

CHAPTER 329

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

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

C.2C:52-5.5 Conditions for expungement of conviction, finding of guilt, or adjudication of delinquency.

1. a. Notwithstanding the requirements of N.J.S.2C:52-2 and N.J.S.2C:52-3 or any other provision of law to the contrary, a person convicted of an offense or other violation of law, except for murder or a crime enumerated in subsection b. of section 2 of P.L.1994, c.133 (C.2C:7-2), may file a petition with the Superior Court in the county in which the person resides or a county in which one or more of the person's convictions were adjudged at any time, in accordance with the Rules of Court, to have each conviction, finding of guilt, or, in the case of an offense committed while a juvenile, adjudication of delinquency expunged if:

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

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

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

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

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

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

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

(a) court records;

(b) social services records;

(c) presentencing reports;

(d) hospital records;

(e) sworn statements from a witness of the domestic violence who is not the defendant;

(f) criminal records;

(g) domestic violence incident reports;

(h) protective orders;

(i) verification of consultation with a licensed medical care provider or mental health care provider;

(j) testimony or a sworn statement from a trained professional staff member of a victim services organization, an attorney, a member of the clergy, a health care professional, or other professional from whom the person has sought assistance in addressing the trauma associated with being a victim, or a victim of any of the underlying cases which the petitioner is seeking to expunge;

(k) Department of Corrections records;

(l) other grounds for denial in accordance with N.J.S.2C:52-14; and

(m) any other evidence the court deems relevant.

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

2. This act shall take effect on the first day of the tenth month following the date of enactment into law of P.L.2025, c.328 (C.2C:44-1.2 et al.), but the Administrative Office of the Courts and the Division of State Police in the Department of Law and Public Safety may take such anticipatory action as may be necessary to implement the provisions of this act.

Approved January 20, 2026.