

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 3493

STATE OF NEW JERSEY

DATED: MARCH 9, 2021

The Senate Health, Human Services and Senior Citizens Committee reports favorably Senate Bill No. 3493.

This bill allows for the expungement of certain convictions for offenses involving possession or distribution of a hypodermic syringe.

Under current law, N.J.S.2C:52-14 enumerates the grounds for denial of a petition for expungement. Subsection e. bars expungement when the person has had a previous criminal conviction expunged, but contains certain exceptions, including when the person is seeking the expungement of a municipal ordinance violation, and when the person is seeking the expungement of records pursuant to for an arrest not resulting in conviction. This bill adds N.J.S.2C:36-6, possession or distribution of hypodermic syringe or needle, to this list of exceptions, thereby permitting expungement of conviction for this offense where there has been a previous expungement. Possession or distribution of hypodermic syringe or needle is currently graded as a disorderly persons offense, and would ordinarily be eligible for expungement.

The bill further repeals N.J.S.2C:36-6, possession or distribution of hypodermic syringe or needle. By removing the requirement to have a prescription for a syringe, it will no longer be a criminal offense to possess or distribute a hypodermic needle or syringe. Notwithstanding the repeal of N.J.S.2C:36-6, subsection c. of N.J.S.2C:36-6.2 bars the resale of a hypodermic needle or syringe lawfully obtained from a pharmacy.