

§1
C.2C:52-5.5
and Note to
N.J.S.2C:44-1
§2
Note to s.1
and N.J.S.2C:44-1

P.L. 2025, CHAPTER 329, *approved January 20, 2026*
Senate, No. 4871 (*Second Reprint*)

1 AN ACT concerning expungement for certain defendants who are
2 victims of abuse and supplementing Title 2C of the New Jersey
3 Statutes.

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

7
8 1. a. Notwithstanding the requirements of N.J.S.2C:52-2 and
9 ¹**[N.J.S.52-3]** N.J.S.2C:52-3¹ or any other provision of law to the
10 contrary, a person convicted of an offense or other violation of law,
11 except for murder or a crime ²**[for which the defendant would be**
12 **required to register as a sex offender pursuant to]** enumerated in
13 subsection b. of² section 2 of P.L.1994, c.133 (C.2C:7-2), may file a
14 petition with the Superior Court in the county in which the person
15 resides or a county in which one or more of the person's
16 convictions were adjudged at any time, in accordance with the
17 Rules of Court ^{2,2} to have each conviction, finding of guilt, or, in
18 the case of an offense committed while a juvenile, adjudication of
19 delinquency expunged if:

20 (1) the person was a victim of domestic violence as that term is
21 defined in subsection a. of section 3 of P.L.1991, c.261 (C.2C:25-
22 19), or has otherwise been subjected to substantial physical, sexual,
23 or psychological abuse ², unless the court determines that granting
24 the expungement is not in the interest of justice, or that the person
25 was the primary aggressor in any such incident² ; and

26 (2) the domestic violence or abuse was a contributing factor to
27 the person's conviction.

28 b. A person, if eligible, may present the expungement application
29 immediately following the person's most recent conviction,
30 payment of any court-ordered financial assessment, satisfactory
31 completion of probation or parole, or release from incarceration,
32 whichever is later. The application may include any other prior
33 disposition which the person is seeking to expunge, regardless of
34 where that prior disposition occurred.

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SJU committee amendments adopted December 15, 2025.

²Senate SJU committee amendments adopted January 8, 2026.

1 c. (1) The court may expunge any conviction, finding of guilt,
2 or adjudication of delinquency pursuant to this section if ²**[it]** the
3 person has not previously filed an expungement petition pursuant to
4 this section and the court² finds by a preponderance of the evidence
5 that the person:

6 (a) was a victim of domestic violence as that term is defined in
7 subsection a. of section 3 of P.L.1991, c.261 (C.2C:25-19), or was
8 otherwise subjected to substantial physical, sexual, or psychological
9 abuse ², unless the court determines that granting the expungement
10 is not in the interest of justice, or that the person was the primary
11 aggressor in any such incident²; and

12 (b) the domestic violence or abuse was a contributing factor to
13 the person's ²**[conviction]** commission of any offense or other
14 violation of law for which expungement is sought².

15 (2) In determining whether to order expungement, the court
16 shall consider all relevant circumstances, and shall take judicial
17 notice of any evidence, testimony, or information adduced at the
18 trial, plea hearing, or other court proceedings including, but not
19 limited to:

- 20 (a) court records;
- 21 (b) social services records;
- 22 (c) presentencing reports;
- 23 (d) hospital records;
- 24 (e) sworn statements from a witness of the domestic violence
25 who is not the defendant;
- 26 (f) criminal records;
- 27 (g) domestic violence incident reports;
- 28 (h) protective orders;
- 29 (i) verification of consultation with a licensed medical care
30 provider or mental health care provider;
- 31 (j) testimony or a sworn statement from a trained professional
32 staff member of a victim services organization, an attorney, a
33 member of the clergy, a health care professional, or other
34 professional from whom the person has sought assistance in
35 addressing the trauma associated with being a victim, or a victim of
36 any of the underlying cases which the petitioner is seeking to
37 expunge;
- 38 (k) Department of Corrections records;
- 39 (l) other grounds for denial in accordance with N.J.S.2C:52-14;
40 and
- 41 (m) any other evidence the court deems relevant.

42 d. An expungement ordered pursuant to this section shall have
43 the same force and effect as an expungement ordered pursuant to
44 N.J.S.2C:52-1 et seq. and section 9 of P.L.1994, c.136 (C.53:1-
45 20.25), as applicable.

1 2. This act shall take effect ²~~upon the~~ on the first day of the
2 tenth month following the date of² enactment into law of
3 P.L. , c. (C.) (pending before the Legislature as ¹Senate Bill
4 No. 4870 or¹ Assembly Bill No. ¹~~【A5968】~~ 5968¹ of 2024-2025) ²,
5 but the Administrative Office of the Courts and the Division of
6 State Police in the Department of Law and Public Safety may take
7 such anticipatory action as may be necessary to implement the
8 provisions of this act².

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13 Provides expungement process for certain defendants who are
14 victims of abuse if conviction is substantially related to abuse.