

ASSEMBLY, No. 5826

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED DECEMBER 4, 2023

Sponsored by:

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

SYNOPSIS

Revises and clarifies certain expungement procedures.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/7/2023)

A5826 QUIJANO, REYNOLDS-JACKSON

2

1 AN ACT concerning expungements and amending N.J.S.2C:52-2,
2 N.J.S.2C:52-3, and P.L.2019, c.269.

3

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

6

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, a person may present
10 an expungement application to the Superior Court pursuant to this
11 section if:

12 the person has been convicted of one crime under the laws of this
13 State, and does not otherwise have any subsequent conviction for
14 another crime, whether within this State or any other jurisdiction.
15 Subject to the provision of subsection e. of N.J.S.2C:52-14
16 requiring denial of an expungement petition when a person has had
17 a previous criminal conviction expunged, a prior conviction for
18 another crime shall not bar presenting an application seeking
19 expungement relief for the criminal conviction that is the subject of
20 the application; or

21 the person has been convicted of one crime and no more than
22 three disorderly persons or petty disorderly persons offenses under
23 the laws of this State, and does not otherwise have any subsequent
24 conviction for another crime, or any subsequent conviction for
25 another disorderly persons or petty disorderly persons offense such
26 that the total number of convictions for disorderly persons and petty
27 disorderly persons offenses would exceed three, whether any such
28 crime or offense conviction was within this State or any other
29 jurisdiction. Subject to the provision of subsection e. of
30 N.J.S.2C:52-14 requiring denial of an expungement petition when a
31 person has had a previous criminal conviction expunged, a prior
32 conviction for another crime, disorderly persons offense, or petty
33 disorderly persons offense shall not bar presenting an application
34 seeking expungement relief for the one criminal conviction and no
35 more than three convictions for disorderly persons or petty
36 disorderly persons offenses that are the subject of the application;
37 or

38 the person has been convicted of multiple crimes or a
39 combination of one or more crimes and one or more disorderly
40 persons or petty disorderly persons offenses under the laws of this
41 State, all of which are listed in a single judgment of conviction, and
42 does not otherwise have any subsequent conviction for another
43 crime or offense in addition to those convictions included in the
44 expungement application, whether any such conviction was within
45 this State or any other jurisdiction. Subject to the provision of

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 subsection e. of N.J.S.2C:52-14 requiring denial of an expungement
2 petition when a person has had a previous criminal conviction
3 expunged, a prior conviction for another crime, disorderly persons
4 offense, or petty disorderly persons offense that is not listed in a
5 single judgment of conviction shall not bar presenting an
6 application seeking expungement relief for the convictions listed in
7 a single judgment of conviction that are the subject of the
8 application; or

9 the person has been convicted of multiple crimes or a
10 combination of one or more crimes and one or more disorderly
11 persons or petty disorderly persons offenses under the laws of this
12 State, which crimes or combination of crimes and offenses were
13 interdependent or closely related in circumstances and were
14 committed as part of a sequence of events that took place within a
15 comparatively short period of time, regardless of the date of
16 conviction or sentencing for each individual crime or offense, and
17 the person does not otherwise have any subsequent conviction for
18 another crime or offense in addition to those convictions included in
19 the expungement application, whether any such conviction was
20 within this State or any other jurisdiction. Subject to the provision
21 of subsection e. of N.J.S.2C:52-14 requiring denial of an
22 expungement petition when a person has had a previous criminal
23 conviction expunged, a prior conviction for another crime,
24 disorderly persons offense, or petty disorderly persons offense that
25 was not interdependent or closely related in circumstances and was
26 not committed within a comparatively short period of time as
27 described above shall not bar presenting an application seeking
28 expungement relief for the convictions of crimes or crimes and
29 offenses that were interdependent or closely related and committed
30 within a comparatively short period of time, and that are the subject
31 of the application.

32 For purposes of determining eligibility to present an
33 expungement application to the Superior Court pursuant to this
34 section, a conviction for unlawful distribution of, or possessing or
35 having under control with intent to distribute, marijuana or hashish
36 in violation of paragraph (11) of subsection b. of N.J.S.2C:35-5, or
37 a lesser amount of marijuana or hashish in violation of paragraph
38 (12) of subsection b. of that section, or a violation of either of those
39 paragraphs and a violation of subsection a. of section 1 of P.L.1987,
40 c.101 (C.2C:35-7) or subsection a. of section 1 of P.L.1997, c.327
41 (C.2C:35-7.1), for distributing, or possessing or having under
42 control with intent to distribute, on or within 1,000 feet of any
43 school property, or on or within 500 feet of the real property
44 comprising a public housing facility, public park, or public
45 building, or for obtaining or possessing marijuana or hashish in
46 violation of paragraph (3) of subsection a. of N.J.S.2C:35-10, or for
47 an equivalent crime in another jurisdiction, regardless of when the
48 conviction occurred, shall not be considered a conviction of a crime

1 within this State or any other jurisdiction but shall instead be
2 considered a conviction of a disorderly persons offense within this
3 State or an equivalent category of offense within the other
4 jurisdiction, and a conviction for obtaining, possessing, using, being
5 under the influence of, or failing to make lawful disposition of
6 marijuana or hashish in violation of paragraph (4) of subsection a.,
7 or subsection b., or subsection c. of N.J.S.2C:35-10, or a violation
8 involving marijuana or hashish as described herein and using or
9 possessing with intent to use drug paraphernalia with that marijuana
10 or hashish in violation of N.J.S.2C:36-2, or for an equivalent crime
11 or offense in another jurisdiction, regardless of when the conviction
12 occurred, shall not be considered a conviction within this State or
13 any other jurisdiction.

14 The person, if eligible, may present the expungement application
15 after the expiration of a period of five years from the date of his
16 most recent conviction, payment of any court-ordered financial
17 assessment, satisfactory completion of probation or parole, or
18 release from incarceration, whichever is later. The term “court-
19 ordered financial assessment” as used herein and throughout this
20 section means and includes any fine, fee, penalty, restitution, and
21 other form of financial assessment imposed by the court as part of
22 the sentence for the conviction or convictions that are the subject of
23 the application, for which payment of restitution takes precedence
24 in accordance with chapter 46 of Title 2C of the New Jersey
25 Statutes. The person shall submit the expungement application to
26 the Superior Court in the county in which the **most recent**
27 **conviction for a crime was** person resides or a county in which one
28 or more of the person’s convictions were adjudged, which includes
29 a duly verified petition as provided in N.J.S.2C:52-7 praying that
30 the conviction, or convictions if applicable, and all records and
31 information pertaining thereto be expunged. The petition appended
32 to an application shall comply with the requirements set forth in
33 N.J.S.2C:52-1 et seq.

34 Notwithstanding the provisions concerning the five-year time
35 requirement, if, at the time of application, a court-ordered financial
36 assessment subject to collection under the comprehensive
37 enforcement program established pursuant to P.L.1995, c.9
38 (C.2B:19-1 et al.) is not yet satisfied due to reasons other than
39 willful noncompliance, but the time requirement of five years is
40 otherwise satisfied, the person may submit the expungement
41 application and the court may grant an expungement; provided,
42 however, that if expungement is granted the court shall enter a civil
43 judgment for the unpaid portion of the court-ordered financial
44 assessment in the name of the Treasurer, State of New Jersey and
45 transfer collections and disbursement responsibility to the State
46 Treasurer for the outstanding amount in accordance with section 8
47 of P.L.2017, c.244 (C.2C:52-23.1). The Treasurer may specify, and
48 the Administrative Office of the Courts shall collaborate with, the

1 technical and informational standards required to effectuate the
2 transfer of the collection and disbursement responsibilities.
3 Notwithstanding any provision in this law or any other law to the
4 contrary, the court shall have sole discretion to amend the
5 judgment.

6 Additionally, an application may be filed and presented, and the
7 court may grant an expungement pursuant to this section, although
8 less than five years have expired in accordance with the time
9 requirements when the court finds:

10 (1) the court-ordered financial assessment is satisfied but less
11 than five years have expired from the date of satisfaction, and the
12 time requirement of five years is otherwise satisfied, and the court
13 finds that the person substantially complied with any payment plan
14 ordered pursuant to N.J.S.2C:46-1 et seq., or could not do so due to
15 compelling circumstances affecting his ability to satisfy the
16 assessment; or

17 (2) at least four but less than five years have expired from the
18 date of the most recent conviction, payment of any court-ordered
19 financial assessment, satisfactory completion of probation or parole,
20 or release from incarceration, whichever is later; and

21 the person has not been otherwise convicted of a crime,
22 disorderly persons offense, or petty disorderly persons offense since
23 the time of the most recent conviction; and the court finds in its
24 discretion that compelling circumstances exist to grant the
25 expungement. The prosecutor may object pursuant to section 11 of
26 P.L.2019, c.269 (C.2C:52-10.1), N.J.S.2C:52-11, N.J.S.2C:52-14,
27 or N.J.S.2C:52-24.

28 In determining whether compelling circumstances exist for the
29 purposes of **[paragraph (1) of]** this **[subsection]** section, a court
30 may consider the amount of any court-ordered financial assessment
31 imposed, the person's age at the time of the offense or offenses, the
32 person's financial condition and other relevant circumstances
33 regarding the person's ability to pay.

34 b. Records of conviction pursuant to statutes repealed by this
35 Code for the crimes of murder, manslaughter, treason, anarchy,
36 kidnapping, rape, forcible sodomy, arson, perjury, false swearing,
37 robbery, embracery, or a conspiracy or any attempt to commit any
38 of the foregoing, or aiding, assisting or concealing persons accused
39 of the foregoing crimes, shall not be expunged.

40 Records of conviction for the following crimes specified in the
41 New Jersey Code of Criminal Justice shall not be subject to
42 expungement: N.J.S.2C:11-1 et seq. (Criminal Homicide), except
43 death by auto as specified in N.J.S.2C:11-5 and strict liability
44 vehicular homicide as specified in section 1 of P.L.2017, c.165
45 (C.2C:11-5.3); N.J.S.2C:13-1 (Kidnapping); section 1 of P.L.1993,
46 c.291 (C.2C:13-6) (Luring or Enticing); section 1 of P.L.2005, c.77
47 (C.2C:13-8) (Human Trafficking); N.J.S.2C:14-2 (Sexual Assault or
48 Aggravated Sexual Assault); subsection a. of N.J.S.2C:14-3

1 (Aggravated Criminal Sexual Contact); if the victim is a minor,
2 subsection b. of N.J.S.2C:14-3 (Criminal Sexual Contact); if the
3 victim is a minor and the offender is not the parent of the victim,
4 N.J.S.2C:13-2 (Criminal Restraint) or N.J.S.2C:13-3 (False
5 Imprisonment); N.J.S.2C:15-1 (Robbery); N.J.S.2C:17-1 (Arson
6 and Related Offenses); subsection a. of N.J.S.2C:24-4 (Endangering
7 the welfare of a child by engaging in sexual conduct which would
8 impair or debauch the morals of the child, or causing the child other
9 harm); paragraph (4) of subsection b. of N.J.S.2C:24-4
10 (Photographing or filming a child in a prohibited sexual act or for
11 portrayal in a sexually suggestive manner); paragraph (3) of
12 subsection b. of N.J.S.2C:24-4 (Causing or permitting a child to
13 engage in a prohibited sexual act or the simulation of an act, or to
14 be portrayed in a sexually suggestive manner); subparagraph (a) of
15 paragraph (5) of subsection b. of N.J.S.2C:24-4 (Distributing,
16 possessing with intent to distribute or using a file-sharing program
17 to store items depicting the sexual exploitation or abuse of a child);
18 subparagraph (b) of paragraph (5) of subsection b. of N.J.S.2C:24-4
19 (Possessing or viewing items depicting the sexual exploitation or
20 abuse of a child); section 8 of P.L.2017, c.141 (C.2C:24-4.1)
21 (Leader of a child pornography network); N.J.S.2C:28-1 (Perjury);
22 N.J.S.2C:28-2 (False Swearing); paragraph (4) of subsection b. of
23 N.J.S.2C:34-1 (Knowingly promoting the prostitution of the actor's
24 child); section 2 of P.L.2002, c.26 (C.2C:38-2) (Terrorism);
25 subsection a. of section 3 of P.L.2002, c.26 (C.2C:38-3) (Producing
26 or Possessing Chemical Weapons, Biological Agents or Nuclear or
27 Radiological Devices); and conspiracies or attempts to commit such
28 crimes.

29 Records of conviction for any crime committed by a person
30 holding any public office, position or employment, elective or
31 appointive, under the government of this State or any agency or
32 political subdivision thereof and any conspiracy or attempt to
33 commit such a crime shall not be subject to expungement if the
34 crime involved or touched such office, position or employment.

35 A person convicted of a crime enumerated in this subsection
36 shall not present an expungement application to the Superior Court
37 for any other crime or offense committed by the person which
38 otherwise is subject to expungement.

39 c. In the case of conviction for the sale or distribution of a
40 controlled dangerous substance or possession thereof with intent to
41 sell, expungement shall be denied except where the crimes involve:

42 (1) Marijuana, where the total quantity sold, distributed or
43 possessed with intent to sell was less than one ounce;

44 (2) Hashish, where the total quantity sold, distributed or
45 possessed with intent to sell was less than five grams; or

46 (3) Any controlled dangerous substance provided that the
47 conviction is of the third or fourth degree, where the court finds that
48 compelling circumstances exist to grant the expungement. The

1 prosecutor may object pursuant to section 11 of P.L.2019, c.269
2 (C.2C:52-10.1), N.J.S.2C:52-11, N.J.S.2C:52-14, or N.J.S.2C:52-
3 24.

4 d. In the case of a State licensed physician or podiatrist
5 convicted of an offense involving drugs or alcohol or pursuant to
6 section 14 or 15 of P.L.1989, c.300 (C.2C:21-20 or 2C:21-4.1), the
7 petitioner shall notify the State Board of Medical Examiners upon
8 filing an application for expungement and provide the board with a
9 copy thereof. The petitioner shall also provide to the court a
10 certification attesting that the requirements of this subsection were
11 satisfied. Failure to satisfy the requirements of this subsection shall
12 be grounds for denial of the expungement application and, if
13 applicable, administrative discipline by the board.

14 e. A person convicted of any crime enumerated in this section
15 which is not subject to expungement shall not present an
16 expungement application to the Superior Court for any other crime
17 or offense committed by the person which is subject to
18 expungement.

19 (cf: P.L.2019, c.269, s.2)

20

21 2. N.J.S.2C:52-3 is amended to read as follows:

22 2C:52-3. Disorderly persons offenses and petty disorderly
23 persons offenses.

24 a. Any person who has been convicted of one or more
25 disorderly persons or petty disorderly persons offenses under the
26 laws of this State who has not been convicted of any crime, whether
27 within this State or any other jurisdiction, may present an
28 expungement application to a court pursuant to this section. Any
29 person who has been convicted of one or more disorderly persons or
30 petty disorderly persons offenses under the laws of this State who
31 has also been convicted of one or more crimes shall not be eligible
32 to apply for an expungement pursuant to this section, but may
33 present an expungement application to the Superior Court pursuant
34 to N.J.S.2C:52-2.

35 b. Any person who has been convicted of one or more
36 disorderly persons or petty disorderly persons offenses under the
37 laws of this State who has not been convicted of any crime, whether
38 within this State or any other jurisdiction, may present an
39 expungement application pursuant to this section to any court
40 designated by the Rules of Court if:

41 the person has been convicted, under the laws of this State, on
42 the same or separate occasions of no more than five disorderly
43 persons offenses, no more than five petty disorderly persons
44 offenses, or a combination of no more than five disorderly persons
45 and petty disorderly persons offenses, and the person does not
46 otherwise have any subsequent conviction for a disorderly persons
47 or petty disorderly persons offense, whether within this State or any
48 other jurisdiction, such that the total number of convictions for

1 disorderly persons and petty disorderly persons offenses would
2 exceed five. Subject to the provision of subsection e. of
3 N.J.S.2C:52-14 requiring denial of an expungement petition when a
4 person has had a previous criminal conviction expunged, a prior
5 conviction for another disorderly persons offense or petty disorderly
6 persons offense shall not bar presenting an application seeking
7 expungement relief for the convictions that are the subject of the
8 application, which may include convictions for no more than five
9 disorderly persons or petty disorderly persons offenses, or
10 combination thereof; or

11 the person has been convicted of multiple disorderly persons
12 offenses or multiple petty disorderly persons offenses under the
13 laws of this State, or a combination of multiple disorderly persons
14 and petty disorderly persons offenses under the laws of this State,
15 which convictions were entered on the same day, and does not
16 otherwise have any subsequent conviction for another offense in
17 addition to those convictions included in the expungement
18 application, whether any such conviction was within this State or
19 any other jurisdiction. Subject to the provision of subsection e. of
20 N.J.S.2C:52-14 requiring denial of an expungement petition when a
21 person has had a previous criminal conviction expunged, a prior
22 conviction for another disorderly persons or petty disorderly
23 persons offense that was not entered on the same day shall not bar
24 presenting an application seeking expungement relief for the
25 convictions entered on the same day that are the subject of the
26 application; or

27 the person has been convicted of multiple disorderly persons
28 offenses or multiple petty disorderly persons offenses under the
29 laws of this State, or a combination of multiple disorderly persons
30 and petty disorderly persons offenses under the laws of this State,
31 which offenses or combination of offenses were interdependent or
32 closely related in circumstances and were committed as part of a
33 sequence of events that took place within a comparatively short
34 period of time, regardless of the date of conviction or sentencing for
35 each individual offense, and the person does not otherwise have any
36 subsequent conviction for another offense in addition to those
37 convictions included in the expungement application, whether
38 within this State or any other jurisdiction. Subject to the provision
39 of subsection e. of N.J.S.2C:52-14 requiring denial of an
40 expungement petition when a person has had a previous criminal
41 conviction expunged, a prior conviction for another disorderly
42 persons offense or petty disorderly persons offense that was not
43 interdependent or closely related in circumstances and was not
44 committed within a comparatively short period of time as described
45 above shall not bar presenting an application seeking expungement
46 relief for the convictions of offenses that were interdependent or
47 closely related and committed within a comparatively short period
48 of time, and that are the subject of the application.

1 For purposes of determining eligibility to present an
2 expungement application to the court pursuant to this section, a
3 conviction for unlawful distribution of, or possessing or having
4 under control with intent to distribute, marijuana or hashish in
5 violation of paragraph (11) of subsection b. of N.J.S.2C:35-5, or a
6 lesser amount of marijuana or hashish in violation of paragraph (12)
7 of subsection b. of that section, or a violation of either of those
8 paragraphs and a violation of subsection a. of section 1 of P.L.1987,
9 c.101 (C.2C:35-7) or subsection a. of section 1 of P.L.1997, c.327
10 (C.2C:35-7.1), for distributing, or possessing or having under
11 control with intent to distribute, on or within 1,000 feet of any
12 school property, or on or within 500 feet of the real property
13 comprising a public housing facility, public park, or public
14 building, or for obtaining or possessing marijuana or hashish in
15 violation of paragraph (3) of subsection a. of N.J.S.2C:35-10, or for
16 an equivalent crime in another jurisdiction, regardless of when the
17 conviction occurred, shall not be considered a conviction of a crime
18 within this State or any other jurisdiction but shall instead be
19 considered a conviction of a disorderly persons offense within this
20 State or an equivalent category of offense within the other
21 jurisdiction, and a conviction for obtaining, possessing, using, being
22 under the influence of, or failing to make lawful disposition of
23 marijuana or hashish in violation of paragraph (4) of subsection a.,
24 or subsection b., or subsection c. of N.J.S.2C:35-10, or a violation
25 involving marijuana or hashish as described herein and using or
26 possessing with intent to use drug paraphernalia with that marijuana
27 or hashish in violation of N.J.S.2C:36-2, or for an equivalent crime
28 or offense in another jurisdiction, regardless of when the conviction
29 occurred, shall not be considered a conviction within this State or
30 any other jurisdiction.

31 The person, if eligible, may present the expungement application
32 after the expiration of a period of five years from the date of his
33 most recent conviction, payment of any court-ordered financial
34 assessment, satisfactory completion of probation or parole, or
35 release from incarceration, whichever is later. The term “court-
36 ordered financial assessment” as used herein and throughout this
37 section means and includes any fine, fee, penalty, restitution, and
38 other form of financial assessment imposed by the court as part of
39 the sentence for the conviction or convictions that are the subject of
40 the application, for which payment of restitution takes precedence
41 in accordance with chapter 46 of Title 2C of the New Jersey
42 Statutes. The person shall submit the expungement application to a
43 court in the county in which the most recent conviction for a
44 disorderly persons or petty disorderly persons offense was
45 adjudged, which includes a duly verified petition as provided in
46 N.J.S.2C:52-7 praying that the conviction, or convictions if
47 applicable, and all records and information pertaining thereto be

1 expunged. The petition appended to an application shall comply
2 with the requirements of N.J.S.2C:52-1 et seq.

3 Notwithstanding the provisions of the five-year time
4 requirement, if, at the time of application, a court-ordered financial
5 assessment subject to collection under the comprehensive
6 enforcement program established pursuant to P.L.1995, c.9
7 (C.2B:19-1 et al.) is not yet satisfied due to reasons other than
8 willful noncompliance, but the time requirement of five years is
9 otherwise satisfied, the person may submit the expungement
10 application and the court may grant an expungement; provided,
11 however, that the court shall enter a civil judgment for the unpaid
12 portion of the court-ordered financial assessment in the name of the
13 Treasurer, State of New Jersey and transfer collections and
14 disbursement responsibility to the State Treasurer for the
15 outstanding amount in accordance with section 8 of P.L.2017, c.244
16 (C.2C:52-23.1). The Treasurer may specify, and the Administrative
17 Office of the Courts shall collaborate with, the technical and
18 informational standards required to effectuate the transfer of the
19 collection and disbursement responsibilities. Notwithstanding any
20 provision in this law or any other law to the contrary, the court shall
21 have sole discretion to amend the judgment. Additionally, an
22 application may be filed and presented, and the court may grant an
23 expungement pursuant to this section, although less than five years
24 have expired in accordance with the time requirements when the
25 court finds:

26 (1) the court-ordered financial assessment is satisfied but less
27 than five years have expired from the date of satisfaction, and the
28 five-year time requirement is otherwise satisfied, and the court finds
29 that the person substantially complied with any payment plan
30 ordered pursuant to N.J.S.2C:46-1 et seq., or could not do so due to
31 compelling circumstances affecting his ability to satisfy the
32 assessment; or

33 (2) at least three but less than five years have expired from the
34 date of the most recent conviction, payment of any court-ordered
35 financial assessment, satisfactory completion of probation or parole,
36 or release from incarceration, whichever is later; and

37 the person has not been otherwise convicted of a crime,
38 disorderly persons offense, or petty disorderly persons offense since
39 the time of the most recent conviction; and the court finds in its
40 discretion that compelling circumstances exist to grant the
41 expungement. The prosecutor may object pursuant to section 11 of
42 P.L.2019, c.269 (C.2C:52-10.1), N.J.S.2C:52-11, N.J.S.2C:52-14,
43 or N.J.S.2C:52-24.

44 In determining whether compelling circumstances exist for the
45 purposes of **[paragraph (1) of]** this **[subsection]** section, a court
46 may consider the amount of any court-ordered financial assessment
47 imposed, the person's age at the time of the offense or offenses, the

1 person's financial condition and other relevant circumstances
2 regarding the person's ability to pay.

3 (cf: P.L.2019, c.269, s.3)

4

5 3. Section 7 of P.L.2019, c.269 (C.2C:52-5.3) is amended to
6 read as follows:

7 7. "Clean slate" expungement by petition. a. A person, who is
8 not otherwise eligible to present an expungement application
9 pursuant to any other section of chapter 52 of Title 2C of the New
10 Jersey Statutes or other section of law, may present an expungement
11 application to the Superior Court pursuant to this section if the
12 person has been convicted of one or more crimes, one or more
13 disorderly persons or petty disorderly persons offenses, one or more
14 municipal violations, or a combination of one or more crimes
15 **[and]** , offenses, or violations under the laws of this State, unless
16 the person has a conviction for a crime which is not subject to
17 expungement pursuant to subsection b. or c. of N.J.S.2C:52-2. The
18 person may present an application pursuant to this section
19 regardless of whether the person would otherwise be ineligible
20 pursuant to subsection e. of N.J.S.2C:52-14 for having had a
21 previous criminal conviction expunged, or due to having been
22 granted an expungement pursuant to this or any other provision of
23 law.

24 b. The person, if eligible, may present the expungement
25 application after the expiration of a period of ten years from the
26 date of the person's most recent conviction, payment of any court-
27 ordered financial assessment, satisfactory completion of probation
28 or parole, or release from incarceration, whichever is later. The
29 term "court-ordered financial assessment" as used herein and
30 throughout this section means and includes any fine, fee, penalty,
31 restitution, and other form of financial assessment imposed by the
32 court as part of the sentence for the conviction or convictions that
33 are the subject of the application, for which payment of restitution
34 takes precedence in accordance with chapter 46 of Title 2C of the
35 New Jersey Statutes. The person shall submit the expungement
36 application to the Superior Court in the county in which the **[most**
37 **recent conviction for a crime or offense was adjudged]** person
38 resides or a county in which one or more of the petitioner's
39 convictions were adjudged, which includes a duly verified petition
40 as provided in N.J.S.2C:52-7 praying that all the person's
41 convictions, and all records and information pertaining thereto, be
42 expunged. The petition appended to an application shall comply
43 with the requirements set forth in N.J.S.2C:52-1 et seq.

44 c. Notwithstanding the provisions concerning the ten-year time
45 requirement, if, at the time of application, a court-ordered financial
46 assessment subject to collection under the comprehensive
47 enforcement program established pursuant to P.L.1995, c.9
48 (C.2B:19-1 et al.) was satisfied late or is not yet satisfied due to

1 reasons other than willful noncompliance, but the time requirement
2 of ten years is otherwise satisfied, the person may submit the
3 expungement application **[and]** to the court. In the case of a late
4 payment of the court-ordered financial assessment, the court may
5 grant the expungement in accordance with this section if it finds
6 that compelling circumstances exist or in the case of a court-ordered
7 financial assessment that is yet to be satisfied, shall grant **[an]** the
8 expungement in accordance with this section; provided, however,
9 that at the time of the expungement the court shall enter a civil
10 judgment for the unpaid portion of the court-ordered financial
11 assessment in the name of the Treasurer, State of New Jersey and
12 transfer collection and disbursement responsibility to the State
13 Treasurer for the outstanding amount in accordance with section 8
14 of P.L.2017, c.244 (C.2C:52-23.1). In determining whether
15 compelling circumstances exist for the purposes of this section, a
16 court may consider the amount of any court-ordered financial
17 assessment imposed, the person's age at the time of the offense or
18 offenses, the person's financial condition and other relevant
19 circumstances regarding the person's ability to pay. The Treasurer
20 may specify, and the Administrative Office of the Courts shall
21 collaborate with, the technical and informational standards required
22 to effectuate the transfer of the collection and disbursement
23 responsibilities. Notwithstanding any provision in this law or any
24 other law to the contrary, the court shall have sole discretion to
25 amend the judgment.

26 d. No expungement applications may be filed pursuant to this
27 section after the establishment of the automated "clean slate"
28 process pursuant to subsection a. of section 8 of P.L.2019, c.269
29 (C.2C:52-5.4).
30 (cf: P.L.2019, c.269, s.7)

31

32 4. This act shall take effect immediately.

33

34

35

STATEMENT

36

37 This bill makes various revisions to the expungement laws
38 including the "clean slate" provisions of P.L.2019, c.269.

39 The bill provides that a person may submit an expungement
40 application to the Superior Court in the county in which the person
41 resides or a county in which any of the person's convictions were
42 adjudged. Under current law, a person is required to submit the
43 application to the court in the county where the most recent
44 conviction was adjudged. The intent of this provision is to allow
45 petitioners more flexibility and access to the expungement process.

46 Under current law, in determining whether compelling
47 circumstances exist that would affect a person's ability to satisfy a
48 court-ordered financial assessment, a court may consider the

1 amount of any court-ordered financial assessment imposed, the
2 person's age at the time of the offense, the person's financial
3 condition, and other relevant circumstances regarding the person's
4 ability to pay. Under the provisions of this bill, a court may
5 consider these same factors in determining whether compelling
6 circumstances exist under other provisions in the statute

7 The bill also clarifies that a conviction of any of the crimes
8 enumerated in current law, including but not limited to, criminal
9 homicide, kidnapping, luring or enticing, human trafficking, sexual
10 and aggravated sexual assault, robbery, endangering the welfare of
11 a minor, and terrorism constitute a complete bar to expungement.
12 Further, the bill clarifies that a person may submit an application
13 for expungement under the "clean slate" law that includes crimes,
14 disorderly and petty disorderly persons offenses, and municipal
15 violations.

16 Finally, the bill provides that the court may grant an
17 expungement to an otherwise eligible person whose court-ordered
18 financial assessments were paid late.