

[First Reprint]

SENATE, No. 2535

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JUNE 4, 2020

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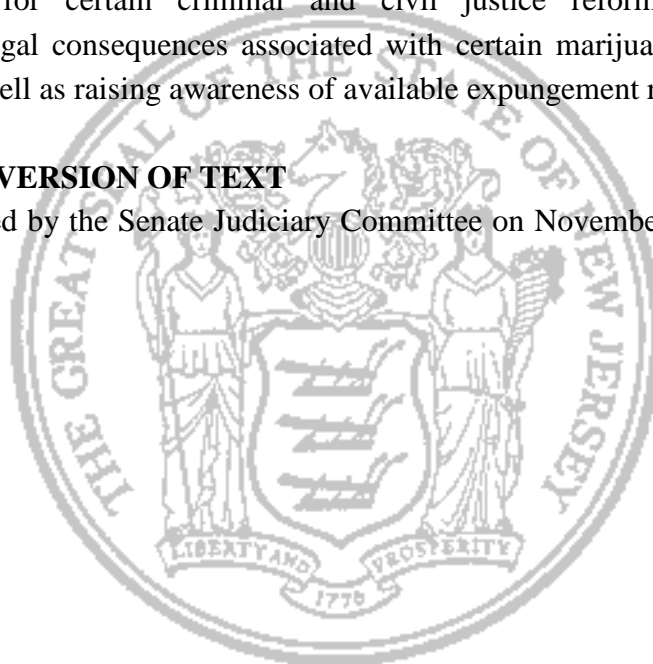
Senators Gopal, Turner and Cruz-Perez

SYNOPSIS

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

CURRENT VERSION OF TEXT

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



(Sponsorship Updated As Of: 11/12/2020)

1 AN ACT concerning certain criminal and civil justice reforms,
2 particularly addressing the legal consequences associated with
3 certain marijuana and hashish offenses as well as raising
4 awareness of available expungement relief, and amending and
5 supplementing various parts of the statutory law.

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

9
10 1. N.J.S.2C:35-5 is amended to read as follows:

11 2C:35-5. Manufacturing, Distributing or Dispensing. a. Except
12 as authorized by P.L.1970, c.226 (C.24:21-1 et seq.), it shall be
13 unlawful for any person knowingly or purposely:

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

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

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

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

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

42 (3) A substance referred to paragraph (1) of this subsection in a
43 quantity less than one-half ounce including any adulterants or
44 dilutants is guilty of a crime of the third degree except that,

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SJU committee amendments adopted November 9, 2020.

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

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

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

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

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

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

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

41 (b) Methamphetamine, or its analog, or phenyl-2-propanone
42 (P2P), in a quantity of less than one-half ounce including any
43 adulterants or dilutants is guilty of a crime of the third degree
44 except that notwithstanding the provisions of subsection b. of
45 N.J.S.2C:43-3, a fine of up to **【\$75,000.00】** \$75,000 may be
46 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) Marijuana in a quantity of more than one ~~【ounce】~~
15 ~~'【pound】 ounce'~~ ~~【or more】~~ but less than five pounds including
16 any adulterants or dilutants, or hashish in a quantity of ~~【five】~~ more
17 than ~~'【80】 five'~~ grams ~~【or more】~~ but less than one pound including
18 any adulterants or dilutants, is guilty of a crime of the third degree
19 except that, notwithstanding the provisions of subsection b. of
20 N.J.S.2C:43-3, a fine of up to ~~【\$25,000.00】~~ \$25,000 may be
21 imposed;

22 (12) Marijuana in a quantity of one ~~'【pound】 ounce'~~ or less
23 ~~【than one ounce】~~ including any adulterants or dilutants, or hashish
24 in a quantity of ~~'【80 grams】 five grams'~~ or less ~~【than five grams】~~
25 including any adulterants or dilutants, is ~~【guilty of a crime of the~~
26 ~~fourth degree】~~ ', for a first offense, guilty of' an unlawful act
27 'subject to a civil penalty of \$50, and for a second or subsequent
28 offense, is guilty of a crime of the fourth degree' ;

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

37 (b) (i) ~~'【A first violation of】~~ The civil penalty provided for in'
38 paragraph (12) of this subsection ~~'【is subject to a written warning,~~
39 which also indicates that any subsequent violation is subject to a
40 civil penalty or imposition of community service, and a second or
41 subsequent violation is subject to a civil penalty of \$25, or the
42 performance of community service in lieu of payment of the
43 penalty, which may be imposed without requiring a finding that a
44 person does not have the ability to pay the penalty in full,
45 notwithstanding the provisions of section 1 of P.L.2009, c.317
46 (C.2B:12-23.1). Whenever community service is not imposed, the

1 civil penalty shall be recovered by and in the name of the State in a
2 summary proceeding in accordance with shall be collected
3 pursuant to¹ the “Penalty Enforcement Law of 1999,” P.L.1999,
4 c.274 (C.2A:58-10 et seq.), ¹by the local municipality in a
5 summary proceeding¹ before the municipal court having
6 jurisdiction ¹, and remitted in accordance with that act¹ .
7 ¹Whenever community service is imposed in lieu of payment of
8 the A¹ penalty ¹, the value of each hour of service shall be
9 considered to be not less than the recovered under the provisions
10 of this paragraph shall be recovered by and in the name of the¹
11 State ¹minimum wage established¹ by the ¹“New Jersey State
12 Wage and Hour Law,” P.L.1966, c.113 (C.34:11-56a et seq.), or
13 federal minimum wage established by 29 U.S.C. s.206, or any
14 successor State or federal law, whichever wage is higher, and the
15 community service imposed shall not exceed \$25 in value local
16 municipality. The penalty shall be paid into the treasury of the
17 municipality in which the violation occurred for the general use of
18 the municipality¹;

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

34 (c) All local and county law enforcement authorities shall,
35 following the submission process used for the uniform crime
36 reporting system established by P.L.1966, c.37 (C.52:17B-
37 5.1 et seq.), submit a quarterly report to the Uniform Crime
38 Reporting Unit, within the Division of State Police in the
39 Department of Law and Public Safety, or to another designated
40 recipient determined by the Attorney General, containing the
41 number of violations of paragraph (12) of this subsection committed
42 within their respective jurisdictions, plus the race, ethnicity, gender,
43 and age of each person committing a violation, and the disposition
44 of each person’s violation. These violations and associated
45 information, along with a quarterly summary of violations
46 investigated, and associated information collected, by the Division
47 of State Police for the same period shall be summarized by county

1 and municipality in an annual report, and both quarterly summaries
2 and annual reports shall be made available at no cost to the public
3 on the Division of State Police's Internet website;

4 (13) Any other controlled dangerous substance classified in
5 Schedule I, II, III or IV, or its analog, is guilty of a crime of the
6 third degree, except that, notwithstanding the provisions of
7 subsection b. of N.J.S.2C:43-3, a fine of up to **["\$25,000.00"]**
8 \$25,000 may be imposed; or

9 (14) Any Schedule V substance, or its analog, 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"]** \$25,000 may be imposed.

13 c. Where the degree of the offense for violation of this section
14 depends on the quantity of the substance, the quantity involved
15 shall be determined by the trier of fact ¹**["other than with respect to**
16 **a first violation of paragraph (12) of subsection b. of this section**
17 **which is subject to a written warning as set forth in that**
18 **paragraph"]**¹. Where the indictment or accusation so provides, the
19 quantity involved in individual acts of manufacturing, distribution,
20 dispensing or possessing with intent to distribute may be aggregated
21 in determining the grade of the offense, whether distribution or
22 dispensing is to the same person or several persons, provided that
23 each individual act of manufacturing, distribution, dispensing or
24 possession with intent to distribute was committed within the
25 applicable statute of limitations.

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

27
28 2. N.J.S.2C:35-10 is amended to read as follows:

29 2C:35-10. Possession, Use or Being Under the Influence, or
30 Failure to Make Lawful Disposition.

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

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

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

1 (3) Possession of more than **50 grams** ¹~~one pound~~ six
2 ounces¹ of marijuana, including any adulterants or dilutants, or
3 more than **five** ¹~~80~~ 170¹ grams of hashish is **guilty of a crime**
4 of the fourth degree, except that, notwithstanding the provisions of
5 subsection b. of N.J.S.2C:43-3, a fine of up to \$25,000.00 may be
6 imposed ¹~~a disorderly person~~ **guilty of a crime of the fourth**
7 **degree, except that, notwithstanding the provisions of subsection b.**
8 **of N.J.S.2C:43-3, a fine of up to \$25,000.00 may be imposed¹;**
9 ¹**or**

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

18 (b) A person shall not be deprived of any legal or civil right,
19 privilege, benefit, or opportunity provided pursuant to any law
20 solely by reason of committing a violation of paragraph (3) of this
21 subsection, nor shall committing one or more violations modify any
22 legal or civil right, privilege, benefit, or opportunity provided
23 pursuant to any law, including, but not limited to, the granting,
24 renewal, forfeiture, or denial of a license, permit, or certification,
25 qualification for and the receipt, alteration, continuation, or denial
26 of any form of financial assistance, housing assistance, or other
27 social services, rights of or custody by a biological parent, or
28 adoptive or foster parent, or other legal guardian of a child or
29 newborn infant, or pregnant woman, in any action or proceeding by
30 the Division of Child Protection and Permanency in the Department
31 of Children and Families, or qualification, approval, or disapproval
32 to serve as a foster parent or other legal guardian;

33 (c) All local and county law enforcement authorities shall,
34 following the submission process used for the uniform crime
35 reporting system established by P.L.1966, c.37 (C.52:17B-
36 5.1 et seq.), submit a quarterly report to the Uniform Crime
37 Reporting Unit, within the Division of State Police in the
38 Department of Law and Public Safety, or to another designated
39 recipient determined by the Attorney General, containing the
40 number of violations of paragraph (3) of this subsection committed
41 within their respective jurisdictions, plus the race, ethnicity, gender,
42 and age of each person committing a violation, and the disposition
43 of each person's violation. These violations and associated
44 information, along with a quarterly summary of violations
45 investigated, and associated information collected, by the Division
46 of State Police for the same period shall be summarized by county
47 and municipality in an annual report, and both quarterly summaries

1 and annual reports shall be made available at no cost to the public
2 on the Division of State Police's Internet website;¹

3 (4) ¹["Possession of [50 grams] one pound or less of marijuana,
4 including any adulterants or dilutants, or [five] 80 grams or less of
5 hashish is [a disorderly person] an unlawful act;

6 (a) The odor of marijuana or hashish, or burnt marijuana or
7 hashish, shall not constitute reasonable articulable suspicion to
8 initiate a search of a person to determine a violation of paragraph
9 (4) of this subsection. A person who violates this paragraph shall
10 not be subject to arrest, detention, or otherwise be taken into
11 custody, unless the person is being arrested, detained, or otherwise
12 taken into custody for also committing another violation of law for
13 which that action is legally permitted or required;

14 (b) (i) A first violation of paragraph (4) of this subsection is
15 subject to a written warning, which also indicates that any
16 subsequent violation is subject to a civil penalty or imposition of
17 community service, and a second or subsequent violation is subject
18 to a civil penalty of \$25, or the performance of community service
19 in lieu of payment of the penalty, which may be imposed without
20 requiring a finding that a person does not have the ability to pay the
21 penalty in full, notwithstanding the provisions of section 1 of
22 P.L.2009, c.317 (C.2B:12-23.1). Whenever community service is
23 not imposed, the civil penalty shall be recovered by and in the name
24 of the State in a summary proceeding in accordance with the
25 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-
26 10 et seq.), by the local municipality before the municipal court
27 having jurisdiction, and remitted in accordance with that act.
28 Whenever community service is imposed in lieu of payment of the
29 penalty, the value of each hour of service shall be considered to be
30 not less than the State minimum wage established by the "New
31 Jersey State Wage and Hour Law," P.L.1966, c.113 (C.34:11-
32 56a et seq.), or federal minimum wage established by
33 29 U.S.C. s.206, or any successor State or federal law, whichever
34 wage is higher, and the community service imposed shall not
35 exceed \$25 in value;

36 (ii) A person shall not be deprived of any legal or civil right,
37 privilege, benefit, or opportunity provided pursuant to any law
38 solely by reason of committing a violation of paragraph (4) of this
39 subsection, nor shall committing one or more violations modify any
40 legal or civil right, privilege, benefit, or opportunity provided
41 pursuant to any law, including, but not limited to, the granting,
42 renewal, forfeiture, or denial of a license, permit, or certification,
43 qualification for and the receipt, alteration, continuation, or denial
44 of any form of financial assistance, housing assistance, or other
45 social services, rights of or custody by a biological parent, or
46 adoptive or foster parent, or other legal guardian of a child or
47 newborn infant, or pregnant woman, in any action or proceeding by
48 the Division of Child Protection and Permanency in the Department

1 of Children and Families, or qualification, approval, or disapproval
2 to serve as a foster parent or other legal guardian;

3 (c) All local and county law enforcement authorities shall,
4 following the submission process used for the uniform crime
5 reporting system established by P.L.1966, c.37 (C.52:17B-
6 5.1 et seq.), submit a quarterly report to the Uniform Crime
7 Reporting Unit, within the Division of State Police in the
8 Department of Law and Public Safety, or to another designated
9 recipient determined by the Attorney General, containing the
10 number of violations of paragraph (4) of this subsection committed
11 within their jurisdictions, plus the race, ethnicity, gender, and age of
12 each person committing a violation, and the disposition of each
13 person's violation. These violations and associated information,
14 along with a quarterly summary of violations investigated, and
15 associated information collected, by the Division of State Police for
16 the same period shall be summarized by county and municipality in
17 an annual report, and both quarterly summaries and annual reports
18 shall be made available at no cost to the public on the Division of
19 State Police's Internet website.】 (Deleted by amendment, P.L. , c.
20 (pending before the Legislature as this bill)¹

21 Any person who commits any offense **【defined in】** set forth in
22 paragraphs (1) through (3) of this 【section】 subsection while on any
23 property used for school purposes which is owned by or leased to
24 any elementary or secondary school or school board, or within
25 1,000 feet of any such school property or a school bus, or while on
26 any school bus, and who is not sentenced to a term of
27 imprisonment, shall, in addition to any other sentence which the
28 court may impose, be required to perform not less than 100 hours of
29 community service.

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

35 In a prosecution under this subsection, it shall not be necessary
36 for the State to prove that the accused did use or was under the
37 influence of any specific, prohibited drug, but it shall be sufficient
38 for a conviction under this subsection for the State to prove that the
39 accused did use or was under the influence of some prohibited
40 controlled dangerous substance, counterfeit controlled dangerous
41 substance, or controlled substance analog, by proving that the
42 accused did manifest physical and physiological symptoms or
43 reactions caused by the use of any prohibited controlled dangerous
44 substance or controlled substance analog.

45 (2) Notwithstanding that using or being under the influence of
46 marijuana or hashish is not a punishable offense pursuant to this
47 subsection, the smoking ¹, vaping, or aerosolizing¹ of marijuana or

1 hashish may be prohibited or otherwise regulated on or in any
2 property by the person or entity that owns or controls that property,
3 including multifamily housing that is a multiple dwelling as defined
4 in section 3 of P.L.1967, c.76 (C.55:13A-3), the units of a
5 condominium, as those terms are defined by section 3 of P.L.1969,
6 c.257 (C.46:8B-3), or a site in a mobile home park as defined in
7 section 3 of P.L.1983, c.386 (C.40:55D-102), which site is leased to
8 the owner of a manufactured home, as defined in that section, that is
9 installed thereon.

10 c. Any person who knowingly obtains or possesses a controlled
11 dangerous substance or controlled substance analog in violation of
12 paragraph (1) or (2) of subsection a. of this section and who fails to
13 voluntarily deliver the substance to the nearest law enforcement
14 officer is guilty of a disorderly persons offense. Nothing in this
15 subsection shall be construed to preclude a prosecution or
16 conviction for any other offense defined in this title or any other
17 statute.

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

19
20 3. N.J.S.2C:36-2 is amended to read as follows:

21 2C:36-2. a. Use or possession with intent to use, disorderly
22 persons offense. It shall be unlawful for any person to use, or to
23 possess with intent to use, drug paraphernalia to plant, propagate,
24 cultivate, grow, harvest, manufacture, compound, convert, produce,
25 process, prepare, test, analyze, pack, repack, store, contain, conceal,
26 ingest, inhale, or otherwise introduce into the human body a
27 controlled dangerous substance, controlled substance analog or
28 toxic chemical in violation of the provisions of chapter 35 of this
29 title, other than when used, or possessed with intent to use, for
30 ingesting, inhaling, or otherwise introducing marijuana or hashish
31 into the human body. Any person who violates this section is guilty
32 of a disorderly persons offense.

33 b. Notwithstanding that using or possessing with intent to use
34 drug paraphernalia to ingest, inhale, or otherwise introduce
35 marijuana or hashish into the human body is not a punishable
36 offense pursuant to this section, the use of drug paraphernalia for
37 that purpose may be prohibited or otherwise regulated on or in any
38 property by the person or entity that owns or controls that property,
39 including multifamily housing that is a multiple dwelling as defined
40 in section 3 of P.L.1967, c.76 (C.55:13A-3), the units of a
41 condominium, as those terms are defined by section 3 of P.L.1969,
42 c.257 (C.46:8B-3), or a site in a mobile home park as defined in
43 section 3 of P.L.1983, c.386 (C.40:55D-102), which site is leased to
44 the owner of a manufactured home, as defined in that section, that is
45 installed thereon.

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

1 4. (New section) a. Except to the extent required to dismiss,
2 withdraw, or terminate the charge, no court shall have jurisdiction
3 over any charge, including any charge of delinquency, based on
4 ¹offenses that occurred prior to the effective date of
5 P.L. , c. (C.) (pending before the Legislature as this bill),
6 involving¹ manufacturing, distributing, or dispensing, or possessing
7 or having under control with intent to manufacture, distribute, or
8 dispense, marijuana or hashish in violation of paragraph ¹(11) of
9 subsection b. of N.J.S.2C:35-5, or a lesser amount of marijuana or
10 hashish in violation of paragraph¹ (12) of subsection b. of
11 ¹["N.J.S.2C:35-5"] that section¹, or ¹a violation of either of those
12 paragraphs and a violation of subsection a. of section 1 of P.L.1987,
13 c.101 (C.2C:35-7) or subsection a. of section 1 of P.L.1997, c.327
14 (C.2C:35-7.1) for distributing, dispensing, or possessing with intent
15 to distribute or dispense, on or within 1,000 feet of any school
16 property, or on or within 500 feet of the real property comprising a
17 public housing facility, public park, or public building, or¹
18 obtaining ¹[or] , ¹ possessing ¹, using, being under the influence of,
19 or failing to make lawful disposition of¹ marijuana or hashish in
20 violation of paragraph ¹(3) or¹ (4) of subsection a. ¹, or subsection
21 b., or subsection c.¹ of N.J.S.2C:35-10, ¹["that occurred prior to the
22 effective date of P.L. , c. (C.) (pending before the
23 Legislature as this bill)"] or a violation involving marijuana or
24 hashish as described herein and a violation of N.J.S.2C:36-2 for
25 using or possessing with intent to use drug paraphernalia with that
26 marijuana or hashish, alone or in combination with each other¹ ,
27 unless a ¹guilty verdict, plea, or other entry of guilt, or¹ final
28 judgment of conviction or adjudication of delinquency has been
29 entered on or before that effective date. These non-prosecutable
30 charges and cases shall be expeditiously dismissed, which may be
31 accomplished by appropriate action by a law enforcement agency,
32 or on a motion to the court which would otherwise have jurisdiction
33 over a case, or the court's own motion, based upon guidelines,
34 administrative directives, and court orders issued by the Attorney
35 General, the Administrative Director of the Courts, and the
36 Supreme Court, as appropriate.

37 b. (1) Regarding a ¹["conviction or adjudication of
38 delinquency"] guilty verdict, plea, or other entry of guilt¹ entered
39 prior to the effective date of P.L. , c. (C.) (pending before
40 the Legislature as this bill), it shall be grounds for ¹["post-
41 conviction"]¹ relief that the ¹["conviction or adjudication of
42 delinquency"] guilty verdict, plea, or other entry of guilt¹ involved
43 ¹["manufacturing, distributing, or dispensing, or possessing or
44 having under control with intent to manufacture, distribute, or
45 dispense, marijuana or hashish in violation of paragraph (11) of
46 subsection b. of N.J.S.2C:35-5, or a lesser amount of marijuana or

1 hashish in violation of paragraph (12) of subsection b. of that
2 section, or a violation of either of those paragraphs and a violation
3 of subsection a. of section 1 of P.L.1987, c.101 (C.2C:35-7) or
4 subsection a. of section 1 of P.L.1997, c.327 (C.2C:35-7.1) for
5 distributing, dispensing, or possessing with intent to distribute or
6 dispense, on or within 1,000 feet of any school property, or on or
7 within 500 feet of the real property comprising a public housing
8 facility, public park, or public building, or obtaining, possessing,
9 using, being under the influence of, or failing to make lawful
10 disposition of marijuana or hashish in violation of paragraph (3) or
11 (4) of subsection a., or subsection b., or subsection c. of
12 N.J.S.2C:35-10, or a violation involving marijuana or hashish as
13 described herein and a violation of N.J.S.2C:36-2 for using or
14 possessing with intent to use drug paraphernalia with that marijuana
15 or hashish, alone or in combination with each other】 one or more
16 crimes or offenses, or delinquent acts which if committed by an
17 adult would constitute one or more crimes or offenses, enumerated
18 in subsection a. of this section¹, if a final judgment of conviction or
19 adjudication of delinquency had not been entered on or before that
20 effective date.

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

38 (3) No fee shall be charged to a person seeking post-conviction
39 relief pursuant to this subsection.
40

41 5. (New section) Other than the consequences of any sentence
42 set forth in a judgment of conviction, including a term of
43 imprisonment and any court-ordered financial assessment, unless
44 otherwise provided by law, any arrest, charge, conviction, and
45 adjudication of delinquency that occurred prior to the effective date
46 of P.L. , c. (C.) (pending before the Legislature as this bill),
47 and any proceedings related thereto, for manufacturing, distributing,

1 or dispensing, or possessing or having under control with intent to
 2 manufacture, distribute, or dispense, marijuana or hashish in
 3 violation of paragraph (11) of subsection b. of N.J.S.2C:35-5, or a
 4 lesser amount of marijuana or hashish in violation of paragraph (12)
 5 of subsection b. of that section, or a violation of either of those
 6 paragraphs and a violation of subsection a. of section 1 of P.L.1987,
 7 c.101 (C.2C:35-7) or subsection a. of section 1 of P.L.1997, c.327
 8 (C.2C:35-7.1) for distributing, dispensing, or possessing ¹or having
 9 under control¹ with intent to distribute or dispense, on or within
 10 1,000 feet of any school property, or on or within 500 feet of the
 11 real property comprising a public housing facility, public park, or
 12 public building, or obtaining, possessing, using, being under the
 13 influence of, or failing to make lawful disposition of marijuana or
 14 hashish in violation of paragraph (3) or (4) of subsection a., or
 15 subsection b., or subsection c. of N.J.S.2C:35-10, or a violation
 16 involving marijuana or hashish as described herein and a violation
 17 of N.J.S.2C:36-2 for using or possessing with intent to use drug
 18 paraphernalia with that marijuana or hashish, shall be deemed not to
 19 have occurred, and the person involved in that violation may answer
 20 any questions relating to their occurrence accordingly, except that
 21 such information shall be revealed by that person if seeking
 22 employment within the judicial branch or with a law enforcement or
 23 corrections agency and such information shall continue to provide a
 24 disability as otherwise provided by law.

25
 26 6. Section 6 of P.L.2019, c.269 (C.2C:52-5.2) is amended to
 27 read as follows:

28 6. a. (1) No later than three months after the effective date of
 29 this section, the Administrative Office of the Courts shall develop
 30 and maintain a system for sealing records from the public, upon
 31 order of a court, pertaining to offenses **【or】** , delinquent acts, or
 32 unlawful acts subject to a civil penalty, ¹【or community service in
 33 lieu of payment of a penalty,】¹ involving marijuana or hashish as
 34 described in this section. Once the system is developed, unless
 35 otherwise provided by law, a court shall order the nondisclosure to
 36 the public of the records of the court and probation services, and
 37 records of law enforcement agencies with respect to any arrest,
 38 conviction, **【or】** adjudication of delinquency, or imposition of a
 39 civil penalty ¹【or community service】¹ , and any proceedings
 40 related thereto, upon disposition of any case occurring on or after
 41 the development of the system for sealing records that solely
 42 includes the following convictions **【or】** , adjudications of
 43 delinquency, or imposition of civil penalties ¹【or community
 44 service】¹:

45 (a) any number of offenses for, **【or】** delinquent acts which if
 46 committed by an adult would constitute, **【unlawful distribution of】**
 47 or unlawful acts subject to a civil penalty ¹【, or community service

1 in lieu of payment of a penalty】¹ for, manufacturing, distributing,
2 or dispensing, or possessing or having under control with intent to
3 manufacture, distribute, or dispense, marijuana or hashish in
4 violation of paragraph (12) of subsection b. of N.J.S.2C:35-5, or a
5 violation of that paragraph and a violation of subsection a. of
6 section 1 of P.L.1987, c.101 (C.2C:35-7) or subsection a. of section
7 1 of P.L.1997, c.327 (C.2C:35-7.1) for distributing, or possessing or
8 having under control with intent to distribute, on or within 1,000
9 feet of any school property, or on or within 500 feet of the real
10 property comprising a public housing facility, public park, or public
11 building; or

12 (b) any number of offenses for, **[or]** delinquent acts which if
13 committed by an adult would constitute, or unlawful acts subject to
14 a civil penalty ¹【, or community service in lieu of payment of a
15 penalty】¹ for, obtaining **[.]** or possessing **[.]**, using, being under the
16 influence of, or failing to make lawful disposition of】 marijuana or
17 hashish in violation of paragraph (3) ¹【or (4)】¹ of subsection a. **[.]**,
18 or subsection b., or subsection c.】 of N.J.S.2C:35-10 **[; or]** .

19 (c) **[any number of offenses for, or delinquent acts which if**
20 **committed by an adult would constitute, a violation involving**
21 **marijuana or hashish as described in subparagraph (a) or (b) of this**
22 **paragraph 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.】 (Deleted by amendment, P.L. , c.) (pending**
25 **before the Legislature as this bill)**

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

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

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

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

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

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

29 (cf: P.L.2019, c.269, s.6)

30

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

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

39 a. The court shall order the pretrial release of the eligible
40 defendant on personal recognizance or on the execution of an
41 unsecured appearance bond when, after considering all the
42 circumstances, the Pretrial Services Program's risk assessment and
43 recommendations on conditions of release prepared pursuant to
44 section 11 of P.L.2014, c.31 (C.2A:162-25), and any information
45 that may be provided by a prosecutor or the eligible defendant, the
46 court finds that the release would reasonably assure the eligible
47 defendant's appearance in court when required, the protection of the
48 safety of any other person or the community, and that the eligible

1 defendant will not obstruct or attempt to obstruct the criminal
2 justice process.

3 b. (1) If the court does not find, after consideration, that the
4 release described in subsection a. of this section will reasonably
5 assure the eligible defendant's appearance in court when required,
6 the protection of the safety of any other person or the community,
7 and that the eligible defendant will not obstruct or attempt to
8 obstruct the criminal justice process, the court may order the
9 pretrial release of the eligible defendant subject to the following:

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

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

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

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

20 (2) The non-monetary condition or conditions of a pretrial
21 release ordered by the court pursuant to this paragraph shall be the
22 least restrictive condition, or combination of conditions, that the
23 court determines will reasonably assure the eligible defendant's
24 appearance in court when required, the protection of the safety of
25 any other person or the community, and that the eligible defendant
26 will not obstruct or attempt to obstruct the criminal justice process,
27 which may include that the eligible defendant:

28 (a) remain in the custody of a designated person, who agrees to
29 assume supervision and to report any violation of a release
30 condition to the court, if the designated person is able to reasonably
31 assure the court that the eligible defendant will appear in court
32 when required, will not pose a danger to the safety of any other
33 person or the community, and will not obstruct or attempt to
34 obstruct the criminal justice process;

35 (b) maintain employment, or, if unemployed, actively seek
36 employment;

37 (c) maintain or commence an educational program;

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

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

42 (f) comply with a specified curfew;

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

45 (h) refrain from excessive use of alcohol, or any use of a
46 narcotic drug or other controlled substance without a prescription
47 by a licensed medical practitioner, except that, the court's order

1 shall not refrain the eligible defendant from using marijuana or
2 hashish;

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

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

8 (k) be placed in a pretrial home supervision capacity with or
9 without the use of an approved electronic monitoring device. The
10 court may order the eligible defendant to pay all or a portion of the
11 costs of the electronic monitoring, but the court may waive the
12 payment for an eligible defendant who is indigent and who has
13 demonstrated to the court an inability to pay all or a portion of the
14 costs; or

15 (l) satisfy any other condition that is necessary to reasonably
16 assure the eligible defendant's appearance in court when required,
17 the protection of the safety of any other person or the community,
18 and that the eligible defendant will not obstruct or attempt to
19 obstruct the criminal justice process, which shall not include any
20 prohibition or restriction concerning:

21 (a) 'an unlawful act subject only to a civil penalty for'
22 manufacturing, distributing, or dispensing, or possessing or having
23 under control with intent to manufacture, distribute, or dispense,
24 marijuana or hashish in violation of paragraph (12) of subsection b.
25 of N.J.S.2C:35-5, or possessing 'any amount of' marijuana or
26 hashish 'in violation of' that does not violate' paragraph '[(4)]
27 (3)' of subsection a. of N.J.S.2C:35-10; or

28 (b) the presence of any cannabinoid metabolites in any bodily
29 fluids of the eligible defendant.

30 c. (1) If the court does not find, after consideration, that the
31 release described in subsection a. or b. of this section will
32 reasonably assure the eligible defendant's appearance in court when
33 required, the court may order the pretrial release of the eligible
34 defendant on monetary bail, other than an unsecured appearance
35 bond. The court may only impose monetary bail pursuant to this
36 subsection to reasonably assure the eligible defendant's appearance.
37 The court shall not impose the monetary bail to reasonably assure
38 the protection of the safety of any other person or the community or
39 that the eligible defendant will not obstruct or attempt to obstruct
40 the criminal justice process, or for the purpose of preventing the
41 release of the eligible defendant.

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

46 d. (1) If the court does not find, after consideration, that the
47 release described in subsection a., b., or c. will reasonably assure
48 the eligible defendant's appearance in court when required, the

1 protection of the safety of any other person or the community, and
2 that the eligible defendant will not obstruct or attempt to obstruct
3 the criminal justice process, the court may order the pretrial release
4 of the eligible defendant using a combination of non-monetary
5 conditions as set forth in subsection b. of this section, and monetary
6 bail as set forth in subsection c. of this section.

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

12 e. For purposes of the court's consideration for pretrial release
13 described in this section, with respect to whether the particular
14 method of release will reasonably assure that the eligible defendant
15 will not obstruct or attempt to obstruct the criminal justice process,
16 this reasonable assurance may be deemed to exist if the prosecutor
17 does not provide the court with information relevant to the risk of
18 whether the eligible defendant will obstruct or attempt to obstruct
19 the criminal justice process.

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

21
22 8. Section 6 of P.L.2014, c.31 (C.2A:162-20) is amended to
23 read as follows:

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

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

33 b. The weight of the evidence against the eligible defendant,
34 except that the court may consider the admissibility of any evidence
35 sought to be excluded;

36 c. The history and characteristics of the eligible defendant,
37 including:

38 (1) the eligible defendant's character, physical and mental
39 condition, family ties, employment, financial resources, length of
40 residence in the community, community ties, past conduct, history
41 relating to drug or alcohol abuse, criminal history, and record
42 concerning **appearance** appearances at court proceedings, except
43 with respect to these factors, the court shall not consider an
44 unlawful act **'[of]** subject only to a civil penalty for¹
45 manufacturing, distributing, or dispensing, or possessing or having
46 under control with intent to manufacture, distribute, or dispense,
47 marijuana or hashish in violation of paragraph (12) of subsection b.
48 of N.J.S.2C:35-5, or possessing ¹any amount of marijuana or

1 hashish **'[in violation of]** that does not violate¹ paragraph **'[(4)]**
2 (3)¹ of subsection a. of N.J.S.2C:35-10 **'[**, committed on or after
3 the effective date of P.L. , c. (C.) (pending before the
4 Legislature as this bill), for which a written warning was issued, or
5 a civil penalty or community service in lieu of payment of a penalty
6 was imposed¹; and

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

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

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

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

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

21
22 9. Section 10 of P.L.2014, c.31 (C.2A:162-24) is amended to
23 read as follows:

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

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

43 (1) **'[Manufacturing]** An unlawful act subject only to a civil
44 penalty for manufacturing¹ , distributing, or dispensing, or
45 possessing or having under control with intent to manufacture,
46 distribute, or dispense, marijuana or hashish in violation of
47 paragraph (12) of subsection b. of N.J.S.2C:35-5, or possessing

1 'any amount of' marijuana or hashish '【in violation of】 that does
2 not violate' paragraph '【(4)】 (3)' of subsection a. of N.J.S.2C:35-
3 10; or

4 (2) The presence of any cannabinoid metabolites in any bodily
5 fluids of the eligible defendant, detected as a result of the
6 administration of a drug test or any other means.

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

8
9 10. Section 11 of P.L.2014, c.31 (C.2A:162-25) is amended to
10 read as follows:

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

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

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

39 (1) (a) The approved risk assessment instrument shall be
40 objective, standardized, and developed based on analysis of
41 empirical data and risk factors relevant to the risk of failure to
42 appear in court when required and the danger to the community
43 while on pretrial release. The risk assessment instrument shall not
44 be required to include factors specifically pertaining to the risk for
45 obstructing or attempting to obstruct the criminal justice process.

46 (b) The approved risk assessment instrument shall not consider a
47 charge, including any charge of delinquency, conviction, or
48 adjudication of delinquency, or civil penalty '【or community

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

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

30 d. In addition to the pretrial risk assessments made pursuant to
31 this section, the Pretrial Services Program shall monitor appropriate
32 eligible defendants released on conditions as ordered by the court.
33 (cf: P.L.2014, c.31, s.11)
34

35 11. N.J.S.2C:45-1 is amended to read as follows:

36 2C:45-1. Conditions of Suspension or Probation.

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

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

47 (a) ¹【Manufacturing】 An unlawful act subject only to a civil
48 penalty for manufacturing¹ , distributing, or dispensing, or

1 possessing or having under control with intent to manufacture,
2 distribute, or dispense, marijuana or hashish in violation of
3 paragraph (12) of subsection b. of N.J.S.2C:35-5, or possession of
4 'any amount of' marijuana or hashish 'in violation of' that does
5 not violate' paragraph '[(4)] (3)' of subsection a. of N.J.S.2C:35-
6 10; or

7 (b) The presence of any cannabinoid metabolites in any bodily
8 fluids of the person.

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

11 (1) To support his dependents and meet his family
12 responsibilities;

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

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

17 (4) To pursue a prescribed secular course of study or vocational
18 training;

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

21 (6) To refrain from frequenting unlawful or disreputable places
22 or consorting with disreputable persons;

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

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

26 (9) To remain within the jurisdiction of the court and to notify
27 the court or the probation officer of any change in his address or his
28 employment;

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

32 (11) To pay a fine;

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

36 (13) To require the performance of community-related service;
37 and

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

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

47 c. The court, as a condition of its order, shall require the
48 defendant to pay any assessments required by section 2 of P.L.1979,

1 c.396 (C.2C:43-3.1) and shall, consistent with the applicable
2 provisions of N.J.S.2C:43-3, N.J.S.2C:43-4 and N.J.S.2C:44-2 or
3 section 1 of P.L.1983, c.411 (C.2C:43-2.1) require the defendant to
4 make restitution.

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

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

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

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

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

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

41 e. When the court sentences a person who has been convicted
42 of a crime to be placed on probation, it may require him to serve a
43 term of imprisonment not exceeding 364 days as an additional
44 condition of its order. When the court sentences a person convicted
45 of a disorderly persons offense to be placed on probation, it may
46 require him to serve a term of imprisonment not exceeding 90 days
47 as an additional condition of its order. In imposing a term of
48 imprisonment pursuant to this subsection, the sentencing court shall

1 specifically place on the record the reasons which justify the
2 sentence imposed. The term of imprisonment imposed hereunder
3 shall be treated as part of the sentence, and in the event of a
4 sentence of imprisonment upon the revocation of probation, the
5 term of imprisonment served hereunder shall be credited toward
6 service of such subsequent sentence. A term of imprisonment
7 imposed under this section shall be governed by the "Parole Act of
8 1979," P.L.1979, c.441 (C.30:4-123.45 et al.).

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

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

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

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

40
41 12. N.J.S.2C:45-3 is amended to read as follows:

42 2C:45-3. a. At any time before the discharge of the defendant or
43 the termination of the period of suspension or probation:

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

46 (2) A probation officer or peace officer, upon request of the
47 chief probation officer or otherwise having probable cause to
48 believe that the defendant has failed to comply with a requirement

1 imposed as a condition of the order or that he has committed
2 another offense, may arrest him without a warrant;

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

8 (4) The court, if satisfied that the defendant has inexcusably
9 failed to comply with a substantial requirement imposed as a
10 condition of the order or if he has been convicted of another
11 offense, may revoke the suspension or probation and sentence or
12 resentence the defendant, as provided in this section. No revocation
13 of suspension or probation shall be based on: (a) failure to pay a
14 fine or make restitution, unless the failure was willful; (b) ¹an
15 unlawful act subject only to a civil penalty for¹ manufacturing,
16 distributing, or dispensing, or possessing or having under control
17 with intent to manufacture, distribute, or dispense, marijuana or
18 hashish in violation of paragraph (12) of subsection b. of
19 N.J.S.2C:35-5, or possessing ¹any amount of¹ marijuana or hashish
20 ¹[(in violation of)] that does not violate¹ paragraph ¹[(4)] (3)¹ of
21 subsection a. of N.J.S.2C:35-10; or (c) the presence of any
22 cannabinoid metabolites in any bodily fluids, detected as a result of
23 the administration of a drug test or any other means.

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

27 c. The commencement of a probation revocation proceeding
28 shall toll the probationary period until termination of such
29 proceedings. In the event that the court does not find a violation of
30 probation, this subsection shall not operate to toll the probationary
31 period.

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

33

34 13. Section 15 of P.L.1979, c.441 (C.30:4-123.59) is amended to
35 read as follows:

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

46 b. (1) (a) Each parolee shall agree, as evidenced by his
47 signature to abide by specific conditions of parole established by
48 the appropriate board panel which shall be enumerated in writing in

1 a certificate of parole and shall be given to the parolee upon release.
2 Such conditions shall include, among other things, a requirement
3 that the parolee conduct himself in society in compliance with all
4 laws and refrain from committing any crime, a requirement that the
5 parolee will not own or possess any firearm as defined in subsection
6 f. of N.J.S.2C:39-1 or any other weapon enumerated in subsection r.
7 of N.J.S.2C:39-1, a requirement that the parolee refrain from the
8 use, possession or distribution of a controlled dangerous substance,
9 controlled substance analog or imitation controlled dangerous
10 substance as defined in N.J.S.2C:35-2 and N.J.S.2C:35-11, other
11 than the use of marijuana or hashish, ¹[and] ¹the possession ¹[or
12 distribution] of any amount¹ of marijuana or hashish ¹[in an
13 amount that constitutes no more than an unlawful act in violation of
14 paragraph (12) of subsection b. of N.J.S.2C:35-5, or] that does not
15 violate¹ paragraph ¹[(4)] (3)¹ of subsection a. of N.J.S.2C:35-10,
16 ¹[for which a written warning may be issued, or a civil penalty or
17 community service in lieu of payment of a penalty imposed] and
18 distribution that is an unlawful act subject only to a civil penalty
19 pursuant to paragraph (12) of subsection b. of N.J.S.2C:35-5¹ , a
20 requirement that the parolee obtain permission from his parole
21 officer for any change in his residence, and a requirement that the
22 parolee report at reasonable intervals to an assigned parole officer.
23 In addition, based on prior history of the parolee or information
24 provided by a victim or a member of the family of a murder victim,
25 the member or board panel certifying parole release pursuant to
26 section 11 of P.L.1979, c.441 (C.30:4-123.55) may impose any
27 other specific conditions of parole deemed reasonable in order to
28 reduce the likelihood of recurrence of criminal or delinquent
29 behavior, including a requirement that the parolee comply with the
30 Internet access conditions set forth in paragraph (2) of this
31 subsection. Such special conditions may include, among other
32 things, a requirement that the parolee make full or partial
33 restitution, the amount of which restitution shall be set by the
34 sentencing court upon request of the board. In addition, the member
35 or board panel certifying parole release may, giving due regard to a
36 victim's request, impose a special condition that the parolee have no
37 contact with the victim, which special condition may include, but
38 need not be limited to, restraining the parolee from entering the
39 victim's residence, place of employment, business or school, and
40 from harassing or stalking the victim or victim's relatives in any
41 way. Further, the member, board panel or board certifying parole
42 release may impose a special condition that the person shall not
43 own or possess an animal for an unlawful purpose or to interfere in
44 the performance of duties by a parole officer.

45 (b) The member or board panel certifying parole release shall
46 not impose on any parolee any condition that would prohibit or
47 restrict: (i) ¹the commission of an unlawful act subject only to a

1 civil penalty for¹ manufacturing, distributing, or dispensing, or
2 possessing or having under control with intent to manufacture,
3 distribute, or dispense, marijuana or hashish in violation of
4 paragraph (12) of subsection b. of N.J.S.2C:35-5, or possessing
5 'any amount of¹ marijuana or hashish ¹['in violation of'] that does
6 not violate¹ paragraph ¹[(4)] (3)¹ of subsection a. of N.J.S.2C:35-
7 10; or (ii) the presence of any cannabinoid metabolites in any
8 bodily fluids of the person.

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

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

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

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

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

37 c. The appropriate board panel may in writing relieve a parolee
38 of any parole conditions, and may permit a parolee to reside outside
39 the State pursuant to the provisions of the Uniform Act for Out-of-
40 State Parolee Supervision (N.J.S.2A:168-14 et seq.) and, with the
41 consent of the Commissioner of the Department of Corrections after
42 providing notice to the Attorney General, the federal Witness
43 Security Reform Act, if satisfied that the change will not result in a
44 substantial likelihood that the parolee will commit an offense which
45 would be a crime under the laws of this State. The appropriate
46 board panel may revoke permission, except in the case of a parolee
47 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.
34 (cf: P.L.2019, c.363, s.12)
35

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

38 16. a. Any parolee who violates a condition of parole may be
39 subject to an order pursuant to section 17 of P.L.1979, c.441
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:

46 ¹**【(3)】** an unlawful act subject only to a civil penalty for¹
47 manufacturing, distributing, or dispensing, or possessing or having
48 under control with intent to manufacture, distribute, or dispense.

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

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:

29 (a) 'an unlawful act subject only to a civil penalty for'
30 manufacturing, distributing, or dispensing, or possessing or having
31 under control with intent to manufacture, distribute, or dispense,
32 marijuana or hashish in violation of paragraph (12) of subsection b.
33 of N.J.S.2C:35-5, or possessing 'any amount of' marijuana or
34 hashish '【in violation of】 that does not violate' paragraph '【(4)】
35 (3)' of subsection a. of N.J.S.2C:35-10; or

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

39 c. The parole of any parolee who is convicted of a crime
40 committed while on parole shall be revoked and the parolee shall be
41 returned to custody unless the parolee demonstrates, by clear and
42 convincing evidence at a hearing pursuant to section 19 of
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.

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

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

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

44 c. Nothing set forth in this section shall be construed as
45 creating or establishing a standard of care or duty for employers
46 with respect to any other law. Evidence that an employer has
47 violated, or is alleged to have violated, the provisions of this
48 section, shall not be admissible in any legal proceeding with respect

1 to any law or claim other than a proceeding to enforce the
2 provisions of this section. Nothing set forth in this section shall be
3 construed as creating, establishing, or authorizing a private cause of
4 action by an aggrieved person against an employer who has
5 violated, or is alleged to have violated, the provisions of this
6 section.

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

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

45 c. The Commissioner of Banking and Insurance shall have the
46 power to:

47 (1) Make such investigations into any matter pertaining to this
48 section, including the power to hold hearings and issue subpoenas

1 to compel the attendance of witnesses and the production of
2 evidence. In case of a failure of any person to comply with any
3 subpoena, the Superior Court may issue an order requiring the
4 attendance of such person and the giving of testimony or production
5 of evidence. Any person failing to obey the court's order may be
6 punished for contempt.

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

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

1 delinquency, or imposition of a civil penalty or community service,
2 occurred, may institute a civil action in the Superior Court for relief.
3 All remedies available in common law tort actions shall be available to
4 a prevailing plaintiff. The court may also order any or all of the
5 following relief:

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

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

11 (3) if the discrimination impacted the person's employment, and if
12 applicable:

13 (a) reinstatement of the person to the same position of employment
14 or to a position equivalent to that which the person held prior to
15 unlawful discharge or retaliatory action;

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

17 (c) compensation for any lost wages, benefits and other
18 remuneration; and

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

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

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

24
25 18. Section 1 of P.L.1995, c.23 (C.47:1A-1.1) is amended to
26 read as follows:

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

29 "Biotechnology" means any technique that uses living
30 organisms, or parts of living organisms, to make or modify
31 products, to improve plants or animals, or to develop micro-
32 organisms for specific uses; including the industrial use of
33 recombinant DNA, cell fusion, and novel bioprocessing techniques.

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

39 "Government record" or "record" means any paper, written or
40 printed book, document, drawing, map, plan, photograph,
41 microfilm, data processed or image processed document,
42 information stored or maintained electronically or by sound-
43 recording or in a similar device, or any copy thereof, that has been
44 made, maintained or kept on file in the course of his or its official
45 business by any officer, commission, agency or authority of the
46 State or of any political subdivision thereof, including subordinate
47 boards thereof, or that has been received in the course of his or its
48 official business by any such officer, commission, agency, or

1 authority of the State or of any political subdivision thereof,
2 including subordinate boards thereof. The terms shall not include
3 inter-agency or intra-agency advisory, consultative, or deliberative
4 material.

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

8 information received by a member of the Legislature from a
9 constituent or information held by a member of the Legislature
10 concerning a constituent, including but not limited to information in
11 written form or contained in any e-mail or computer data base, or in
12 any telephone record whatsoever, unless it is information the
13 constituent is required by law to transmit;

14 any memorandum, correspondence, notes, report or other
15 communication prepared by, or for, the specific use of a member of
16 the Legislature in the course of the member's official duties, except
17 that this provision shall not apply to an otherwise publicly-
18 accessible report which is required by law to be submitted to the
19 Legislature or its members;

20 any copy, reproduction or facsimile of any photograph, negative
21 or print, including instant photographs and videotapes of the body,
22 or any portion of the body, of a deceased person, taken by or for the
23 medical examiner at the scene of death or in the course of a post
24 mortem examination or autopsy made by or caused to be made by
25 the medical examiner except:

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

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

33 for use in the field of forensic pathology or for use in medical or
34 scientific education or research, or

35 for use by any law enforcement agency in this State or any other
36 state or federal law enforcement agency;

37 criminal investigatory records;

38 the portion of any criminal record concerning a person's
39 detection, apprehension, arrest, detention, trial or disposition for
40 unlawful manufacturing, distributing, or dispensing, or possessing
41 or having under control with intent to manufacture, distribute, or
42 dispense, marijuana or hashish in violation of paragraph (11) of
43 subsection b. of N.J.S.2C:35-5, or a lesser amount of marijuana or
44 hashish in violation of paragraph (12) of subsection b. of that
45 section, or a violation of either of those paragraphs and a violation
46 of subsection a. of section 1 of P.L.1987, c.101 (C.2C:35-7) or
47 subsection a. of section 1 of P.L.1997, c.327 (C.2C:35-7.1) for
48 distributing, dispensing, or possessing, or having under control with

1 intent to distribute or dispense, on or within 1,000 feet of any
2 school property, or on or within 500 feet of the real property
3 comprising a public housing facility, public park, or public
4 building, or for obtaining, possessing, using, being under the
5 influence of, or failing to make lawful disposition of marijuana or
6 hashish in violation of paragraph (3) or (4) of subsection a., or
7 subsection b., or subsection c. of N.J.S.2C:35-10, or for a violation
8 of any of those provisions and a violation of N.J.S.2C:36-2 for
9 using or possessing with intent to use drug paraphernalia with
10 '[the] that' marijuana or hashish;

11 on and after the effective date of P.L. , c. (C.) (pending
12 before the Legislature as this bill), any record concerning a person's
13 commission of an unlawful act of manufacturing, distributing, or
14 dispensing, or possessing or having under control with intent to
15 manufacture, distribute, or dispense, marijuana or hashish in
16 violation of paragraph (12) of subsection b. of N.J.S.2C:35-5, '[or
17 possessing marijuana or hashish in violation of paragraph (4) of
18 subsection a. of N.J.S.2C:35-10,]' for which a '[written warning
19 was issued, or a]' civil penalty '[or community service in lieu of
20 payment of a penalty]' was imposed;

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

23 any written request by a crime victim for a record to which the
24 victim is entitled to access as provided in this section, including,
25 but not limited to, any law enforcement agency report, domestic
26 violence offense report, and temporary or permanent restraining
27 order;

28 personal firearms records, except for use by any person
29 authorized by law to have access to these records or for use by any
30 government agency, including any court or law enforcement
31 agency, for purposes of the administration of justice;

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

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

44 any record within the attorney-client privilege. This paragraph
45 shall not be construed as exempting from access attorney or
46 consultant bills or invoices except that such bills or invoices may be

1 redacted to remove any information protected by the attorney-client
2 privilege;
3 administrative or technical information regarding computer
4 hardware, software and networks which, if disclosed, would
5 jeopardize computer security;
6 emergency or security information or procedures for any
7 buildings or facility which, if disclosed, would jeopardize security
8 of the building or facility or persons therein;
9 security measures and surveillance techniques which, if
10 disclosed, would create a risk to the safety of persons, property,
11 electronic data or software;
12 information which, if disclosed, would give an advantage to
13 competitors or bidders;
14 information generated by or on behalf of public employers or
15 public employees in connection with any sexual harassment
16 complaint filed with a public employer or with any grievance filed
17 by or against an individual or in connection with collective
18 negotiations, including documents and statements of strategy or
19 negotiating position;
20 information which is a communication between a public agency
21 and its insurance carrier, administrative service organization or risk
22 management office;
23 information which is to be kept confidential pursuant to court
24 order;
25 any copy of form DD-214, NGB-22, or that form, issued by the
26 United States Government, or any other certificate of honorable
27 discharge, or copy thereof, from active service or the reserves of a
28 branch of the Armed Forces of the United States, or from service in
29 the organized militia of the State, that has been filed by an
30 individual with a public agency, except that a veteran or the
31 veteran's spouse or surviving spouse shall have access to the
32 veteran's own records;
33 any copy of an oath of allegiance, oath of office or any
34 affirmation taken upon assuming the duties of any public office, or
35 that oath or affirmation, taken by a current or former officer or
36 employee in any public office or position in this State or in any
37 county or municipality of this State, including members of the
38 Legislative Branch, Executive Branch, Judicial Branch, and all law
39 enforcement entities, except that the full name, title, and oath date
40 of that person contained therein shall not be deemed confidential;
41 that portion of any document which discloses the social security
42 number, credit card number, unlisted telephone number or driver
43 license number of any person; except for use by any government
44 agency, including any court or law enforcement agency, in carrying
45 out its functions, or any private person or entity acting on behalf
46 thereof, or any private person or entity seeking to enforce payment
47 of court-ordered child support; except with respect to the disclosure
48 of driver information by the New Jersey Motor Vehicle

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

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

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

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

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

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

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

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

44 information contained on individual admission applications; and
45 information concerning student records or grievance or
46 disciplinary proceedings against a student to the extent disclosure
47 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 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.

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

41

42 20. (New section) The Administrative Director of the Courts
43 shall maintain and provide information to any person upon request
44 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).

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

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

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

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

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