

SENATE, No. 3846

STATE OF NEW JERSEY
221st LEGISLATURE

INTRODUCED OCTOBER 28, 2024

Sponsored by:

Senator BRIAN P. STACK

District 33 (Hudson)

Senator ANGELA V. MCKNIGHT

District 31 (Hudson)

SYNOPSIS

Makes certain amendments to expungement statutes to reduce filing burdens and expand eligibility.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/28/2024)

1 AN ACT concerning expungement eligibility and procedures, and
2 amending Title 2C of the New Jersey Statutes.

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:35-14 is amended to read as follows:

8 2C:35-14. Rehabilitation Program for Persons with a Substance
9 Use Disorder Subject to a Presumption of Incarceration or a
10 Mandatory Minimum Period of Parole Ineligibility; Criteria for
11 Imposing Special Probation; Ineligible Offenders; Commitment to
12 Residential Treatment Facilities or Participation in a Nonresidential
13 Treatment Program; Presumption of Revocation; Brief Incarceration
14 in Lieu of Permanent Revocation.

15 a. Any person who is ineligible for probation due to a
16 conviction for a crime which is subject to a presumption of
17 incarceration or a mandatory minimum period of parole ineligibility
18 may be sentenced to a term of special probation in accordance with
19 this section, and may not apply for treatment for substance use
20 disorder pursuant to N.J.S.2C:45-1. Nothing in this section shall be
21 construed to prohibit a person who is eligible for probation in
22 accordance with N.J.S.2C:45-1 due to a conviction for an offense
23 which is not subject to a presumption of incarceration or a
24 mandatory minimum period of parole ineligibility from applying for
25 treatment for substance use disorder as a condition of probation
26 pursuant to N.J.S.2C:45-1; provided, however, that a person in need
27 of treatment as defined in subsection f. of section 2 of P.L.2012,
28 c.23 (C.2C:35-14.2) shall be sentenced in accordance with that
29 section. Notwithstanding the presumption of incarceration pursuant
30 to the provisions of subsection d. of N.J.S.2C:44-1, whenever a
31 person with a substance use disorder who is subject to sentencing
32 under this section is convicted of or adjudicated delinquent for an
33 offense, other than one described in subsection b. of this section,
34 the court, upon notice to the prosecutor, may, on motion of the
35 person, or on the court's own motion, place the person on special
36 probation, which shall be for a term of five years, provided that the
37 court finds on the record that:

38 (1) the person has undergone a professional diagnostic
39 assessment to determine whether and to what extent the person has
40 a substance use disorder and would benefit from treatment; and

41 (2) the person has a substance use disorder within the meaning
42 of N.J.S.2C:35-2 and was with a substance use disorder at the time
43 of the commission of the present offense; and

44 (3) the present offense was committed while the person was
45 under the influence of a controlled dangerous substance, controlled

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 substance analog or alcohol or was committed to acquire property
2 or monies in order to support the person's substance use disorder;
3 and

4 (4) substance use disorder treatment and monitoring will serve
5 to benefit the person by addressing the person's substance use
6 disorder and will thereby reduce the likelihood that the person will
7 thereafter commit another offense; and

8 (5) the person did not possess a firearm at the time of the
9 present offense and did not possess a firearm at the time of any
10 pending criminal charge; and

11 (6) the person has not been previously convicted on two or more
12 separate occasions of crimes of the first or second degree, other
13 than those listed in paragraph (7); or the person has not been
14 previously convicted on two or more separate occasions, where one
15 of the offenses is a crime of the third degree, other than crimes
16 defined in N.J.S.2C:35-10, and one of the offenses is a crime of the
17 first or second degree; and

18 (7) the person has not been previously convicted or adjudicated
19 delinquent for, and does not have a pending charge of murder,
20 aggravated manslaughter, manslaughter, kidnapping, aggravated
21 assault, aggravated sexual assault or sexual assault, or a similar
22 crime under the laws of any other state or the United States; and

23 (8) a suitable treatment facility licensed and approved by the
24 Division of Mental Health and Addiction Services in the
25 Department of Human Services is able and has agreed to provide
26 appropriate treatment services in accordance with the requirements
27 of this section; and

28 (9) no danger to the community will result from the person
29 being placed on special probation pursuant to this section.

30 In determining whether to sentence the person pursuant to this
31 section, the court shall consider all relevant circumstances, and
32 shall take judicial notice of any evidence, testimony or information
33 adduced at the trial, plea hearing or other court proceedings, and
34 shall also consider the presentence report and the results of the
35 professional diagnostic assessment to determine whether and to
36 what extent the person has a substance use disorder and would
37 benefit from treatment. The court shall give priority to a person
38 who has moved to be sentenced to special probation over a person
39 who is being considered for a sentence to special probation on the
40 court's own motion or in accordance with the provisions of section
41 2 of P.L.2012, c.23 (C.2C:35-14.2).

42 As a condition of special probation, the court shall order the
43 person to enter a residential treatment program at a facility licensed
44 and approved by the Division of Mental Health and Addiction
45 Services in the Department of Human Services or a program of
46 nonresidential treatment by a licensed and approved treatment
47 provider, which program may include the use of medication-
48 assisted treatment as defined in paragraph (7) of subsection f. of

1 this section, to comply with program rules and the requirements of
2 the course of treatment, to cooperate fully with the treatment
3 provider, and to comply with such other reasonable terms and
4 conditions as may be required by the court or by law, pursuant to
5 N.J.S.2C:45-1, and which shall include periodic urine testing for
6 drug or alcohol usage throughout the period of special probation. In
7 determining whether to order the person to participate in a
8 nonresidential rather than a residential treatment program, the court
9 shall follow the procedure set forth in subsection j. of this section.
10 Subject to the requirements of subsection d. of this section, the
11 conditions of special probation may include different methods and
12 levels of community-based or residential supervision.

13 b. A person shall not be eligible for special probation pursuant
14 to this section if the person is convicted of or adjudicated
15 delinquent for:

16 (1) a crime of the first degree;

17 (2) a crime of the first or second degree enumerated in
18 subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2), other
19 than a crime of the second degree involving N.J.S.2C:15-1
20 (robbery) or N.J.S.2C:18-2 (burglary);

21 (3) a crime, other than that defined in section 1 of P.L.1987,
22 c.101 (C.2C:35-7), for which a mandatory minimum period of
23 incarceration is prescribed under chapter 35 of this Title or any
24 other law; or

25 (4) an offense that involved the distribution or the conspiracy or
26 attempt to distribute a controlled dangerous substance or controlled
27 substance analog to a juvenile near or on school property.

28 c. (Deleted by amendment, P.L.2012, c.23)

29 d. Except as otherwise provided in subsection j. of this section,
30 a person convicted of or adjudicated delinquent for a crime of the
31 second degree or of a violation of section 1 of P.L.1987, c.101
32 (C.2C:35-7), or who previously has been convicted of or
33 adjudicated delinquent for an offense under subsection a. of
34 N.J.S.2C:35-5 or a similar offense under any other law of this State,
35 any other state or the United States, who is placed on special
36 probation under this section shall be committed to the custody of a
37 residential substance use disorder treatment facility licensed and
38 approved by the Division of Mental Health and Addiction Services
39 in the Department of Human Services. Subject to the authority of
40 the court to temporarily suspend imposition of all or any portion of
41 the term of commitment to a residential treatment facility pursuant
42 to subsection j. of this section, the person shall be committed to the
43 residential treatment facility immediately, unless the facility cannot
44 accommodate the person, in which case the person shall be
45 incarcerated to await commitment to the residential treatment
46 facility. The term of such commitment shall be for a minimum of
47 six months, or until the court, upon recommendation of the
48 treatment provider, determines that the person has successfully

1 completed the residential treatment program, whichever is later,
2 except that no person shall remain in the custody of a residential
3 treatment facility pursuant to this section for a period in excess of
4 five years. Upon successful completion of the required residential
5 treatment program, the person shall complete the period of special
6 probation, as authorized by subsection a. of this section, with credit
7 for time served for any imprisonment served as a condition of
8 probation and credit for each day during which the person
9 satisfactorily complied with the terms and conditions of special
10 probation while committed pursuant to this section to a residential
11 treatment facility. Except as otherwise provided in paragraph (1) of
12 subsection l. of this section, the person shall not be eligible for early
13 discharge of special probation pursuant to N.J.S.2C:45-2, or any
14 other provision of the law. The court, in determining the number of
15 credits for time spent in residential treatment, shall consider the
16 recommendations of the treatment provider. A person placed into a
17 residential treatment facility pursuant to this section shall be
18 deemed to be subject to official detention for the purposes of
19 N.J.S.2C:29-5 (escape).

20 e. The probation department or other appropriate agency
21 designated by the court to monitor or supervise the person's special
22 probation shall report periodically to the court as to the person's
23 progress in treatment and compliance with court-imposed terms and
24 conditions. The treatment provider shall promptly report to the
25 probation department or other appropriate agency all significant
26 failures by the person to comply with any court-imposed term or
27 condition of special probation or any requirements of the course of
28 treatment, including but not limited to a positive drug or alcohol
29 test, which shall only constitute a violation for a person using
30 medication-assisted treatment as defined in paragraph (7) of
31 subsection f. of this section if the positive test is unrelated to the
32 person's medication-assisted treatment, or the unexcused failure to
33 attend any session or activity, and shall immediately report any act
34 that would constitute an escape. The probation department or other
35 appropriate agency shall immediately notify the court and the
36 prosecutor in the event that the person refuses to submit to a
37 periodic drug or alcohol test or for any reason terminates the
38 person's participation in the course of treatment, or commits any act
39 that would constitute an escape.

40 f. (1) Upon a first violation of any term or condition of the
41 special probation authorized by this section or of any requirements
42 of the course of treatment, the court in its discretion may
43 permanently revoke the person's special probation.

44 (2) Upon a second or subsequent violation of any term or
45 condition of the special probation authorized by this section or of
46 any requirements of the course of treatment, the court shall, subject
47 only to the provisions of subsection g. of this section, permanently
48 revoke the person's special probation unless the court finds on the

1 record that there is a substantial likelihood that the person will
2 successfully complete the treatment program if permitted to
3 continue on special probation, and the court is clearly convinced,
4 considering the nature and seriousness of the violations, that no
5 danger to the community will result from permitting the person to
6 continue on special probation pursuant to this section. The court's
7 determination to permit the person to continue on special probation
8 following a second or subsequent violation pursuant to this
9 paragraph may be appealed by the prosecution.

10 (3) In making its determination whether to revoke special
11 probation, and whether to overcome the presumption of revocation
12 established in paragraph (2) of this subsection, the court shall
13 consider the nature and seriousness of the present infraction and any
14 past infractions in relation to the person's overall progress in the
15 course of treatment, and shall also consider the recommendations of
16 the treatment provider. The court shall give added weight to the
17 treatment provider's recommendation that the person's special
18 probation be permanently revoked, or to the treatment provider's
19 opinion that the person is not amenable to treatment or is not likely
20 to complete the treatment program successfully.

21 (4) If the court permanently revokes the person's special
22 probation pursuant to this subsection, the court shall impose any
23 sentence that might have been imposed, or that would have been
24 required to be imposed, originally for the offense for which the
25 person was convicted or adjudicated delinquent. The court shall
26 conduct a de novo review of any aggravating and mitigating factors
27 present at the time of both original sentencing and resentencing. If
28 the court determines or is required pursuant to any other provision
29 of this chapter or any other law to impose a term of imprisonment,
30 the person shall receive credit for any time served in custody
31 pursuant to N.J.S.2C:45-1 or while awaiting placement in a
32 treatment facility pursuant to this section, and for each day during
33 which the person satisfactorily complied with the terms and
34 conditions of special probation while committed pursuant to this
35 section to a residential treatment facility. The court, in determining
36 the number of credits for time spent in a residential treatment
37 facility, shall consider the recommendations of the treatment
38 provider.

39 (5) Following a violation, if the court permits the person to
40 continue on special probation pursuant to this section, the court
41 shall order the person to comply with such additional terms and
42 conditions, including but not limited to more frequent drug or
43 alcohol testing, as are necessary to deter and promptly detect any
44 further violation.

45 (6) Notwithstanding any other provision of this subsection, if
46 the person at any time refuses to undergo urine testing for drug or
47 alcohol usage as provided in subsection a. of this section, the court
48 shall, subject only to the provisions of subsection g. of this section,

1 permanently revoke the person's special probation.
2 Notwithstanding any other provision of this section, if the person at
3 any time while committed to the custody of a residential treatment
4 facility pursuant to this section commits an act that would constitute
5 an escape, the court shall forthwith permanently revoke the person's
6 special probation.

7 (7) An action for a violation under this section may be brought
8 by a probation officer or prosecutor or on the court's own motion.
9 Failure to complete successfully the required treatment program
10 shall constitute a violation of the person's special probation. In the
11 case of the temporary or continued management of a person's
12 substance use disorder by means of medication-assisted treatment as
13 defined herein, whenever supported by a report from the treatment
14 provider of existing satisfactory progress and reasonably
15 predictable long-term success with or without further medication-
16 assisted treatment, the person's use of the medication-assisted
17 treatment, even if continuing, shall not be the basis to constitute a
18 failure to complete successfully the treatment program. A person
19 who fails to comply with the terms of the person's special probation
20 pursuant to this section and is thereafter sentenced to imprisonment
21 in accordance with this subsection shall thereafter be ineligible for
22 entry into the Intensive Supervision Program, provided however
23 that this provision shall not affect the person's eligibility for entry
24 into the Intensive Supervision Program for a subsequent conviction.

25 As used in this section, the term "medication-assisted treatment"
26 means the use of any medications approved by the federal Food and
27 Drug Administration to treat substance use disorders, including
28 extended-release naltrexone, methadone, and buprenorphine, in
29 combination with counseling and behavioral therapies, to provide a
30 whole-patient approach to the treatment of substance use disorders.

31 g. When a person on special probation is subject to a
32 presumption of revocation on a second or subsequent violation
33 pursuant to paragraph (2) of subsection f. of this section, or when
34 the person refuses to undergo drug or alcohol testing pursuant to
35 paragraph (6) of subsection f. of this section, the court may, in lieu
36 of permanently revoking the person's special probation, impose a
37 term of incarceration for a period of not less than 30 days nor more
38 than six months, after which the person's term of special probation
39 pursuant to this section may be reinstated. In determining whether
40 to order a period of incarceration in lieu of permanent revocation
41 pursuant to this subsection, the court shall consider the
42 recommendations of the treatment provider with respect to the
43 likelihood that such confinement would serve to motivate the
44 person to make satisfactory progress in treatment once special
45 probation is reinstated. This disposition may occur only once with
46 respect to any person unless the court is clearly convinced that there
47 are compelling and extraordinary reasons to justify reimposing this
48 disposition with respect to the person. Any such determination by

1 the court to reimpose this disposition may be appealed by the
2 prosecution. Nothing in this subsection shall be construed to limit
3 the authority of the court at any time during the period of special
4 probation to order a person on special probation who is not subject
5 to a presumption of revocation pursuant to paragraph (2) of
6 subsection f. of this section to be incarcerated over the course of a
7 weekend, or for any other reasonable period of time, when the court
8 in its discretion determines that such incarceration would help to
9 motivate the person to make satisfactory progress in treatment.

10 h. The court, as a condition of its order, and after considering
11 the person's financial resources, shall require the person to pay that
12 portion of the costs associated with the person's participation in any
13 residential or nonresidential treatment program imposed pursuant to
14 this section which, in the opinion of the court, is consistent with the
15 person's ability to pay, taking into account the court's authority to
16 order payment or reimbursement to be made over time and in
17 installments.

18 i. The court shall impose, as a condition of the special
19 probation, any fine, penalty, fee or restitution applicable to the
20 offense for which the person was convicted or adjudicated
21 delinquent.

22 j. Where the court finds that a person has satisfied all of the
23 eligibility criteria for special probation and would otherwise be
24 required to be committed to the custody of a residential substance
25 use disorders treatment facility pursuant to the provisions of
26 subsection d. of this section, the court may temporarily suspend
27 imposition of all or any portion of the term of commitment to a
28 residential treatment facility and may instead order the person to
29 enter a nonresidential treatment program, provided that the court
30 finds on the record that:

31 (1) the person conducting the diagnostic assessment required
32 pursuant to paragraph (1) of subsection a. of this section has
33 recommended in writing that the proposed course of nonresidential
34 treatment services is clinically appropriate and adequate to address
35 the person's treatment needs; and

36 (2) no danger to the community would result from the person
37 participating in the proposed course of nonresidential treatment
38 services; and

39 (3) a suitable treatment provider is able and has agreed to
40 provide clinically appropriate nonresidential treatment services.

41 If the prosecutor objects to the court's decision to suspend the
42 commitment of the person to a residential treatment facility
43 pursuant to this subsection, the sentence of special probation
44 imposed pursuant to this section shall not become final for 10 days
45 in order to permit the appeal by the prosecution of the court's
46 decision.

47 After a period of six months of nonresidential treatment, if the
48 court, considering all available information including but not

1 limited to the recommendation of the treatment provider, finds that
2 the person has made satisfactory progress in treatment and that
3 there is a substantial likelihood that the person will successfully
4 complete the nonresidential treatment program and period of special
5 probation, the court, on notice to the prosecutor, may permanently
6 suspend the commitment of the person to the custody of a
7 residential treatment program, in which event the special
8 monitoring provisions set forth in subsection k. of this section shall
9 no longer apply.

10 Nothing in this subsection shall be construed to limit the
11 authority of the court at any time during the term of special
12 probation to order the person to be committed to a residential or
13 nonresidential treatment facility if the court determines that such
14 treatment is clinically appropriate and necessary to address the
15 person's present treatment needs.

16 k. (1) When the court temporarily suspends the commitment of
17 the person to a residential treatment facility pursuant to subsection
18 j. of this section, the court shall, in addition to ordering
19 participation in a prescribed course of nonresidential treatment and
20 any other appropriate terms or conditions authorized or required by
21 law, order the person to undergo urine testing for drug or alcohol
22 use not less than once per week unless otherwise ordered by the
23 court. The court-ordered testing shall be conducted by the
24 probation department or the treatment provider. The results of all
25 tests shall be reported promptly to the court and to the prosecutor.
26 If the person is involved with a program that is providing the person
27 medication-assisted treatment as defined in paragraph (7) of
28 subsection f. of this section, only a positive urine test for drug or
29 alcohol use unrelated to the medication-assisted treatment shall
30 constitute a violation of the terms and conditions of special
31 probation. In addition, the court shall impose appropriate curfews
32 or other restrictions on the person's movements, and may order the
33 person to wear electronic monitoring devices to enforce such
34 curfews or other restrictions as a condition of special probation.

35 (2) The probation department or other appropriate agency shall
36 immediately notify the court and the prosecutor in the event that the
37 person fails or refuses to submit to a drug or alcohol test, knowingly
38 defrauds the administration of a drug or alcohol test, terminates the
39 person's participation in the course of treatment, or commits any act
40 that would constitute absconding from parole. If the person at any
41 time while entered in a nonresidential treatment program pursuant
42 to subsection j. of this section knowingly defrauds the
43 administration of a drug or alcohol test, goes into hiding, or leaves
44 the State with a purpose of avoiding supervision, the court shall
45 permanently revoke the person's special probation.

46 l. (1) If the court finds that the person has made exemplary
47 progress in the course of treatment, the court may, upon
48 recommendation of the person's supervising probation officer or on

1 the court's own motion, and upon notice to the prosecutor, grant
2 early discharge from a term of special probation provided that the
3 person: (1) has satisfactorily completed the treatment program
4 ordered by the court; (2) has served at least two years of special
5 probation; (3) within the preceding 12 months, did not commit a
6 substantial violation of any term or condition of special probation,
7 including but not limited to a positive urine test, which shall only
8 constitute a violation for a person using medication-assisted
9 treatment as defined in paragraph (7) of subsection f. of this section
10 if the positive test is unrelated to the person's medication-assisted
11 treatment; and (4) is not likely to relapse or commit an offense if
12 probation supervision and related services are discontinued.

13 (2) Notwithstanding the five-year term of special probation set
14 forth in subsection a. of this section, the person may, upon motion
15 and with notice to the prosecutor, seek to extend the term of special
16 probation for up to 12 months for the purposes of disposing of any
17 pending charges for an offense allegedly committed during the
18 person's term of special probation or to maintain eligibility for an
19 expungement pursuant to subsection m. of this section. The court
20 shall have discretion to continue or modify any terms or conditions
21 of special probation during this additional term.

22 m. (1) The Superior Court may order the expungement of all
23 records and information relating to all prior arrests, detentions,
24 convictions, adjudications of juvenile delinquency, and proceedings
25 for any offense enumerated in **【Title 2C of】** the New Jersey
26 Statutes, the Revised Statutes, or any municipal or county ordinance
27 upon successful discharge from a term of special probation as
28 provided in this section, regardless of whether the person was
29 sentenced to special probation under this section, section 2 of
30 P.L.2012, c.23 (C.2C:35-14.2), or N.J.S.2C:45-1, if the person
31 satisfactorily completed a substance use disorder treatment program
32 as ordered by the court **【and was not convicted of any crime, or**
33 **adjudged a disorderly person or petty disorderly person, during the**
34 **term of special probation】**. The provisions of N.J.S.2C:52-7
35 through N.J.S.2C:52-14 shall not apply to an expungement pursuant
36 to this paragraph and no fee shall be charged to a person eligible for
37 relief pursuant to this paragraph. The court shall grant the relief
38 requested unless it finds that the need for the availability of the
39 records outweighs the desirability of having the person freed from
40 any disabilities associated with their availability, or it finds that the
41 person is otherwise ineligible for expungement pursuant to
42 paragraph (2) of this subsection. An expungement under this
43 paragraph shall proceed in accordance with rules and procedures
44 developed by the Supreme Court.

45 (2) A person shall not be eligible **【for expungement】** to expunge
46 under paragraph (1) of this subsection **【if the records include】** a
47 conviction for any **【offense】** crime barred from expungement

1 pursuant to subsection b. or c. of N.J.S.2C:52-2, but shall be
2 eligible to expunge any prior offenses that are not barred from
3 expungement. No expungement shall be considered until any
4 pending charges are disposed. It shall be the obligation of the
5 prosecutor to notify the court of any disqualifying convictions or
6 any other factors related to public safety that should be considered
7 by the court when deciding to grant an expungement under
8 paragraph (1) of this subsection.

9 (3) The Superior Court shall provide a copy of the expungement
10 order granted pursuant to paragraph (1) of this subsection to the
11 prosecutor and to the person and, if the person was represented by
12 the Public Defender, to the Public Defender. The **【**person or, if the
13 person was represented by the Public Defender, the Public Defender
14 on behalf of the person,**】** court, pursuant to subsection c. of section
15 11 of P.L.2019, c.269 (C.2C:52-10.1), shall promptly distribute
16 copies of the expungement order to appropriate agencies who have
17 custody and control of the records specified in the order so that the
18 agencies may comply with the requirements of N.J.S.2C:52-15.

19 (4) If the person whose records are expunged pursuant to
20 paragraph (1) of this subsection is convicted of any crime following
21 discharge from special probation, the full record of arrests and
22 convictions may be restored to public access and no future
23 expungement shall be granted to such person.

24 (5) A person who, prior to the effective date of P.L.2015, c.261,
25 was successfully discharged from a term of special probation as
26 provided in this section, regardless of whether the person was
27 sentenced to special probation under this section, section 2 of
28 P.L.2012, c.23 (C.2C:35-14.2), or N.J.S.2C:45-1, may seek an
29 expungement of all records and information relating to all arrests,
30 detentions, convictions, adjudications of juvenile delinquency, and
31 proceedings for any offense enumerated in **【**Title 2C of**】** the New
32 Jersey Statutes, the Revised Statutes, or any municipal or county
33 ordinance that existed at the time of discharge from special
34 probation by presenting an application to the Superior Court in the
35 county in which the person was sentenced to special probation,
36 which contains a duly verified petition as provided in N.J.S.2C:52-7
37 for each crime or offense sought to be expunged. The petition for
38 expungement shall proceed pursuant to N.J.S.2C:52-1 et seq. except
39 that the requirements related to the expiration of the time periods
40 specified in N.J.S.2C:52-2 through section 1 of P.L.1980, c.163
41 (C.2C:52-4.1) shall not apply. **【**A person who was convicted of any
42 offense barred from expungement pursuant to subsection b. or c. of
43 N.J.S.2C:52-2, or who has been convicted of any crime or offense
44 since the date of discharge from special probation shall not be
45 eligible to apply for an expungement under this paragraph.**】** A
46 conviction for a crime which is not subject to expungement
47 pursuant to subsection b. or c. of N.J.S.2C:52-2 shall not be
48 expunged under this paragraph, but the person shall be eligible to

1 expunge any other offenses that are not barred from expungement.
2 In addition, no application for expungement shall be considered
3 until any pending charges are disposed. It shall be the obligation of
4 the prosecutor to notify the court of any disqualifying convictions
5 or any other factors related to public safety that should be
6 considered by the court when deciding to grant an expungement
7 under this paragraph. The Superior Court shall consider the
8 person's verified petition and may order the expungement of all
9 records and information relating to all arrests, detentions,
10 convictions, and proceedings of the person that existed at the time
11 of discharge from special probation as appropriate. The court shall
12 grant the relief requested unless it finds that the need for the
13 availability of the records outweighs the desirability of having the
14 person freed from any disabilities associated with their availability,
15 or it finds that the person is otherwise ineligible for expungement
16 pursuant to this paragraph. No fee shall be charged to a person
17 eligible for relief pursuant to this paragraph.

18 (6) (a) A person who is not eligible for expungement relief
19 pursuant to paragraph (1) or (5) of this subsection because of a
20 conviction occurring prior to, on, or after the effective date of
21 P.L.2021, c.460, for any offense set forth in paragraph (2) of
22 subsection a. of N.J.S.2C:24-4, involving endangering the welfare
23 of a child, which is barred from expungement pursuant to
24 subsection b. of N.J.S.2C:52-2 and therefore renders the person
25 ineligible under those paragraphs, may be eligible to seek
26 expungement relief pursuant to this paragraph. The person shall
27 have been successfully discharged from a term of special probation
28 as provided in this section, regardless of whether the person was
29 sentenced to special probation under this section, section 2 of
30 P.L.2012, c.23 (C.2C:35-14.2), or N.J.S.2C:45-1, for a period of at
31 least 10 years prior to seeking an expungement of all records and
32 information relating to all arrests, detentions, convictions,
33 adjudications of juvenile delinquency, and proceedings for any
34 offense enumerated in **【Title 2C of】** the New Jersey Statutes, the
35 Revised Statutes, or any municipal or county ordinance that existed
36 at the time of discharge from special probation. The person shall
37 present an application to the Superior Court in the county in which
38 the person was sentenced to special probation, which contains a
39 duly verified petition as provided in N.J.S.2C:52-7 for each crime
40 or offense sought to be expunged. The petition for expungement
41 shall proceed pursuant to N.J.S.2C:52-1 et seq. A person shall not
42 be eligible to apply for an expungement under this paragraph if that
43 person was convicted of any offense barred from expungement
44 pursuant to subsection b. or c. of N.J.S.2C:52-2, other than a
45 conviction for endangering the welfare of a child under paragraph
46 (2) of subsection a. of N.J.S.2C:24-4, which crime is also
47 determined by the court, based upon a review by the prosecutor in
48 accordance with subparagraph (b) of this paragraph, to have been

1 nonviolent with respect to the facts and elements of the criminal act,
2 or if that person has been convicted of any crime or offense since
3 the date of discharge from special probation. In addition, no
4 application for expungement shall be considered until any pending
5 charges are disposed. It shall be the obligation of the prosecutor to
6 notify the court of any disqualifying convictions, any conviction for
7 endangering the welfare of a child reviewed by the prosecutor and
8 found to be violent, or any other factors related to public safety that
9 should be considered by the court when deciding to grant an
10 expungement under this paragraph. The Superior Court shall
11 consider the person's verified petition and may order the
12 expungement of all records and information relating to all arrests,
13 detentions, convictions, and proceedings of the person that existed
14 at the time of discharge from special probation as appropriate. The
15 court shall grant the relief requested unless it finds that the need for
16 the availability of the records outweighs the desirability of having
17 the person freed from any disabilities associated with their
18 availability, or it finds that the person is otherwise ineligible for
19 expungement pursuant to this paragraph. No fee shall be charged to
20 a person eligible for relief pursuant to this paragraph.

21 (b) The prosecutor, when reviewing a conviction for
22 endangering the welfare of a child under paragraph (2) of
23 subsection a. of N.J.S.2C:24-4 as to whether the facts and elements
24 of the criminal act were nonviolent and therefore do not prevent, as
25 to this conviction, a person's eligibility for expungement relief
26 under this paragraph, shall consider any act which falls under the
27 following definitions to be violent acts, and render the person
28 ineligible for expungement relief:

29 any act of "abuse," as defined in R.S.9:6-1, that is specifically
30 listed in part (c) of the definition, employing or permitting a child to
31 be employed in any occupation, employment or vocation dangerous
32 to the morals of such child; part (e) of the definition, the performing
33 of any indecent, immoral or unlawful act or deed, in the presence of
34 a child, that may tend to debauch or endanger or degrade the morals
35 of the child; part (f) of the definition, permitting or allowing any
36 other person to perform any indecent, immoral or unlawful act in
37 the presence of the child that may tend to debauch or endanger the
38 morals of such child; or part (g) of the definition, using excessive
39 physical restraint on the child under circumstances which do not
40 indicate that the child's behavior is harmful to himself, others or
41 property;

42 any act of "cruelty," as defined in R.S.9:6-1; and

43 any act resulting in an "abused or neglected child," as defined by
44 subsection c. of section 1 of P.L.1974, c.119 (C.9:6-8.21), that is
45 specifically listed in paragraph (1) of the definition, inflicting or
46 allowing to be inflicted upon such child physical injury by other
47 than accidental means which causes or creates a substantial risk of
48 death, or serious or protracted disfigurement, or protracted

1 impairment of physical or emotional health or protracted loss or
2 impairment of the function of any bodily organ; paragraph (2) of the
3 definition, creating or allowing to be created a substantial or
4 ongoing risk of physical injury to such child by other than
5 accidental means which would be likely to cause death or serious or
6 protracted disfigurement, or protracted loss or impairment of the
7 function of any bodily organ; paragraph (3) of the definition,
8 committing or allowing to be committed an act of sexual abuse
9 against the child; subparagraph (b) of paragraph (4) of the
10 definition, solely as to a child whose physical, mental, or emotional
11 condition has been impaired or is in imminent danger of becoming
12 impaired as the result of the failure of the child's parent or guardian
13 to exercise a minimum degree of care in providing the child with
14 proper supervision or guardianship, by unreasonably inflicting or
15 allowing to be inflicted excessive corporal punishment, or the
16 substantial risk thereof; paragraph (6) of the definition, for a child
17 upon whom excessive physical restraint has been used under
18 circumstances which do not indicate that the child's behavior is
19 harmful to himself, others, or property; or paragraph (7) of the
20 definition, for a child who is in an institution and, pursuant to
21 subparagraph (a) of that paragraph, has been placed there
22 inappropriately for a continued period of time with the knowledge
23 that the placement has resulted or may continue to result in harm to
24 the child's mental or physical well-being or, pursuant to
25 subparagraph (b) of that paragraph, who has been willfully isolated
26 from ordinary social contact under circumstances which indicate
27 emotional or social deprivation.

28 (cf: P.L.2023, c.177, s.7)

29

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

31 2C:52-2. Indictable Offenses.

32 a. In all cases, except as herein provided, a person may present
33 an expungement application to the Superior Court pursuant to this
34 section if:

35 the person has been convicted of one crime under the laws of this
36 State, and does not otherwise have any subsequent conviction for
37 another crime **【, whether within】** under the laws of this State **【or**
38 **any other jurisdiction】**. Subject to the provision of subsection e. of
39 N.J.S.2C:52-14 requiring denial of an expungement petition when a
40 person has had a previous criminal conviction expunged, a prior
41 conviction for another crime shall not bar presenting an application
42 seeking expungement relief for the criminal conviction that is the
43 subject of the application; or

44 the person has been convicted of one crime and no more than
45 three disorderly persons or petty disorderly persons offenses under
46 the laws of this State, and does not otherwise have any subsequent
47 conviction for another crime under the laws of this State, or any
48 subsequent conviction for another disorderly persons or petty

1 disorderly persons offense under the laws of this State such that the
2 total number of convictions for disorderly persons and petty
3 disorderly persons offenses would exceed three [], whether any such
4 crime or offense conviction was within this State or any other
5 jurisdiction]. Subject to the provision of subsection e. of
6 N.J.S.2C:52-14 requiring denial of an expungement petition when a
7 person has had a previous criminal conviction expunged, a prior
8 conviction for another crime, disorderly persons offense, or petty
9 disorderly persons offense shall not bar presenting an application
10 seeking expungement relief for the one criminal conviction and no
11 more than three convictions for disorderly persons or petty
12 disorderly persons offenses that are the subject of the application;
13 or

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

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

1 comparatively short period of time as described above shall not bar
2 presenting an application seeking expungement relief for the
3 convictions of crimes or crimes and offenses that were
4 interdependent or closely related and committed within a
5 comparatively short period of time, and that are the subject of the
6 application.

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

37 The person, if eligible, may present the expungement application
38 after the expiration of a period of five years from the date of **【**his**】**
39 the person's most recent conviction, payment of any court-ordered
40 financial assessment, satisfactory completion of probation or parole,
41 or release from incarceration, whichever is later. The term "court-
42 ordered financial assessment" as used herein and throughout this
43 section means and includes any fine, fee, penalty, restitution, and
44 other form of financial assessment imposed by the court as part of
45 the sentence for the conviction or convictions that are the subject of
46 the application, for which payment of restitution takes precedence
47 in accordance with chapter 46 of Title 2C of the New Jersey

1 Statutes. The person shall submit the expungement application to
2 the Superior Court in the county in which the person resides or a
3 county in which one or more of the person's convictions were
4 adjudged, which includes a duly verified petition as provided in
5 N.J.S.2C:52-7 praying that the conviction, or convictions if
6 applicable, and all records and information pertaining thereto be
7 expunged. The petition appended to an application shall comply
8 with the requirements set forth in N.J.S.2C:52-1 et seq.

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

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

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

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

44 the person has not been otherwise convicted of a crime,
45 disorderly persons offense, or petty disorderly persons offense since
46 the time of the most recent conviction; and the court finds in its
47 discretion that compelling circumstances exist to grant the
48 expungement. The prosecutor may object pursuant to section 11 of

1 P.L.2019, c.269 (C.2C:52-10.1), N.J.S.2C:52-11, N.J.S.2C:52-14,
2 or N.J.S.2C:52-24.

3 In determining whether compelling circumstances exist for the
4 purposes of paragraph (1) of this subsection, a court may consider
5 any relevant information provided by the person submitting the
6 application and the prosecutor, including the amount of any court-
7 ordered financial assessment imposed, the person's age at the time
8 of the offense or offenses, the person's financial condition, and
9 other relevant circumstances regarding the person's ability to pay.
10 However, regarding a determination of compelling circumstances
11 pursuant to paragraph (1) of this subsection or a determination of
12 compelling circumstances pursuant to any other part of this section,
13 the person shall not be required to provide transcripts of plea or
14 sentencing proceedings or be required to provide any presentence
15 reports with the application or any other filing.

16 b. Records of conviction pursuant to statutes repealed by this
17 Code for the crimes of murder, manslaughter, treason, anarchy,
18 kidnapping, rape, forcible sodomy, arson, perjury, false swearing,
19 robbery, embracery, or a conspiracy or any attempt to commit any
20 of the foregoing, or aiding, assisting or concealing persons accused
21 of the foregoing crimes, shall not be expunged.

22 Records of conviction for the following crimes specified in the
23 New Jersey Code of Criminal Justice shall not be subject to
24 expungement: N.J.S.2C:11-1 et seq. (Criminal Homicide), except
25 death by auto as specified in N.J.S.2C:11-5 and strict liability
26 vehicular homicide as specified in section 1 of P.L.2017, c.165
27 (C.2C:11-5.3); N.J.S.2C:13-1 (Kidnapping); section 1 of P.L.1993,
28 c.291 (C.2C:13-6) (Luring or Enticing); section 1 of P.L.2005, c.77
29 (C.2C:13-8) (Human Trafficking); N.J.S.2C:14-2 (Sexual Assault or
30 Aggravated Sexual Assault); subsection a. of N.J.S.2C:14-3
31 (Aggravated Criminal Sexual Contact); if the victim is a minor,
32 subsection b. of N.J.S.2C:14-3 (Criminal Sexual Contact); if the
33 victim is a minor and the offender is not the parent of the victim,
34 N.J.S.2C:13-2 (Criminal Restraint) or N.J.S.2C:13-3 (False
35 Imprisonment); N.J.S.2C:15-1 (Robbery), if convicted as a crime of
36 the first degree; N.J.S.2C:17-1 (Arson and Related Offenses);
37 paragraph (1) of subsection a. of N.J.S.2C:24-4 (Endangering the
38 welfare of a child by engaging in sexual conduct which would
39 impair or debauch the morals of the child, or causing the child other
40 harm); paragraph (4) of subsection b. of N.J.S.2C:24-4
41 (Photographing or filming a child in a prohibited sexual act or for
42 portrayal in a sexually suggestive manner); paragraph (3) of
43 subsection b. of N.J.S.2C:24-4 (Causing or permitting a child to
44 engage in a prohibited sexual act or the simulation of an act, or to
45 be portrayed in a sexually suggestive manner); subparagraph (a) of
46 paragraph (5) of subsection b. of N.J.S.2C:24-4 (Distributing,
47 possessing with intent to distribute or using a file-sharing program
48 to store items depicting the sexual exploitation or abuse of a child);

1 subparagraph (b) of paragraph (5) of subsection b. of N.J.S.2C:24-4
2 (Possessing or viewing items depicting the sexual exploitation or
3 abuse of a child); section 8 of P.L.2017, c.141 (C.2C:24-4.1)
4 (Leader of a child pornography network); N.J.S.2C:28-1 (Perjury);
5 N.J.S.2C:28-2 (False Swearing); paragraph (4) of subsection b. of
6 N.J.S.2C:34-1 (Knowingly promoting the prostitution of the actor's
7 child); section 2 of P.L.2002, c.26 (C.2C:38-2) (Terrorism);
8 subsection a. of section 3 of P.L.2002, c.26 (C.2C:38-3) (Producing
9 or Possessing Chemical Weapons, Biological Agents or Nuclear or
10 Radiological Devices); and conspiracies or attempts to commit such
11 crimes.

12 Records of conviction for any crime committed by a person
13 holding any public office, position or employment, elective or
14 appointive, under the government of this State or any agency or
15 political subdivision thereof and any conspiracy or attempt to
16 commit such a crime shall not be subject to expungement if the
17 crime involved or touched such office, position or employment.

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

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

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

25 (3) Any controlled dangerous substance provided that the
26 conviction is of the third or fourth degree, or a conviction pursuant
27 to section 1 of P.L.1997, c.327 (C.2C:35-7.1), where the court finds
28 that compelling circumstances exist to grant the expungement. The
29 prosecutor may object pursuant to section 11 of P.L.2019, c.269
30 (C.2C:52-10.1), N.J.S.2C:52-11, N.J.S.2C:52-14, or N.J.S.2C:52-
31 24.

32 d. In the case of a State licensed physician or podiatrist
33 convicted of an offense involving drugs or alcohol or pursuant to
34 section 14 or 15 of P.L.1989, c.300 (C.2C:21-20 or 2C:21-4.1), the
35 petitioner shall notify the State Board of Medical Examiners upon
36 filing an application for expungement and provide the board with a
37 copy thereof. The petitioner shall also provide to the court a
38 certification attesting that the requirements of this subsection were
39 satisfied. Failure to satisfy the requirements of this subsection shall
40 be grounds for denial of the expungement application and, if
41 applicable, administrative discipline by the board.

42 e. If the person has any adjudications of juvenile delinquency
43 that may be expunged pursuant to section 1 of P.L.1980, c.163
44 (C.2C:52-4.1), the person may include such adjudications in the
45 application filed pursuant to this section. If the person has any
46 outstanding court-ordered financial assessments arising from an
47 adjudication of juvenile delinquency, the provisions set forth in

1 subsection a. of this section concerning court-ordered financial
2 assessments shall apply.

3 f. If the person has any municipal ordinance convictions or
4 violations that may be expunged pursuant to N.J.S.2C:52-4, the
5 person may include such convictions or violations in the application
6 filed pursuant to this section. If the person has any outstanding
7 court-ordered financial assessments arising from a municipal
8 ordinance conviction or violation, the provisions set forth in
9 subsection a. of this section concerning court-ordered financial
10 assessments shall apply.

11 (cf: P.L.2023, c.260, s.1)

12

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

14 2C:52-3. Disorderly persons offenses and petty disorderly
15 persons offenses.

16 a. (1) Any person who has been convicted of one or more
17 disorderly persons or petty disorderly persons offenses under the
18 laws of this State who has not been convicted of any crime **[**,
19 whether within**]** under the laws of this State **[**or any other
20 jurisdiction,**]** may present an expungement application to a court
21 pursuant to this section. If the person has any adjudications of
22 juvenile delinquency that may be expunged pursuant to section 1 of
23 P.L.1980, c.163 (C.2C:52-4.1), the person may include such
24 adjudications in the application filed pursuant to this section.

25 (2) Any person who has been convicted of one or more
26 disorderly persons or petty disorderly persons offenses under the
27 laws of this State who has also been convicted of one or more
28 crimes shall not be eligible to apply for an expungement pursuant to
29 this section, but may present an expungement application to the
30 Superior Court in the county in which the person resides or a county
31 in which one or more of the person's convictions were adjudged,
32 pursuant to N.J.S.2C:52-2.

33 b. Any person who has been convicted of one or more
34 disorderly persons or petty disorderly persons offenses under the
35 laws of this State who has not been convicted of any crime **[**,
36 whether within**]** under the laws of this State **[**or any other
37 jurisdiction,**]** may present an expungement application pursuant to
38 this section to the Superior Court in the county in which the person
39 resides or a county in which one or more of the person's
40 convictions were adjudged 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**]** under the

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

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

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

1 application seeking expungement relief for the convictions of
2 offenses that were interdependent or closely related and committed
3 within a comparatively short period of time, and the juvenile
4 delinquency adjudications that are the subject of the application.

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

35 Additionally, for purposes of determining eligibility to present
36 an expungement application to the court pursuant to this section, a
37 conviction for unlawful distribution or dispensing of, possession
38 with intent to distribute or dispense, or manufacture with intent to
39 distribute or dispense, drug paraphernalia in violation of
40 N.J.S.2C:36-3 when the paraphernalia is a hypodermic syringe or
41 needle, **[or for an equivalent crime involving a hypodermic syringe**
42 **or needle in another jurisdiction,]** regardless of when the conviction
43 occurred, shall not be considered a conviction of a crime within this
44 State **[or any other jurisdiction]** but shall instead be considered a
45 conviction of a disorderly persons offense within this State **[or an**
46 **equivalent category of offense within the other jurisdiction]**, and a
47 conviction for using or possessing with intent to use drug

1 paraphernalia in violation of N.J.S.2C:36-2 when the paraphernalia
2 is a hypodermic syringe or needle, or possession with intent to use
3 or to distribute a hypodermic syringe or needle in violation of
4 N.J.S.2C:36-6, [of for an equivalent crime or offense in another
5 jurisdiction,] regardless of when the conviction occurred, shall not
6 be considered a conviction within this State [or any other
7 jurisdiction].

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

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

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

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

12 (2) at least three but less than five years have expired from the
13 date of the most recent conviction or juvenile delinquency
14 adjudication, payment of any court-ordered financial assessment,
15 satisfactory completion of probation or parole, or release from
16 incarceration, whichever is later; and

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

24 In determining whether compelling circumstances exist for the
25 purposes of paragraph (1) of this subsection, a court may consider
26 any relevant information provided by the person submitting the
27 application and the prosecutor, including the amount of any court-
28 ordered financial assessment imposed, the person's age at the time
29 of the offense or offenses, the person's financial condition, and
30 other relevant circumstances regarding the person's ability to pay.
31 However, regarding a determination of compelling circumstances
32 pursuant to paragraph (1) of this subsection or a determination of
33 compelling circumstances pursuant to any other part of this section,
34 the person shall not be required to provide transcripts of plea or
35 sentencing proceedings or be required to provide any presentence
36 reports with the application or any other filing.

37 c. If the person has any municipal ordinance convictions or
38 violations that may be expunged pursuant to N.J.S.2C:52-4, the
39 person may include such convictions or violations in the application
40 filed pursuant to this section. If the person has any outstanding
41 court-ordered financial assessments arising from a municipal
42 ordinance conviction or violation, the provisions set forth in
43 subsection b. of this section concerning court-ordered financial
44 assessments shall apply.

45 (cf: P.L.2023, c.260, s.2)

46
47 4. N.J.S.2C:52-4 is amended to read as follows:

48 2C:52-4. Ordinances.

1 a. In all cases wherein a person has been found guilty of
2 violating a municipal ordinance of any governmental entity of this
3 State [and who has not been convicted of any prior or subsequent
4 crime, whether within this State or any other jurisdiction, and who
5 has not been adjudged a disorderly person or petty disorderly
6 person on more than two occasions], the person may, after the
7 expiration of a period of 2 years from the date of [his] the person's
8 conviction, payment of [fine] court-ordered financial assessment,
9 satisfactory completion of probation or release from incarceration,
10 whichever is later, present a duly verified petition as provided in
11 section 2C:52-7 herein to the Superior Court in the county in which
12 the person resides or a county in which one or more of the person's
13 convictions were adjudged praying that such conviction and all
14 records and information pertaining thereto be expunged. If the
15 person has any adjudications of juvenile delinquency that may be
16 expunged pursuant to section 1 of P.L.1980, c.163 (C.2C:52-4.1),
17 the person may include such adjudications in the petition filed
18 pursuant to this section.

19 b. The person, if eligible, may present the expungement
20 application after the expiration of a period of two years from the
21 date of the person's most recent conviction, payment of any court-
22 ordered financial assessment, satisfactory completion of probation
23 or parole, or release from incarceration, whichever is later. The
24 term "court-ordered financial assessment" as used herein and
25 throughout this section means any fine, fee, penalty, restitution, and
26 other form of financial assessment imposed by the court as part of
27 the sentence for the conviction or convictions that are the subject of
28 the application, for which payment of restitution takes precedence
29 in accordance with chapter 46 of Title 2C of the New Jersey
30 Statutes. Notwithstanding the provisions concerning the two-
31 year time requirement, if, at the time of application, a court-ordered
32 financial assessment subject to collection under the comprehensive
33 enforcement program established pursuant to P.L.1995, c.9
34 (C.2B:19-1 et al.) is not yet satisfied due to reasons other than
35 willful noncompliance, but the time requirement of two years is
36 otherwise satisfied, the person may submit the expungement
37 application and the court may grant an expungement; provided,
38 however, that if expungement is granted the court shall enter a civil
39 judgment for the unpaid portion of the court-ordered financial
40 assessment in the name of the Treasurer, State of New Jersey and
41 transfer collections and disbursement responsibility to the State
42 Treasurer for the outstanding amount in accordance with section 8
43 of P.L.2017, c.244 (C.2C:52-23.1). The Treasurer may specify, and
44 the Administrative Office of the Courts shall collaborate with, the
45 technical and informational standards required to effectuate the
46 transfer of the collection and disbursement responsibilities.
47 Notwithstanding any provision in this law or any other law to the

1 contrary, the court shall have sole discretion to amend the
2 judgment.

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

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

14 (2) at least one but less than two years have expired from the
15 date of the most recent conviction, payment of any court-ordered
16 financial assessment, satisfactory completion of probation or parole,
17 or release from incarceration, whichever is later; and

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

25 In determining whether compelling circumstances exist for the
26 purposes of paragraph (1) of this subsection, a court may consider
27 any relevant information provided by the person submitting the
28 application and the prosecutor, including the amount of any court-
29 ordered financial assessment imposed, the person's age at the time
30 of the offense or offenses, the person's financial condition, and
31 other relevant circumstances regarding the person's ability to pay.
32 However, regarding a determination of compelling circumstances
33 pursuant to paragraph (1) of this subsection or a determination of
34 compelling circumstances pursuant to any other part of this section,
35 the person shall not be required to provide transcripts of plea or
36 sentencing proceedings or be required to provide any presentence
37 reports with the application or any other filing.

38 (cf: P.L.2023, c.260, s.4)

39

40 5. Section 1 of P.L.1980, c.163 (C.2C:52-4.1) is amended to read
41 as follows:

42 1. a. Any person adjudged a juvenile delinquent may have such
43 adjudication expunged as follows:

44 (1) Pursuant to N.J.S.2C:52-2, if the act committed by the
45 juvenile would have constituted a crime if committed by an adult;

46 (2) Pursuant to N.J.S.2C:52-3, if the act committed by the
47 juvenile would have constituted a disorderly or petty disorderly
48 persons offense if committed by an adult; or

1 (3) Pursuant to N.J.S.2C:52-4, if the act committed by the
2 juvenile would have constituted an ordinance violation if committed
3 by an adult.

4 For purposes of expungement, any act which resulted in a
5 juvenile being adjudged a delinquent shall be classified as if that act
6 had been committed by an adult.

7 b. Additionally, any person who has been adjudged a juvenile
8 delinquent may have his entire record of delinquency adjudications
9 expunged, by application to the Superior Court in the county in
10 which the person resides or a county in which one or more of the
11 person's adjudications were adjudged, which includes a duly
12 verified petition as provided in N.J.S.2C:52-7, if:

13 (1) Three years have elapsed since the final discharge of the
14 person from legal custody or supervision or three years have
15 elapsed after the entry of any other court order not involving
16 custody or supervision, except that periods of post-incarceration
17 supervision pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44),
18 shall not be considered in calculating the three-year period for
19 purposes of this paragraph; and

20 (2) **【He】** The person has not been convicted of a crime, or a
21 disorderly or petty disorderly persons offense, or adjudged a
22 delinquent, or in need of supervision, during the three years prior to
23 the filing of the petition, and no proceeding or complaint is pending
24 seeking such a conviction or adjudication, except that periods of
25 post-incarceration supervision pursuant to section 25 of P.L.1982,
26 c.77 (C.2A:4A-44), shall not be considered in calculating the three-
27 year period for purposes of this paragraph; and

28 (3) **【He was never adjudged a juvenile delinquent on the basis**
29 **of an act which if committed by an adult would constitute a crime**
30 **not subject to expungement under N.J.S.2C:52-2;】** (Deleted by
31 amendment, P.L. , c. (C.) (pending before the Legislature
32 as this bill)).

33 (4) **【He has never had an adult conviction expunged; and】**
34 (Deleted by amendment, P.L. , c. (C.) (pending before the
35 Legislature as this bill)).

36 (5) **【He has never had adult criminal charges dismissed**
37 **following completion of a supervisory treatment or other diversion**
38 **program】** (Deleted by amendment, P.L. , c. (C.) (pending
39 before the Legislature as this bill)).

40 (6) Three years have elapsed since the person's payment of any
41 court-ordered financial assessment. The term "court-ordered
42 financial assessment" as used herein and throughout this subsection
43 means any fine, fee, penalty, restitution, and other form of financial
44 assessment imposed by the court as part of the sentence for the
45 adjudications that are the subject of the application, for which
46 payment of restitution takes precedence in accordance with chapter
47 46 of Title 2C of the New Jersey Statutes. Notwithstanding the

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

20 Additionally, an application may be filed and presented, and the
21 court may grant an expungement pursuant to this subsection,
22 although less than three years have expired in accordance with the
23 time requirements when the court finds:

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

31 (b) at least two but less than three years have expired from the
32 date of the most recent adjudication, payment of any court-ordered
33 financial assessment, satisfactory completion of probation or parole,
34 or release from incarceration, whichever is later; and

35 the person has not been otherwise adjudicated delinquent since
36 the time of the most recent adjudication; and the court finds in its
37 discretion that compelling circumstances exist to grant the
38 expungement. The prosecutor may object pursuant to section 11 of
39 P.L.2019, c.269 (C.2C:52-10.1), N.J.S.2C:52-11, N.J.S.2C:52-14,
40 or N.J.S.2C:52-24.

41 In determining whether compelling circumstances exist for the
42 purposes of subparagraph (a) of this paragraph, a court may
43 consider any relevant information provided by the person
44 submitting the application and the prosecutor, including the amount
45 of any court-ordered financial assessment imposed, the person's age
46 at the time of the offense or offenses, the person's financial
47 condition, and other relevant circumstances regarding the person's
48 ability to pay. However, regarding a determination of compelling

1 circumstances pursuant to subparagraph (a) of this paragraph or a
2 determination of compelling circumstances pursuant to any other
3 part of this section, the person shall not be required to provide
4 transcripts of plea or sentencing proceedings or be required to
5 provide any presentence reports with the application or any other
6 filing.

7 c. Any person who has been charged with an act of
8 delinquency and against whom proceedings were dismissed may
9 have the filing of those charges expunged pursuant to the provisions
10 of N.J.S.2C:52-6.

11 (cf: P.L.2017, c.245, s.1)

12

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

15 7. “Clean slate” expungement by petition. a. A person, who is
16 not otherwise eligible to present an expungement application
17 pursuant to any other section of chapter 52 of Title 2C of the New
18 Jersey Statutes or other section of law, may present an expungement
19 application to the Superior Court pursuant to this section if the
20 person has been convicted of one or more crimes, one or more
21 disorderly persons or petty disorderly persons offenses, one or more
22 municipal violations, one or more adjudications of juvenile
23 delinquency, or a combination of one or more crimes, offenses,
24 juvenile adjudications, or violations under the laws of this State **[**,
25 unless the person has a conviction for a crime which is not subject
26 to expungement pursuant to subsection b. or c. of N.J.S.2C:52-2**]**.
27 A conviction for a crime which is not subject to expungement
28 pursuant to subsection b. or c. of N.J.S.2C:52-2 shall not be
29 expunged pursuant to this section, but the person shall be eligible to
30 expunge any other offenses that are not barred from expungement.

31 The person may present an application pursuant to this section
32 regardless of whether the person would otherwise be ineligible
33 pursuant to subsection e. of N.J.S.2C:52-14 for having had a
34 previous criminal conviction expunged, or due to having been
35 granted an expungement pursuant to this or any other provision of
36 law.

37 b. The person, if eligible, may present the expungement
38 application after the expiration of a period of **[ten]** seven years
39 from the date of the person’s most recent conviction or juvenile
40 adjudication, payment of any court-ordered financial assessment,
41 satisfactory completion of probation or parole, or release from
42 incarceration, whichever is later. The term “court-ordered financial
43 assessment” as used herein and throughout this section means and
44 includes any fine, fee, penalty, restitution, and other form of
45 financial assessment imposed by the court as part of the sentence
46 for the conviction or convictions or juvenile adjudications that are
47 the subject of the application, for which payment of restitution takes
48 precedence in accordance with chapter 46 of Title 2C of the New

1 Jersey Statutes. The person shall submit the expungement
2 application to the Superior Court in the county in which the person
3 resides or a county in which one or more of the person's
4 convictions or juvenile adjudications were adjudged, which includes
5 a duly verified petition as provided in N.J.S.2C:52-7 praying that all
6 the person's convictions or juvenile adjudications, and all records
7 and information pertaining thereto, be expunged. The petition
8 appended to an application shall comply with the requirements set
9 forth in N.J.S.2C:52-1 et seq.

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

30 (2) Additionally, an application may be filed and presented, and
31 the court shall grant an expungement pursuant to this section,
32 although less than **【ten】** seven years have expired in accordance
33 with the time requirements when the court finds that the court-
34 ordered financial assessment is satisfied but less than **【ten】** seven
35 years have expired from the date of satisfaction, the **【ten】** seven-
36 year time requirement is otherwise satisfied, and the court finds that
37 the person substantially complied with any payment plan ordered
38 pursuant to N.J.S.2C:46-1 et seq. or could not do so due to
39 compelling circumstances affecting the person's ability to satisfy
40 the assessment. In determining whether compelling circumstances
41 exist for the purposes of this paragraph, a court may consider any
42 relevant information provided by the person submitting the
43 application and the prosecutor, including the amount of any court-
44 ordered financial assessment imposed, the person's age at the time
45 of the offense or offenses, the person's financial condition, and
46 other relevant circumstances regarding the person's ability to pay.
47 However, regarding a determination of compelling circumstances
48 pursuant to this paragraph, the person shall not be required to

1 provide transcripts of plea or sentencing proceedings or be required
2 to provide any presentence reports with the application or any other
3 filing.

4 d. No expungement applications may be filed pursuant to this
5 section after the establishment of the automated “clean slate”
6 process pursuant to subsection a. of section 8 of P.L.2019, c.269
7 (C.2C:52-5.4).
8 (cf: P.L.2023, c.260, s.3)
9

10 7. Section 8 of P.L.2019, c.269 (C.2C:52-5.4) is amended to read
11 as follows:

12 8. Automated “clean slate” process. a. (1) The State shall
13 develop and implement an automated process, based, to the greatest
14 extent practicable, on the recommendations of the task force
15 established pursuant to subsection b. of this section, by which all
16 convictions, municipal ordinance violations, and adjudications of
17 juvenile delinquency, and all records and information pertaining
18 thereto, shall be rendered inaccessible to the public, through
19 sealing, expungement, or some equivalent process, for any person
20 who has been convicted of one or more crimes, one or more
21 disorderly persons or petty disorderly persons offenses, one or more
22 ordinance violations, one or more juvenile adjudications, or a
23 combination of one or more crimes, violations, adjudications, and
24 offenses under the laws of this State, **[unless the person has a]**
25 except for those convictions for **[a]** crimes which **[is]** are not
26 subject to expungement pursuant to subsection b. or c. of
27 N.J.S.2C:52-2, upon the expiration of a period of **[ten]** seven years
28 from the date of the person’s most recent conviction or juvenile
29 adjudication, payment of any court-ordered financial assessment,
30 satisfactory completion of probation or parole, or release from
31 incarceration, whichever is later. The term “court-ordered financial
32 assessment” as used herein means and includes any fine, fee,
33 penalty, restitution, and other form of financial assessment imposed
34 by the court as part of the sentence for the conviction or convictions
35 that are subject to being rendered inaccessible to the public, for
36 which payment of restitution takes precedence in accordance with
37 chapter 46 of Title 2C of the New Jersey Statutes.

38 (2) The automated process shall be designed to restore a
39 person’s convictions and other information contained in the
40 person’s criminal history record information files if the person is
41 subsequently convicted of a crime, for which the conviction is not
42 subject to expungement pursuant to subsection b. or c. of
43 N.J.S.2C:52-2. A prosecutor may submit the restored criminal
44 history record information to the court for consideration at
45 sentencing for the subsequent conviction.

46 (3) Upon establishment of the automated process pursuant to
47 this subsection, any pending “clean slate” expungement petitions
48 filed pursuant to section 7 of P.L.2019, c.269 (C.2C:52-5.3) shall be

1 rendered moot and shall be withdrawn or dismissed in accordance
2 with procedures established by the Supreme Court.

3 b. (1) (a) There is established a task force for the purpose of
4 examining, evaluating, and making recommendations regarding the
5 development and implementation of the automated process
6 described in subsection a. of this section, by which all of a person's
7 convictions, and all records and information pertaining thereto,
8 shall be rendered inaccessible to the public.

9 (b) The task force shall consist of at least the following
10 members:

11 The Chief Technology Officer of the Office of Information
12 Technology, or a designee or designees;

13 The Attorney General, or a designee or designees, one or more of
14 whom may be members of the State Bureau of Identification and the
15 Information Technology Bureau in the Division of State Police
16 designated by the Superintendent of the State Police;

17 The Administrative Director of the Courts, or a designee or
18 designees;

19 The Director of Information Technology for the Administrative
20 Office of the Courts, or a designee or designees;

21 The Commissioner of the Department of Corrections, or a
22 designee or designees;

23 The President of the New Jersey County Jail Wardens
24 Association, or a designee or designees;

25 The President of the New Jersey State Association of Chiefs of
26 Police, or a designee or designees;

27 Two members of the Senate, who shall each be of different
28 political parties, appointed by the Governor upon the
29 recommendation of the Senate President;

30 Two members of the General Assembly, who shall each be of
31 different political parties, appointed by the Governor upon the
32 recommendation of the Speaker of the General Assembly;

33 Two members of academic institutions or non-profit entities
34 appointed by the Governor who each have a background in, or
35 special knowledge of, computer technology, database management,
36 or recordkeeping processes; and

37 Four members of the public appointed by the Governor who each
38 have a background in, or special knowledge of, the technological,
39 criminal record or legal processes of expungement, or criminal
40 history recordkeeping, of which two of whom shall be appointed by
41 the Governor upon recommendation of the Senate President and two
42 of whom shall be appointed by the Governor upon recommendation
43 of the Speaker of the General Assembly.

44 (c) Appointments to the task force shall be made within 30 days
45 of the effective date of this section. Vacancies in the membership
46 of the task force shall be filled in the same manner as the original
47 appointments were made.

1 (d) Members of the task force shall serve without compensation,
2 but shall be reimbursed for necessary expenditures incurred in the
3 performance of their duties as members of the task force within the
4 limits of funds appropriated or otherwise made available to the task
5 force for its purposes.

6 (e) The task force shall organize as soon as practicable, but no
7 later than 30 days following the appointment of its members. The
8 task force shall choose a chairperson from among its members and
9 shall appoint a secretary who need not be a member of the task
10 force.

11 (f) The Department of Law and Public Safety shall provide such
12 stenographic, clerical, and other administrative assistants, and such
13 professional staff as the task force requires to carry out its work.
14 The task force shall also be entitled to call to its assistance and avail
15 itself of the services of the employees of any State, county, or
16 municipal department, board, bureau, commission, or agency as it
17 may require and as may be available for its purposes.

18 (2) It shall be the duty of the task force to identify, analyze and
19 recommend solutions to any technological, fiscal, resource, and
20 practical issues that may arise in the development and
21 implementation of the automated process described in subsection a.
22 of this section. In carrying out these responsibilities, the task force
23 shall to the extent feasible:

24 (a) examine and evaluate the effectiveness of the design and
25 implementation of automated processes in Pennsylvania and
26 California and other jurisdictions that have implemented similar
27 programs, and consult with officials in those jurisdictions
28 concerning their processes and any technological, fiscal, resource,
29 and practical issues that they may have encountered, contemplated,
30 or addressed in developing and implementing those systems; and

31 (b) consult with non-profit computer programming
32 organizations such as "Code for America" with expertise in
33 assisting in the implementation of automated processes and
34 expungement processing generally, to the extent those organizations
35 make themselves available for this purpose; and

36 (c) identify the necessary systemic changes, required
37 technology, cost estimates, and possible sources of funding for
38 developing and implementing the automated process described in
39 subsection a. of this section.

40 (3) (a) The task force shall issue a final report of its findings and
41 recommendations to the Governor, and to the Legislature pursuant
42 to section 2 of P.L.1991, c.164 (C.52:14-19.1), no later than 180
43 days after the task force organizes.

44 (b) The task force shall expire 30 days after the issuance of its
45 report.

46 (4) Notwithstanding subparagraph (b) of paragraph (3) of this
47 subsection, the task force shall be reconstituted and reconvened as
48 otherwise set forth in paragraphs (1) and (2) and subparagraph (a)

1 of paragraph (3) of this subsection upon the enactment of
2 P.L. , c. (C.) (pending before the Legislature as this bill)
3 for the purpose of providing updated findings and recommendations
4 to the Governor and the Legislature in light of changes and
5 developments in expungement laws and procedures, including, but
6 not limited to, the implementation of the electronic filing system
7 established pursuant to section 11 of P.L.2019, c.269 (C.2C:52-
8 10.1), and the automated process established pursuant to subsection
9 a. of this section.

10 In addition to the membership set forth in subparagraph (b) of
11 paragraph (1) of this subsection, the task force shall also include the
12 following members:

13 The Director of the Juvenile Justice Commission within the
14 Department of Law and Public Safety, or a designee or designees;

15 The President of the County Prosecutors Association of New
16 Jersey, or a designee or designees;

17 The Public Defender, or a designee or designees;

18 The President of Legal Services of New Jersey, or a designee or
19 designees;

20 The President of the Association of Criminal Defense Lawyers of
21 New Jersey, or a designee or designees; and

22 Two members who shall be New Jersey attorneys-at-law in good
23 standing appointed by the President of the New Jersey State Bar
24 Association who each have a background in, or special knowledge
25 of, the practice of criminal defense, post-conviction relief, or
26 expungement law.

27 (cf: P.L.2019, c.269, s.8)

28

29 8. N.J.S.2C:52-7 is amended to read as follows:

30 2C:52-7. Petition for expungement. Every petition for
31 expungement filed pursuant to this chapter shall be filed in the
32 Superior Court in the county in which the petitioner resides or a
33 county in which one or more of the petitioner's matters were
34 disposed of, and shall be verified and include:

35 a. Petitioner's date of birth.

36 b. Petitioner's date of arrest.

37 c. The statute or statutes and offense or offenses for which
38 petitioner was arrested and of which petitioner was convicted or
39 adjudicated delinquent.

40 d. The original indictment, summons, or complaint number.

41 e. Petitioner's date of conviction or adjudication of
42 delinquency, or date of disposition of the matter if no conviction or
43 adjudication of delinquency resulted.

44 f. The court's disposition of the matter and the punishment
45 imposed, if any.

46 (cf: P.L.2023, c.260, s.8)

1 9. Section 11 of P.L.2019, c.269 (C.2C:52-10.1) is amended to
2 read as follows:

3 11. a. (1) No later than twelve months after the effective date of
4 this section, the Administrative Office of the Courts shall develop
5 and maintain a system for petitioners to electronically file
6 expungement applications pursuant to N.J.S.2C:52-1 et seq. The e-
7 filing system shall be available Statewide and include electronic
8 filing, electronic service of process, and electronic document
9 management.

10 (2) The system shall, in accordance with N.J.S.2C:52-10,
11 electronically notify and serve copies of the petition and all
12 supporting documents upon the Superintendent of State Police, the
13 Attorney General, and each county prosecutor as described in that
14 section.

15 (3) The system shall electronically compile a listing of all
16 possibly relevant Judiciary records for an expungement petitioner
17 and transmit this information to all parties served with copies of the
18 petition and all supporting documents in accordance with paragraph
19 (2) of this subsection.

20 b. Upon receipt of the information from the court pursuant to
21 paragraphs (2) and (3) of subsection a. of this section, the
22 Superintendent of State Police, the Attorney General, and the
23 county prosecutor of any county in which the person was convicted
24 shall, within 60 days, review and confirm, as appropriate, the
25 information against the person's criminal history record information
26 files. **[and]** Any party reviewing this information shall promptly
27 notify the court and the petitioner of any inaccurate or incomplete
28 data contained in the information files, [or] and if a party has in its
29 possession the correct or missing data, that party shall promptly
30 provide the correct or missing data, and documentation, to the court
31 and the petitioner. Any party reviewing this information shall also
32 promptly notify the court and the petitioner of any other basis for
33 ineligibility, if applicable, pursuant to N.J.S.2C:52-14.

34 c. The court shall provide copies of an expungement order to
35 the person who is the subject of the petition and electronically
36 transmit the order to the law enforcement and criminal justice
37 agencies which, at the time of the hearing on the petition, possess
38 any records specified in the order in accordance with N.J.S.2C:52-
39 15.

40 (cf: P.L.2019, c.269, s.11)

41

42 10. N.J.S.2C:52-14 is amended to read as follows:

43 2C:52-14. A petition for expungement filed pursuant to this
44 chapter shall be denied when:

45 a. Any statutory prerequisite, including any provision of this
46 chapter, is not fulfilled or there is any other statutory basis for
47 denying relief.

1 b. The need for the availability of the records outweighs the
2 desirability of having a person freed from any disabilities as
3 otherwise provided in this chapter. An application may be denied
4 under this subsection only following objection of a party given
5 notice pursuant to N.J.S.2C:52-10 and the burden of asserting such
6 grounds shall be on the objector.

7 c. In connection with a petition under N.J.S.2C:52-6, the
8 acquittal, discharge or dismissal of charges resulted from a plea
9 bargaining agreement involving the conviction of other charges.
10 This bar, however, shall not apply once the conviction is itself
11 expunged.

12 d. The arrest or conviction sought to be expunged is, at the
13 time of hearing, the subject matter of civil litigation between the
14 petitioner or his legal representative and the State, any
15 governmental entity thereof or any State agency and the
16 representatives or employees of any such body.

17 e. Except as set forth in subsection a. of section 7 of P.L.2019,
18 c.269 (C.2C:52-5.3) concerning a “clean slate” expungement
19 petition, the person has had a previous criminal conviction
20 expunged regardless of the lapse of time between the prior
21 expungement, or sealing under prior law, and the present petition.
22 This provision shall not apply:

23 (1) When the person is seeking the expungement of a municipal
24 ordinance violation,

25 (2) When the person is seeking the expungement of records
26 pursuant to N.J.S.2C:52-6, **[or]**

27 (3) When the person is seeking the expungement of records of
28 conviction for possession with intent to use drug paraphernalia
29 pursuant to N.J.S.2C:36-2, when same is a hypodermic syringe or
30 needle; possession with the intent to distribute drug paraphernalia
31 pursuant to N.J.S.2C:36-3, when same is a hypodermic syringe or
32 needle; or possession or distribution of hypodermic syringe or
33 needle pursuant to N.J.S.2C:36-6, or

34 (4) When the person is seeking the expungement of adjudications
35 of juvenile delinquency.

36 f. (Deleted by amendment, P.L.2017, c.244)

37 (cf: P.L.2021, c.403, s.2)

38
39 11. This act shall take effect on the first day of the third month
40 next following enactment, but the Attorney General and the
41 Administrative Director of the Courts may take such anticipatory
42 action as may be necessary for the timely implementation of this
43 act.

STATEMENT

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This bill makes certain procedural and substantive reforms concerning expungements of criminal records.

First, the bill amends the special probation statute (also known as Recovery Court) to allow a person who successfully completes the Recovery Court program to have their entire record expunged, including convictions for indictable crimes, disorderly persons offenses, municipal ordinance violations, and juvenile offenses. The bill also removes the requirement that a person not be convicted of any new crimes while in Recovery Court in order to be eligible for an expungement, but any new convictions will not be expunged. Under current law, Recovery Court expungements only cover indictable crimes, and a person is eligible for a Recovery Court expungement only if they have not been convicted of any new crimes during their participation in the program.

Second, the bill allows an expungement petitioner to include all municipal ordinance violations and juvenile delinquency adjudications that may also be eligible to be expunged on a single petition, along with their other expungeable convictions. Under current law, a person must file up to three separate petitions for expungement to cover indictable crimes and disorderly persons offenses, ordinance violations, and juvenile records.

Third, the bill amends the list of crimes for which convictions may not be expunged. Under the bill, robbery in the second degree becomes expungeable, but robbery in the first degree remains non-expungeable. Also under the bill, endangering the welfare of a child, where the offense did not involve sexual conduct, becomes expungeable, but convictions involving sexual conduct or child pornography remain non-expungeable. Additionally under the bill, a conviction for possession of controlled substances with intent to distribute within 500 feet of a public housing facility, public park, or public building, which would otherwise be a non-expungeable second degree crime, becomes expungeable.

Fourth, the bill eliminates a barrier to expungement posed by out-of-state or federal convictions. Under current law, when calculating a person's eligibility for an expungement, out-of-state and federal convictions are counted against the total number of convictions a person may have on their record. However, at present, there is no expungement available for federal convictions, and expungement laws vary from state to state. Therefore, the bill amends the statutes so that eligibility is determined only under the laws of this State.

Fifth, the bill amends the electronic filing and review process by which a person seeks an expungement through the courts. Under current law, the e-filing system automatically sends a copy of the petition to the State Police, the Attorney General, and county prosecutors so that they can review the petition for accuracy and

1 completeness and, if appropriate, file objections to the
2 expungement. However, although these agencies are required to
3 notify the court of any inaccurate or missing information, they are
4 presently not required to provide copies of the correct or missing
5 documentation to the petitioner. The bill requires these agencies to
6 make copies of these documents available to the petitioner and the
7 court.

8 Sixth, the bill harmonizes the provisions concerning court-
9 ordered financial assessments across all types of expungements.
10 Under current law, a person becomes eligible for an expungement
11 after a statutory waiting period, which begins to run from the date
12 of release from incarceration, probation, or parole, or the date that a
13 court-ordered financial assessment is satisfied, whichever is later.
14 In 2023, the statutes concerning expungements for indictable
15 crimes, disorderly persons offenses, and “Clean Slate”
16 expungements were amended to allow a person to become eligible
17 for an expungement so long as the statutory waiting period is met,
18 even if the court-ordered financial assessment is satisfied at a later
19 time. Alternatively, the 2023 statute revisions also allow a person
20 to become eligible for an expungement by demonstrating
21 compelling circumstances for non-payment. Under the bill, these
22 court-ordered financial assessment provisions are extended to
23 expungements for municipal ordinance violations and juvenile
24 delinquency adjudications.

25 Seventh, the bill expands the eligibility of persons with juvenile
26 delinquency records to receive an expungement. Under current law,
27 a juvenile who is adjudicated delinquent for an offense which, if
28 committed by an adult, would constitute a crime that cannot be
29 expunged would also not be eligible for an expungement. However,
30 the New Jersey Supreme Court has recognized, in cases such as
31 State v. Zuber, 227 N.J. 422 (2017), and State v. Comer, 249 N.J.
32 359 (2022), that juvenile offenders should not be subject to the
33 same lifetime bars to post-conviction relief as adult offenders.
34 Therefore, the bill eliminates this barrier to expungement for
35 juveniles.

36 Eighth, the bill expands the availability of “Clean Slate”
37 expungements. The “Clean Slate” expungement law passed in 2019
38 called for the eventual adoption of a system to automatically
39 expunge convictions after ten years. Under the bill, the “Clean
40 Slate” law is extended to include automatic expungement of
41 juvenile adjudications. Additionally, under the bill, the waiting
42 period for a “Clean Slate” expungement is reduced from ten to
43 seven years. The 2019 “Clean Slate” law also established a task
44 force to make recommendations concerning how an automatic
45 expungement system could be implemented. Because the automatic
46 system is not yet operational, and in light of revisions to the
47 expungement laws since 2019, the bill calls for the re-establishment

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- 1 of the task force, with an expanded membership, to provide the
- 2 Governor and the Legislature with updated recommendations.