

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 5826

STATE OF NEW JERSEY
220th LEGISLATURE

DATED: DECEMBER 27, 2023

SUMMARY

- Synopsis:** Revises and clarifies certain expungement procedures.
- Type of Impact:** Annual State expenditure increase.
- Agencies Affected:** Department of Law and Public Safety; The Judiciary.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Expenditure Increase	Indeterminate

- The Office of Legislative Services (OLS) finds that this bill may increase the annual administrative workload and associated costs of the Judiciary and the Department of Law and Public Safety by indeterminate amounts.
- Under current law, a person is required to submit the application to the court in the county where the most recent conviction was adjudged. The bill provides that a person may submit an expungement application to the Superior Court in the county in which the person resides or the county in which any of the person’s convictions were adjudged. This may encourage more individuals to file for expungement and increase the number of applications.
- The bill clarifies that a person may submit an application for expungement under the “clean slate” law that includes crimes, disorderly and petty disorderly persons offenses, and municipal violations. The clarification may also result in a small uptick in expungement applications.

BILL DESCRIPTION

The bill provides that a person may submit an expungement application to the Superior Court in the county in which the person resides or a county in which any of the person’s convictions were adjudged. Under current law, a person is required to submit the application

to the court in the county where the most recent conviction was adjudged. The intent of this provision is to allow petitioners more flexibility and access to the expungement process.

Under current law, in determining whether compelling circumstances exist that would affect a person's ability to satisfy a court-ordered financial assessment, a court may consider the amount of any court-ordered financial assessment imposed, the person's age at the time of the offense, the person's financial condition, and other relevant circumstances regarding the person's ability to pay. Under the provisions of this bill, a court may consider these same factors in determining whether compelling circumstances exist under other provisions in the statute.

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

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

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

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Section: *Judiciary*

Analyst: *Anuja Pande Joshi*
 Senior Fiscal Analyst

Approved: *Thomas Koenig*
 Legislative Budget and Finance Officer

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

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