

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5826

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 18, 2023

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 5826.

As amended and reported, this bill makes various revisions to the expungement laws including the “clean slate” provisions of P.L.2019, c.269.

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.

COMMITTEE AMENDMENTS:

The committee amended the bill to provide 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 matters were adjudged, in various sections of the expungement law where those statutes limit the filing of an expungement petition to the Superior Court in the county in which the most recent matter was adjudged. The committee also amended the bill to make certain grammatical corrections.