

[Second Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, Nos. 1897 and 4269**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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ADOPTED JUNE 15, 2020

**Sponsored by:**

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**District 35 (Bergen and Passaic)**

**Assemblywoman ANNETTE QUIJANO**

**District 20 (Union)**

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**District 20 (Union)**

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**District 28 (Essex)**

**Senator SANDRA B. CUNNINGHAM**

**District 31 (Hudson)**

**Senator NICHOLAS P. SCUTARI**

**District 22 (Middlesex, Somerset and Union)**

**Co-Sponsored by:**

**Assemblywomen Tucker, Reynolds-Jackson, Assemblyman Spearman, Assemblywoman Jasey, Assemblymen Verrelli, Johnson, Senators Gopal, Turner, Cruz-Perez and Assemblyman Calabrese**

**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 Budget and Appropriations Committee on November 12, 2020, with amendments.

**(Sponsorship Updated As Of: 12/14/2020)**

1 AN ACT concerning certain criminal and civil justice reforms,  
2 particularly <sup>1</sup>【with respect to】 addressing<sup>1</sup> the legal  
3 consequences associated with certain marijuana and hashish  
4 offenses as well as <sup>1</sup>【broadening】 raising<sup>1</sup> awareness of available  
5 expungement relief, and amending and supplementing various  
6 parts of the 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  
19 with intent to distribute, a counterfeit controlled dangerous  
20 substance.

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

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

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

43 (3) A substance referred to paragraph (1) of this subsection in a  
44 quantity less than one-half ounce including any adulterants or

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SJU committee amendments adopted November 9, 2020.

<sup>2</sup>Senate SBA committee amendments adopted November 12, 2020.

1 dilutants is guilty of a crime of the third degree except that,  
2 notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a  
3 fine of up to **【\$75,000.00】** \$75,000 may be imposed;

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

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

16 (6) Lysergic acid diethylamide, or its analog, in a quantity of  
17 100 milligrams or more including any adulterants or dilutants, or  
18 phencyclidine, or its analog, in a quantity of 10 grams or more  
19 including any adulterants or dilutants, is guilty of a crime of the  
20 first degree. Except as provided in N.J.S.2C:35-12, the court shall  
21 impose a term of imprisonment which shall include the imposition  
22 of a minimum term, fixed at, or between, one-third and one-half of  
23 the sentence imposed by the court, during which the defendant shall  
24 be ineligible for parole. Notwithstanding the provisions of  
25 subsection a. of N.J.S.2C:43-3, a fine of up to **【\$500,000.00】**  
26 \$500,000 may be imposed;

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

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

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

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

1 (10) (a) Marijuana in a quantity of 25 pounds or more  
2 including any adulterants or dilutants, or 50 or more marijuana  
3 plants, regardless of weight, or hashish in a quantity of five pounds  
4 or more including any adulterants or dilutants, is guilty of a crime  
5 of the first degree. Notwithstanding the provisions of subsection a.  
6 of N.J.S.2C:43-3, a fine of up to ~~[\$300,000.00]~~ \$300,000 may be  
7 imposed;

8 (b) Marijuana in a quantity of five pounds or more but less than  
9 25 pounds including any adulterants or dilutants, or 10 or more but  
10 fewer than 50 marijuana plants, regardless of weight, or hashish in a  
11 quantity of one pound or more but less than five pounds, including  
12 any adulterants and dilutants, is guilty of a crime of the second  
13 degree;

14 (11) <sup>2</sup>~~["Marijuana"]~~ (a) Prior to the effective date of P.L. \_\_\_\_\_,  
15 c. (C. \_\_\_\_\_) (pending before the Legislature as this bill),  
16 marijuana<sup>2</sup> in a quantity of <sup>1</sup>[one [ounce] pound or]<sup>1</sup> <sup>2</sup>[more  
17 <sup>1</sup>than]<sup>2</sup> one ounce<sup>1</sup> <sup>2</sup>or more<sup>2</sup> but less than five pounds including  
18 any adulterants or dilutants, or hashish in a quantity of [five grams]  
19 <sup>1</sup>[one-half pound or]<sup>1</sup> <sup>2</sup>[more <sup>1</sup>than]<sup>2</sup> five grams<sup>1</sup> <sup>2</sup>or more<sup>2</sup> but  
20 less than one pound including any adulterants or dilutants, is guilty  
21 of a crime of the third degree except that, notwithstanding the  
22 provisions of subsection b. of N.J.S.2C:43-3, a fine of up to  
23 ~~[\$25,000.00]~~ \$25,000 may be imposed;

24 <sup>2</sup>(b) On and after the effective date of P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_)  
25 (pending before the Legislature as this bill), marijuana in a quantity  
26 of more than one ounce but less than five pounds including any  
27 adulterants or dilutants, or hashish in a quantity of more than five  
28 grams but less than one pound including any adulterants or  
29 dilutants, is guilty of a crime of the third degree except that,  
30 notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a  
31 fine of up to \$25,000 may be imposed;<sup>2</sup>

32 (12) <sup>1</sup>~~["(a) Marijuana in a quantity of two ounces or more but~~  
33 ~~less than one pound including any adulterants or dilutants, or~~  
34 ~~hashish in a quantity of five grams or more but less than one-half~~  
35 ~~pound including any adulterants or dilutants, is guilty of a~~  
36 ~~disorderly persons offense for a first offense, and guilty of a crime~~  
37 ~~of the fourth degree for a second or subsequent offense;~~

38 ~~(b)]<sup>1</sup> <sup>2</sup>["Marijuana"]~~ (a) Prior to the effective date of P.L. \_\_\_\_\_,  
39 c. (C. \_\_\_\_\_) (pending before the Legislature as this bill),  
40 marijuana<sup>2</sup> in a quantity of <sup>1</sup>[less than]<sup>1</sup> [one ounce] <sup>1</sup>[two  
41 ounces] <sup>2</sup>[one ounce or]<sup>2</sup> less<sup>1</sup> <sup>2</sup>than one ounce<sup>2</sup> including any  
42 adulterants or dilutants, or hashish in a quantity of <sup>1</sup>[less than]<sup>1</sup>  
43 <sup>2</sup>less than<sup>2</sup> five grams <sup>2</sup>[<sup>1</sup>or less<sup>1</sup>]<sup>2</sup> including any adulterants or  
44 dilutants, is ~~[guilty of a crime of the fourth degree]~~ guilty of a  
45 crime of the fourth degree;

46 <sup>2</sup>(b) On and after the effective date of P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_)  
47 (pending before the Legislature as this bill), marijuana in a quantity

1 of one ounce or less including any adulterants or dilutants, or  
2 hashish in a quantity of five grams or less including any adulterants  
3 or dilutants, is<sup>2 1</sup>, for a first offense, <sup>2</sup>【guilty of<sup>1</sup> an unlawful act】<sup>2</sup>  
4 subject to a <sup>2</sup>【civil penalty of \$50】 written warning, which also  
5 indicates that any subsequent violation is a crime punishable by a  
6 term imprisonment, a fine, or both<sup>2 1</sup>【.】 , and for a second or  
7 subsequent offense, is guilty of a crime of the fourth degree;

8 (a) <sup>2</sup>(i)<sup>2</sup> The odor of marijuana or hashish, or burnt marijuana or  
9 hashish, shall not constitute reasonable articulable suspicion to  
10 initiate a search of a person to determine a violation of  
11 <sup>2</sup>subparagraph (b) of<sup>2</sup> paragraph (12) of this subsection. A person  
12 who violates this <sup>2</sup>【paragraph】 subparagraph<sup>2</sup> shall not be subject  
13 to arrest, detention, or otherwise be taken into custody, unless the  
14 person is being arrested, detained, or otherwise taken into custody  
15 for also committing another violation of law for which that action is  
16 legally permitted or required;

17 (b) <sup>2</sup>【(i)<sup>1</sup> The civil penalty provided for in <sup>1</sup>【this subparagraph】  
18 paragraph (12) of this subsection<sup>1</sup> shall be collected pursuant to the  
19 “Penalty Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-10  
20 et seq.), in a summary proceeding before the municipal court having  
21 jurisdiction. A penalty recovered under the provisions of this  
22 paragraph shall be recovered by and in the name of the State by the  
23 local municipality. The penalty shall be paid into the treasury of  
24 the municipality in which the violation occurred for the general use  
25 of the municipality;

26 <sup>1</sup>(ii)<sup>2</sup> A person shall not be deprived of any legal or civil right,  
27 privilege, benefit, or opportunity provided pursuant to any law  
28 solely by reason of committing a violation of <sup>2</sup>subparagraph (b) of<sup>2</sup>  
29 paragraph (12) of this subsection, nor shall committing one or more  
30 violations modify any legal or civil right, privilege, benefit, or  
31 opportunity provided pursuant to any law, including, but not limited  
32 to, the granting, renewal, forfeiture, or denial of a license, permit,  
33 or certification, qualification for and the receipt, alteration,  
34 continuation, or denial of any form of financial assistance, housing  
35 assistance, or other social services, rights of or custody by a  
36 biological parent, or adoptive or foster parent, or other legal  
37 guardian of a child or newborn infant, or pregnant woman, in any  
38 action or proceeding by the Division of Child Protection and  
39 Permanency in the Department of Children and Families, or  
40 qualification, approval, or disapproval to serve as a foster parent or  
41 other legal guardian;

42 (c) All local and county law enforcement authorities shall,  
43 following the submission process used for the uniform crime  
44 reporting system established by P.L.1966, c.37 (C.52:17B-  
45 5.1 et seq.), submit a quarterly report to the Uniform Crime  
46 Reporting Unit, within the Division of State Police in the  
47 Department of Law and Public Safety, or to another designated  
48 recipient determined by the Attorney General, containing the

1 number of violations of <sup>2</sup>suparagraph (b) of<sup>2</sup> paragraph (12) of this  
2 subsection committed within their respective jurisdictions, plus the  
3 race, ethnicity, gender, and age of each person committing a  
4 violation, and the disposition of each person's violation. These  
5 violations and associated information, along with a quarterly  
6 summary of violations investigated, and associated information  
7 collected, by the Division of State Police for the same period shall  
8 be summarized by county and municipality in an annual report, and  
9 both quarterly summaries and annual reports shall be made  
10 available at no cost to the public on the Division of State Police's  
11 Internet website;<sup>1</sup>

12 (13) Any other controlled dangerous substance classified in  
13 Schedule I, II, III or IV, or its analog, is guilty of a crime of the  
14 third degree, except that, notwithstanding the provisions of  
15 subsection b. of N.J.S.2C:43-3, a fine of up to **【\$25,000.00】**  
16 \$25,000 may be imposed; or

17 (14) Any Schedule V substance, or its analog, is guilty of a  
18 crime of the fourth degree except that, notwithstanding the  
19 provisions of subsection b. of N.J.S.2C:43-3, a fine of up to  
20 **【\$25,000.00】** \$25,000 may be imposed.

21 c. Where the degree of the offense for violation of this section  
22 depends on the quantity of the substance, the quantity involved  
23 shall be determined by the trier of fact. Where the indictment or  
24 accusation so provides, the quantity involved in individual acts of  
25 manufacturing, distribution, dispensing or possessing with intent to  
26 distribute may be aggregated in determining the grade of the  
27 offense, whether distribution or dispensing is to the same person or  
28 several persons, provided that each individual act of manufacturing,  
29 distribution, dispensing or possession with intent to distribute was  
30 committed within the applicable statute of limitations.

31 (cf: P.L.2000, c.136, s.1)

32

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

34 2C:35-10. Possession, Use or Being Under the Influence, or  
35 Failure to Make Lawful Disposition.

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

44 (1) A controlled dangerous substance, or its analog, classified in  
45 Schedule I, II, III or IV other than those specifically covered in this  
46 section, is guilty of a crime of the third degree except that,  
47 notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a  
48 fine of up to **【\$35,000.00】** \$35,000 may be imposed;

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

5 (3) <sup>2</sup>~~[(a)]~~ (a) Prior to the effective date of P.L. \_\_\_\_\_,  
6 c. (C. \_\_\_\_\_) (pending before the Legislature as this bill), possession<sup>2</sup>  
7 of more than [50 grams] <sup>1</sup>[two ounces] <sup>2</sup>[six ounces<sup>1</sup>] 50 grams<sup>2</sup>  
8 of marijuana, including any adulterants or dilutants, or more than  
9 <sup>1</sup>[five grams] <sup>2</sup>[170 grams<sup>1</sup>] five grams<sup>2</sup> of hashish is guilty of a  
10 crime of the fourth degree, except that, notwithstanding the  
11 provisions of subsection b. of N.J.S.2C:43-3, a fine of up to  
12 \$25,000.00 may be imposed; <sup>1</sup>[or]

13 <sup>2</sup>~~[(a)]~~ (b) On and after to the effective date of P.L. \_\_\_\_\_,  
14 c. (C. \_\_\_\_\_) (pending before the Legislature as this bill),  
15 possession of more than six ounces of marijuana, including any  
16 adulterants or dilutants, or more than 170 grams of hashish is guilty  
17 of a crime of the fourth degree, except that, notwithstanding the  
18 provisions of subsection b. of N.J.S.2C:43-3, a fine of up to  
19 \$25,000.00 may be imposed;

20 (i)<sup>2</sup> The odor of marijuana or hashish, or burnt marijuana or  
21 hashish, shall not constitute reasonable articulable suspicion to  
22 initiate a search of a person to determine a violation of  
23 <sup>2</sup>subparagraph (b) of<sup>2</sup> paragraph (3) of this subsection. A person  
24 who violates this paragraph shall not be subject to arrest, detention,  
25 or otherwise be taken into custody, unless the person is being  
26 arrested, detained, or otherwise taken into custody for also  
27 committing another violation of law for which that action is legally  
28 permitted or required;

29 <sup>2</sup>~~[(b)]~~ (ii)<sup>2</sup> A person shall not be deprived of any legal or civil  
30 right, privilege, benefit, or opportunity provided pursuant to any  
31 law solely by reason of committing a violation of <sup>2</sup>subparagraph (b)  
32 of<sup>2</sup> paragraph (3), nor shall committing one or more violations  
33 modify any legal or civil right, privilege, benefit, or opportunity  
34 provided pursuant to any law, including, but not limited to, the  
35 granting, renewal, forfeiture, or denial of a license, permit, or  
36 certification, qualification for and the receipt, alteration,  
37 continuation, or denial of any form of financial assistance, housing  
38 assistance, or other social services, rights of or custody by a  
39 biological parent, or adoptive or foster parent, or other legal  
40 guardian of a child or newborn infant, or pregnant woman, in any  
41 action or proceeding by the Division of Child Protection and  
42 Permanency in the Department of Children and Families, or  
43 qualification, approval, or disapproval to serve as a foster parent or  
44 other legal guardian;

45 <sup>2</sup>~~[(c)]~~ (iii)<sup>2</sup> All local and county law enforcement authorities  
46 shall, following the submission process used for the uniform crime  
47 reporting system established by P.L.1966, c.37 (C.52:17B-

1 5.1 et seq.), submit a quarterly report to the Uniform Crime  
2 Reporting Unit, within the Division of State Police in the  
3 Department of Law and Public Safety, or to another designated  
4 recipient determined by the Attorney General, containing the  
5 number of violations of <sup>2</sup>subparagraph (b) of<sup>2</sup> paragraph (3) of this  
6 subsection committed within their respective jurisdictions, plus the  
7 race, ethnicity, gender, and age of each person committing a  
8 violation, and the disposition of each person's violation. These  
9 violations and associated information, along with a quarterly  
10 summary of violations investigated, and associated information  
11 collected, by the Division of State Police for the same period shall  
12 be summarized by county and municipality in an annual report, and  
13 both quarterly summaries and annual reports shall be made  
14 available at no cost to the public on the Division of State Police's  
15 Internet website;<sup>1 2</sup>or<sup>2</sup>

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

37 (a) Prior to the effective date of P.L. , c. (C. ) (pending  
38 before the Legislature as this bill), possession of 50 grams or less of  
39 marijuana, including any adulterants or dilutants, or five grams or  
40 less of hashish is a disorderly person;

41 (b) On and after the effective date of P.L. , c. (C. )  
42 (pending before the Legislature as this bill), possession of six  
43 ounces or less of marijuana, including any adulterants or dilutants,  
44 or 170 grams or less of hashish is not punishable as a crime,  
45 offense, or civil violation of law;

46 (5) Possession of one ounce or less of psilocybin is a disorderly  
47 person;<sup>2</sup>



1 Any person who commits any offense **【defined in】** set forth in  
2 paragraphs (1) through (3) of this 【section】 subsection while on any  
3 property used for school purposes which is owned by or leased to  
4 any elementary or secondary school or school board, or within  
5 1,000 feet of any such school property or a school bus, or while on  
6 any school bus, and who is not sentenced to a term of  
7 imprisonment, shall, in addition to any other sentence which the  
8 court may impose, be required to perform not less than 100 hours of  
9 community service.

10 b. <sup>1</sup>(1)<sup>1</sup> Any person who uses or who is under the influence of  
11 any controlled dangerous substance, or its analog, not including  
12 marijuana or hashish,<sup>1</sup> for a purpose other than the treatment of  
13 sickness or injury as lawfully prescribed or administered by a  
14 physician is a disorderly person.

15 In a prosecution under this subsection, it shall not be necessary  
16 for the State to prove that the accused did use or was under the  
17 influence of any specific <sup>1</sup>, prohibited<sup>1</sup> drug, but it shall be  
18 sufficient for a conviction under this subsection for the State to  
19 prove that the accused did use or was under the influence of some  
20 prohibited controlled dangerous substance, counterfeit controlled  
21 dangerous substance, or controlled substance analog, by proving  
22 that the accused did manifest physical and physiological symptoms  
23 or reactions caused by the use of any <sup>1</sup>prohibited<sup>1</sup> controlled  
24 dangerous substance or controlled substance analog.

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

37 c. Any person who knowingly obtains or possesses a controlled  
38 dangerous substance or controlled substance analog in violation of  
39 <sup>1</sup>paragraph (1) or (2) of<sup>1</sup> subsection a. of this section and who fails  
40 to voluntarily deliver the substance to the nearest law enforcement  
41 officer is guilty of a disorderly persons offense. Nothing in this  
42 subsection shall be construed to preclude a prosecution or  
43 conviction for any other offense defined in this title or any other  
44 statute.

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

46

47 <sup>1</sup>3. N.J.S.2C:36-2 is amended to read as follows:

1       2C:36-2. a. Use or possession with intent to use, disorderly  
2 persons offense. It shall be unlawful for any person to use, or to  
3 possess with intent to use, drug paraphernalia to plant, propagate,  
4 cultivate, grow, harvest, manufacture, compound, convert, produce,  
5 process, prepare, test, analyze, pack, repack, store, contain, conceal,  
6 ingest, inhale, or otherwise introduce into the human body a  
7 controlled dangerous substance, controlled substance analog or  
8 toxic chemical in violation of the provisions of chapter 35 of this  
9 title, other than when used, or possessed with intent to use, for  
10 ingesting, inhaling, or otherwise introducing marijuana or hashish  
11 into the human body. Any person who violates this section is guilty  
12 of a disorderly persons offense.

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

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

27

28       <sup>1</sup>**[3.] 4.**<sup>1</sup> (New section) a. Except to the extent required to  
29 dismiss, withdraw, or terminate the charge, no court shall have  
30 jurisdiction over any charge, including any charge of delinquency,  
31 based on <sup>1</sup>**[the distribution of]** offenses that occurred prior to the  
32 effective date of P.L. , c. (C. ) (pending before the Legislature  
33 as this bill), involving manufacturing, distributing, or dispensing, or  
34 possessing or having under control with intent to manufacture,  
35 distribute, or dispense,<sup>1</sup> marijuana or hashish in violation of  
36 paragraph <sup>2</sup>**[**(11)**]** of subsection b. of N.J.S.2C:35-5, or a lesser  
37 amount of marijuana or hashish in violation of paragraph <sup>1</sup>**]**<sup>2</sup> (12) of  
38 subsection b. of <sup>1</sup>**[**N.J.S.2C:35-5, or the possession**]** <sup>2</sup>**[**that section**]**  
39 N.J.S.2C:35-5<sup>2</sup> , or <sup>2</sup>**[**a violation of either of those paragraphs and a  
40 violation of subsection a. of section 1 of P.L.1987, c.101 (C.2C:35-  
41 7) or subsection a. of section 1 of P.L.1997, c.327 (C.2C:35-7.1) for  
42 distributing, dispensing, or possessing with intent to distribute or  
43 dispense, on or within 1,000 feet of any school property, or on or  
44 within 500 feet of the real property comprising a public housing  
45 facility, public park, or public building, or]<sup>2</sup> obtaining, possessing,  
46 using, being under the influence of, or failing to make lawful  
47 disposition<sup>1</sup> of marijuana or hashish in violation of paragraph <sup>1</sup>(3)

1 or<sup>1</sup> (4) of subsection a. <sup>1</sup>, or subsection b., or subsection c.<sup>1</sup> of  
2 N.J.S.2C:35-10, <sup>1</sup>【that occurred prior to the effective date of  
3 P.L. , c. (C. ) (pending before the Legislature as this bill)】  
4 or a violation involving marijuana or hashish as described herein  
5 and a violation of N.J.S.2C:36-2 for using or possessing with intent  
6 to use drug paraphernalia with that marijuana or hashish, alone or in  
7 combination with each other<sup>1</sup> , <sup>2</sup>or possession of any controlled  
8 dangerous substance while operating a motor vehicle in violation of  
9 section 1 of P.L.1964, c.289 (C.39:4-49.1), or any disorderly  
10 persons offense or petty disorderly persons offense subject to  
11 conditional discharge pursuant to N.J.S.2C:36A-1,<sup>2</sup> unless a <sup>1</sup>guilty  
12 verdict, plea, or other entry of guilt, or<sup>1</sup> final judgment of  
13 conviction or adjudication of delinquency has been entered on or  
14 before that effective date. These non-prosecutable charges and  
15 cases shall be expeditiously dismissed, which may be accomplished  
16 by appropriate action by a law enforcement agency, or on a motion  
17 to the court which would otherwise have jurisdiction over a case, or  
18 the court's own motion, based upon guidelines <sup>1</sup>【or】 ,  
19 administrative<sup>1</sup> directives <sup>1</sup>, and court orders<sup>1</sup> issued by the  
20 Attorney General, the Administrative Director of the Courts, and  
21 the Supreme Court <sup>1</sup>, as appropriate<sup>1</sup>.

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

1 c.】<sup>1</sup> (1) Regarding a <sup>1</sup>【conviction or adjudication of  
2 delinquency】 guilty verdict, plea, or other entry of guilt<sup>1</sup> entered  
3 prior to the effective date of P.L. , c. (C. ) (pending before  
4 the Legislature as this bill), it shall be grounds for <sup>1</sup>【post-  
5 conviction】<sup>1</sup> relief that the <sup>1</sup>【conviction or adjudication of  
6 delinquency】 guilty verdict, plea, or other entry of guilt<sup>1</sup> involved  
7 <sup>1</sup>【unlawful distribution of, or possessing or having under control  
8 with intent to distribute, marijuana or hashish in violation of  
9 paragraph (11) of subsection b. of N.J.S.2C:35-5, or a lesser amount  
10 of marijuana or hashish in violation of paragraph (12) of subsection  
11 b. of that section, or a violation of either of those paragraphs and a  
12 violation of subsection a. of section 1 of P.L.1987, c.101 (C.2C:35-  
13 7) or subsection a. of section 1 of P.L.1997, c.327 (C.2C:35-7.1),  
14 for distributing, or possessing or having under control with intent to  
15 distribute, on or within 1,000 feet of any school property, or on or  
16 within 500 feet of the real property comprising a public housing  
17 facility, public park, or public building, or obtaining, possessing,  
18 using, being under the influence of, or failing to make lawful  
19 disposition of marijuana or hashish in violation of paragraph (3) or  
20 (4) of subsection a., or subsection b., or subsection c. of  
21 N.J.S.2C:35-10, or a violation involving marijuana or hashish as  
22 described herein and using or possessing with intent to use drug  
23 paraphernalia with that marijuana or hashish in violation of  
24 N.J.S.2C:36-2, alone or in combination with each other】 one or  
25 more crimes or offenses, or delinquent acts which if committed by  
26 an adult would constitute one or more crimes or offenses,  
27 enumerated in subsection a. of this section<sup>1</sup>, if a final judgment of  
28 conviction or adjudication of delinquency had not been entered on  
29 or before that effective date.

30 (2) Notwithstanding any court rule limiting the time period  
31 within which a motion to reduce or change a sentence may be filed,  
32 any person who, on the effective date of P.L. , c. (C. )  
33 (pending before the Legislature as this bill), is <sup>1</sup>or will be<sup>1</sup> serving a  
34 sentence of incarceration, probation, parole or other form of  
35 community supervision solely as a result of the person's conviction  
36 or adjudication of delinquency for one or more crimes or offenses <sup>1</sup>,  
37 or delinquent acts which if committed by an adult would constitute  
38 one or more crimes or offenses,<sup>1</sup> enumerated in <sup>1</sup>【paragraph (1)】  
39 subsection a.<sup>1</sup> of this <sup>1</sup>【subsection】 section<sup>1</sup> may move to have the  
40 person's sentence reviewed by the court. If the court finds that the  
41 sentence under review is based solely upon a conviction or  
42 adjudication of delinquency for one or more crimes or offenses <sup>1</sup>,  
43 or delinquent acts which if committed by an adult would constitute one  
44 or more crimes or offenses,<sup>1</sup> enumerated in <sup>1</sup>【paragraph (1)】  
45 subsection a.<sup>1</sup> of this <sup>1</sup>【subsection】 section<sup>1</sup>, the court shall order  
46 appropriate relief.

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

3  
4 <sup>1</sup>~~4.~~ 5.<sup>1</sup> (New section) Other than the consequences of any  
5 sentence set forth in a judgment of conviction, including a term of  
6 imprisonment and any court-ordered financial assessment, unless  
7 otherwise provided by law, any arrest, charge, conviction, and  
8 adjudication of delinquency that occurred prior to the effective date  
9 of P.L. , c. (C. ) (pending before the Legislature as this bill),  
10 and any proceedings related thereto, for <sup>1</sup>~~unlawful distribution of~~  
11 manufacturing, distributing, or dispensing<sup>1</sup> , or possessing or  
12 having under control with intent to <sup>1</sup>~~manufacture,~~ distribute, <sup>1</sup>~~or~~  
13 dispense,<sup>1</sup> marijuana or hashish in violation of paragraph (11) of  
14 subsection b. of N.J.S.2C:35-5, or a lesser amount of marijuana or  
15 hashish in violation of paragraph (12) of subsection b. of that  
16 section, or a violation of either of those paragraphs and a violation  
17 of subsection a. of section 1 of P.L.1987, c.101 (C.2C:35-7) or  
18 subsection a. of section 1 of P.L.1997, c.327 (C.2C:35-7.1), for  
19 distributing, <sup>1</sup>~~dispensing,~~ or possessing or having under control  
20 with intent to distribute <sup>1</sup>~~or dispense~~<sup>1</sup>, on or within 1,000 feet of  
21 any school property, or on or within 500 feet of the real property  
22 comprising a public housing facility, public park, or public  
23 building, or obtaining, possessing, using, being under the influence  
24 of, or failing to make lawful disposition of marijuana or hashish in  
25 violation of paragraph (3) or (4) of subsection a., or subsection b.,  
26 or subsection c. of N.J.S.2C:35-10, or a violation involving  
27 marijuana or hashish as described herein and <sup>1</sup>~~a violation of~~  
28 N.J.S.2C:36-2 <sup>1</sup>~~for~~<sup>1</sup> using or possessing with intent to use drug  
29 paraphernalia with that marijuana or hashish <sup>1</sup>~~in violation of~~  
30 N.J.S.2C:36-2 <sup>1</sup>~~, alone or in combination with each other,~~<sup>1</sup> shall be  
31 deemed not to have occurred, and the person involved in that  
32 violation may answer any questions relating to their occurrence  
33 accordingly, except that such information shall be revealed by that  
34 person if seeking employment within the judicial branch or with a  
35 law enforcement or corrections agency and such information shall  
36 continue to provide a disability as otherwise provided by law.

37  
38 <sup>1</sup>~~5.~~ (New section) The Administrative Director of the Courts  
39 shall maintain and provide information to any person upon request  
40 about the expungement process and legal services programs  
41 Statewide and in each county which may be available to assist the  
42 person with an expedited expungement pursuant to section 5 of  
43 P.L.2019, c.269 (C.2C:52-5.1) or a “clean slate” expungement  
44 pursuant to section 7 of P.L.2019, c.269 (C.2C:52-5.3).<sup>1</sup>

45  
46 <sup>1</sup>~~6.~~ (New section) a. (1) The Administrative Director of the  
47 Courts shall develop and maintain a multilingual public awareness

1 campaign to promote awareness of the expungement process,  
2 including an expedited expungement pursuant to section 5 of  
3 P.L.2019, c.269 (C.2C:52-5.1) or a “clean slate” expungement  
4 pursuant to section 7 of P.L.2019, c.269 (C.2C:52-5.3), and the  
5 expungement e-filing system established pursuant to section 11 of  
6 P.L.2019, c.269 (C.2C:52-10.1), as well as information on State,  
7 local, non-profit and other private job training programs in  
8 consultation with the Department of Labor and Workforce  
9 Development, with a focus on assisting those persons eligible for  
10 the expedited expungement or “clean slate” expungement of their  
11 records pursuant to section 5 of P.L.2019, c.269 (C.2C:52-5.1) or a  
12 “clean slate” expungement pursuant to section 7 of P.L.2019, c.269  
13 (C.2C:52-5.3), respectively.

14 (2) The public awareness campaign shall, at a minimum, utilize  
15 electronic and print media, and shall make available electronically  
16 on an Internet website a petition form and a list of the supporting  
17 information necessary for an expungement, including an expedited  
18 or “clean slate” expungement pursuant to section 5 of  
19 P.L.2019, c.269 (C.2C:52-5.1) or section 7 of P.L.2019, c.269  
20 (C.2C:52-5.3), respectively, using the expungement e-filing system  
21 once established pursuant to section 11 of P.L.2019, c.269 (C.2C:52-  
22 10.1).

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

25 b. The Administrative Director of the Courts shall include in the  
26 annual report on the activities of the Administrative Office of the  
27 Courts, prepared pursuant to N.J.S.2A:12-5, information about the  
28 activities and accomplishments of the public awareness campaign  
29 developed and maintained pursuant to subsection a. of this section,  
30 beginning no later than one year after the effective date of  
31 P.L. , c. (C. ) (pending before the Legislature as this  
32 bill).<sup>1</sup>

33

34 <sup>1</sup>6. Section 6 of P.L.2019, c.269 (C.2C:52-5.2) is amended to  
35 read as follows:

36 6. a. (1) No later than three months after the effective date of  
37 this section, the Administrative Office of the Courts shall develop  
38 and maintain a system for sealing records from the public, upon  
39 order of a court, pertaining to offenses **[or] <sup>2</sup>[,] or<sup>2</sup> delinquent acts**  
40 **<sup>2</sup>[, or unlawful acts subject to a civil penalty.]<sup>2</sup> <sup>1</sup>[or community**  
41 **service in lieu of payment of a penalty.]<sup>1</sup>** involving marijuana or  
42 hashish as described in this section. Once the system is developed,  
43 unless otherwise provided by law, a court shall order the  
44 nondisclosure to the public of the records of the court and probation  
45 services, and records of law enforcement agencies with respect to  
46 any arrest, conviction, **[or] <sup>2</sup>or<sup>2</sup> adjudication of delinquency <sup>2</sup>[, or**  
47 **imposition of a civil penalty]**<sup>2</sup> <sup>1</sup>**[or community service]<sup>1</sup> , and any**  
48 proceedings related thereto, upon disposition of any case occurring

1 on or after the development of the system for sealing records that  
2 solely includes the following convictions **[or]** <sup>2</sup>**[.]** or<sup>2</sup>  
3 adjudications of delinquency <sup>2</sup>**[, or imposition of civil penalties]**<sup>2</sup>  
4 <sup>1</sup>**[or community service]**<sup>1</sup>:

5 (a) any number of offenses for, **[or]** <sup>2</sup>or<sup>2</sup> delinquent acts which  
6 if committed by an adult would constitute, **[unlawful distribution**  
7 **of]** <sup>2</sup>**[or unlawful acts subject to a civil penalty** <sup>1</sup>**[, or community**  
8 **service in lieu of payment of a penalty]**<sup>1</sup> **for,]**<sup>2</sup> manufacturing,  
9 distributing, or dispensing, or possessing or having under control  
10 with intent to manufacture, distribute, or dispense, marijuana or  
11 hashish in violation of paragraph (12) of subsection b. of  
12 N.J.S.2C:35-5, or a violation of that paragraph and a violation of  
13 subsection a. of section 1 of P.L.1987, c.101 (C.2C:35-7) or  
14 subsection a. of section 1 of P.L.1997, c.327 (C.2C:35-7.1) for  
15 distributing, or possessing or having under control with intent to  
16 distribute, on or within 1,000 feet of any school property, or on or  
17 within 500 feet of the real property comprising a public housing  
18 facility, public park, or public building; or

19 (b) any number of offenses for, **[or]** <sup>2</sup>or<sup>2</sup> delinquent acts which  
20 if committed by an adult would constitute, <sup>2</sup>**[or unlawful acts**  
21 **subject to a civil penalty** <sup>1</sup>**[, or community service in lieu of**  
22 **payment of a penalty]**<sup>1</sup> **for,]**<sup>2</sup> obtaining **[,]** or possessing **[,]** using,  
23 being under the influence of, or failing to make lawful disposition  
24 of **]** marijuana or hashish in violation of paragraph (3) <sup>1</sup>**[or (4)]**<sup>1</sup>  
25 subsection a. **[, or subsection b., or subsection c.]** of N.J.S.2C:35-  
26 10 **[; or]** .

27 (c) **[any number of offenses for, or delinquent acts which if**  
28 **committed by an adult would constitute, a violation involving**  
29 **marijuana or hashish as described in subparagraph (a) or (b) of this**  
30 **paragraph and using or possessing with intent to use drug**  
31 **paraphernalia with that marijuana or hashish in violation of**  
32 **N.J.S.2C:36-2.]** (Deleted by amendment, P.L. , c. ) (pending  
33 before the Legislature as this bill)

34 (2) If the disposition of the case includes a court-ordered  
35 financial assessment subject to collection under the comprehensive  
36 enforcement program established pursuant to P.L.1995, c.9  
37 (C.2B:19-1 et al.), then at the time of issuing the sealing order, the  
38 court shall also enter a civil judgment for the unpaid portion of the  
39 court-ordered financial assessment in the name of the Treasurer,  
40 State of New Jersey and transfer collections and disbursement  
41 responsibility to the State Treasurer for the outstanding amount in  
42 accordance with section 8 of P.L.2017, c.244 (C.2C:52-23.1). The  
43 term "court-ordered financial assessment" as used herein means and  
44 includes any fine, fee, penalty, restitution, and other form of  
45 financial assessment imposed by the court as part of the sentence  
46 for the conviction or convictions that are the subject of the sealing  
47 order, for which payment of restitution takes precedence in

1 accordance with chapter 46 of Title 2C of the New Jersey Statutes.  
2 The Treasurer may specify, and the Administrative Office of the  
3 Courts shall collaborate with, the technical and informational  
4 standards required to effectuate the transfer of the collection and  
5 disbursement responsibilities. Notwithstanding any provision in this  
6 law or any other law to the contrary, the court shall have sole  
7 discretion to amend the judgment.

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

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

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

14 c. Upon the entry of a sealing order issued pursuant to  
15 subsection a. of this section, the proceedings in the case shall be  
16 sealed and all index references shall be marked "not available" or  
17 "no record." Law enforcement agencies shall reply to requests for  
18 information or records of a person subject to a sealing order that  
19 there is no information or records. The person may also reply to  
20 any inquiry that there is no information or record, except that  
21 information subject to a sealing order shall be revealed by that  
22 person if seeking employment within the judicial branch or with a  
23 law enforcement or corrections agency, and the information shall  
24 continue to provide a disability to the extent provided by law.

25 d. Records subject to a sealing order issued pursuant to  
26 subsection a. of this section may be maintained for purposes of  
27 prior offender status, identification, and law enforcement purposes,  
28 provided that the records shall not be **considered** whenever the  
29 Pretrial Services Program established by the Administrative Office  
30 of the Courts pursuant to section 11 of P.L.2014, c.31 (C.2A:162-  
31 25) conducts a risk assessment on an eligible defendant for the  
32 purpose of making recommendations to the court concerning an  
33 appropriate pretrial release decision in accordance with sections 1  
34 through 11 of P.L.2014, c.31 (C.2A:162-15 et seq.) or **<sup>2</sup>considered**  
35 whenever the Pretrial Services Program established by the  
36 Administrative Office of the Courts pursuant to section 11 of  
37 P.L.2014, c.31 (C.2A:162-25) conducts a risk assessment on an  
38 eligible defendant for the purpose of making recommendations to  
39 the court concerning an appropriate pretrial release decision in  
40 accordance with sections 1 through 11 of P.L.2014, c.31 (C.2A:162-  
41 15 et seq.) or<sup>2</sup> used for sentencing purposes in any other case.<sup>1</sup>  
42 (cf: P.L.2019, c.269, s.6)

43  
44 <sup>17</sup>. Section 3 of P.L.2014, c.31 (C.2A:162-17) is amended to  
45 read as follows:

46 3. Except as otherwise provided under sections 4 and 5 of  
47 P.L.2014, c.31 (C.2A:162-18 and C.2A:162-19) concerning a  
48 hearing on pretrial detention, a court shall make, pursuant to this



1 section, a pretrial release decision for an eligible defendant without  
2 unnecessary delay, but in no case later than 48 hours after the  
3 eligible defendant's commitment to jail.

4 a. The court shall order the pretrial release of the eligible  
5 defendant on personal recognizance or on the execution of an  
6 unsecured appearance bond when, after considering all the  
7 circumstances, the Pretrial Services Program's risk assessment and  
8 recommendations on conditions of release prepared pursuant to  
9 section 11 of P.L.2014, c.31 (C.2A:162-25), and any information  
10 that may be provided by a prosecutor or the eligible defendant, the  
11 court finds that the release would reasonably assure the eligible  
12 defendant's appearance in court when required, the protection of the  
13 safety of any other person or the community, and that the eligible  
14 defendant will not obstruct or attempt to obstruct the criminal  
15 justice process.

16 b. (1) If the court does not find, after consideration, that the  
17 release described in subsection a. of this section will reasonably  
18 assure the eligible defendant's appearance in court when required,  
19 the protection of the safety of any other person or the community,  
20 and that the eligible defendant will not obstruct or attempt to  
21 obstruct the criminal justice process, the court may order the  
22 pretrial release of the eligible defendant subject to the following:

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

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

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

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

33 (2) The non-monetary condition or conditions of a pretrial  
34 release ordered by the court pursuant to this paragraph shall be the  
35 least restrictive condition, or combination of conditions, that the  
36 court determines will reasonably assure the eligible defendant's  
37 appearance in court when required, the protection of the safety of  
38 any other person or the community, and that the eligible defendant  
39 will not obstruct or attempt to obstruct the criminal justice process,  
40 which may include that the eligible defendant:

41 (a) remain in the custody of a designated person, who agrees to  
42 assume supervision and to report any violation of a release  
43 condition to the court, if the designated person is able to reasonably  
44 assure the court that the eligible defendant will appear in court  
45 when required, will not pose a danger to the safety of any other  
46 person or the community, and will not obstruct or attempt to  
47 obstruct the criminal justice process;

48 (b) maintain employment, or, if unemployed, actively seek  
49 employment;

- 1 (c) maintain or commence an educational program;
- 2 (d) abide by specified restrictions on personal associations,  
3 place of abode, or travel;
- 4 (e) report on a regular basis to a designated law enforcement  
5 agency, or other agency, or pretrial services program;
- 6 (f) comply with a specified curfew;
- 7 (g) refrain from possessing a firearm, destructive device, or  
8 other dangerous weapon;
- 9 (h) refrain from excessive use of alcohol, or any <sup>2</sup>unlawful<sup>2</sup> use  
10 of a narcotic drug or other controlled substance without a  
11 prescription by a licensed medical practitioner <sup>2</sup>], except that, the  
12 court's order shall not refrain the eligible defendant from using  
13 marijuana or hashish]<sup>2</sup>;
- 14 (i) undergo available medical, psychological, or psychiatric  
15 treatment, including treatment for drug or alcohol dependency, and  
16 remain in a specified institution if required for that purpose;
- 17 (j) return to custody for specified hours following release for  
18 employment, schooling, or other limited purposes;
- 19 (k) be placed in a pretrial home supervision capacity with or  
20 without the use of an approved electronic monitoring device. The  
21 court may order the eligible defendant to pay all or a portion of the  
22 costs of the electronic monitoring, but the court may waive the  
23 payment for an eligible defendant who is indigent and who has  
24 demonstrated to the court an inability to pay all or a portion of the  
25 costs; or
- 26 (l) satisfy any other condition that is necessary to reasonably  
27 assure the eligible defendant's appearance in court when required,  
28 the protection of the safety of any other person or the community,  
29 and that the eligible defendant will not obstruct or attempt to  
30 obstruct the criminal justice process, which shall not include any  
31 prohibition or restriction concerning <sup>2</sup>];
- 32 (a) an unlawful act subject only to a civil penalty for]<sup>2</sup>  
33 manufacturing, distributing, or dispensing, or possessing or having  
34 under control with intent to manufacture, distribute, or dispense,  
35 marijuana or hashish in violation of paragraph (12) of subsection b.  
36 of N.J.S.2C:35-5, or <sup>2</sup>[possessing any amount] possession<sup>2</sup> of  
37 marijuana or hashish <sup>2</sup>[that does not violate] in violation of<sup>2</sup>  
38 paragraph (3) of subsection a. of N.J.S.2C:35-10 <sup>2</sup>]; or
- 39 (b) the presence of any cannabinoid metabolites in any bodily  
40 fluids of the eligible defendant]<sup>2</sup>.
- 41 c. (1) If the court does not find, after consideration, that the  
42 release described in subsection a. or b. of this section will  
43 reasonably assure the eligible defendant's appearance in court when  
44 required, the court may order the pretrial release of the eligible  
45 defendant on monetary bail, other than an unsecured appearance  
46 bond. The court may only impose monetary bail pursuant to this  
47 subsection to reasonably assure the eligible defendant's appearance.  
48 The court shall not impose the monetary bail to reasonably assure

1 the protection of the safety of any other person or the community or  
2 that the eligible defendant will not obstruct or attempt to obstruct  
3 the criminal justice process, or for the purpose of preventing the  
4 release of the eligible defendant.

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

9 d. (1) If the court does not find, after consideration, that the  
10 release described in subsection a., b., or c. will reasonably assure  
11 the eligible defendant's appearance in court when required, the  
12 protection of the safety of any other person or the community, and  
13 that the eligible defendant will not obstruct or attempt to obstruct  
14 the criminal justice process, the court may order the pretrial release  
15 of the eligible defendant using a combination of non-monetary  
16 conditions as set forth in subsection b. of this section, and monetary  
17 bail as set forth in subsection c. of this section.

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

23 e. For purposes of the court's consideration for pretrial release  
24 described in this section, with respect to whether the particular  
25 method of release will reasonably assure that the eligible defendant  
26 will not obstruct or attempt to obstruct the criminal justice process,  
27 this reasonable assurance may be deemed to exist if the prosecutor  
28 does not provide the court with information relevant to the risk of  
29 whether the eligible defendant will obstruct or attempt to obstruct  
30 the criminal justice process.<sup>1</sup>

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

32

33 <sup>1</sup>8. Section 6 of P.L.2014, c.31 (C.2A:162-20) is amended to  
34 read as follows:

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

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

44 b. The weight of the evidence against the eligible defendant,  
45 except that the court may consider the admissibility of any evidence  
46 sought to be excluded;

47 c. The history and characteristics of the eligible defendant,  
48 including:

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

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

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

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

24 f. The release recommendation of the pretrial services program  
25 obtained using a risk assessment instrument under section 11 of  
26 P.L.2014, c.31 (C.2A:162-25).<sup>1</sup>

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

28

29 <sup>1</sup>9. Section 10 of P.L.2014, c.31 (C.2A:162-24) is amended to  
30 read as follows:

31 10. a. Upon motion of a prosecutor, when an eligible defendant  
32 is released from custody before trial pursuant to section 3 or 8 of  
33 P.L.2014, c.31 (C.2A:162-17 or C.2A:162-22), the court, upon a  
34 finding that the eligible defendant while on release has violated a  
35 restraining order or condition of release, or upon a finding of  
36 probable cause to believe that the eligible defendant has committed  
37 a new crime while on release, may not revoke the eligible  
38 defendant's release and order that the eligible defendant be detained  
39 pending trial unless the court, after considering all relevant  
40 circumstances including but not limited to the nature and  
41 seriousness of the violation or criminal act committed, finds clear  
42 and convincing evidence that no monetary bail, non-monetary  
43 conditions of release or combination of monetary bail and  
44 conditions would reasonably assure the eligible defendant's  
45 appearance in court when required, the protection of the safety of  
46 any other person or the community, or that the eligible defendant  
47 will not obstruct or attempt to obstruct the criminal justice process.

1        b. A court shall not revoke an eligible defendant's release and  
2 order that the eligible defendant be detained pending trial based on  
3 <sup>2</sup>[(1) an unlawful act subject only to a civil penalty for]<sup>2</sup>  
4 manufacturing, distributing, or dispensing, or possessing or having  
5 under control with intent to manufacture, distribute, or dispense,  
6 marijuana or hashish in violation of paragraph (12) of subsection b.  
7 of N.J.S.2C:35-5, or <sup>2</sup>[(possessing any amount] possession<sup>2</sup> of  
8 marijuana or hashish <sup>2</sup>[that does not violate] in violation of<sup>2</sup>  
9 paragraph (3) of subsection a. of N.J.S.2C:35-10 <sup>2</sup>[(; or

10        (2) the presence of any cannabinoid metabolites in any bodily  
11 fluids of the eligible defendant]<sup>2</sup> .<sup>1</sup>

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

13  
14        <sup>1</sup>10. Section 11 of P.L.2014, c.31 (C.2A:162-25) is amended to  
15 read as follows:

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

20        b. The Pretrial Services Program shall, after an eligible  
21 defendant is temporarily detained pursuant to subsection a. of  
22 section 2 of P.L.2014, c.31 (C.2A:162-16) following the issuance of  
23 a complaint-warrant, conduct a risk assessment on that eligible  
24 defendant for the purpose of making recommendations to the court  
25 concerning an appropriate pretrial release decision, including  
26 whether the eligible defendant shall be: released on the eligible  
27 defendant's own personal recognizance or on execution of an  
28 unsecured appearance bond; released on a non-monetary condition  
29 or conditions as set forth under subsection b. of section 3 of  
30 P.L.2014, c.31 (C.2A:162-17); released on monetary bail, other than  
31 an unsecured appearance bond; released on a combination of  
32 monetary bail and non-monetary conditions set forth under section  
33 3 of P.L.2014, c.31 (C.2A:162-17); or any other conditions  
34 necessary to effectuate the purposes of sections 1 through 11 of  
35 P.L.2014, c.31 (C.2A:162-15 et seq.). The risk assessment shall be  
36 completed and presented to the court so that the court can, without  
37 unnecessary delay, but in no case later than 48 hours after the  
38 eligible defendant's commitment to jail, make a pretrial release  
39 decision on the eligible defendant pursuant to section 3 of P.L.2014,  
40 c.31 (C.2A:162-17).

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

44        (1) (a) The approved risk assessment instrument shall be  
45 objective, standardized, and developed based on analysis of  
46 empirical data and risk factors relevant to the risk of failure to  
47 appear in court when required and the danger to the community  
48 while on pretrial release. The risk assessment instrument shall not

1 be required to include factors specifically pertaining to the risk for  
2 obstructing or attempting to obstruct the criminal justice process.

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

28 (2) The approved risk assessment instrument shall gather  
29 demographic information about the eligible defendant including, but  
30 not limited to, race, ethnicity, gender, financial resources, and  
31 socio-economic status. Recommendations for pretrial release shall  
32 not be discriminatory based on race, ethnicity, gender, or socio-  
33 economic status.

34 d. In addition to the pretrial risk assessments made pursuant to  
35 this section, the Pretrial Services Program shall monitor appropriate  
36 eligible defendants released on conditions as ordered by the court.<sup>1</sup>  
37 (cf: P.L.2014, c.31, s.11)

38  
39 <sup>1</sup>11. N.J.S.2C:45-1 is amended to read as follows:

40 2C:45-1. Conditions of Suspension or Probation.

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

1       (2) The following shall not be prohibited or restricted based on  
2 any conditions imposed pursuant to this section: <sup>2</sup>[(a) An unlawful  
3 act subject only to a civil penalty for]<sup>2</sup> manufacturing, distributing,  
4 or dispensing, or possessing or having under control with intent to  
5 manufacture, distribute, or dispense, marijuana or hashish in  
6 violation of paragraph (12) of subsection b. of N.J.S.2C:35-5; or  
7 <sup>2</sup>[possessing any amount] possession<sup>2</sup> of marijuana or hashish  
8 <sup>2</sup>[that does not violate] in violation of<sup>2</sup> paragraph (3) of subsection  
9 a. of N.J.S.2C:35-10 <sup>2</sup>]; or

10       (b) The presence of any cannabinoid metabolites in any bodily  
11 fluids of the person]<sup>2</sup>.

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

14       (1) To support his dependents and meet his family  
15 responsibilities;

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

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

20       (4) To pursue a prescribed secular course of study or vocational  
21 training;

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

24       (6) To refrain from frequenting unlawful or disreputable places  
25 or consorting with disreputable persons;

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

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

29       (9) To remain within the jurisdiction of the court and to notify  
30 the court or the probation officer of any change in his address or his  
31 employment;

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

35       (11) To pay a fine;

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

39       (13) To require the performance of community-related service;  
40 and

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

43       In addition to any condition of probation, the court may enter an  
44 order prohibiting a defendant who is convicted of a sex offense  
45 from having any contact with the victim including, but not limited  
46 to, entering the victim's residence, place of employment or business,  
47 or school, and from harassing or stalking the victim or victim's

1 relatives in any way, and may order other protective relief as  
2 provided in section 2 of P.L.2007, c.133 (C.2C:14-12).

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

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

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

24 (a) Prohibit the person from accessing or using a computer or  
25 any other device with Internet capability without the prior written  
26 approval of the court, except the person may use a computer or any  
27 other device with Internet capability in connection with that  
28 person's employment or search for employment with the prior  
29 approval of the person's probation officer;

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

38 (c) Require the person to submit to the installation on the  
39 person's computer or device with Internet capability, at the person's  
40 expense, one or more hardware or software systems to monitor the  
41 Internet use; and

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

45 e. When the court sentences a person who has been convicted  
46 of a crime to be placed on probation, it may require him to serve a  
47 term of imprisonment not exceeding 364 days as an additional  
48 condition of its order. When the court sentences a person convicted  
49 of a disorderly persons offense to be placed on probation, it may



1 require him to serve a term of imprisonment not exceeding 90 days  
2 as an additional condition of its order. In imposing a term of  
3 imprisonment pursuant to this subsection, the sentencing court shall  
4 specifically place on the record the reasons which justify the  
5 sentence imposed. The term of imprisonment imposed hereunder  
6 shall be treated as part of the sentence, and in the event of a  
7 sentence of imprisonment upon the revocation of probation, the  
8 term of imprisonment served hereunder shall be credited toward  
9 service of such subsequent sentence. A term of imprisonment  
10 imposed under this section shall be governed by the "Parole Act of  
11 1979," P.L.1979, c.441 (C.30:4-123.45 et al.).

12 Whenever a person is serving a term of parole as a result of a  
13 sentence of incarceration imposed as a condition of probation,  
14 supervision over that person shall be maintained pursuant to the  
15 provisions of the law governing parole. Upon termination of the  
16 period of parole supervision provided by law, the county probation  
17 department shall assume responsibility for supervision of the person  
18 under sentence of probation. Nothing contained in this section shall  
19 prevent the sentencing court from at any time proceeding under the  
20 provisions of this chapter against any person for a violation of  
21 probation.

22 f. The defendant shall be given a copy of the terms of his  
23 probation or suspension of sentence and any requirements imposed  
24 pursuant to this section, stated with sufficient specificity to enable  
25 him to guide himself accordingly. The defendant shall  
26 acknowledge, in writing, his receipt of these documents and his  
27 consent to their terms.

28 g. Of the moneys collected under the provisions of subsection  
29 d. of this section, \$15.00 of each monthly fee collected before  
30 January 1, 1995 shall be deposited in the temporary reserve fund  
31 created by section 25 of P.L.1993, c.275, and \$10.00 of each shall  
32 be deposited into a "Community Service Supervision Fund" which  
33 shall be established by each county. The moneys in the  
34 "Community Service Supervision Fund" shall be expended only in  
35 accordance with the provisions of State law as shall be enacted to  
36 provide for expenditures from this fund for the purpose of  
37 supervising and monitoring probationers performing community  
38 service to ensure, by whatever means necessary and appropriate,  
39 that probationers are performing the community service ordered by  
40 the court and that the performance is in the manner and under the  
41 terms ordered by the court.<sup>1</sup>

42 (cf: P.L.2007, c.219, s.4)

43

44 <sup>1</sup>12. N.J.S.2C:45-3 is amended to read as follows:

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

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

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

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

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

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

31 c. The commencement of a probation revocation proceeding  
32 shall toll the probationary period until termination of such  
33 proceedings. In the event that the court does not find a violation of  
34 probation, this subsection shall not operate to toll the probationary  
35 period.<sup>1</sup>

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

37

38 <sup>1</sup>13. Section 15 of P.L.1979, c.441 (C.30:4-123.59) is amended  
39 to read as follows:

40 15. a. Each adult parolee shall at all times remain in the legal  
41 custody of the Commissioner of Corrections and under the  
42 supervision of the State Parole Board, except that the Commissioner  
43 of Corrections, after providing notice to the Attorney General, may  
44 consent to the supervision of a parolee by the federal government  
45 pursuant to the Witness Security Reform Act, Pub.L.98-473 (18  
46 U.S.C. s.3521 et seq.). An adult parolee, except those under the  
47 Witness Security Reform Act, shall remain under the supervision of

1 the State Parole Board and in the legal custody of the Department of  
2 Corrections in accordance with the policies and rules of the board.

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

47 (b) The member or board panel certifying parole release shall  
48 not impose on any parolee any condition that would prohibit or

1 restrict <sup>2</sup>[(i) the commission of an unlawful act subject only to a  
2 civil penalty for]<sup>2</sup> manufacturing, distributing, or dispensing, or  
3 possessing or having under control with intent to manufacture,  
4 distribute, or dispense, marijuana or hashish in violation of  
5 paragraph (12) of subsection b. of N.J.S.2C:35-5, or <sup>2</sup>[possessing  
6 any amount] possession<sup>2</sup> of marijuana or hashish <sup>2</sup>[that does not  
7 violate] in violation of<sup>2</sup> paragraph (3) of subsection a. of  
8 N.J.S.2C:35-10 <sup>2</sup>[(ii) the presence of any cannabinoid  
9 metabolites in any bodily fluids of the person]<sup>2</sup>.

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

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

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

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

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

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

1 conditions for any period of time during which a parolee is under its  
2 jurisdiction.

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

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

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

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

32 h. Upon collection of the fine the Department of Corrections  
33 shall forward it to the State Treasury.<sup>1</sup>

34 (cf: P.L.2019, c.363, s.12)

35

36 <sup>1</sup>14. Section 16 of P.L.1979, c.441 (C.30:4-123.60) is amended  
37 to 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  
40 (C.30:4-123.61) 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  
44 credits granted pursuant to R.S.30:4-140.

45 An order as described in this subsection shall not be based on <sup>2</sup>【:  
46 an unlawful act subject only to a civil penalty for <sup>2</sup> 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 <sup>2</sup>[possessing any amount] possession<sup>2</sup> of  
3 marijuana or hashish <sup>2</sup>[that does not violate] in violation of<sup>2</sup>  
4 paragraph (3) of subsection a. of N.J.S.2C:35-10 <sup>2</sup>]; or the presence  
5 of any cannabinoid metabolites in any bodily fluids, detected as a  
6 result of the administration of a drug test or any other means]<sup>2</sup>.

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

27 (2) An action to revoke parole as described in this subsection  
28 shall not be based on <sup>2</sup>]: (a) an unlawful act subject only to a civil  
29 penalty for]<sup>2</sup> manufacturing, distributing, or dispensing, or  
30 possessing or having under control with intent to manufacture,  
31 distribute, or dispense, marijuana or hashish in violation of  
32 paragraph (12) of subsection b. of N.J.S.2C:35-5, or <sup>2</sup>[possessing  
33 any amount] possession<sup>2</sup> of marijuana or hashish <sup>2</sup>[that does not  
34 violate] in violation of<sup>2</sup> paragraph (3) of subsection a. of  
35 N.J.S.2C:35-10 <sup>2</sup>]; 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]<sup>2</sup>.

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  
43 P.L.1979, c.441 (C.30:4-123.63), that good cause exists why the  
44 parolee should not be returned to confinement.<sup>1</sup>

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

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

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

45       c. Nothing set forth in this section shall be construed as  
46 creating or establishing a standard of care or duty for employers  
47 with respect to any other law. Evidence that an employer has  
48 violated, or is alleged to have violated, the provisions of this

1 section, shall not be admissible in any legal proceeding with respect  
2 to any law or claim other than a proceeding to enforce the  
3 provisions of this section. Nothing set forth in this section shall be  
4 construed as creating, establishing, or authorizing a private cause of  
5 action by an aggrieved person against an employer who has  
6 violated, or is alleged to have violated, the provisions of this  
7 section.

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

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



1 c. The Commissioner of Banking and Insurance shall have the  
2 power to:

3 (1) Make such investigations into any matter pertaining to this  
4 section, including the power to hold hearings and issue subpoenas  
5 to compel the attendance of witnesses and the production of  
6 evidence. In case of a failure of any person to comply with any  
7 subpoena, the Superior Court may issue an order requiring the  
8 attendance of such person and the giving of testimony or production  
9 of evidence. Any person failing to obey the court's order may be  
10 punished for contempt.

11 (2) Order a person found to be in violation of this section to  
12 cease its unlawful practices, subject to review, hearing, and relief in  
13 the Superior Court. A person that continues to violate the  
14 provisions of this act after having been ordered by the  
15 commissioner to cease such practices shall be liable to a penalty of  
16 \$10,000 for each offense instead of the penalty for a continuous  
17 violation set forth in section 10 of P.L.1977, c.1 (C.17:16F-  
18 10). This penalty may be collected in a summary proceeding  
19 pursuant to the "Penalty Enforcement Law of 1999," P.L.1999,  
20 c.274 (C.2A:58-10 et seq.). Except as set forth herein, the penalty  
21 provided by this section shall be in addition to and not in lieu of any  
22 other provision of law applicable upon a person's failure to comply  
23 with an order of the commissioner.  
24

25 <sup>1</sup>[9.] 17<sup>1</sup> (New section) a. A person alleging discrimination in  
26 public or private housing, real property, or a place of public  
27 accommodation, based on a prior arrest, charge, conviction, or  
28 adjudication of delinquency, <sup>2</sup>[or civil penalty or community  
29 service imposed in lieu of a civil penalty if the act was an unlawful  
30 act and not a crime or offense,]<sup>2</sup> for manufacturing, distributing, or  
31 dispensing, or possessing or having under control with intent to  
32 manufacture, distribute, or dispense, marijuana or hashish in  
33 violation of paragraph (11) of subsection b. of N.J.S.2C:35-5, or a  
34 lesser amount of marijuana or hashish in violation of paragraph (12)  
35 of subsection b. of that section, or a violation of either of those  
36 paragraphs and a violation of subsection a. of section 1 of P.L.1987,  
37 c.101 (C.2C:35-7) or subsection a. of section 1 of P.L.1997, c.327  
38 (C.2C:35-7.1) for distributing, dispensing, or possessing with intent  
39 to distribute or dispense, on or within 1,000 feet of any school  
40 property, or on or within 500 feet of the real property comprising a  
41 public housing facility, public park, or public building, or obtaining,  
42 possessing, using, being under the influence of, or failing to make  
43 lawful disposition of marijuana or hashish in violation of paragraph  
44 (3) or (4) of subsection a., or subsection b., or subsection c. of  
45 N.J.S.2C:35-10, or a violation involving marijuana or hashish as  
46 described herein and a violation of N.J.S.2C:36-2 for using or  
47 possessing with intent to use drug paraphernalia with that marijuana  
48 or hashish, or an arrest, charge, conviction, or adjudication of

1 delinquency under the laws of another state or of the United States  
2 of a crime <sup>2</sup>~~1.~~ <sup>2</sup>~~or~~ offense <sup>2</sup>~~1.~~ or other unlawful act, <sup>2</sup>~~1.~~ which, if  
3 committed in this State, would be a violation of any of the  
4 aforementioned crimes <sup>2</sup>~~1.~~ <sup>2</sup>~~or~~ offenses <sup>2</sup>~~1.~~ or unlawful acts <sup>2</sup>~~1.~~,  
5 regardless of when any such arrest, charge, conviction, or  
6 adjudication of delinquency <sup>2</sup>~~1.~~ or imposition of a civil penalty or  
7 community service, <sup>2</sup>~~1.~~ occurred, may institute a civil action in the  
8 Superior Court for relief. All remedies available in common law  
9 tort actions shall be available to a prevailing plaintiff. The court  
10 may also order any or all of the following relief:

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

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

17 (3) if the discrimination impacted the person's employment, and  
18 if applicable:

19 (a) reinstatement of the person to the same position of  
20 employment or to a position equivalent to that which the person  
21 held prior to unlawful discharge or retaliatory action;

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

23 (c) compensation for any lost wages, benefits and other  
24 remuneration; and

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

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

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

30

31 <sup>1</sup>~~10.~~ <sup>1</sup>~~18.~~ Section 1 of P.L.1995, c.23 (C.47:1A-1.1) is  
32 amended to read as follows:

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

35 "Biotechnology" means any technique that uses living  
36 organisms, or parts of living organisms, to make or modify  
37 products, to improve plants or animals, or to develop micro-  
38 organisms for specific uses; including the industrial use of  
39 recombinant DNA, cell fusion, and novel bioprocessing techniques.

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

45 "Government record" or "record" means any paper, written or  
46 printed book, document, drawing, map, plan, photograph,  
47 microfilm, data processed or image processed document,  
48 information stored or maintained electronically or by sound-

1 recording or in a similar device, or any copy thereof, that has been  
2 made, maintained or kept on file in the course of his or its official  
3 business by any officer, commission, agency or authority of the  
4 State or of any political subdivision thereof, including subordinate  
5 boards thereof, or that has been received in the course of his or its  
6 official business by any such officer, commission, agency, or  
7 authority of the State or of any political subdivision thereof,  
8 including subordinate boards thereof. The terms shall not include  
9 inter-agency or intra-agency advisory, consultative, or deliberative  
10 material.

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

14 information received by a member of the Legislature from a  
15 constituent or information held by a member of the Legislature  
16 concerning a constituent, including but not limited to information in  
17 written form or contained in any e-mail or computer data base, or in  
18 any telephone record whatsoever, unless it is information the  
19 constituent is required by law to transmit;

20 any memorandum, correspondence, notes, report or other  
21 communication prepared by, or for, the specific use of a member of  
22 the Legislature in the course of the member's official duties, except  
23 that this provision shall not apply to an otherwise publicly-  
24 accessible report which is required by law to be submitted to the  
25 Legislature or its members;

26 any copy, reproduction or facsimile of any photograph, negative  
27 or print, including instant photographs and videotapes of the body,  
28 or any portion of the body, of a deceased person, taken by or for the  
29 medical examiner at the scene of death or in the course of a post  
30 mortem examination or autopsy made by or caused to be made by  
31 the medical examiner except:

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

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

39 for use in the field of forensic pathology or for use in medical or  
40 scientific education or research, or

41 for use by any law enforcement agency in this State or any other  
42 state or federal law enforcement agency;

43 criminal investigatory records;

44 the portion of any criminal record concerning a person's  
45 detection, apprehension, arrest, detention, trial or disposition for  
46 unlawful <sup>1</sup>[distribution of] manufacturing, distributing, or  
47 dispensing<sup>1</sup>, or possessing or having under control with intent to  
48 <sup>1</sup>manufacture,<sup>1</sup> distribute,<sup>1</sup> or dispense,<sup>1</sup> marijuana or hashish in

1 violation of paragraph (11) of subsection b. of N.J.S.2C:35-5, or a  
2 lesser amount of marijuana or hashish in violation of paragraph (12)  
3 of subsection b. of that section, or a violation of either of those  
4 paragraphs and a violation of subsection a. of section 1 of P.L.1987,  
5 c.101 (C.2C:35-7) or subsection a. of section 1 of P.L.1997, c.327  
6 (C.2C:35-7.1) for distributing, <sup>1</sup>dispensing, <sup>1</sup> or possessing <sup>1,1</sup> or  
7 having under control with intent to distribute <sup>1</sup>or dispense<sup>1</sup> , on or  
8 within 1,000 feet of any school property, or on or within 500 feet of  
9 the real property comprising a public housing facility, public park,  
10 or public building, or for obtaining, possessing, using, being under  
11 the influence of, or failing to make lawful disposition of marijuana  
12 or hashish in violation of paragraph (3) or (4) of subsection a., or  
13 subsection b., or subsection c. of N.J.S.2C:35-10, or for a violation  
14 of any of those provisions and a violation of N.J.S.2C:36-2 for  
15 using or possessing with intent to use drug paraphernalia with  
16 <sup>1</sup>[the] that<sup>1</sup> marijuana or hashish;

17 <sup>2</sup>[on and after the effective date of P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_)  
18 (pending before the Legislature as this bill), any record concerning  
19 a person's commission of an unlawful act of manufacturing,  
20 distributing, or dispensing, or possessing or having under control  
21 with intent to manufacture, distribute, or dispense, marijuana or  
22 hashish in violation of paragraph (12) of subsection b. of  
23 N.J.S.2C:35-5, <sup>1</sup>[or possessing marijuana or hashish in violation of  
24 paragraph (4) of subsection a. of N.J.S.2C:35-10,]<sup>1</sup> for which a  
25 civil penalty was imposed;]<sup>2</sup>

26 victims' records, except that a victim of a crime shall have access  
27 to the victim's own records;

28 any written request by a crime victim for a record to which the  
29 victim is entitled to access as provided in this section, including,  
30 but not limited to, any law enforcement agency report, domestic  
31 violence offense report, and temporary or permanent restraining  
32 order;

33 personal firearms records, except for use by any person  
34 authorized by law to have access to these records or for use by any  
35 government agency, including any court or law enforcement  
36 agency, for purposes of the administration of justice;

37 personal identifying information received by the Division of Fish  
38 and Wildlife in the Department of Environmental Protection in  
39 connection with the issuance of any license authorizing hunting  
40 with a firearm. For the purposes of this paragraph, personal  
41 identifying information shall include, but not be limited to, identity,  
42 name, address, social security number, telephone number, fax  
43 number, driver's license number, email address, or social media  
44 address of any applicant or licensee;

45 trade secrets and proprietary commercial or financial information  
46 obtained from any source. For the purposes of this paragraph, trade  
47 secrets shall include data processing software obtained by a public  
48 body under a licensing agreement which prohibits its disclosure;

1 any record within the attorney-client privilege. This paragraph  
2 shall not be construed as exempting from access attorney or  
3 consultant bills or invoices except that such bills or invoices may be  
4 redacted to remove any information protected by the attorney-client  
5 privilege;

6 administrative or technical information regarding computer  
7 hardware, software and networks which, if disclosed, would  
8 jeopardize computer security;

9 emergency or security information or procedures for any  
10 buildings or facility which, if disclosed, would jeopardize security  
11 of the building or facility or persons therein;

12 security measures and surveillance techniques which, if  
13 disclosed, would create a risk to the safety of persons, property,  
14 electronic data or software;

15 information which, if disclosed, would give an advantage to  
16 competitors or bidders;

17 information generated by or on behalf of public employers or  
18 public employees in connection with any sexual harassment  
19 complaint filed with a public employer or with any grievance filed  
20 by or against an individual or in connection with collective  
21 negotiations, including documents and statements of strategy or  
22 negotiating position;

23 information which is a communication between a public agency  
24 and its insurance carrier, administrative service organization or risk  
25 management office;

26 information which is to be kept confidential pursuant to court  
27 order;

28 any copy of form DD-214, NGB-22, or that form, issued by the  
29 United States Government, or any other certificate of honorable  
30 discharge, or copy thereof, from active service or the reserves of a  
31 branch of the Armed Forces of the United States, or from service in  
32 the organized militia of the State, that has been filed by an  
33 individual with a public agency, except that a veteran or the  
34 veteran's spouse or surviving spouse shall have access to the  
35 veteran's own records;

36 any copy of an oath of allegiance, oath of office or any  
37 affirmation taken upon assuming the duties of any public office, or  
38 that oath or affirmation, taken by a current or former officer or  
39 employee in any public office or position in this State or in any  
40 county or municipality of this State, including members of the  
41 Legislative Branch, Executive Branch, Judicial Branch, and all law  
42 enforcement entities, except that the full name, title, and oath date  
43 of that person contained therein shall not be deemed confidential;

44 that portion of any document which discloses the social security  
45 number, credit card number, unlisted telephone number or driver  
46 license number of any person; except for use by any government  
47 agency, including any court or law enforcement agency, in carrying  
48 out its functions, or any private person or entity acting on behalf  
49 thereof, or any private person or entity seeking to enforce payment

1 of court-ordered child support; except with respect to the disclosure  
2 of driver information by the New Jersey Motor Vehicle  
3 Commission as permitted by section 2 of P.L.1997, c.188 (C.39:2-  
4 3.4); and except that a social security number contained in a record  
5 required by law to be made, maintained or kept on file by a public  
6 agency shall be disclosed when access to the document or  
7 disclosure of that information is not otherwise prohibited by State  
8 or federal law, regulation or order or by State statute, resolution of  
9 either or both houses of the Legislature, Executive Order of the  
10 Governor, rule of court or regulation promulgated under the  
11 authority of any statute or executive order of the Governor;

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

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

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

23 pedagogical, scholarly and/or academic research records and/or  
24 the specific details of any research project conducted under the  
25 auspices of a public higher education institution in New Jersey,  
26 including, but not limited to research, development information,  
27 testing procedures, or information regarding test participants,  
28 related to the development or testing of any pharmaceutical or  
29 pharmaceutical delivery system, except that a custodian may not  
30 deny inspection of a government record or part thereof that gives  
31 the name, title, expenditures, source and amounts of funding and  
32 date when the final project summary of any research will be  
33 available;

34 test questions, scoring keys and other examination data  
35 pertaining to the administration of an examination for employment  
36 or academic examination;

37 records of pursuit of charitable contributions or records  
38 containing the identity of a donor of a gift if the donor requires non-  
39 disclosure of the donor's identity as a condition of making the gift  
40 provided that the donor has not received any benefits of or from the  
41 institution of higher education in connection with such gift other  
42 than a request for memorialization or dedication;

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

46 information contained on individual admission applications; and  
47 information concerning student records or grievance or  
48 disciplinary proceedings against a student to the extent disclosure  
49 would reveal the identity of the student.

1 "Personal firearms record" means any information contained in a  
2 background investigation conducted by the chief of police, the  
3 county prosecutor, or the Superintendent of State Police, of any  
4 applicant for a permit to purchase a handgun, firearms identification  
5 card license, or firearms registration; any application for a permit to  
6 purchase a handgun, firearms identification card license, or firearms  
7 registration; any document reflecting the issuance or denial of a  
8 permit to purchase a handgun, firearms identification card license,  
9 or firearms registration; and any permit to purchase a handgun,  
10 firearms identification card license, or any firearms license,  
11 certification, certificate, form of register, or registration statement.  
12 For the purposes of this paragraph, information contained in a  
13 background investigation shall include, but not be limited to,  
14 identity, name, address, social security number, phone number, fax  
15 number, driver's license number, email address, social media  
16 address of any applicant, licensee, registrant or permit holder.

17 "Public agency" or "agency" means any of the principal  
18 departments in the Executive Branch of State Government, and any  
19 division, board, bureau, office, commission or other instrumentality  
20 within or created by such department; the Legislature of the State  
21 and any office, board, bureau or commission within or created by  
22 the Legislative Branch; and any independent State authority,  
23 commission, instrumentality or agency. The terms also mean any  
24 political subdivision of the State or combination of political  
25 subdivisions, and any division, board, bureau, office, commission or  
26 other instrumentality within or created by a political subdivision of  
27 the State or combination of political subdivisions, and any  
28 independent authority, commission, instrumentality or agency  
29 created by a political subdivision or combination of political  
30 subdivisions.

31 "Law enforcement agency" means a public agency, or part  
32 thereof, determined by the Attorney General to have law  
33 enforcement responsibilities.

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

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

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

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

46 "Victim of a crime" means a person who has suffered personal or  
47 psychological injury or death or incurs loss of or injury to personal  
48 or real property as a result of a crime, or if such a person is

1 deceased or incapacitated, a member of that person's immediate  
2 family.

3 "Victims' rights agency" means a public agency, or part thereof,  
4 the primary responsibility of which is providing services, including  
5 but not limited to food, shelter, or clothing, medical, psychiatric,  
6 psychological or legal services or referrals, information and referral  
7 services, counseling and support services, or financial services to  
8 victims of crimes, including victims of sexual assault, domestic  
9 violence, violent crime, child endangerment, child abuse or child  
10 neglect, and the Victims of Crime Compensation Board, established  
11 pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and continued as  
12 the Victims of Crime Compensation Office pursuant to P.L.2007,  
13 c.95 (C.52:4B-3.2 et al.) and Reorganization Plan No. 001-2008.  
14 (cf: P.L.2019, c.255, s.4)

15

16 <sup>2</sup>[<sup>1</sup>19. N.J.S.2C:52-30 is amended to read as follows:

17 2C:52-30. Except as otherwise provided in this chapter, **[any]**

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

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

31 (2) Any person or entity regularly engaged in the business of  
32 collecting, assembling, evaluating or disseminating records of  
33 occurrences or related legal proceedings described in subsection a.  
34 of this section for a fee, which disseminates a record that has been  
35 expunged or sealed and knows or should have known at the time of  
36 dissemination that the record has been expunged or sealed is liable  
37 to the person who is the subject of the record for damages totaling  
38 \$5,000 or the actual damages caused by the violation, whichever is  
39 greater, plus costs and attorney fees.<sup>1</sup>

40 (cf: N.J.S.2C:52-30)]<sup>2</sup>

41

42 <sup>2</sup>[<sup>1</sup>20.] 19.<sup>2</sup> (New section) The Administrative Director of the  
43 Courts shall maintain and provide information to any person upon  
44 request about the expungement process and legal services programs  
45 Statewide and in each county which may be available to assist the  
46 person with an expedited expungement pursuant to section 5 of  
47 P.L.2019, c.269 (C.2C:52-5.1) or a "clean slate" expungement  
48 pursuant to section 7 of P.L.2019, c.269 (C.2C:52-5.3).<sup>1</sup>



1       <sup>2</sup>[<sup>1</sup>21.] 20.<sup>2</sup> (New section) a. (1) The Administrative Director  
2 of the Courts shall develop and maintain a multilingual public  
3 awareness campaign to promote awareness of the expungement  
4 process, including an expedited expungement pursuant to section 5  
5 of P.L.2019, c.269 (C.2C:52-5.1) or a “clean slate” expungement  
6 pursuant to section 7 of P.L.2019, c.269 (C.2C:52-5.3), and the  
7 expungement e-filing system established pursuant to section 11 of  
8 P.L.2019, c.269 (C.2C:52-10.1), as well as information on State,  
9 local, non-profit and other private job training programs in  
10 consultation with the Department of Labor and Workforce  
11 Development, with a focus on assisting those persons eligible for  
12 the expedited expungement of their records 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),  
15 respectively.

16       (2) The public awareness campaign shall, at a minimum, utilize  
17 electronic and print media, and shall make available electronically  
18 on an Internet website a petition form and a list of the supporting  
19 information necessary for an expungement, including an expedited  
20 or “clean slate” expungement pursuant to section 5 of  
21 P.L.2019, c.269 (C.2C:52-5.1) or section 7 of P.L.2019, c.269  
22 (C.2C:52-5.3), respectively, using the expungement e-filing system  
23 once established pursuant to section 11 of P.L.2019, c.269  
24 (C.2C:52-10.1).

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

27       b. The Administrative Director of the Courts shall include in  
28 the annual report on the activities of the Administrative Office of  
29 the Courts, prepared pursuant to N.J.S.2A:12-5, information about  
30 the activities and accomplishments of the public awareness  
31 campaign developed and maintained pursuant to subsection a. of  
32 this section, beginning no later than one year after the effective date  
33 of P.L. , c. (C. ) (pending before the Legislature as this  
34 bill).<sup>1</sup>

35  
36       <sup>1</sup>[11.] <sup>2</sup>[22.<sup>1</sup>] 21.<sup>2</sup> This act shall take effect <sup>1</sup>[on the 90th day  
37 following enactment, except that the Attorney General,  
38 Administrative Director of the Courts, and the Supreme Court may  
39 take any anticipatory action as may be necessary to effectuate the  
40 provisions of this act] <sup>2</sup>[immediately<sup>1</sup>] on the 120th day following  
41 enactment<sup>2</sup>.