

SENATE, No. 782

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 15, 1996

By Senators MATHEUSSEN and GIRGENTI

1 AN ACT concerning the expungement of records in certain cases and  
2 amending R.S.2C:52-2.

3

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

6

7 1. R. S. 52-2 is amended to read as follows:

8 2C:52-2. Indictable Offenses. a. In all cases, except as herein  
9 provided, wherein a person has been convicted of a crime under the  
10 laws of this State and who has not been convicted of any prior or  
11 subsequent crime, whether within this State or any other jurisdiction,  
12 and has not been adjudged a disorderly person or petty disorderly  
13 person on more than two occasions may, after the expiration of a  
14 period of 10 years from the date of his conviction, payment of fine,  
15 satisfactory completion of probation or parole, or release from  
16 incarceration, whichever is later, present a duly verified petition as  
17 provided in section 2C:52-7 to the Superior Court in the county in  
18 which the conviction was entered praying that such conviction and all  
19 records and information pertaining thereto be expunged.

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

27 b. Records of conviction pursuant to statutes repealed by this Code  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

33 Records of conviction for the following crimes specified in the New  
34 Jersey Code of Criminal Justice shall not be subject to expungement:

**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.**

1 Section 2C:11-1 et seq. (Criminal Homicide)[, except death by auto  
2 as specified in section 2C:11-5]; section 2C:13-1 (Kidnapping);  
3 section 2C:13-6 (Luring or Enticing); section 2C:14-2 (Aggravated  
4 Sexual Assault); section 2C:14-3a (Aggravated Criminal Sexual  
5 Contact); if the victim is a minor, section 2C:14-3b (Criminal Sexual  
6 Contact); if the victim is a minor and the offender is not the parent of  
7 the victim, section 2C:13-2 (Criminal Restraint) or section 2C:13-3  
8 (False Imprisonment); section 2C:15-1 (Robbery); section 2C:17-1  
9 (Arson and Related Offenses); section 2C:24-4a (Endangering the the  
10 welfare of a child by engaging in sexual conduct which would impair  
11 or debauch the morals of the child); section 2C:24-4b(4) (Endangering  
12 the welfare of a child); section 2C:28-1 (Perjury); section 2C:28-2  
13 (False Swearing) and conspiracies or attempts to commit such crimes.  
14 Records of conviction for any crime committed by a person holding  
15 any public office, position or employment, elective or appointive,  
16 under the government of this State or any agency or political  
17 subdivision thereof and any conspiracy or attempt to commit such a  
18 crime shall not be subject to expungement if the crime involved or  
19 touched such office, position or employment.

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

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

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

27 d. In the case of a State licensed physician or podiatrist convicted  
28 of an offense involving drugs or alcohol or pursuant to section 14 or  
29 15 of P.L.1989, c.300 (C.2C:21-20 or 2C:21-4.1), the court shall  
30 notify the State Board of Medical Examiners upon receipt of a petition  
31 for expungement of the conviction and records and information  
32 pertaining thereto.

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

34

35 2. This act shall take effect immediately.

36

37

38

#### STATEMENT

39

40 This bill would provide that records of conviction for death by auto  
41 would not be subject to expungement.

42

43

44

45 Provides that conviction records for death by auto are not subject to  
46 expungement.