

# ASSEMBLY JUDICIARY COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 4771

# STATE OF NEW JERSEY

DATED: JANUARY 25, 2021

The Assembly Judiciary Committee reports favorably Assembly Bill No. 4771.

This bill would expand the offenses that are eligible for expungement upon a defendant's successful discharge from special probation (drug court). Under current law, upon successful discharge from a term of special probation the Superior Court may order the expungement of the defendant's records and information relating to all prior arrests, detentions, convictions, and proceedings for any offense set forth in Title 2C of the New Jersey Statutes. However, the offenses set forth in subsection b. and c. of N.J.S.2C:52-2 are barred from expungement. This bill would add an exception to this provision and permit the expungement of records that include a conviction for any offense set forth in paragraph (2) of subsection a. of N.J.S.2C:24-4 (endangering the welfare of a child by causing the child harm that would make the child an abused or neglected child) if the person was a drug or alcohol dependent person within the meaning of N.J.S.2C:35-2 and was drug or alcohol dependent at the time of the commission of the offense.

In addition, pursuant to paragraph (5) of subsection m. of N.J.S.2C:35-14, an individual who, prior to the effective date of P.L.2015, c.261, was successfully discharged from special probation may seek an expungement of all records and information relating to all arrests, detentions, convictions, and proceedings for any offense provided in Title 2C of the New Jersey Statutes that existed at the time of discharge. Any offenses set forth in subsection b. and c. of N.J.S.2C:52-2 are barred from expungement. This bill would also provide an exception if the individual was convicted of any offense set forth in paragraph (2) of subsection a. of N.J.S.2C:24-4 (endangering the welfare of a child by causing the child harm that would make the child an abused or neglected child) if the person was a drug or alcohol dependent person within the meaning of N.J.S.2C:35-2 and was drug or alcohol dependent at the time of the commission of the offense, in which case that individual is eligible to apply for an expungement under N.J.S.2C:35-14.