

ASSEMBLY, No. 2975

STATE OF NEW JERSEY

INTRODUCED MAY 12, 1997

By Assemblywomen POU and WEINBERG

1 AN ACT concerning expungement of records and amending
2 N.J.S. 2C:52-2.

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

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

8 2C:52-2. Indictable Offenses.

9 a. In all cases, except as herein provided, wherein a person has
10 been convicted of a crime under the laws of this State and who has not
11 been convicted of any prior or subsequent crime, whether within this
12 State or any other jurisdiction, and has not been adjudged a disorderly
13 person or petty disorderly person on more than two occasions may,
14 after the expiration of a period of 10 years from the date of his
15 conviction, payment of fine, satisfactory completion of probation or
16 parole, or release from incarceration, whichever is later, present a duly
17 verified petition as provided in section 2C:52-7 to the Superior Court
18 in the county in which the conviction was entered praying that such
19 conviction and all records and information pertaining thereto be
20 expunged.

21 Although subsequent convictions for no more than two disorderly
22 or petty disorderly offenses shall not be an absolute bar to relief, the
23 nature of those conviction or convictions and the circumstances
24 surrounding them shall be considered by the court and may be a basis
25 for denial of relief if they or either of them constitute a continuation
26 of the type of unlawful activity embodied in the criminal conviction for
27 which expungement is sought.

28 b. Records of conviction pursuant to statutes repealed by this
29 Code for the crimes of murder, manslaughter, treason, anarchy,
30 kidnapping, rape, forcible sodomy, arson, perjury, false swearing,
31 robbery, embracery, or a conspiracy or any attempt to commit any of
32 the foregoing, or aiding, assisting or concealing persons accused of the
33 foregoing crimes, shall not be expunged.

34 Records of conviction for the following crimes specified in the New

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

Matter underlined thus is new matter.

1 Jersey Code of Criminal Justice shall not be subject to expungement:
2 Section 2C:11-1 et seq. (Criminal Homicide), except death by auto as
3 specified in section 2C:11-5; section 2C:13-1 (Kidnapping); section
4 2C:13-6 (Luring or Enticing); section 2C:14-2 (Aggravated Sexual
5 Assault); section 2C:14-3a (Aggravated Criminal Sexual Contact); if
6 the victim is a minor, section 2C:14-3b (Criminal Sexual Contact); if
7 the victim is a minor and the offender is not the parent of the victim,
8 section 2C:13-2 (Criminal Restraint) or section 2C:13-3 (False
9 Imprisonment); section 2C:15-1 (Robbery); section 2C:17-1 (Arson
10 and Related Offenses); section 2C:24-4a. (Endangering the welfare of
11 a child by engaging in sexual conduct which would impair or debauch
12 the morals of the child); section 2C:24-4b(4) (Endangering the welfare
13 of a child); a violation of the "Prevention of Domestic Violence Act,"
14 P.L. 1991, c. 261 (C.2C:25-17 et seq); section 2C:28-1 (Perjury);
15 section 2C:28-2 (False Swearing) and conspiracies or attempts to
16 commit such crimes.

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

23 c. In the case of conviction for the sale or distribution of a
24 controlled dangerous substance or possession thereof with intent to
25 sell, expungement shall be denied except where the crimes relate to:

26 (1) Marijuana, where the total quantity sold, distributed or
27 possessed with intent to sell was 25 grams or less, or

28 (2) Hashish, where the total quantity sold, distributed or possessed
29 with intent to sell was five grams or less.

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

36 (cf : P.L. 1994,c.133,s.6)

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38 2. This act shall take effect immediately .

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STATEMENT

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43 This bill would provide that records of conviction for a violation of
44 the "Prevention of Domestic Violence Act," N.J.S.A. 2C:25-17 et seq.
45 would not be subject to expungement.

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3 Provides that convictions records for a violation of the domestic
4 violence laws are not subject to expungement.