distribute, a counterfeit controlled dangerous substance.

20 b. Any person who violates subsection a. with respect to:

21 (1) Heroin, or its analog, or coca leaves and any salt, compound,
22 derivative, or preparation of coca leaves, and any salt, compound,
23 derivative, or preparation thereof which is chemically equivalent or
24 identical with any of these substances, or analogs, except that the
25 substances shall not include decocainized coca leaves or extractions
26 which do not contain cocaine or ecogine, or 3,4-
27 methylenedioxyamphetamine or 3,4-
28 methylenedioxyamphetamine, in a quantity of five ounces or more
29 including any adulterants or dilutants is guilty of a crime of the first
30 degree. The defendant shall, except as provided in N.J.S.2C:35-12,
31 be sentenced to a term of imprisonment by the court. The term of
32 imprisonment shall include the imposition of a minimum term which
33 shall be fixed at, or between, one-third and one-half of the sentence
34 imposed, during which the defendant shall be ineligible for parole.
35 Notwithstanding the provisions of subsection a. of N.J.S.2C:43-3, a
36 fine of up to **【\$500,000.00】** \$500,000 may be imposed;

37 (2) A substance referred to in paragraph (1) of this subsection, in
38 a quantity of one-half ounce or more but less than five ounces,
39 including any adulterants or dilutants is guilty of a crime of the
40 second degree;

41 (3) A substance referred to paragraph (1) of this subsection in a
42 quantity less than one-half ounce including any adulterants or
43 dilutants is guilty of a crime of the third degree except that,
44 notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a
45 fine of up to **【\$75,000.00】** \$75,000 may be imposed;

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 November 9, 2020.

1 (4) A substance classified as a narcotic drug in Schedule I or II
2 other than those specifically covered in this section, or the analog of
3 any such substance, in a quantity of one ounce or more including any
4 adulterants or dilutants is guilty of a crime of the second degree;

5 (5) A substance classified as a narcotic drug in Schedule I or II
6 other than those specifically covered in this section, or the analog of
7 any such substance, in a quantity of less than one ounce including
8 any adulterants or dilutants is guilty of a crime of the third degree
9 except that, notwithstanding the provisions of subsection b. of
10 N.J.S.2C:43-3, a fine of up to **【\$75,000.00】** \$75,000 may be
11 imposed;

12 (6) Lysergic acid diethylamide, or its analog, in a quantity of 100
13 milligrams or more including any adulterants or dilutants, or
14 phencyclidine, or its analog, in a quantity of 10 grams or more
15 including any adulterants or dilutants, is guilty of a crime of the first
16 degree. Except as provided in N.J.S.2C:35-12, the court shall impose
17 a term of imprisonment which shall include the imposition of a
18 minimum term, fixed at, or between, one-third and one-half of the
19 sentence imposed by the court, during which the defendant shall be
20 ineligible for parole. Notwithstanding the provisions of subsection a.
21 of N.J.S.2C:43-3, a fine of up to **【\$500,000.00】** \$500,000 may be
22 imposed;

23 (7) Lysergic acid diethylamide, or its analog, in a quantity of less
24 than 100 milligrams including any adulterants or dilutants, or where
25 the amount is undetermined, or phencyclidine, or its analog, in a
26 quantity of less than 10 grams including any adulterants or dilutants,
27 or where the amount is undetermined, is guilty of a crime of the
28 second degree;

29 (8) Methamphetamine, or its analog, or phenyl-2-propanone
30 (P2P), in a quantity of five ounces or more including any adulterants
31 or dilutants is guilty of a crime of the first degree. Notwithstanding
32 the provisions of subsection a. of N.J.S.2C:43-3, a fine of up to
33 **【\$300,000.00】** \$300,000 may be imposed;

34 (9) (a) Methamphetamine, or its analog, or phenyl-2-propanone
35 (P2P), in a quantity of one-half ounce or more but less than five
36 ounces including any adulterants or dilutants is guilty of a crime of
37 the second degree;

38 (b) Methamphetamine, or its analog, or phenyl-2-propanone
39 (P2P), in a quantity of less than one-half ounce including any
40 adulterants or dilutants is guilty of a crime of the third degree except
41 that notwithstanding the provisions of subsection b. of N.J.S.2C:43-
42 3, a fine of up to **【\$75,000.00】** \$75,000 may be imposed;

43 (10) (a) Marijuana in a quantity of 25 pounds or more
44 including any adulterants or dilutants, or 50 or more marijuana
45 plants, regardless of weight, or hashish in a quantity of five pounds
46 or more including any adulterants or dilutants, is guilty of a crime of
47 the first degree. Notwithstanding the provisions of subsection a. of

1 N.J.S.2C:43-3, a fine of up to ~~【\$300,000.00】~~ \$300,000 may be
2 imposed;

3 (b) Marijuana in a quantity of five pounds or more but less than
4 25 pounds including any adulterants or dilutants, or 10 or more but
5 fewer than 50 marijuana plants, regardless of weight, or hashish in a
6 quantity of one pound or more but less than five pounds, including
7 any adulterants and dilutants, is guilty of a crime of the second
8 degree;

9 (11) Marijuana in a quantity of ~~1【one 【ounce】 pound or】~~¹ more
10 ~~1than one ounce~~¹ but less than five pounds including any adulterants
11 or dilutants, or hashish in a quantity of ~~【five grams】~~ ~~1【one-half~~
12 ~~pound or】~~¹ more ~~1than five grams~~¹ but less than one pound including
13 any adulterants or dilutants, is guilty of a crime of the third degree
14 except that, notwithstanding the provisions of subsection b. of
15 N.J.S.2C:43-3, a fine of up to ~~【\$25,000.00】~~ \$25,000 may be
16 imposed;

17 (12) ~~1【(a) Marijuana in a quantity of two ounces or more but less~~
18 ~~than one pound including any adulterants or dilutants, or hashish in~~
19 ~~a quantity of five grams or more but less than one-half pound~~
20 ~~including any adulterants or dilutants, is guilty of a disorderly~~
21 ~~persons offense for a first offense, and guilty of a crime of the fourth~~
22 ~~degree for a second or subsequent offense;~~

23 ~~(b)】~~¹ Marijuana in a quantity of ~~1【less than】~~¹ ~~【one ounce】~~¹ ~~1【two~~
24 ~~ounces】~~ ~~one ounce or less~~¹ including any adulterants or dilutants, or
25 hashish in a quantity of ~~1【less than】~~¹ five grams ~~1or less~~¹ including
26 any adulterants or dilutants, is ~~【guilty of a crime of the fourth degree】~~
27 ~~1, for a first offense, guilty of~~¹ ~~an unlawful act subject to a civil penalty~~
28 ~~of \$50 1【.】~~ , and for a second or subsequent offense, is guilty of a crime
29 of the fourth degree;

30 ~~(a) The odor of marijuana or hashish, or burnt marijuana or~~
31 ~~hashish, shall not constitute reasonable articulable suspicion to~~
32 ~~initiate a search of a person to determine a violation of paragraph (12)~~
33 ~~of this subsection. A person who violates this paragraph shall not~~
34 ~~be subject to arrest, detention, or otherwise be taken into custody,~~
35 ~~unless the person is being arrested, detained, or otherwise taken into~~
36 ~~custody for also committing another violation of law for which that~~
37 ~~action is legally permitted or required;~~

38 ~~(b) (i)1~~¹ ~~The civil penalty provided for in~~ ~~1【this subparagraph】~~
39 ~~paragraph (12) of this subsection~~¹ ~~shall be collected pursuant to the~~
40 ~~“Penalty Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-10~~
41 ~~et seq.), in a summary proceeding before the municipal court having~~
42 ~~jurisdiction. A penalty recovered under the provisions of this~~
43 ~~paragraph shall be recovered by and in the name of the State by the~~
44 ~~local municipality. The penalty shall be paid into the treasury of the~~
45 ~~municipality in which the violation occurred for the general use of~~
46 ~~the municipality;~~

1 ¹(ii) A person shall not be deprived of any legal or civil right,
2 privilege, benefit, or opportunity provided pursuant to any law solely
3 by reason of committing a violation of paragraph (12) of this
4 subsection, nor shall committing one or more violations modify any
5 legal or civil right, privilege, benefit, or opportunity provided
6 pursuant to any law, including, but not limited to, the granting,
7 renewal, forfeiture, or denial of a license, permit, or certification,
8 qualification for and the receipt, alteration, continuation, or denial of
9 any form of financial assistance, housing assistance, or other social
10 services, rights of or custody by a biological parent, or adoptive or
11 foster parent, or other legal guardian of a child or newborn infant, or
12 pregnant woman, in any action or proceeding by the Division of
13 Child Protection and Permanency in the Department of Children and
14 Families, or qualification, approval, or disapproval to serve as a
15 foster parent or other legal guardian;

16 (c) All local and county law enforcement authorities shall,
17 following the submission process used for the uniform crime
18 reporting system established by P.L.1966, c.37 (C.52:17B-
19 5.1 et seq.), submit a quarterly report to the Uniform Crime
20 Reporting Unit, within the Division of State Police in the Department
21 of Law and Public Safety, or to another designated recipient
22 determined by the Attorney General, containing the number of
23 violations of paragraph (12) of this subsection committed within their
24 respective jurisdictions, plus the race, ethnicity, gender, and age of
25 each person committing a violation, and the disposition of each
26 person's violation. These violations and associated information,
27 along with a quarterly summary of violations investigated, and
28 associated information collected, by the Division of State Police for
29 the same period shall be summarized by county and municipality in
30 an annual report, and both quarterly summaries and annual reports
31 shall be made available at no cost to the public on the Division of
32 State Police's Internet website;¹

33 (13) Any other controlled dangerous substance classified in
34 Schedule I, II, III or IV, or its analog, is guilty of a crime of the third
35 degree, except that, notwithstanding the provisions of subsection b.
36 of N.J.S.2C:43-3, a fine of up to **【\$25,000.00】** \$25,000 may be
37 imposed; or

38 (14) Any Schedule V substance, or its analog, is guilty of a crime
39 of the fourth degree except that, notwithstanding the provisions of
40 subsection b. of N.J.S.2C:43-3, a fine of up to **【\$25,000.00】** \$25,000
41 may be imposed.

42 c. Where the degree of the offense for violation of this section
43 depends on the quantity of the substance, the quantity involved shall
44 be determined by the trier of fact. Where the indictment or
45 accusation so provides, the quantity involved in individual acts of
46 manufacturing, distribution, dispensing or possessing with intent to
47 distribute may be aggregated in determining the grade of the offense,
48 whether distribution or dispensing is to the same person or several

1 persons, provided that each individual act of manufacturing,
2 distribution, dispensing or possession with intent to distribute was
3 committed within the applicable statute of limitations.
4 (cf: P.L.2000, c.136, s.1)

5

6 2. N.J.S.2C:35-10 is amended to read as follows:

7 2C:35-10. Possession, Use or Being Under the Influence, or
8 Failure to Make Lawful Disposition.

9 a. It is unlawful for any person, knowingly or purposely, to
10 obtain, or to possess, actually or constructively, a controlled
11 dangerous substance or controlled substance analog, unless the
12 substance was obtained directly, or pursuant to a valid prescription
13 or order form from a practitioner, while acting in the course of his
14 professional practice, or except as otherwise authorized by P.L.1970,
15 c.226 (C.24:21-1 et seq.). Any person who violates this section with
16 respect to:

17 (1) A controlled dangerous substance, or its analog, classified in
18 Schedule I, II, III or IV other than those specifically covered in this
19 section, is guilty of a crime of the third degree except that,
20 notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a
21 fine of up to ~~[\$35,000.00]~~ \$35,000 may be imposed;

22 (2) Any controlled dangerous substance, or its analog, classified
23 in Schedule V, is guilty of a crime of the fourth degree except that,
24 notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a
25 fine of up to ~~[\$15,000.00]~~ \$15,000 may be imposed; ¹or¹

26 (3) Possession of more than ~~[50 grams]~~ ¹~~[two ounces]~~ six
27 ounces¹ of marijuana, including any adulterants or dilutants, or more
28 than ¹~~[five grams]~~ 170 grams¹ of hashish is guilty of a crime of the
29 fourth degree, except that, notwithstanding the provisions of
30 subsection b. of N.J.S.2C:43-3, a fine of up to \$25,000.00 may be
31 imposed; ¹[or]

32 (a) The odor of marijuana or hashish, or burnt marijuana or
33 hashish, shall not constitute reasonable articulable suspicion to
34 initiate a search of a person to determine a violation of paragraph (3)
35 of this subsection. A person who violates this paragraph shall not
36 be subject to arrest, detention, or otherwise be taken into custody,
37 unless the person is being arrested, detained, or otherwise taken into
38 custody for also committing another violation of law for which that
39 action is legally permitted or required;

40 (b) A person shall not be deprived of any legal or civil right,
41 privilege, benefit, or opportunity provided pursuant to any law solely
42 by reason of committing a violation of paragraph (3) of this
43 subsection, nor shall committing one or more violations modify any
44 legal or civil right, privilege, benefit, or opportunity provided
45 pursuant to any law, including, but not limited to, the granting,
46 renewal, forfeiture, or denial of a license, permit, or certification,
47 qualification for and the receipt, alteration, continuation, or denial of
48 any form of financial assistance, housing assistance, or other social

1 services, rights of or custody by a biological parent, or adoptive or
2 foster parent, or other legal guardian of a child or newborn infant, or
3 pregnant woman, in any action or proceeding by the Division of
4 Child Protection and Permanency in the Department of Children and
5 Families, or qualification, approval, or disapproval to serve as a
6 foster parent or other legal guardian;

7 (c) All local and county law enforcement authorities shall,
8 following the submission process used for the uniform crime
9 reporting system established by P.L.1966, c.37 (C.52:17B-
10 5.1 et seq.), submit a quarterly report to the Uniform Crime
11 Reporting Unit, within the Division of State Police in the Department
12 of Law and Public Safety, or to another designated recipient
13 determined by the Attorney General, containing the number of
14 violations of paragraph (3) of this subsection committed within their
15 respective jurisdictions, plus the race, ethnicity, gender, and age of
16 each person committing a violation, and the disposition of each
17 person’s violation. These violations and associated information,
18 along with a quarterly summary of violations investigated, and
19 associated information collected, by the Division of State Police for
20 the same period shall be summarized by county and municipality in
21 an annual report, and both quarterly summaries and annual reports
22 shall be made available at no cost to the public on the Division of
23 State Police’s Internet website;¹

24 (4) ¹【Possession of 【50 grams】 two ounces or less of marijuana,
25 including any adulterants or dilutants, or five grams or less of hashish
26 is an unlawful act subject to a 【disorderly person】 civil penalty of \$50,
27 but this amount of marijuana or hashish is presumed to be the lawful
28 possession of medical cannabis or a medical cannabis product in
29 accordance with the “Jake Honig Compassionate Use Medical
30 Cannabis Act,” P.L.2009, c.307 (C.24:6I-1 et al.) or P.L.2015, c.158
31 (C.18A:40-12.22 et al.), and the State shall establish by a
32 preponderance of evidence that the substance possessed was not
33 medical cannabis or a medical cannabis product in order to impose
34 the \$50 civil penalty for possession of marijuana or hashish pursuant
35 to this paragraph. The civil penalty provided for in this paragraph
36 shall be collected pursuant to the “Penalty Enforcement Law of
37 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.), in a summary
38 proceeding before the municipal court having jurisdiction. A penalty
39 recovered under the provisions of this paragraph shall be recovered
40 by and in the name of the State by the local municipality. The penalty
41 shall be paid into the treasury of the municipality in which the
42 violation occurred for the general use of the municipality.】 (Deleted
43 by amendment, P.L. , c.) (pending before the Legislature as this bill)¹

44 Any person who commits any offense **【defined in】** set forth in
45 paragraphs (1) through (3) of this 【section】 subsection while on any
46 property used for school purposes which is owned by or leased to any
47 elementary or secondary school or school board, or within 1,000 feet
48 of any such school property or a school bus, or while on any school

1 bus, and who is not sentenced to a term of imprisonment, shall, in
2 addition to any other sentence which the court may impose, be
3 required to perform not less than 100 hours of community service.

4 b. ¹(1)¹ Any person who uses or who is under the influence of
5 any controlled dangerous substance, or its analog, ¹not including
6 marijuana or hashish,¹ for a purpose other than the treatment of
7 sickness or injury as lawfully prescribed or administered by a
8 physician is a disorderly person.

9 In a prosecution under this subsection, it shall not be necessary for
10 the State to prove that the accused did use or was under the influence
11 of any specific ¹prohibited¹ drug, but it shall be sufficient for a
12 conviction under this subsection for the State to prove that the
13 accused did use or was under the influence of some prohibited
14 controlled dangerous substance, counterfeit controlled dangerous
15 substance, or controlled substance analog, by proving that the
16 accused did manifest physical and physiological symptoms or
17 reactions caused by the use of any ¹prohibited¹ controlled dangerous
18 substance or controlled substance analog.

19 ¹(2)Notwithstanding that using or being under the influence of
20 marijuana or hashish is not a punishable offense pursuant to this
21 subsection, the smoking, vaping, or aerosolizing of marijuana or
22 hashish may be prohibited or otherwise regulated on or in any
23 property by the person or entity that owns or controls that property,
24 including multifamily housing that is a multiple dwelling as defined
25 in section 3 of P.L.1967, c.76 (C.55:13A-3), the units of a
26 condominium, as those terms are defined by section 3 of P.L.1969,
27 c.257 (C.46:8B-3), or a site in a mobile home park as defined in section
28 3 of P.L.1983, c.386 (C.40:55D-102), which site is leased to the owner
29 of a manufactured home, as defined in that section, that is installed
30 thereon.¹

31 c. Any person who knowingly obtains or possesses a controlled
32 dangerous substance or controlled substance analog in violation of
33 ¹paragraph (1) or (2) of¹ subsection a. of this section and who fails
34 to voluntarily deliver the substance to the nearest law enforcement
35 officer is guilty of a disorderly persons offense. Nothing in this
36 subsection shall be construed to preclude a prosecution or conviction
37 for any other offense defined in this title or any other statute.

38 (cf: P.L.1997, c.181, s.6)

39

40 ¹3. N.J.S.2C:36-2 is amended to read as follows:

41 2C:36-2. a. Use or possession with intent to use, disorderly
42 persons offense. It shall be unlawful for any person to use, or to
43 possess with intent to use, drug paraphernalia to plant, propagate,
44 cultivate, grow, harvest, manufacture, compound, convert, produce,
45 process, prepare, test, analyze, pack, repack, store, contain, conceal,
46 ingest, inhale, or otherwise introduce into the human body a
47 controlled dangerous substance, controlled substance analog or toxic
48 chemical in violation of the provisions of chapter 35 of this title,

1 other than when used, or possessed with intent to use, for ingesting,
2 inhaling, or otherwise introducing marijuana or hashish into the
3 human body. Any person who violates this section is guilty of a
4 disorderly persons offense.

5 b. Notwithstanding that using or possessing with intent to use
6 drug paraphernalia to ingest, inhale, or otherwise introduce
7 marijuana or hashish into the human body is not a punishable offense
8 pursuant to this section, the use of drug paraphernalia for that purpose
9 may be prohibited or otherwise regulated on or in any property by the
10 person or entity that owns or controls that property, including
11 multifamily housing that is a multiple dwelling as defined in section
12 3 of P.L.1967, c.76 (C.55:13A-3), the units of a condominium, as
13 those terms are defined by section 3 of P.L.1969, c.257 (C.46:8B-3),
14 or a site in a mobile home park as defined in section 3 of P.L.1983,
15 c.386 (C.40:55D-102), which site is leased to the owner of a
16 manufactured home, as defined in that section, that is installed
17 thereon.¹

18 (cf: P.L.2007, c.31, s.3)

19

20 ¹**[3.] 4.**¹ (New section) a. Except to the extent required to
21 dismiss, withdraw, or terminate the charge, no court shall have
22 jurisdiction over any charge, including any charge of delinquency,
23 based on ¹**[the distribution of]** offenses that occurred prior to the
24 effective date of P.L. , c. (C.) (pending before the Legislature as
25 this bill), involving manufacturing, distributing, or dispensing, or
26 possessing or having under control with intent to manufacture,
27 distribute, or dispense,¹ marijuana or hashish in violation of paragraph
28 ¹(11) of subsection b. of N.J.S.2C:35-5, or a lesser amount of marijuana
29 or hashish in violation of paragraph¹ (12) of subsection b. of
30 ¹[N.J.S.2C:35-5, or the possession] that section, or a violation of
31 either of those paragraphs and a violation of subsection a. of section 1
32 of P.L.1987, c.101 (C.2C:35-7) or subsection a. of section 1 of
33 P.L.1997, c.327 (C.2C:35-7.1) for distributing, dispensing, or
34 possessing with intent to distribute or dispense, on or within 1,000 feet
35 of any school property, or on or within 500 feet of the real property
36 comprising a public housing facility, public park, or public building, or
37 obtaining, possessing, using, being under the influence of, or failing to
38 make lawful disposition¹ of marijuana or hashish in violation of
39 paragraph ¹(3) or¹ (4) of subsection a. ¹, or subsection b., or subsection
40 c.¹ of N.J.S.2C:35-10, ¹**[that occurred prior to the effective date of**
41 P.L. , c. (C.) (pending before the Legislature as this bill)] or
42 a violation involving marijuana or hashish as described herein and a
43 violation of N.J.S.2C:36-2 for using or possessing with intent to use
44 drug paraphernalia with that marijuana or hashish, alone or in
45 combination with each other¹ , unless a ¹guilty verdict, plea, or other
46 entry of guilt, or¹ final judgment of conviction or adjudication of
47 delinquency has been entered on or before that effective date. These

1 non-prosecutable charges and cases shall be expeditiously dismissed,
2 which may be accomplished by appropriate action by a law
3 enforcement agency, or on a motion to the court which would
4 otherwise have jurisdiction over a case, or the court's own motion,
5 based upon guidelines ¹**[or]** administrative¹ directives ¹, and court
6 orders¹ issued by the Attorney General, the Administrative Director
7 of the Courts, and the Supreme Court ¹, as appropriate¹.

8 b. ¹**[A charge, including any charge of delinquency, conviction,**
9 or adjudication of delinquency, based on a violation of any of the
10 following laws that occurred prior to, on, or after the effective date of
11 P.L. , c. (C.) (pending before the Legislature as this bill),
12 shall not be considered whenever the Pretrial Services Program
13 established by the Administrative Office of the Courts pursuant to
14 section 11 of P.L.2014, c.31 (C.2A:162-25) conducts a risk
15 assessment on an eligible defendant for the purpose of making
16 recommendations to the court concerning an appropriate pretrial
17 release decision in accordance with sections 1 through 11 of
18 P.L.2014, c.31 (C.2A:162-15 et seq.): a violation of paragraph (11) of
19 subsection b. of N.J.S.2C:35-5; or a lesser amount of marijuana or
20 hashish in violation of paragraph (12) of subsection b. of that section;
21 or a violation of either of those paragraphs and a violation of subsection
22 a. of section 1 of P.L.1987, c.101 (C.2C:35-7) or subsection a. of section
23 1 of P.L.1997, c.327 (C.2C:35-7.1) for distributing, or possessing or
24 having under control with intent to distribute, on or within 1,000 feet of
25 any school property, or on or within 500 feet of the real property
26 comprising a public housing facility, public park, or public building; or
27 for obtaining, possessing, using, being under the influence of, or
28 failing to make lawful disposition of marijuana or hashish in
29 violation of paragraph (3) or (4) of subsection a., or subsection b., or
30 subsection c. of N.J.S.2C:35-10; or for a violation of any of those
31 provisions and a violation of N.J.S.2C:36-2 for using or possessing with
32 intent to use drug paraphernalia with the marijuana or hashish.

33 c. ¹**[**(1) Regarding a ¹**[conviction or adjudication of delinquency]**
34 guilty verdict, plea, or other entry of guilt¹ entered prior to the effective
35 date of P.L. , c. (C.) (pending before the Legislature as this
36 bill), it shall be grounds for ¹**[post-conviction]**¹ relief that the
37 ¹**[conviction or adjudication of delinquency]** guilty verdict, plea, or
38 other entry of guilt¹ involved ¹**[unlawful distribution of, or possessing**
39 or having under control with intent to distribute, marijuana or hashish
40 in violation of paragraph (11) of subsection b. of N.J.S.2C:35-5, or a
41 lesser amount of marijuana or hashish in violation of paragraph (12) of
42 subsection b. of that section, or a violation of either of those paragraphs
43 and a violation of subsection a. of section 1 of P.L.1987, c.101
44 (C.2C:35-7) or subsection a. of section 1 of P.L.1997, c.327 (C.2C:35-
45 7.1), for distributing, or possessing or having under control with intent
46 to distribute, on or within 1,000 feet of any school property, or on or
47 within 500 feet of the real property comprising a public housing facility,
48 public park, or public building, or obtaining, possessing, using, being

1 under the influence of, or failing to make lawful disposition of
2 marijuana or hashish in violation of paragraph (3) or (4) of subsection
3 a., or subsection b., or subsection c. of N.J.S.2C:35-10, or a violation
4 involving marijuana or hashish as described herein and using or
5 possessing with intent to use drug paraphernalia with that marijuana
6 or hashish in violation of N.J.S.2C:36-2, alone or in combination with
7 each other **】** one or more crimes or offenses, or delinquent acts which if
8 committed by an adult would constitute one or more crimes or offenses,
9 enumerated in subsection a. of this section¹, if a final judgment of
10 conviction or adjudication of delinquency had not been entered on or
11 before that effective date.

12 (2) Notwithstanding any court rule limiting the time period within
13 which a motion to reduce or change a sentence may be filed, any
14 person who, on the effective date of P.L. , c. (C.) (pending
15 before the Legislature as this bill), is ¹or will be¹ serving a sentence
16 of incarceration, probation, parole or other form of community
17 supervision solely as a result of the person's conviction or
18 adjudication of delinquency for one or more crimes or offenses ¹, or
19 delinquent acts which if committed by an adult would constitute one or
20 more crimes or offenses,¹ enumerated in ¹**【**paragraph (1)**】** subsection
21 a.¹ of this ¹**【**subsection**】** section¹ may move to have the person's
22 sentence reviewed by the court. If the court finds that the sentence
23 under review is based solely upon a conviction or adjudication of
24 delinquency for one or more crimes or offenses ¹, or delinquent acts
25 which if committed by an adult would constitute one or more crimes or
26 offenses,¹ enumerated in ¹**【**paragraph (1)**】** subsection a.¹ of this
27 ¹**【**subsection**】** section¹, the court shall order appropriate relief.

28 (3) No fee shall be charged to a person seeking post-conviction
29 relief pursuant to this subsection.
30

31 ¹**【**4.**】** 5.¹ (New section) Other than the consequences of any
32 sentence set forth in a judgment of conviction, including a term of
33 imprisonment and any court-ordered financial assessment, unless
34 otherwise provided by law, any arrest, charge, conviction, and
35 adjudication of delinquency that occurred prior to the effective date
36 of P.L. , c. (C.) (pending before the Legislature as this bill),
37 and any proceedings related thereto, for ¹**【**unlawful distribution of**】**
38 manufacturing, distributing, or dispensing¹ , or possessing or having
39 under control with intent to ¹manufacture,¹ distribute, ¹or dispense,¹
40 marijuana or hashish in violation of paragraph (11) of subsection b.
41 of N.J.S.2C:35-5, or a lesser amount of marijuana or hashish in
42 violation of paragraph (12) of subsection b. of that section, or a
43 violation of either of those paragraphs and a violation of subsection
44 a. of section 1 of P.L.1987, c.101 (C.2C:35-7) or subsection a. of
45 section 1 of P.L.1997, c.327 (C.2C:35-7.1), for distributing,
46 ¹dispensing,¹ or possessing or having under control with intent to
47 distribute ¹or dispense¹, on or within 1,000 feet of any school

1 property, or on or within 500 feet of the real property comprising a
2 public housing facility, public park, or public building, or obtaining,
3 possessing, using, being under the influence of, or failing to make
4 lawful disposition of marijuana or hashish in violation of paragraph
5 (3) or (4) of subsection a., or subsection b., or subsection c. of
6 N.J.S.2C:35-10, or a violation involving marijuana or hashish as
7 described herein and ¹a violation of N.J.S.2C:36-2 for¹ using or
8 possessing with intent to use drug paraphernalia with that marijuana
9 or hashish ¹in violation of N.J.S.2C:36-2¹, alone or in combination
10 with each other,¹ shall be deemed not to have occurred, and the
11 person involved in that violation may answer any questions relating
12 to their occurrence accordingly, except that such information shall be
13 revealed by that person if seeking employment within the judicial
14 branch or with a law enforcement or corrections agency and such
15 information shall continue to provide a disability as otherwise
16 provided by law.

17

18 ¹**5.** (New section) The Administrative Director of the Courts
19 shall maintain and provide information to any person upon request
20 about the expungement process and legal services programs Statewide
21 and in each county which may be available to assist the person with
22 an expedited expungement pursuant to section 5 of P.L.2019, c.269
23 (C.2C:52-5.1) or a “clean slate” expungement pursuant to section 7
24 of P.L.2019, c.269 (C.2C:52-5.3).¹

25

26 ¹**6.** (New section) a. (1) The Administrative Director of the
27 Courts shall develop and maintain a multilingual public awareness
28 campaign to promote awareness of the expungement process,
29 including an expedited expungement pursuant to section 5 of
30 P.L.2019, c.269 (C.2C:52-5.1) or a “clean slate” expungement
31 pursuant to section 7 of P.L.2019, c.269 (C.2C:52-5.3), and the
32 expungement e-filing system established pursuant to section 11 of
33 P.L.2019, c.269 (C.2C:52-10.1), as well as information on State,
34 local, non-profit and other private job training programs in
35 consultation with the Department of Labor and Workforce
36 Development, with a focus on assisting those persons eligible for the
37 expedited expungement or “clean slate” expungement of their
38 records pursuant to section 5 of P.L.2019, c.269 (C.2C:52-5.1) or a
39 “clean slate” expungement pursuant to section 7 of P.L.2019, c.269
40 (C.2C:52-5.3), respectively.

41 (2) The public awareness campaign shall, at a minimum, utilize
42 electronic and print media, and shall make available electronically on
43 an Internet website a petition form and a list of the supporting
44 information necessary for an expungement, including an expedited
45 or “clean slate” expungement pursuant to section 5 of
46 P.L.2019, c.269 (C.2C:52-5.1) or section 7 of P.L.2019, c.269
47 (C.2C:52-5.3), respectively, using the expungement e-filing system

1 once established pursuant to section 11 of P.L.2019, c.269 (C.2C:52-
2 10.1).

3 (3) The petition and supporting information shall, at a minimum,
4 be made available in English and Spanish.

5 b. The Administrative Director of the Courts shall include in the
6 annual report on the activities of the Administrative Office of the
7 Courts, prepared pursuant to N.J.S.2A:12-5, information about the
8 activities and accomplishments of the public awareness campaign
9 developed and maintained pursuant to subsection a. of this section,
10 beginning no later than one year after the effective date of
11 P.L. , c. (C.) (pending before the Legislature as this
12 bill).¹

13
14 ¹6. Section 6 of P.L.2019, c.269 (C.2C:52-5.2) is amended to read
15 as follows:

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

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

43 (b) any number of offenses for, **[or]** delinquent acts which if
44 committed by an adult would constitute, or unlawful acts subject to a
45 civil penalty for, obtaining **[,]** or possessing [, using, being under
46 the influence of, or failing to make lawful disposition of **]** marijuana

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

3 (c) [any number of offenses for, or delinquent acts which if
4 committed by an adult would constitute, a violation involving
5 marijuana or hashish as described in subparagraph (a) or (b) of this
6 paragraph and using or possessing with intent to use drug
7 paraphernalia with that marijuana or hashish in violation of
8 N.J.S.2C:36-2.] (Deleted by amendment, P.L. _____, c. ____) (pending
9 before the Legislature as this bill)

10 (2) If the disposition of the case includes a court-ordered
11 financial assessment subject to collection under the comprehensive
12 enforcement program established pursuant to P.L.1995, c.9
13 (C.2B:19-1 et al.), then at the time of issuing the sealing order, the
14 court shall also enter a civil judgment for the unpaid portion of the
15 court-ordered financial assessment in the name of the Treasurer, State
16 of New Jersey and transfer collections and disbursement
17 responsibility to the State Treasurer for the outstanding amount in
18 accordance with section 8 of P.L.2017, c.244 (C.2C:52-23.1). The
19 term "court-ordered financial assessment" as used herein means and
20 includes any fine, fee, penalty, restitution, and other form of financial
21 assessment imposed by the court as part of the sentence for the
22 conviction or convictions that are the subject of the sealing order, for
23 which payment of restitution takes precedence in accordance with
24 chapter 46 of Title 2C of the New Jersey Statutes. The Treasurer may
25 specify, and the Administrative Office of the Courts shall collaborate
26 with, the technical and informational standards required to effectuate
27 the transfer of the collection and disbursement responsibilities.
28 Notwithstanding any provision in this law or any other law to the
29 contrary, the court shall have sole discretion to amend the judgment.

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

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

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

36 c. Upon the entry of a sealing order issued pursuant to
37 subsection a. of this section, the proceedings in the case shall be
38 sealed and all index references shall be marked "not available" or "no
39 record." Law enforcement agencies shall reply to requests for
40 information or records of a person subject to a sealing order that there
41 is no information or records. The person may also reply to any
42 inquiry that there is no information or record, except that information
43 subject to a sealing order shall be revealed by that person if seeking
44 employment within the judicial branch or with a law enforcement or
45 corrections agency, and the information shall continue to provide a
46 disability to the extent provided by law.

47 d. Records subject to a sealing order issued pursuant to
48 subsection a. of this section may be maintained for purposes of prior

1 offender status, identification, and law enforcement purposes,
2 provided that the records shall not be [considered whenever the
3 Pretrial Services Program established by the Administrative Office
4 of the Courts pursuant to section 11 of P.L.2014, c.31 (C.2A:162-25)
5 conducts a risk assessment on an eligible defendant for the purpose
6 of making recommendations to the court concerning an appropriate
7 pretrial release decision in accordance with sections 1 through 11 of
8 P.L.2014, c.31 (C.2A:162-15 et seq.) or] used for sentencing
9 purposes in any other case.¹
10 (cf: P.L.2019, c.269, s.6)

11

12 ¹7. Section 3 of P.L.2014, c.31 (C.2A:162-17) is amended to read
13 as follows:

14 3. Except as otherwise provided under sections 4 and 5 of
15 P.L.2014, c.31 (C.2A:162-18 and C.2A:162-19) concerning a hearing
16 on pretrial detention, a court shall make, pursuant to this section, a
17 pretrial release decision for an eligible defendant without
18 unnecessary delay, but in no case later than 48 hours after the eligible
19 defendant's commitment to jail.

20 a. The court shall order the pretrial release of the eligible
21 defendant on personal recognizance or on the execution of an
22 unsecured appearance bond when, after considering all the
23 circumstances, the Pretrial Services Program's risk assessment and
24 recommendations on conditions of release prepared pursuant to
25 section 11 of P.L.2014, c.31 (C.2A:162-25), and any information that
26 may be provided by a prosecutor or the eligible defendant, the court
27 finds that the release would reasonably assure the eligible defendant's
28 appearance in court when required, the protection of the safety of any
29 other person or the community, and that the eligible defendant will
30 not obstruct or attempt to obstruct the criminal justice process.

31 b. (1) If the court does not find, after consideration, that the
32 release described in subsection a. of this section will reasonably
33 assure the eligible defendant's appearance in court when required, the
34 protection of the safety of any other person or the community, and
35 that the eligible defendant will not obstruct or attempt to obstruct the
36 criminal justice process, the court may order the pretrial release of
37 the eligible defendant subject to the following:

38 (a) the eligible defendant shall not commit any offense during the
39 period of release;

40 (b) the eligible defendant shall avoid all contact with an alleged
41 victim of the crime;

42 (c) the eligible defendant shall avoid all contact with all
43 witnesses who may testify concerning the offense that are named in
44 the document authorizing the eligible defendant's release or in a
45 subsequent court order; and

46 (d) any one or more non-monetary conditions as set forth in
47 paragraph (2) of this subsection.

1 (2) The non-monetary condition or conditions of a pretrial release
2 ordered by the court pursuant to this paragraph shall be the least
3 restrictive condition, or combination of conditions, that the court
4 determines will reasonably assure the eligible defendant's appearance
5 in court when required, the protection of the safety of any other
6 person or the community, and that the eligible defendant will not
7 obstruct or attempt to obstruct the criminal justice process, which
8 may include that the eligible defendant:

9 (a) remain in the custody of a designated person, who agrees to
10 assume supervision and to report any violation of a release condition
11 to the court, if the designated person is able to reasonably assure the
12 court that the eligible defendant will appear in court when required,
13 will not pose a danger to the safety of any other person or the
14 community, and will not obstruct or attempt to obstruct the criminal
15 justice process;

16 (b) maintain employment, or, if unemployed, actively seek
17 employment;

18 (c) maintain or commence an educational program;

19 (d) abide by specified restrictions on personal associations, place
20 of abode, or travel;

21 (e) report on a regular basis to a designated law enforcement
22 agency, or other agency, or pretrial services program;

23 (f) comply with a specified curfew;

24 (g) refrain from possessing a firearm, destructive device, or other
25 dangerous weapon;

26 (h) refrain from excessive use of alcohol, or any use of a narcotic
27 drug or other controlled substance without a prescription by a
28 licensed medical practitioner, except that, the court's order shall not
29 refrain the eligible defendant from using marijuana or hashish;

30 (i) undergo available medical, psychological, or psychiatric
31 treatment, including treatment for drug or alcohol dependency, and
32 remain in a specified institution if required for that purpose;

33 (j) return to custody for specified hours following release for
34 employment, schooling, or other limited purposes;

35 (k) be placed in a pretrial home supervision capacity with or
36 without the use of an approved electronic monitoring device. The
37 court may order the eligible defendant to pay all or a portion of the
38 costs of the electronic monitoring, but the court may waive the
39 payment for an eligible defendant who is indigent and who has
40 demonstrated to the court an inability to pay all or a portion of the
41 costs; or

42 (l) satisfy any other condition that is necessary to reasonably
43 assure the eligible defendant's appearance in court when required, the
44 protection of the safety of any other person or the community, and
45 that the eligible defendant will not obstruct or attempt to obstruct the
46 criminal justice process, which shall not include any prohibition or
47 restriction concerning:

48 (a) an unlawful act subject only to a civil penalty for
49 manufacturing, distributing, or dispensing, or possessing or having

1 under control with intent to manufacture, distribute, or dispense,
2 marijuana or hashish in violation of paragraph (12) of subsection b.
3 of N.J.S.2C:35-5, or possessing any amount of marijuana or hashish
4 that does not violate paragraph (3) of subsection a. of N.J.S.2C:35-
5 10; or

6 (b) the presence of any cannabinoid metabolites in any bodily
7 fluids of the eligible defendant.

8 c. (1) If the court does not find, after consideration, that the
9 release described in subsection a. or b. of this section will reasonably
10 assure the eligible defendant's appearance in court when required, the
11 court may order the pretrial release of the eligible defendant on
12 monetary bail, other than an unsecured appearance bond. The court
13 may only impose monetary bail pursuant to this subsection to
14 reasonably assure the eligible defendant's appearance. The court
15 shall not impose the monetary bail to reasonably assure the protection
16 of the safety of any other person or the community or that the eligible
17 defendant will not obstruct or attempt to obstruct the criminal justice
18 process, or for the purpose of preventing the release of the eligible
19 defendant.

20 (2) If the eligible defendant is unable to post the monetary bail
21 imposed by the court pursuant to this subsection, and for that reason
22 remains detained in jail, the provisions of section 8 of P.L.2014, c.31
23 (C.2A:162-22) shall apply to the eligible defendant.

24 d. (1) If the court does not find, after consideration, that the
25 release described in subsection a., b., or c. will reasonably assure the
26 eligible defendant's appearance in court when required, the
27 protection of the safety of any other person or the community, and
28 that the eligible defendant will not obstruct or attempt to obstruct the
29 criminal justice process, the court may order the pretrial release of
30 the eligible defendant using a combination of non-monetary
31 conditions as set forth in subsection b. of this section, and monetary
32 bail as set forth in subsection c. of this section.

33 (2) If the eligible defendant is unable to post the monetary bail
34 imposed by the court in combination with non-monetary conditions
35 pursuant to this subsection, and for that reason remains detained in
36 jail, the provisions of section 8 of P.L.2014, c.31 (C.2A:162-22) shall
37 apply to the eligible defendant.

38 e. For purposes of the court's consideration for pretrial release
39 described in this section, with respect to whether the particular
40 method of release will reasonably assure that the eligible defendant
41 will not obstruct or attempt to obstruct the criminal justice process,
42 this reasonable assurance may be deemed to exist if the prosecutor
43 does not provide the court with information relevant to the risk of
44 whether the eligible defendant will obstruct or attempt to obstruct the
45 criminal justice process.¹

46 (cf: P.L.2014, c.31, s.3)

1 ¹8. Section 6 of P.L.2014, c.31 (C.2A:162-20) is amended to read
2 as follows:

3 6. In determining in a pretrial detention hearing whether no
4 amount of monetary bail, non-monetary conditions or combination of
5 monetary bail and conditions would reasonably assure the eligible
6 defendant's appearance in court when required, the protection of the
7 safety of any other person or the community, or that the eligible
8 defendant will not obstruct or attempt to obstruct the criminal justice
9 process, the court may take into account information concerning:

10 a. The nature and circumstances of the offense charged;

11 b. The weight of the evidence against the eligible defendant,
12 except that the court may consider the admissibility of any evidence
13 sought to be excluded;

14 c. The history and characteristics of the eligible defendant,
15 including:

16 (1) the eligible defendant's character, physical and mental
17 condition, family ties, employment, financial resources, length of
18 residence in the community, community ties, past conduct, history
19 relating to drug or alcohol abuse, criminal history, and record
20 concerning **[appearance]** appearances at court proceedings, except
21 with respect to these factors, the court shall not consider an unlawful
22 act subject only to a civil penalty for manufacturing, distributing, or
23 dispensing, or possessing or having under control with intent to
24 manufacture, distribute, or dispense, marijuana or hashish in
25 violation of paragraph (12) of subsection b. of N.J.S.2C:35-5, or
26 possessing any amount of marijuana or hashish that does not violate
27 paragraph (3) of subsection a. of N.J.S.2C:35-10; and

28 (2) whether, at the time of the current offense or arrest, the
29 eligible defendant was on probation, parole, or on other release
30 pending trial, sentencing, appeal, or completion of sentence for an
31 offense under federal law, or the law of this or any other state;

32 d. The nature and seriousness of the danger to any other person
33 or the community that would be posed by the eligible defendant's
34 release, if applicable;

35 e. The nature and seriousness of the risk of obstructing or
36 attempting to obstruct the criminal justice process that would be
37 posed by the eligible defendant's release, if applicable; and

38 f. The release recommendation of the pretrial services program
39 obtained using a risk assessment instrument under section 11 of
40 P.L.2014, c.31 (C.2A:162-25).¹

41 (cf: P.L.2014, c.31, s.6)

42
43 ¹9. Section 10 of P.L.2014, c.31 (C.2A:162-24) is amended to
44 read as follows:

45 10. a. Upon motion of a prosecutor, when an eligible defendant
46 is released from custody before trial pursuant to section 3 or 8 of
47 P.L.2014, c.31 (C.2A:162-17 or C.2A:162-22), the court, upon a
48 finding that the eligible defendant while on release has violated a

1 restraining order or condition of release, or upon a finding of
2 probable cause to believe that the eligible defendant has committed a
3 new crime while on release, may not revoke the eligible defendant's
4 release and order that the eligible defendant be detained pending trial
5 unless the court, after considering all relevant circumstances
6 including but not limited to the nature and seriousness of the violation
7 or criminal act committed, finds clear and convincing evidence that
8 no monetary bail, non-monetary conditions of release or combination
9 of monetary bail and conditions would reasonably assure the eligible
10 defendant's appearance in court when required, the protection of the
11 safety of any other person or the community, or that the eligible
12 defendant will not obstruct or attempt to obstruct the criminal justice
13 process.

14 b. A court shall not revoke an eligible defendant's release and
15 order that the eligible defendant be detained pending trial based on:

16 (1) An unlawful act subject only to a civil penalty for
17 manufacturing, distributing, or dispensing, or possessing or having
18 under control with intent to manufacture, distribute, or dispense,
19 marijuana or hashish in violation of paragraph (12) of subsection b.
20 of N.J.S.2C:35-5, or possessing any amount of marijuana or hashish
21 that does not violate paragraph (3) of subsection a. of N.J.S.2C:35-
22 10; or

23 (2) The presence of any cannabinoid metabolites in any bodily
24 fluids of the eligible defendant, detected as a result of the
25 administration of a drug test or any other means.¹

26 (cf: P.L.2014, c.31, s.10)

27

28 ¹10. Section 11 of P.L.2014, c.31 (C.2A:162-25) is amended to
29 read as follows:

30 11. a. The Administrative Director of the Courts shall establish
31 and maintain a Statewide Pretrial Services Program which shall
32 provide pretrial services to effectuate the purposes of sections 1
33 through 11 of P.L.2014, c.31 (C.2A:162-15 et seq.).

34 b. The Pretrial Services Program shall, after an eligible
35 defendant is temporarily detained pursuant to subsection a. of section
36 2 of P.L.2014, c.31 (C.2A:162-16) following the issuance of a
37 complaint-warrant, conduct a risk assessment on that eligible
38 defendant for the purpose of making recommendations to the court
39 concerning an appropriate pretrial release decision, including
40 whether the eligible defendant shall be: released on the eligible
41 defendant's own personal recognizance or on execution of an
42 unsecured appearance bond; released on a non-monetary condition or
43 conditions as set forth under subsection b. of section 3 of P.L.2014,
44 c.31 (C.2A:162-17); released on monetary bail, other than an
45 unsecured appearance bond; released on a combination of monetary
46 bail and non-monetary conditions set forth under section 3 of
47 P.L.2014, c.31 (C.2A:162-17); or any other conditions necessary to
48 effectuate the purposes of sections 1 through 11 of P.L.2014, c.31

1 (C.2A:162-15 et seq.). The risk assessment shall be completed and
2 presented to the court so that the court can, without unnecessary
3 delay, but in no case later than 48 hours after the eligible defendant's
4 commitment to jail, make a pretrial release decision on the eligible
5 defendant pursuant to section 3 of P.L.2014, c.31 (C.2A:162-17).

6 c. The pretrial risk assessment shall be conducted using a risk
7 assessment instrument approved by the Administrative Director of
8 the Courts that meets the requirements of this subsection.

9 (1) (a) The approved risk assessment instrument shall be
10 objective, standardized, and developed based on analysis of empirical
11 data and risk factors relevant to the risk of failure to appear in court
12 when required and the danger to the community while on pretrial
13 release. The risk assessment instrument shall not be required to
14 include factors specifically pertaining to the risk for obstructing or
15 attempting to obstruct the criminal justice process.

16 (b) The approved risk assessment instrument shall not consider a
17 charge, including any charge of delinquency, conviction, or
18 adjudication of delinquency, or civil penalty if the act was an
19 unlawful act and not a crime or offense, based on a violation of any
20 of the following, as risk factors relevant to the risk of failure to appear
21 in court when required and the danger to the community while on
22 pretrial release: manufacturing, distributing, or dispensing, or
23 possessing or having under control with intent to manufacture,
24 distribute, or dispense, marijuana or hashish in violation of paragraph
25 (11) of subsection b. of N.J.S.2C:35-5, or a lesser amount of
26 marijuana or hashish in violation of paragraph (12) of subsection b.
27 of that section; or a violation of either of those paragraphs and a
28 violation of subsection a. of section 1 of P.L.1987, c.101 (C.2C:35-
29 7) or subsection a. of section 1 of P.L.1997, c.327 (C.2C:35-7.1) for
30 distributing, dispensing, or possessing with intent to distribute or
31 dispense, on or within 1,000 feet of any school property, or on or
32 within 500 feet of the real property comprising a public housing
33 facility, public park, or public building; or obtaining, possessing,
34 using, being under the influence of, or failing to make lawful
35 disposition of marijuana or hashish in violation of paragraph (3) or
36 (4) of subsection a., or subsection b., or subsection c. of N.J.S.2C:35-
37 10; or a violation involving marijuana or hashish as described herein
38 and a violation of N.J.S.2C:36-2 for using or possessing with intent
39 to use drug paraphernalia with that marijuana or hashish.

40 (2) The approved risk assessment instrument shall gather
41 demographic information about the eligible defendant including, but
42 not limited to, race, ethnicity, gender, financial resources, and socio-
43 economic status. Recommendations for pretrial release shall not be
44 discriminatory based on race, ethnicity, gender, or socio-economic
45 status.

46 d. In addition to the pretrial risk assessments made pursuant to
47 this section, the Pretrial Services Program shall monitor appropriate

1 eligible defendants released on conditions as ordered by the court.¹
2 (cf: P.L.2014, c.31, s.11)

3
4 ¹11. N.J.S.2C:45-1 is amended to read as follows:

5 2C:45-1. Conditions of Suspension or Probation.

6 a. (1) When the court suspends the imposition of sentence on a
7 person who has been convicted of an offense or sentences him to be
8 placed on probation, it shall attach such reasonable conditions,
9 authorized by this section, as it deems necessary to insure that he will
10 lead a law-abiding life or is likely to assist him to do so. These
11 conditions may be set forth in a set of standardized conditions
12 promulgated by the county probation department and approved by
13 the court.

14 (2) The following shall not be prohibited or restricted based on
15 any conditions imposed pursuant to this section:

16 (a) An unlawful act subject only to a civil penalty for
17 manufacturing, distributing, or dispensing, or possessing or having
18 under control with intent to manufacture, distribute, or dispense,
19 marijuana or hashish in violation of paragraph (12) of subsection b.
20 of N.J.S.2C:35-5, or possessing any amount of marijuana or hashish
21 that does not violate paragraph (3) of subsection a. of N.J.S.2C:35-
22 10; or

23 (b) The presence of any cannabinoid metabolites in any bodily
24 fluids of the person.

25 b. The court, as a condition of its order, may require the
26 defendant:

27 (1) To support his dependents and meet his family
28 responsibilities;

29 (2) To find and continue in gainful employment;

30 (3) To undergo available medical or psychiatric treatment and to
31 enter and remain in a specified institution, when required for that
32 purpose;

33 (4) To pursue a prescribed secular course of study or vocational
34 training;

35 (5) To attend or reside in a facility established for the instruction,
36 recreation or residence of persons on probation;

37 (6) To refrain from frequenting unlawful or disreputable places
38 or consorting with disreputable persons;

39 (7) Not to have in his possession any firearm or other dangerous
40 weapon unless granted written permission;

41 (8) (Deleted by amendment, P.L.1991, c.329);

42 (9) To remain within the jurisdiction of the court and to notify the
43 court or the probation officer of any change in his address or his
44 employment;

45 (10) To report as directed to the court or the probation officer, to
46 permit the officer to visit his home, and to answer all reasonable
47 inquiries by the probation officer;

48 (11) To pay a fine;

1 (12) To satisfy any other conditions reasonably related to the
2 rehabilitation of the defendant and not unduly restrictive of his liberty
3 or incompatible with his freedom of conscience;

4 (13) To require the performance of community-related service;
5 and

6 (14) To be subject to Internet access conditions pursuant to
7 paragraph (2) of subsection d. of this section.

8 In addition to any condition of probation, the court may enter an
9 order prohibiting a defendant who is convicted of a sex offense from
10 having any contact with the victim including, but not limited to,
11 entering the victim's residence, place of employment or business, or
12 school, and from harassing or stalking the victim or victim's relatives
13 in any way, and may order other protective relief as provided in
14 section 2 of P.L.2007, c.133 (C.2C:14-12).

15 c. The court, as a condition of its order, shall require the
16 defendant to pay any assessments required by section 2 of P.L.1979,
17 c.396 (C.2C:43-3.1) and shall, consistent with the applicable
18 provisions of N.J.S.2C:43-3, N.J.S.2C:43-4 and N.J.S.2C:44-2 or
19 section 1 of P.L.1983, c.411 (C.2C:43-2.1) require the defendant to
20 make restitution.

21 d. (1) In addition to any condition imposed pursuant to
22 subsection b. or c., the court shall order a person placed on probation
23 to pay a fee, not exceeding \$25.00 per month for the probationary
24 term, to probation services for use by the State, except as provided in
25 subsection g. of this section. This fee may be waived in cases of
26 indigency upon application by the chief probation officer to the
27 sentencing court.

28 (2) In addition to any conditions imposed pursuant to subsection
29 b. or c., the court may order a person who has been convicted or
30 adjudicated delinquent of a sex offense as defined in subsection b.
31 of section 2 of P.L.1994, c.133 (C.2C:7-2), and who is required to
32 register as provided in subsections c. and d. of section 2 of P.L.1994,
33 c.133 (C.2C:7-2), or who has been convicted or adjudicated
34 delinquent for a violation of N.J.S.2C:34-3 to be subject to any of
35 the following Internet access conditions:

36 (a) Prohibit the person from accessing or using a computer or any
37 other device with Internet capability without the prior written
38 approval of the court, except the person may use a computer or any
39 other device with Internet capability in connection with that person's
40 employment or search for employment with the prior approval of the
41 person's probation officer;

42 (b) Require the person to submit to periodic unannounced
43 examinations of the person's computer or any other device with
44 Internet capability by a probation officer, law enforcement officer or
45 assigned computer or information technology specialist, including
46 the retrieval and copying of all data from the computer or device and
47 any internal or external peripherals and removal of such information,
48 equipment or device to conduct a more thorough inspection;

- 1 (c) Require the person to submit to the installation on the person's
2 computer or device with Internet capability, at the person's expense,
3 one or more hardware or software systems to monitor the Internet
4 use; and
- 5 (d) Require the person to submit to any other appropriate
6 restrictions concerning the person's use or access of a computer or
7 any other device with Internet capability.
- 8 e. When the court sentences a person who has been convicted of
9 a crime to be placed on probation, it may require him to serve a term
10 of imprisonment not exceeding 364 days as an additional condition
11 of its order. When the court sentences a person convicted of a
12 disorderly persons offense to be placed on probation, it may require
13 him to serve a term of imprisonment not exceeding 90 days as an
14 additional condition of its order. In imposing a term of imprisonment
15 pursuant to this subsection, the sentencing court shall specifically
16 place on the record the reasons which justify the sentence imposed.
17 The term of imprisonment imposed hereunder shall be treated as part
18 of the sentence, and in the event of a sentence of imprisonment upon
19 the revocation of probation, the term of imprisonment served
20 hereunder shall be credited toward service of such subsequent
21 sentence. A term of imprisonment imposed under this section shall
22 be governed by the "Parole Act of 1979," P.L.1979, c.441 (C.30:4-
23 123.45 et al.).
- 24 Whenever a person is serving a term of parole as a result of a
25 sentence of incarceration imposed as a condition of probation,
26 supervision over that person shall be maintained pursuant to the
27 provisions of the law governing parole. Upon termination of the
28 period of parole supervision provided by law, the county probation
29 department shall assume responsibility for supervision of the person
30 under sentence of probation. Nothing contained in this section shall
31 prevent the sentencing court from at any time proceeding under the
32 provisions of this chapter against any person for a violation of
33 probation.
- 34 f. The defendant shall be given a copy of the terms of his
35 probation or suspension of sentence and any requirements imposed
36 pursuant to this section, stated with sufficient specificity to enable
37 him to guide himself accordingly. The defendant shall acknowledge,
38 in writing, his receipt of these documents and his consent to their
39 terms.
- 40 g. Of the moneys collected under the provisions of subsection d.
41 of this section, \$15.00 of each monthly fee collected before January
42 1, 1995 shall be deposited in the temporary reserve fund created by
43 section 25 of P.L.1993, c.275, and \$10.00 of each shall be deposited
44 into a "Community Service Supervision Fund" which shall be
45 established by each county. The moneys in the "Community Service
46 Supervision Fund" shall be expended only in accordance with the
47 provisions of State law as shall be enacted to provide for expenditures
48 from this fund for the purpose of supervising and monitoring
49 probationers performing community service to ensure, by whatever

1 means necessary and appropriate, that probationers are performing
2 the community service ordered by the court and that the performance
3 is in the manner and under the terms ordered by the court.¹
4 (cf: P.L.2007, c.219, s.4)

5
6 ¹12. N.J.S.2C:45-3 is amended to read as follows:

7 2C:45-3. a. At any time before the discharge of the defendant or
8 the termination of the period of suspension or probation:

9 (1) The court may summon the defendant to appear before it or
10 may issue a warrant for his arrest;

11 (2) A probation officer or peace officer, upon request of the chief
12 probation officer or otherwise having probable cause to believe that
13 the defendant has failed to comply with a requirement imposed as a
14 condition of the order or that he has committed another offense, may
15 arrest him without a warrant;

16 (3) The court, if there is probable cause to believe that the
17 defendant has committed another offense or if he has been held to
18 answer therefor, may commit him without bail, pending a
19 determination of the charge by the court having jurisdiction thereof;

20 (4) The court, if satisfied that the defendant has inexcusably
21 failed to comply with a substantial requirement imposed as a
22 condition of the order or if he has been convicted of another offense,
23 may revoke the suspension or probation and sentence or resentence
24 the defendant, as provided in this section. No revocation of
25 suspension or probation shall be based on: (a) failure to pay a fine or
26 make restitution, unless the failure was willful; (b) an unlawful act
27 subject only to a civil penalty for manufacturing, distributing, or
28 dispensing, or possessing or having under control with intent to
29 manufacture, distribute, or dispense, marijuana or hashish in
30 violation of paragraph (12) of subsection b. of N.J.S.2C:35-5, or
31 possessing any amount of marijuana or hashish that does not violate
32 paragraph (3) of subsection a. of N.J.S.2C:35-10; or (c) the presence
33 of any cannabinoid metabolites in any bodily fluids, detected as a
34 result of the administration of a drug test or any other means.

35 b. When the court revokes a suspension or probation, it may
36 impose on the defendant any sentence that might have been imposed
37 originally for the offense of which he was convicted.

38 c. The commencement of a probation revocation proceeding
39 shall toll the probationary period until termination of such
40 proceedings. In the event that the court does not find a violation of
41 probation, this subsection shall not operate to toll the probationary
42 period.¹

43 (cf: P.L.1981, c.290, s.41)

44
45 ¹13. Section 15 of P.L.1979, c.441 (C.30:4-123.59) is amended to
46 read as follows:

47 15. a. Each adult parolee shall at all times remain in the legal
48 custody of the Commissioner of Corrections and under the

1 supervision of the State Parole Board, except that the Commissioner
2 of Corrections, after providing notice to the Attorney General, may
3 consent to the supervision of a parolee by the federal government
4 pursuant to the Witness Security Reform Act, Pub.L.98-473 (18
5 U.S.C. s.3521 et seq.). An adult parolee, except those under the
6 Witness Security Reform Act, shall remain under the supervision of
7 the State Parole Board and in the legal custody of the Department of
8 Corrections in accordance with the policies and rules of the board.

9 b. (1) (a) Each parolee shall agree, as evidenced by his signature
10 to abide by specific conditions of parole established by the
11 appropriate board panel which shall be enumerated in writing in a
12 certificate of parole and shall be given to the parolee upon release.
13 Such conditions shall include, among other things, a requirement that
14 the parolee conduct himself in society in compliance with all laws
15 and refrain from committing any crime, a requirement that the
16 parolee will not own or possess any firearm as defined in subsection
17 f. of N.J.S.2C:39-1 or any other weapon enumerated in subsection r.
18 of N.J.S.2C:39-1, a requirement that the parolee refrain from the use,
19 possession or distribution of a controlled dangerous substance,
20 controlled substance analog or imitation controlled dangerous
21 substance as defined in N.J.S.2C:35-2 and N.J.S.2C:35-11, other than
22 the use of marijuana or hashish, the possession of any amount of
23 marijuana or hashish that does not violate paragraph (3) of subsection
24 a. of N.J.S.2C:35-10, and distribution that is an unlawful act subject
25 only to a civil penalty pursuant to paragraph (12) of subsection b. of
26 N.J.S.2C:35-5, a requirement that the parolee obtain permission from
27 his parole officer for any change in his residence, and a requirement
28 that the parolee report at reasonable intervals to an assigned parole
29 officer. In addition, based on prior history of the parolee or
30 information provided by a victim or a member of the family of a
31 murder victim, the member or board panel certifying parole release
32 pursuant to section 11 of P.L.1979, c.441 (C.30:4-123.55) may
33 impose any other specific conditions of parole deemed reasonable in
34 order to reduce the likelihood of recurrence of criminal or delinquent
35 behavior, including a requirement that the parolee comply with the
36 Internet access conditions set forth in paragraph (2) of this
37 subsection. Such special conditions may include, among other
38 things, a requirement that the parolee make full or partial restitution,
39 the amount of which restitution shall be set by the sentencing court
40 upon request of the board. In addition, the member or board panel
41 certifying parole release may, giving due regard to a victim's request,
42 impose a special condition that the parolee have no contact with the
43 victim, which special condition may include, but need not be limited
44 to, restraining the parolee from entering the victim's residence, place
45 of employment, business or school, and from harassing or stalking
46 the victim or victim's relatives in any way. Further, the member,
47 board panel or board certifying parole release may impose a special
48 condition that the person shall not own or possess an animal for an

1 unlawful purpose or to interfere in the performance of duties by a
2 parole officer.

3 (b) The member or board panel certifying parole release shall not
4 impose on any parolee any condition that would prohibit or restrict:
5 (i) the commission of an unlawful act subject only to a civil penalty
6 for manufacturing, distributing, or dispensing, or possessing or
7 having under control with intent to manufacture, distribute, or
8 dispense, marijuana or hashish in violation of paragraph (12) of
9 subsection b. of N.J.S.2C:35-5, or possessing any amount of
10 marijuana or hashish that does not violate paragraph (3) of subsection
11 a. of N.J.S.2C:35-10; or (ii) the presence of any cannabinoid
12 metabolites in any bodily fluids of the person.

13 (2) In addition, the member or board panel certifying parole
14 release may impose on any person who has been convicted for the
15 commission of a sex offense as defined in subsection b. of section 2
16 of P.L.1994, c.133 (C.2C:7-2), and who is required to register as
17 provided in subsections c. and d. of section 2 of P.L.1994, c.133
18 (C.2C:7-2), or who has been convicted for a violation of N.J.S.2C:34-
19 3 any of the following Internet access conditions:

20 (a) Prohibit the person from accessing or using a computer or any
21 other device with Internet capability without the prior written
22 approval of the court, except the person may use a computer or any
23 other device with Internet capability in connection with that person's
24 employment or search for employment with the prior approval of the
25 person's parole officer;

26 (b) Require the person to submit to periodic unannounced
27 examinations of the person's computer or any other device with
28 Internet capability by a parole officer, law enforcement officer or
29 assigned computer or information technology specialist, including
30 the retrieval and copying of all data from the computer or device and
31 any internal or external peripherals and removal of such information,
32 equipment or device to conduct a more thorough inspection;

33 (c) Require the person to submit to the installation on the person's
34 computer or device with Internet capability, at the person's expense,
35 one or more hardware or software systems to monitor the Internet
36 use; and

37 (d) Require the person to submit to any other appropriate
38 restrictions concerning the person's use or access of a computer or
39 any other device with Internet capability.

40 c. The appropriate board panel may in writing relieve a parolee
41 of any parole conditions, and may permit a parolee to reside outside
42 the State pursuant to the provisions of the Uniform Act for Out-of-
43 State Parolee Supervision (N.J.S.2A:168-14 et seq.) and, with the
44 consent of the Commissioner of the Department of Corrections after
45 providing notice to the Attorney General, the federal Witness
46 Security Reform Act, if satisfied that the change will not result in a
47 substantial likelihood that the parolee will commit an offense which
48 would be a crime under the laws of this State. The appropriate board
49 panel may revoke permission, except in the case of a parolee under

1 the Witness Security Reform Act, or reinstate relieved parole
2 conditions for any period of time during which a parolee is under its
3 jurisdiction.

4 d. The appropriate board panel may parole an inmate to any
5 residential facility funded in whole or in part by the State if the
6 inmate would not otherwise be released pursuant to section 9 of
7 P.L.1979, c.441 (C.30:4-123.53) without such placement. But if the
8 residential facility provides treatment for mental illness or mental
9 retardation, the board panel only may parole the inmate to the facility
10 pursuant to the laws and admissions policies that otherwise govern
11 the admission of persons to that facility, and the facility shall have
12 the authority to discharge the inmate according to the laws and
13 policies that otherwise govern the discharge of persons from the
14 facility, on 10 days' prior notice to the board panel. The board panel
15 shall acknowledge receipt of this notice in writing prior to the
16 discharge. Upon receipt of the notice the board panel shall resume
17 jurisdiction over the inmate.

18 e. Parole officers shall provide assistance to the parolee in
19 obtaining employment, education, or vocational training or in
20 meeting other obligations to assure the parolee's compliance with
21 meeting legal requirements related to sex offender notification,
22 address changes and participation in rehabilitation programs as
23 directed by the assigned parole officer.

24 f. (Deleted by amendment, P.L.2019, c.363)

25 g. If the board has granted parole to any inmate from a State
26 correctional facility and the court has imposed a fine on the inmate,
27 the appropriate board panel shall release the inmate on condition that
28 the parolee make specified fine payments to the State Parole Board.
29 For violation of these conditions, or for violation of a special
30 condition requiring restitution, parole may be revoked only for
31 refusal or failure to make a good faith effort to make the payment.

32 h. Upon collection of the fine the Department of Corrections
33 shall forward it to the State Treasury.¹
34 (cf: P.L.2019, c.363, s.12)

35
36 ¹14. Section 16 of P.L.1979, c.441 (C.30:4-123.60) is amended to
37 read as follows:

38 16. a. Any parolee who violates a condition of parole may be
39 subject to an order pursuant to section 17 of P.L.1979, c.441 (C.30:4-
40 123.61) providing for one or more of the following:

41 (1) **【That】** that he be required to conform to one or more
42 additional conditions of parole;

43 (2) **【That】** that he forfeit all or a part of commutation time credits
44 granted pursuant to R.S.30:4-140.

45 An order as described in this subsection shall not be based on: an
46 unlawful act subject only to a civil penalty for manufacturing,
47 distributing, or dispensing, or possessing or having under control
48 with intent to manufacture, distribute, or dispense, marijuana or

1 hashish in violation of paragraph (12) of subsection b. of
2 N.J.S.2C:35-5, or possessing any amount of marijuana or hashish that
3 does not violate paragraph (3) of subsection a. of N.J.S.2C:35-10; or
4 the presence of any cannabinoid metabolites in any bodily fluids,
5 detected as a result of the administration of a drug test or any other
6 means.

7 b. (1) Any parolee who has seriously or persistently violated the
8 conditions of his parole, may have his parole revoked and may be
9 returned to custody pursuant to sections 18 and 19 of P.L.1979, c.441
10 (C.30:4-123.62 and 30:4-123.63). The board shall be notified
11 immediately upon the arrest or indictment of a parolee or upon the
12 filing of charges that the parolee committed an act which, if
13 committed by an adult, would constitute a crime. The board shall not
14 revoke parole on the basis of new charges which have not resulted in
15 a disposition at the trial level except that upon application by the
16 prosecuting authority or the Director of the State Parole Board's
17 Division of Parole or his designee, the chairman of the board or his
18 designee may at any time detain the parolee and commence
19 revocation proceedings pursuant to sections 18 and 19 of P.L.1979,
20 c.441 (C.30:4-123.62 and 30:4-123.63) when the chairman
21 determines that the new charges against the parolee are of a serious
22 nature and it appears that the parolee otherwise poses a danger to the
23 public safety. In such cases, a parolee shall be informed that, if he
24 testifies at the revocation proceedings, his testimony and the
25 evidence derived therefrom shall not be used against him in a
26 subsequent criminal prosecution.

27 (2) An action to revoke parole as described in this subsection
28 shall not be based on:

29 (a) an unlawful act subject only to a civil penalty for
30 manufacturing, distributing, or dispensing, or possessing or having
31 under control with intent to manufacture, distribute, or dispense,
32 marijuana or hashish in violation of paragraph (12) of subsection b.
33 of N.J.S.2C:35-5, or possessing any amount of marijuana or hashish
34 that does not violate paragraph (3) of subsection a. of N.J.S.2C:35-
35 10; or

36 (b) the presence of any cannabinoid metabolites in any bodily
37 fluids, detected as a result of the administration of a drug test or any
38 other means.

39 c. The parole of any parolee who is convicted of a crime
40 committed while on parole shall be revoked and the parolee shall be
41 returned to custody unless the parolee demonstrates, by clear and
42 convincing evidence at a hearing pursuant to section 19 of P.L.1979,
43 c.441 (C.30:4-123.63), that good cause exists why the parolee should
44 not be returned to confinement.¹

45 (cf: P.L.2019, c.363, s.13)

46
47 ¹**[7.] 15.**¹ (New section) a. An employer shall not be permitted
48 to consider when making an employment decision, require any

1 applicant to disclose or reveal, or take any adverse action against any
2 applicant for employment on the basis of, any arrest, charge,
3 conviction, or adjudication of delinquency, or civil penalty if the act was
4 an unlawful act and not a crime or offense, for manufacturing,
5 distributing, or dispensing, or possessing or having under control with
6 intent to manufacture, distribute, or dispense, marijuana or hashish in
7 violation of paragraph (11) of subsection b. of N.J.S.2C:35-5, or a lesser
8 amount of marijuana or hashish in violation of paragraph (12) of
9 subsection b. of that section, or a violation of either of those paragraphs
10 and a violation of subsection a. of section 1 of P.L.1987, c.101
11 (C.2C:35-7) or subsection a. of section 1 of P.L.1997, c.327 (C.2C:35-
12 7.1) for distributing, or possessing or having under control with intent
13 to distribute, on or within 1,000 feet of any school property, or on or
14 within 500 feet of the real property comprising a public housing facility,
15 public park, or public building, or for obtaining, possessing, using,
16 being under the influence of, or failing to make lawful disposition of
17 marijuana or hashish in violation of paragraph (3) or (4) of subsection
18 a., or subsection b., or subsection c. of N.J.S.2C:35-10, or for a violation
19 of any of those provisions and a violation of N.J.S.2C:36-2 for using or
20 possessing with intent to use drug paraphernalia with the marijuana or
21 hashish, or an arrest, charge, conviction, or adjudication of delinquency
22 under the laws of another state or of the United States of a crime,
23 offense, or other unlawful act, which, if committed in this State,
24 would be a violation of any of the aforementioned crimes, offenses, or
25 unlawful acts, regardless of when any such arrest, charge, conviction, or
26 adjudication of delinquency, or imposition of a civil penalty occurred,
27 unless the employment sought or being considered is for a position in
28 law enforcement, corrections, the judiciary, homeland security, or
29 emergency management.

30 b. Any employer who commits an act in violation of this section
31 shall be liable for a civil penalty in an amount not to exceed \$1,000
32 for the first violation, \$5,000 for the second violation, and \$10,000
33 for each subsequent violation, which shall be collectible by the
34 Commissioner of Labor and Workforce Development in a summary
35 proceeding pursuant to the "Penalty Enforcement Law of 1999,"
36 P.L.1999, c.274 (C.2A:58-10 et seq.). The penalties set forth in this
37 subsection shall be the sole remedy provided for violations of this
38 section.

39 c. Nothing set forth in this section shall be construed as creating
40 or establishing a standard of care or duty for employers with respect
41 to any other law. Evidence that an employer has violated, or is
42 alleged to have violated, the provisions of this section, shall not be
43 admissible in any legal proceeding with respect to any law or claim
44 other than a proceeding to enforce the provisions of this
45 section. Nothing set forth in this section shall be construed as
46 creating, establishing, or authorizing a private cause of action by an
47 aggrieved person against an employer who has violated, or is alleged
48 to have violated, the provisions of this section.

1 ¹**[8.] 16.**¹ (New section) a. A person that makes a mortgage loan
2 in this State shall not discriminate against an applicant in accepting
3 an application, granting, withholding, extending, modifying or
4 renewing, or in the fixing of the rates, terms, conditions, or
5 provisions of any mortgage loan based on an applicant's arrest,
6 charge, conviction, or adjudication of delinquency, or civil penalty if
7 the act was an unlawful act and not a crime or offense, for
8 manufacturing, distributing, or dispensing, or possessing or having
9 under control with intent to manufacture, distribute, or dispense,
10 marijuana or hashish in violation of paragraph (11) of subsection b. of
11 N.J.S.2C:35-5, or a lesser amount of marijuana or hashish in violation
12 of paragraph (12) of subsection b. of that section, or a violation of either
13 of those paragraphs and a violation of subsection a. of section 1 of
14 P.L.1987, c.101 (C.2C:35-7) or subsection a. of section 1 of P.L.1997,
15 c.327 (C.2C:35-7.1) for distributing, or possessing or having under
16 control with intent to distribute, on or within 1,000 feet of any school
17 property, or on or within 500 feet of the real property comprising a
18 public housing facility, public park, or public building, or for obtaining,
19 possessing, using, being under the influence of, or failing to make
20 lawful disposition of marijuana or hashish in violation of paragraph
21 (3) or (4) of subsection a., or subsection b., or subsection c. of
22 N.J.S.2C:35-10, or for a violation of any of those provisions and a
23 violation of N.J.S.2C:36-2 for using or possessing with intent to use
24 drug paraphernalia with the marijuana or hashish, or an arrest, charge,
25 conviction, or adjudication of delinquency under the laws of another
26 state or of the United States of a crime, offense, or other unlawful
27 act, which, if committed in this State, would be a violation of any of
28 the aforementioned crimes, offenses, or unlawful acts, regardless of
29 when any such arrest, charge, conviction, or adjudication of
30 delinquency, or imposition of a civil penalty occurred.

31 b. Any applicant who has been discriminated against as a result
32 of a violation of this section may bring an action in New Jersey in a
33 court of competent jurisdiction. Upon finding that a person is in
34 violation of this section, the court may award actual damages,
35 reasonable attorneys' fees, and court costs.

36 c. The Commissioner of Banking and Insurance shall have the
37 power to:

38 (1) Make such investigations into any matter pertaining to this
39 section, including the power to hold hearings and issue subpoenas to
40 compel the attendance of witnesses and the production of
41 evidence. In case of a failure of any person to comply with any
42 subpoena, the Superior Court may issue an order requiring the
43 attendance of such person and the giving of testimony or production
44 of evidence. Any person failing to obey the court's order may be
45 punished for contempt.

46 (2) Order a person found to be in violation of this section to cease
47 its unlawful practices, subject to review, hearing, and relief in the
48 Superior Court. A person that continues to violate the provisions of

1 this act after having been ordered by the commissioner to cease such
2 practices shall be liable to a penalty of \$10,000 for each offense
3 instead of the penalty for a continuous violation set forth in section
4 10 of P.L.1977, c.1 (C.17:16F-10). This penalty may be collected in
5 a summary proceeding pursuant to the "Penalty Enforcement Law of
6 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). Except as set forth
7 herein, the penalty provided by this section shall be in addition to and
8 not in lieu of any other provision of law applicable upon a person's
9 failure to comply with an order of the commissioner.

10
11 **17.1** (New section) a. A person alleging discrimination in
12 public or private housing, real property, or a place of public
13 accommodation, based on a prior arrest, charge, conviction, or
14 adjudication of delinquency, or civil penalty if the act was an unlawful
15 act and not a crime or offense, for manufacturing, distributing, or
16 dispensing, or possessing or having under control with intent to
17 manufacture, distribute, or dispense, marijuana or hashish in violation
18 of paragraph (11) of subsection b. of N.J.S.2C:35-5, or a lesser amount
19 of marijuana or hashish in violation of paragraph (12) of subsection b.
20 of that section, or a violation of either of those paragraphs and a
21 violation of subsection a. of section 1 of P.L.1987, c.101 (C.2C:35-7) or
22 subsection a. of section 1 of P.L.1997, c.327 (C.2C:35-7.1) for
23 distributing, or possessing or having under control with intent to
24 distribute, on or within 1,000 feet of any school property, or on or within
25 500 feet of the real property comprising a public housing facility, public
26 park, or public building, or for obtaining, possessing, using, being
27 under the influence of, or failing to make lawful disposition of
28 marijuana or hashish in violation of paragraph (3) or (4) of subsection
29 a., or subsection b., or subsection c. of N.J.S.2C:35-10, or for a violation
30 of any of those provisions and a violation of N.J.S.2C:36-2 for using or
31 possessing with intent to use drug paraphernalia with the marijuana or
32 hashish, or an arrest, charge, conviction, or adjudication of delinquency
33 under the laws of another state or of the United States of a crime,
34 offense, or other unlawful act, which, if committed in this State,
35 would be a violation of any of the aforementioned crimes, offenses, or
36 unlawful acts, regardless of when any such arrest, charge, conviction, or
37 adjudication of delinquency, or imposition of a civil penalty occurred,
38 may institute a civil action in the Superior Court for relief. All remedies
39 available in common law tort actions shall be available to a prevailing
40 plaintiff. The court may also order any or all of the following relief:

41 (1) an assessment of a civil fine of not less than \$1,000 and not more
42 than \$2,000 for the first violation of any of the provisions of this section,
43 and not more than \$5,000 for each subsequent violation;

44 (2) an injunction to restrain the continued violation of subsection a.
45 of this section;

46 (3) if the discrimination impacted the person's employment, and if
47 applicable:

1 (a) reinstatement of the person to the same position of employment
2 or to a position equivalent to that which the person held prior to unlawful
3 discharge or retaliatory action;

4 (b) reinstatement of full fringe benefits and seniority rights; and

5 (c) compensation for any lost wages, benefits and other
6 remuneration; and

7 (4) payment of reasonable costs and attorney's fees.

8 b. An action brought under this section shall be commenced within
9 one year of the date of the alleged violation.

10 c. The private cause of action provided for in this section shall be
11 the sole remedy for a violation of this section.

12
13 ¹~~10.~~ 18.¹ Section 1 of P.L.1995, c.23 (C.47:1A-1.1) is amended
14 to read as follows:

15 1. As used in P.L.1963, c.73 (C.47:1A-1 et seq.) as amended and
16 supplemented:

17 "Biotechnology" means any technique that uses living organisms, or
18 parts of living organisms, to make or modify products, to improve plants
19 or animals, or to develop micro-organisms for specific uses; including
20 the industrial use of recombinant DNA, cell fusion, and novel
21 bioprocessing techniques.

22 "Custodian of a government record" or "custodian" means in the
23 case of a municipality, the municipal clerk and in the case of any other
24 public agency, the officer officially designated by formal action of that
25 agency's director or governing body, as the case may be.

26 "Government record" or "record" means any paper, written or
27 printed book, document, drawing, map, plan, photograph, microfilm,
28 data processed or image processed document, information stored or
29 maintained electronically or by sound-recording or in a similar device,
30 or any copy thereof, that has been made, maintained or kept on file in
31 the course of his or its official business by any officer, commission,
32 agency or authority of the State or of any political subdivision thereof,
33 including subordinate boards thereof, or that has been received in the
34 course of his or its official business by any such officer, commission,
35 agency, or authority of the State or of any political subdivision thereof,
36 including subordinate boards thereof. The terms shall not include inter-
37 agency or intra-agency advisory, consultative, or deliberative material.

38 A government record shall not include the following information
39 which is deemed to be confidential for the purposes of P.L.1963, c.73
40 (C.47:1A-1 et seq.) as amended and supplemented:

41 information received by a member of the Legislature from a
42 constituent or information held by a member of the Legislature
43 concerning a constituent, including but not limited to information in
44 written form or contained in any e-mail or computer data base, or in any
45 telephone record whatsoever, unless it is information the constituent is
46 required by law to transmit;

47 any memorandum, correspondence, notes, report or other
48 communication prepared by, or for, the specific use of a member of the

1 Legislature in the course of the member's official duties, except that this
2 provision shall not apply to an otherwise publicly-accessible report
3 which is required by law to be submitted to the Legislature or its
4 members;

5 any copy, reproduction or facsimile of any photograph, negative or
6 print, including instant photographs and videotapes of the body, or any
7 portion of the body, of a deceased person, taken by or for the medical
8 examiner at the scene of death or in the course of a post mortem
9 examination or autopsy made by or caused to be made by the medical
10 examiner except:

11 when used in a criminal action or proceeding in this State which
12 relates to the death of that person,

13 for the use as a court of this State permits, by order after good cause
14 has been shown and after written notification of the request for the court
15 order has been served at least five days before the order is made upon
16 the county prosecutor for the county in which the post mortem
17 examination or autopsy occurred,

18 for use in the field of forensic pathology or for use in medical or
19 scientific education or research, or

20 for use by any law enforcement agency in this State or any other
21 state or federal law enforcement agency;

22 criminal investigatory records;

23 the portion of any criminal record concerning a person's detection,
24 apprehension, arrest, detention, trial or disposition for unlawful
25 '[distribution of] manufacturing, distributing, or dispensing¹, or
26 possessing or having under control with intent to 'manufacture,¹
27 distribute,¹ or dispense,¹ marijuana or hashish in violation of paragraph
28 (11) of subsection b. of N.J.S.2C:35-5, or a lesser amount of marijuana
29 or hashish in violation of paragraph (12) of subsection b. of that section,
30 or a violation of either of those paragraphs and a violation of subsection
31 a. of section 1 of P.L.1987, c.101 (C.2C:35-7) or subsection a. of section
32 1 of P.L.1997, c.327 (C.2C:35-7.1) for distributing, 'dispensing,¹ or
33 possessing¹,¹ or having under control with intent to distribute¹ or
34 dispense¹, on or within 1,000 feet of any school property, or on or
35 within 500 feet of the real property comprising a public housing facility,
36 public park, or public building, or for obtaining, possessing, using,
37 being under the influence of, or failing to make lawful disposition of
38 marijuana or hashish in violation of paragraph (3) or (4) of subsection
39 a., or subsection b., or subsection c. of N.J.S.2C:35-10, or for a violation
40 of any of those provisions and a violation of N.J.S.2C:36-2 for using or
41 possessing with intent to use drug paraphernalia with '[the] that¹
42 marijuana or hashish;

43 on and after the effective date of P.L. , c. (C.) (pending
44 before the Legislature as this bill), any record concerning a person's
45 commission of an unlawful act of manufacturing, distributing, or
46 dispensing, or possessing or having under control with intent to
47 manufacture, distribute, or dispense, marijuana or hashish in violation
48 of paragraph (12) of subsection b. of N.J.S.2C:35-5, 'or possessing

1 marijuana or hashish in violation of paragraph (4) of subsection a. of
2 N.J.S.2C:35-10,]¹ for which a civil penalty was imposed;
3 victims' records, except that a victim of a crime shall have access to
4 the victim's own records;
5 any written request by a crime victim for a record to which the
6 victim is entitled to access as provided in this section, including, but not
7 limited to, any law enforcement agency report, domestic violence
8 offense report, and temporary or permanent restraining order;
9 personal firearms records, except for use by any person authorized
10 by law to have access to these records or for use by any government
11 agency, including any court or law enforcement agency, for purposes of
12 the administration of justice;
13 personal identifying information received by the Division of Fish
14 and Wildlife in the Department of Environmental Protection in
15 connection with the issuance of any license authorizing hunting with a
16 firearm. For the purposes of this paragraph, personal identifying
17 information shall include, but not be limited to, identity, name, address,
18 social security number, telephone number, fax number, driver's license
19 number, email address, or social media address of any applicant or
20 licensee;
21 trade secrets and proprietary commercial or financial information
22 obtained from any source. For the purposes of this paragraph, trade
23 secrets shall include data processing software obtained by a public body
24 under a licensing agreement which prohibits its disclosure;
25 any record within the attorney-client privilege. This paragraph shall
26 not be construed as exempting from access attorney or consultant bills
27 or invoices except that such bills or invoices may be redacted to remove
28 any information protected by the attorney-client privilege;
29 administrative or technical information regarding computer
30 hardware, software and networks which, if disclosed, would jeopardize
31 computer security;
32 emergency or security information or procedures for any buildings
33 or facility which, if disclosed, would jeopardize security of the building
34 or facility or persons therein;
35 security measures and surveillance techniques which, if disclosed,
36 would create a risk to the safety of persons, property, electronic data or
37 software;
38 information which, if disclosed, would give an advantage to
39 competitors or bidders;
40 information generated by or on behalf of public employers or public
41 employees in connection with any sexual harassment complaint filed
42 with a public employer or with any grievance filed by or against an
43 individual or in connection with collective negotiations, including
44 documents and statements of strategy or negotiating position;
45 information which is a communication between a public agency and
46 its insurance carrier, administrative service organization or risk
47 management office;
48 information which is to be kept confidential pursuant to court order;

1 any copy of form DD-214, NGB-22, or that form, issued by the
2 United States Government, or any other certificate of honorable
3 discharge, or copy thereof, from active service or the reserves of a
4 branch of the Armed Forces of the United States, or from service in the
5 organized militia of the State, that has been filed by an individual with
6 a public agency, except that a veteran or the veteran's spouse or
7 surviving spouse shall have access to the veteran's own records;

8 any copy of an oath of allegiance, oath of office or any affirmation
9 taken upon assuming the duties of any public office, or that oath or
10 affirmation, taken by a current or former officer or employee in any
11 public office or position in this State or in any county or municipality of
12 this State, including members of the Legislative Branch, Executive
13 Branch, Judicial Branch, and all law enforcement entities, except that
14 the full name, title, and oath date of that person contained therein shall
15 not be deemed confidential;

16 that portion of any document which discloses the social security
17 number, credit card number, unlisted telephone number or driver license
18 number of any person; except for use by any government agency,
19 including any court or law enforcement agency, in carrying out its
20 functions, or any private person or entity acting on behalf thereof, or
21 any private person or entity seeking to enforce payment of court-ordered
22 child support; except with respect to the disclosure of driver information
23 by the New Jersey Motor Vehicle Commission as permitted by section
24 2 of P.L.1997, c.188 (C.39:2-3.4); and except that a social security
25 number contained in a record required by law to be made, maintained
26 or kept on file by a public agency shall be disclosed when access to the
27 document or disclosure of that information is not otherwise prohibited
28 by State or federal law, regulation or order or by State statute, resolution
29 of either or both houses of the Legislature, Executive Order of the
30 Governor, rule of court or regulation promulgated under the authority
31 of any statute or executive order of the Governor;

32 a list of persons identifying themselves as being in need of special
33 assistance in the event of an emergency maintained by a municipality
34 for public safety purposes pursuant to section 1 of P.L.2017, c.266
35 (C.40:48-2.67); and

36 a list of persons identifying themselves as being in need of special
37 assistance in the event of an emergency maintained by a county for
38 public safety purposes pursuant to section 6 of P.L.2011, c.178
39 (C.App.A:9-43.13).

40 A government record shall not include, with regard to any public
41 institution of higher education, the following information which is
42 deemed to be privileged and confidential:

43 pedagogical, scholarly and/or academic research records and/or the
44 specific details of any research project conducted under the auspices of
45 a public higher education institution in New Jersey, including, but not
46 limited to research, development information, testing procedures, or
47 information regarding test participants, related to the development or
48 testing of any pharmaceutical or pharmaceutical delivery system, except
49 that a custodian may not deny inspection of a government record or part

1 thereof that gives the name, title, expenditures, source and amounts of
2 funding and date when the final project summary of any research will
3 be available;

4 test questions, scoring keys and other examination data pertaining
5 to the administration of an examination for employment or academic
6 examination;

7 records of pursuit of charitable contributions or records containing
8 the identity of a donor of a gift if the donor requires non-disclosure of
9 the donor's identity as a condition of making the gift provided that the
10 donor has not received any benefits of or from the institution of higher
11 education in connection with such gift other than a request for
12 memorialization or dedication;

13 valuable or rare collections of books and/or documents obtained by
14 gift, grant, bequest or devise conditioned upon limited public access;

15 information contained on individual admission applications; and

16 information concerning student records or grievance or disciplinary
17 proceedings against a student to the extent disclosure would reveal the
18 identity of the student.

19 "Personal firearms record" means any information contained in a
20 background investigation conducted by the chief of police, the county
21 prosecutor, or the Superintendent of State Police, of any applicant for a
22 permit to purchase a handgun, firearms identification card license, or
23 firearms registration; any application for a permit to purchase a
24 handgun, firearms identification card license, or firearms registration;
25 any document reflecting the issuance or denial of a permit to purchase
26 a handgun, firearms identification card license, or firearms registration;
27 and any permit to purchase a handgun, firearms identification card
28 license, or any firearms license, certification, certificate, form of
29 register, or registration statement. For the purposes of this paragraph,
30 information contained in a background investigation shall include, but
31 not be limited to, identity, name, address, social security number, phone
32 number, fax number, driver's license number, email address, social
33 media address of any applicant, licensee, registrant or permit holder.

34 "Public agency" or "agency" means any of the principal departments
35 in the Executive Branch of State Government, and any division, board,
36 bureau, office, commission or other instrumentality within or created by
37 such department; the Legislature of the State and any office, board,
38 bureau or commission within or created by the Legislative Branch; and
39 any independent State authority, commission, instrumentality or
40 agency. The terms also mean any political subdivision of the State or
41 combination of political subdivisions, and any division, board, bureau,
42 office, commission or other instrumentality within or created by a
43 political subdivision of the State or combination of political
44 subdivisions, and any independent authority, commission,
45 instrumentality or agency created by a political subdivision or
46 combination of political subdivisions.

47 "Law enforcement agency" means a public agency, or part thereof,
48 determined by the Attorney General to have law enforcement
49 responsibilities.

1 "Constituent" means any State resident or other person
2 communicating with a member of the Legislature.

3 "Member of the Legislature" means any person elected or selected
4 to serve in the New Jersey Senate or General Assembly.

5 "Criminal investigatory record" means a record which is not
6 required by law to be made, maintained or kept on file that is held by a
7 law enforcement agency which pertains to any criminal investigation or
8 related civil enforcement proceeding.

9 "Victim's record" means an individually-identifiable file or
10 document held by a victims' rights agency which pertains directly to a
11 victim of a crime except that a victim of a crime shall have access to the
12 victim's own records.

13 "Victim of a crime" means a person who has suffered personal or
14 psychological injury or death or incurs loss of or injury to personal or
15 real property as a result of a crime, or if such a person is deceased or
16 incapacitated, a member of that person's immediate family.

17 "Victims' rights agency" means a public agency, or part thereof, the
18 primary responsibility of which is providing services, including but not
19 limited to food, shelter, or clothing, medical, psychiatric, psychological
20 or legal services or referrals, information and referral services,
21 counseling and support services, or financial services to victims of
22 crimes, including victims of sexual assault, domestic violence, violent
23 crime, child endangerment, child abuse or child neglect, and the Victims
24 of Crime Compensation Board, established pursuant to P.L.1971, c.317
25 (C.52:4B-1 et seq.) and continued as the Victims of Crime
26 Compensation Office pursuant to P.L.2007, c.95 (C.52:4B-3.2 et al.)
27 and Reorganization Plan No. 001-2008.

28 (cf: P.L.2019, c.255, s.4)

29

30 ¹19. N.J.S.2C:52-30 is amended to read as follows:

31 2C:52-30. Except as otherwise provided in this chapter, **[any]**

32 a. Any person who reveals to another the existence of an arrest,
33 conviction, unlawful act violation, or related legal proceeding with
34 knowledge that the records and information pertaining thereto have
35 been expunged or sealed is a disorderly person. Notwithstanding the
36 provisions of [section] N.J.S.2C:43-3, the maximum fine which can
37 be imposed for violation of this section is **[\$200.00] \$2,000.**

38 b. (1) Any person or entity regularly engaged in the business of
39 collecting, assembling, evaluating or disseminating persons' records
40 of occurrences or related legal proceedings described in subsection
41 a. of this section for a fee shall regularly update the records to ensure
42 accuracy, promptly delete a record that has been expunged or sealed,
43 provide clients with the date collected and explain to clients that
44 records are valid only as of the date collected.

45 (2) Any person or entity regularly engaged in the business of
46 collecting, assembling, evaluating or disseminating records of
47 occurrences or related legal proceedings described in subsection a. of
48 this section for a fee, which disseminates a record that has been

1 expunged or sealed and knows or should have known at the time of
2 dissemination that the record has been expunged or sealed is liable to
3 the person who is the subject of the record for damages totaling
4 \$5,000 or the actual damages caused by the violation, whichever is
5 greater, plus costs and attorney fees.¹

6 (cf: N.J.S.2C:52-30)

7

8 ¹20. (New section) The Administrative Director of the Courts
9 shall maintain and provide information to any person upon request
10 about the expungement process and legal services programs
11 Statewide and in each county which may be available to assist the
12 person with an expedited expungement pursuant to section 5 of
13 P.L.2019, c.269 (C.2C:52-5.1) or a “clean slate” expungement
14 pursuant to section 7 of P.L.2019, c.269 (C.2C:52-5.3).¹

15

16 ¹21. (New section) a. (1) The Administrative Director of the
17 Courts shall develop and maintain a multilingual public awareness
18 campaign to promote awareness of the expungement process,
19 including an expedited expungement pursuant to section 5 of
20 P.L.2019, c.269 (C.2C:52-5.1) or a “clean slate” expungement
21 pursuant to section 7 of P.L.2019, c.269 (C.2C:52-5.3), and the
22 expungement e-filing system established pursuant to section 11 of
23 P.L.2019, c.269 (C.2C:52-10.1), as well as information on State,
24 local, non-profit and other private job training programs in
25 consultation with the Department of Labor and Workforce
26 Development, with a focus on assisting those persons eligible for the
27 expedited expungement of their records pursuant to section 5 of
28 P.L.2019, c.269 (C.2C:52-5.1) or a “clean slate” expungement
29 pursuant to section 7 of P.L.2019, c.269 (C.2C:52-5.3), respectively.

30 (2) The public awareness campaign shall, at a minimum, utilize
31 electronic and print media, and shall make available electronically on
32 an Internet website a petition form and a list of the supporting
33 information necessary for an expungement, including an expedited
34 or “clean slate” expungement pursuant to section 5 of
35 P.L.2019, c.269 (C.2C:52-5.1) or section 7 of P.L.2019, c.269
36 (C.2C:52-5.3), respectively, using the expungement e-filing system
37 once established pursuant to section 11 of P.L.2019, c.269 (C.2C:52-
38 10.1).

39 (3) The petition and supporting information shall, at a minimum,
40 be made available in English and Spanish.

41 b. The Administrative Director of the Courts shall include in the
42 annual report on the activities of the Administrative Office of the
43 Courts, prepared pursuant to N.J.S.2A:12-5, information about the
44 activities and accomplishments of the public awareness campaign
45 developed and maintained pursuant to subsection a. of this section,
46 beginning no later than one year after the effective date of
47 P.L. , c. (C.) (pending before the Legislature as this
48 bill).¹

1 ¹**[11.] 22.**¹ This act shall take effect ¹**[on the 90th day following**
2 enactment, except that the Attorney General, Administrative Director
3 of the Courts, and the Supreme Court may take any anticipatory
4 action as may be necessary to effectuate the provisions of this act**]**
5 immediately¹.