

**LEGISLATIVE FISCAL ESTIMATE**  
[Second Reprint]  
**ASSEMBLY, No. 5826**  
**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

DATED: JANUARY 11, 2024

**SUMMARY**

- Synopsis:** Revises and clarifies certain expungement procedures.
- Type of Impact:** Annual State and local expenditure increases.
- Agencies Affected:** Department of Law and Public Safety; the Judiciary; County Prosecutors; Local Law Enforcement Agencies.

**Office of Legislative Services Estimate**

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

- The Office of Legislative Services (OLS) finds that this bill may increase the administrative workload and associated costs of the Judiciary, the Department of Law and Public Safety, county prosecutors’ offices, and local law enforcement agencies by indeterminate amounts.
- Under current law, a person is required to submit the expungement application to the court in the county where the most recent conviction was adjudged, with notices served upon the Superintendent of State Police, the Attorney General, the county prosecutor of the county wherein the court is located, and the county prosecutor of any county in which the petitioner was convicted. 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.
- The bill clarifies that a person may submit an application for expungement under the “clean slate” law that includes municipal violations. Additionally, the bill also clarifies that a person may submit a “clean slate” application even if (1) the person has fully satisfied any court-ordered financial assessment, but the time since that satisfaction does not meet the applicable waiting period, or (2) the assessment could not be satisfied due to compelling circumstances related to the person’s ability to pay, but the person otherwise qualifies for the expungement.

- The OLS finds these provisions regarding the appropriate county of filing, municipal violations under the “clean slate” law, and eligibility timing under the “clean slate” law are likely to result in an increase in expungement applications. Such an increase in case volumes is consequently likely to increase administrative workload and associated costs.

## **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, with notices served upon the Superintendent of State Police, the Attorney General, the county prosecutor of the county wherein the court is located, and the county prosecutor of any county in which the petitioner was convicted.

The bill clarifies that a person may submit an application for expungement under the “clean slate” law, P.L.2019, c.269, that includes crimes, disorderly and petty disorderly persons offenses, and municipal violations. Under current law, it is unclear whether municipal violations could be included in a “clean slate” expungement.

Under current law, when a conviction includes a court-ordered financial assessment, a person who would otherwise qualify for an expungement but for the court-ordered financial assessment may still get an expungement if either (1) the person has fully satisfied the court-ordered financial assessment, but the time since that satisfaction does not meet the applicable waiting period, or (2) the assessment could not be satisfied due to compelling circumstances related to the person’s ability to pay. The bill clarifies that these provisions regarding financial assessments also apply to expungement applications under the “clean slate” law.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS finds that this bill may increase the annual administrative workload and associated costs of the Judiciary, the Department of Law and Public Safety, county prosecutors’ offices, and local law enforcement agencies by indeterminate amounts.

Under current law, a person is required to submit the expungement application to the court in the county where the most recent conviction was adjudged, with notices served upon the Superintendent of State Police, the Attorney General, the county prosecutor of the county wherein the court is located, and the county prosecutor of any county in which the petitioner was convicted. 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.

Additionally, 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 bill also clarifies that a person may submit a “clean slate” application even if (1) the person has fully satisfied any court-ordered financial assessment, but the time since that satisfaction does not meet the applicable waiting period, or (2) the assessment could not be satisfied due to compelling circumstances related to the person’s ability to pay, but the person otherwise qualifies for the expungement.

The OLS finds these provisions regarding the appropriate county of filing, municipal violations under the “clean slate” law, and eligibility timing under the “clean slate” law are likely to result in an increase in expungement applications. Such an increase in case volumes is consequently likely to increase administrative workload and associated costs.

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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.).