

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5458

STATE OF NEW JERSEY

DATED: NOVEMBER 15, 2021

The Assembly Judiciary Committee reports favorably Assembly Bill No. 5458.

This bill would allow the expungement of a criminal record of unlawful possession or distribution of a hypodermic syringe or needle in cases where the person has had a previous expungement. The bill also repeals the underlying statute concerning unlawful possession of a hypodermic syringe or needle, N.J.S.2C:36-6.

UNLAWFUL POSSESSION

Currently, N.J.S.2C:36-6 makes it a disorderly person offense for a person to have under his control or possess with intent to use a hypodermic syringe, hypodermic needle or any other instrument adapted for the use of a controlled dangerous substance or a controlled substance analog, or to sell, furnish or give to any person such syringe, needle or instrument, unless the person has a valid prescription for the device or is a medical professional or other person authorized to possess or use the device. A disorderly persons offense is punishable by a term of imprisonment of up to six months, a fine of up to \$1,000, or both.

The bill's repeal of N.J.S.2C:36-6 does not affect subsection c. of section 1 of P.L.2011, c.183 (C.2C:36-6.2), which makes it a disorderly persons offense to resell a hypodermic needle or syringe lawfully obtained from a pharmacy.

EXPUNGEMENT ON SECOND OCCASION

Under current law, a person who has had a previous criminal conviction expunged is generally barred from expungement on a second occasion, with several exceptions. This bill would add an additional exception in situations when the person with a previous expungement is seeking the expungement of a conviction of an offense of unlawful possession of a hypodermic syringe or needle. Thus, a person with a previous expungement would no longer be automatically barred from expunging the offense of unlawful possession of a hypodermic syringe or needle.

This bill is identical to S3493, which was also released by the committee on this date.