# LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

# ASSEMBLY, No. 5969

# STATE OF NEW JERSEY
# 221st LEGISLATURE

DATED: JANUARY 15, 2026

## SUMMARY

**Synopsis:** Provides expungement process for certain defendants who are victims of abuse if conviction is substantially related to abuse.

**Type of Impact:** Annual State and local expenditure increases.

**Agencies Affected:** Department of Law and Public Safety; the Judiciary; Office of the Public Defender; County Prosecutors; State, County, and Municipal Law Enforcement Agencies.

**Office of Legislative Services Estimate**

| Fiscal Impact | Annual |
|---|---|
| **State Expenditure Increase** | Indeterminate |
| **Local Expenditure Increase** | Indeterminate |

- The Office of Legislative Services (OLS) finds that this bill may increase the administrative workload and associated costs of the Judiciary, the Department of Law and Public Safety, the Office of the Public Defender, county prosecutors' offices, and local law enforcement agencies by indeterminate amounts.

- Under current law, regular expungements for certain offenses take place after a few years of having served the sentence, depending on the offense. This bill provides that when domestic violence or abuse is a contributing factor to the person's conviction, an eligible person may apply for expungement immediately following the person's most recent conviction, payment of any court-ordered financial assessment, satisfactory completion of probation or parole, or release from incarceration, whichever is later. The OLS finds that these provisions may result in an increase in expungement applications. Such an increase in applications is likely to result in increased administrative workload and associated costs for the Judiciary and the other affected agencies and departments.

## BILL DESCRIPTION

This bill provides an expungement process for certain defendants who are victims of domestic violence or substantial abuse, if the conviction to be expunged is substantially related to the domestic violence or abuse. Specifically, the bill provides that a person convicted of an offense or other violation of law, except for murder or a crime enumerated under Megan's Law, may file an application with the Superior Court to have each conviction, finding of guilt, or, in the case of an offense committed while a juvenile, adjudication of delinquency expunged if:

(1) the person was a victim of domestic violence or was otherwise subjected to substantial physical, sexual, or psychological abuse, unless the court determines that granting the expungement is not in the interest of justice, or that the person was the primary aggressor in the domestic violence incident; and

(2) the domestic violence or abuse was a contributing factor to the person's commission of any offense or other violation of law for which expungement is sought.

An eligible person may apply for expungement immediately following the person's most recent conviction, payment of any court-ordered financial assessment, satisfactory completion of probation or parole, or release from incarceration, whichever is later. The application is required to be made to the Superior Court in the county in which the person resides or a county in which one or more of the person's convictions were adjudged at any time. The application may include any other prior criminal disposition which the person is seeking to expunge, regardless of where that prior disposition occurred.

In determining whether to order expungement, the court is required to consider all relevant circumstances and take judicial notice of any evidence, testimony, or information presented at the trial, plea hearing, or other court proceedings.

## FISCAL ANALYSIS

### *EXECUTIVE BRANCH*

None received.

### *OFFICE OF LEGISLATIVE SERVICES*

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According to some estimates, more than 70 percent of women incarcerated in Edna Mahan Correctional Facility for Women have been victims of some partner violence or other kind of abuse. As of January 2025, there were 396 women incarcerated in Edna Mahan, which means more

than 250 women could potentially become eligible for expungement upon release. This, of course, would be conditional on individual cases and other qualifying conditions, as required by the bill.

*Section:* *Judiciary*

*Analyst:* *Anuja Pande Joshi*
*Senior Fiscal Analyst*

*Approved:* *Thomas Koenig*
*Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).