

# ASSEMBLY, No. 5981

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED NOVEMBER 14, 2019

**Sponsored by:**

**Assemblyman JAMEL C. HOLLEY**

**District 20 (Union)**

**Assemblywoman ANNETTE QUIJANO**

**District 20 (Union)**

**Assemblywoman ANGELA V. MCKNIGHT**

**District 31 (Hudson)**

**Assemblyman BENJIE E. WIMBERLY**

**District 35 (Bergen and Passaic)**

**Assemblywoman VERLINA REYNOLDS-JACKSON**

**District 15 (Hunterdon and Mercer)**

**Co-Sponsored by:**

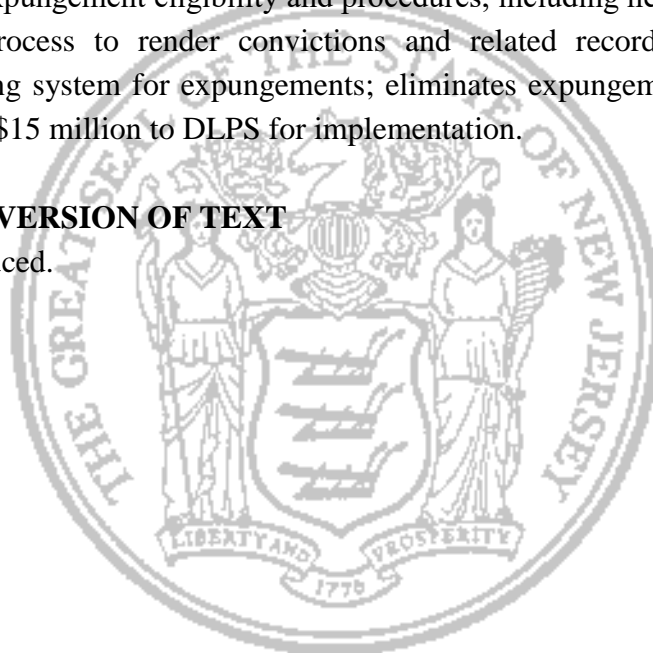
**Assemblyman Chiaravalloti, Assemblywomen Tucker and Jasey**

**SYNOPSIS**

Revises expungement eligibility and procedures, including new “clean slate” automated process to render convictions and related records inaccessible; creates e-filing system for expungements; eliminates expungement filing fees; appropriates \$15 million to DLPS for implementation.

**CURRENT VERSION OF TEXT**

As introduced.



A5981 HOLLEY, QUIJANO

2

1 AN ACT concerning expungement eligibility and procedures,  
2 amending and supplementing various parts of the statutory law  
3 and making an appropriation.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. N.J.S.2C:52-1 is amended to read as follows:

9 2C:52-1. Definition of Expungement. a. Except as otherwise  
10 provided in this chapter, expungement shall mean the extraction,  
11 sealing, [and] impounding, or isolation of all records on file within  
12 any court, detention or correctional facility, law enforcement or  
13 criminal justice agency concerning a person's detection,  
14 apprehension, arrest, detention, trial or disposition of an offense  
15 within the criminal justice system.

16 b. Expunged records shall include complaints, warrants,  
17 arrests, commitments, processing records, fingerprints,  
18 photographs, index cards, "rap sheets" and judicial docket records.  
19 (cf: N.J.S.2C:52-1)

20

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

22 2C:52-2. Indictable Offenses.

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

26 the person has been convicted of one crime under the laws of this  
27 State, and does not otherwise have any **[prior or]** subsequent  
28 conviction for another crime, whether within this State or any other  
29 jurisdiction. A prior conviction for another crime shall not bar  
30 presenting an application seeking expungement relief for the  
31 criminal conviction that is the subject of the application; or

32 the person has been convicted of one crime and **[less than four]**  
33 no more than three disorderly persons or petty disorderly persons  
34 offenses under the laws of this State, and does not otherwise have  
35 any **[prior or]** subsequent conviction for another crime, or any  
36 **[prior or]** subsequent conviction for another disorderly persons or  
37 petty disorderly persons offense such that the total number of  
38 convictions for disorderly persons and petty disorderly persons  
39 offenses would exceed three, whether any such crime or offense  
40 conviction was within this State or any other jurisdiction. A prior  
41 conviction for another crime, disorderly persons offense, or petty  
42 disorderly persons offense shall not bar presenting an application  
43 seeking expungement relief for the one criminal conviction and no  
44 more than three convictions for disorderly persons or petty

**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 disorderly persons offenses that are the subject of the application;  
2 or

3 the person has been convicted of multiple crimes or a  
4 combination of one or more crimes and one or more disorderly  
5 persons or petty disorderly persons offenses under the laws of this  
6 State, all of which are listed in a single judgment of conviction, and  
7 does not otherwise have any **【prior or】** subsequent conviction for  
8 another crime or offense in addition to those convictions included in  
9 the expungement application, whether any such conviction was  
10 within this State or any other jurisdiction. A prior conviction for  
11 another crime, disorderly persons offense, or petty disorderly  
12 persons offense that is not listed in a single judgement of conviction  
13 shall not bar presenting an application seeking expungement relief  
14 for the convictions listed in a single judgment of conviction that are  
15 the subject of the application; or

16 the person has been convicted of multiple crimes or a  
17 combination of one or more crimes and one or more disorderly  
18 persons or petty disorderly persons offenses under the laws of this  
19 State, which crimes or combination of crimes and offenses were  
20 interdependent or closely related in circumstances and were  
21 committed as part of a sequence of events that took place within a  
22 comparatively short period of time, regardless of the date of  
23 conviction or sentencing for each individual crime or offense, and  
24 the person does not otherwise have any **【prior or】** subsequent  
25 conviction for another crime or offense in addition to those  
26 convictions included in the expungement application, whether any  
27 such conviction was within this State or any other jurisdiction. A  
28 prior conviction for another crime, disorderly persons offense, or  
29 petty disorderly persons offense that was not interdependent or  
30 closely related in circumstances and was not committed within a  
31 comparatively short period of time as described above shall not bar  
32 presenting an application seeking expungement relief for the  
33 convictions of crimes or crimes and offenses that were  
34 interdependent or closely related and committed within a  
35 comparatively short period of time, and that are the subject of the  
36 application.

37 For purposes of determining eligibility to present an  
38 expungement application to the Superior Court pursuant to this  
39 section, a conviction for unlawful distribution of, or possessing or  
40 having under control with intent to distribute, marijuana or hashish  
41 in violation of paragraph (11) of subsection b. of N.J.S.2C:35-5, or  
42 a lesser amount of marijuana or hashish in violation of paragraph  
43 (12) of subsection b. of that section, or a violation of either of those  
44 paragraphs and a violation of subsection a. of section 1 of P.L.1987,  
45 c.101 (C.2C:35-7) or subsection a. of section 1 of P.L.1997, c.327  
46 (C.2C:35-7.1), for distributing, or possessing or having under  
47 control with intent to distribute, on or within 1,000 feet of any  
48 school property, or on or within 500 feet of the real property

1 comprising a public housing facility, public park, or public  
2 building, or for obtaining or possessing marijuana or hashish in  
3 violation of paragraph (3) of subsection a. of N.J.S.2C:35-10, or for  
4 an equivalent crime in another jurisdiction, regardless of when the  
5 conviction occurred, shall not be considered a conviction of a crime  
6 within this State or any other jurisdiction but shall instead be  
7 considered a conviction of a disorderly person offense within this  
8 State or an equivalent category of offense within the other  
9 jurisdiction, and a conviction for obtaining, possessing, using, being  
10 under the influence of, or failing to make lawful disposition of  
11 marijuana or hashish in violation of paragraph (4) of subsection a.,  
12 or subsection b., or subsection c. of N.J.S.2C:35-10, or a violation  
13 involving marijuana or hashish as described herein and using or  
14 possessing with intent to use drug paraphernalia with that marijuana  
15 or hashish in violation of N.J.S.2C:36-2, or for an equivalent crime  
16 or offense in another jurisdiction, regardless of when the conviction  
17 occurred, shall not be considered a conviction within this State or  
18 any other jurisdiction.

19 The person, if eligible, may present the expungement application  
20 after the expiration of a period of **【six】** five years from the date of  
21 his most recent conviction, payment of **【fine】** any court-ordered  
22 financial assessment, satisfactory completion of probation or  
23 parole, or release from incarceration, whichever is later. The term  
24 **【"fine"】** “court-ordered financial assessment” as used herein and  
25 throughout this section means and includes any fine, fee, penalty,  
26 restitution, and other 【court-ordered】 form of financial assessment  
27 imposed by the court as part of the sentence for the conviction, for  
28 which payment of restitution takes precedence in accordance with  
29 chapter 46 of Title 2C of the New Jersey Statutes. The person shall  
30 submit the expungement application to the Superior Court in the  
31 county in which the most recent conviction for **【the】** a crime was  
32 adjudged, **【which contains a separate,】** which includes a duly  
33 verified petition as provided in N.J.S.2C:52-7 **【for each conviction**  
34 sought to be expunged,】 praying that the conviction, or convictions  
35 if applicable, and all records and information pertaining thereto be  
36 expunged. The petition **【for each conviction】** appended to an  
37 application shall comply with the requirements set forth in  
38 N.J.S.2C:52-1 et seq.

39 Notwithstanding the provisions concerning the **【six-year】** five-  
40 year time requirement, if, at the time of application, a **【fine which is**  
41 **currently】** court-ordered financial assessment subject to collection  
42 under the comprehensive enforcement program established pursuant  
43 to P.L.1995, c.9 (C.2B:19-1 et al.) is not yet satisfied due to reasons  
44 other than willful noncompliance, but the time requirement of **【six】**  
45 five years is otherwise satisfied, the person may submit the  
46 expungement application and the court may grant an expungement;  
47 provided, however, that if expungement is granted **【under this**

1 paragraph,] the court shall [provide for the continued collection of  
2 any outstanding amount owed that is necessary to satisfy the fine or  
3 the entry of] enter a civil judgment for the unpaid portion of the  
4 court-ordered financial assessment in the name of the Treasurer,  
5 State of New Jersey and transfer collections and disbursement  
6 responsibility to the State Treasurer for the outstanding amount in  
7 accordance with section 8 of P.L.2017, c.244 (C.2C:52-23.1). The  
8 Treasurer may specify, and the Administrative Office of the Courts  
9 shall collaborate with, the technical and informational standards  
10 required to effectuate the transfer of the collection and  
11 disbursement responsibilities. Notwithstanding any provision in this  
12 law or any other law to the contrary, the court shall have sole  
13 discretion to amend the judgment.

14 Additionally, an application may be filed and presented, and the  
15 court may grant an expungement pursuant to this section, although  
16 less than [six] five years have expired in accordance with the time  
17 requirements when the court finds:

18 (1) the [fine] court-ordered financial assessment is satisfied but  
19 less than [six] five years have expired from the date of satisfaction,  
20 and the time requirement of [six] five years is otherwise satisfied,  
21 and the court finds that the person substantially complied with any  
22 payment plan ordered pursuant to N.J.S.2C:46-1 et seq., or could  
23 not do so due to compelling circumstances affecting his ability to  
24 satisfy the [fine] assessment; or

25 (2) at least [five] four but less than [six] five years have expired  
26 from the date of the most recent conviction, payment of [fine] any  
27 court-ordered financial assessment, satisfactory completion of  
28 probation or parole, or release from incarceration, whichever is  
29 later; and

30 the person has not been otherwise convicted of a crime,  
31 disorderly persons offense, or petty disorderly persons offense since  
32 the time of the most recent conviction; and the court finds in its  
33 discretion that [expungement is in the public interest, giving due  
34 consideration to the nature of the offense or offenses, and the  
35 applicant's character and conduct since the conviction or  
36 convictions] compelling circumstances exist to grant the  
37 expungement. The prosecutor may object pursuant to section 10 of  
38 P.L., c. (C. ) (pending before the Legislature as this bill),  
39 N.J.S.2C:52-11, N.J.S.2C:52-14, or N.J.S.2C:52-24.

40 In determining whether compelling circumstances exist for the  
41 purposes of paragraph (1) of this subsection, a court may consider  
42 the amount of [the fine or fines] any court-ordered financial  
43 assessment imposed, the person's age at the time of the offense or  
44 offenses, the person's financial condition and other relevant  
45 circumstances regarding the person's ability to pay.

46 b. Records of conviction pursuant to statutes repealed by this  
47 Code for the crimes of murder, manslaughter, treason, anarchy,

1 kidnapping, rape, forcible sodomy, arson, perjury, false swearing,  
2 robbery, embracery, or a conspiracy or any attempt to commit any  
3 of the foregoing, or aiding, assisting or concealing persons accused  
4 of the foregoing crimes, shall not be expunged.

5 Records of conviction for the following crimes specified in the  
6 New Jersey Code of Criminal Justice shall not be subject to  
7 expungement: N.J.S.2C:11-1 et seq. (Criminal Homicide), except  
8 death by auto as specified in N.J.S.2C:11-5 and strict liability  
9 vehicular homicide as specified in section 1 of P.L.2017, c.165  
10 (C.2C:11-5.3); N.J.S.2C:13-1 (Kidnapping); section 1 of P.L.1993,  
11 c.291 (C.2C:13-6) (Luring or Enticing); section 1 of P.L.2005, c.77  
12 (C.2C:13-8) (Human Trafficking); N.J.S.2C:14-2 (Sexual Assault or  
13 Aggravated Sexual Assault); subsection a. of N.J.S.2C:14-3  
14 (Aggravated Criminal Sexual Contact); if the victim is a minor,  
15 subsection b. of N.J.S.2C:14-3 (Criminal Sexual Contact); if the  
16 victim is a minor and the offender is not the parent of the victim,  
17 N.J.S.2C:13-2 (Criminal Restraint) or N.J.S.2C:13-3 (False  
18 Imprisonment); N.J.S.2C:15-1 (Robbery); N.J.S.2C:17-1 (Arson  
19 and Related Offenses); subsection a. of N.J.S.2C:24-4 (Endangering  
20 the welfare of a child by engaging in sexual conduct which would  
21 impair or debauch the morals of the child, or causing the child other  
22 harm); paragraph (4) of subsection b. of N.J.S.2C:24-4  
23 (Photographing or filming a child in a prohibited sexual act or for  
24 portrayal in a sexually suggestive manner); paragraph (3) of  
25 subsection b. of N.J.S.2C:24-4 (Causing or permitting a child to  
26 engage in a prohibited sexual act or the simulation of an act, or to  
27 be portrayed in a sexually suggestive manner); subparagraph (a) of  
28 paragraph (5) of subsection b. of N.J.S.2C:24-4 (Distributing,  
29 possessing with intent to distribute or using a file-sharing program  
30 to store items depicting the sexual exploitation or abuse of a child);  
31 subparagraph (b) of paragraph (5) of subsection b. of N.J.S.2C:24-4  
32 (Possessing or viewing items depicting the sexual exploitation or  
33 abuse of a child); section 8 of P.L.2017, c.141 (C.2C:24-4.1)  
34 (Leader of a child pornography network); N.J.S.2C:28-1 (Perjury);  
35 N.J.S.2C:28-2 (False Swearing); paragraph (4) of subsection b. of  
36 N.J.S.2C:34-1 (Knowingly promoting the prostitution of the actor's  
37 child); section 2 of P.L.2002, c.26 (C.2C:38-2) (Terrorism);  
38 subsection a. of section 3 of P.L.2002, c.26 (C.2C:38-3) (Producing  
39 or Possessing Chemical Weapons, Biological Agents or Nuclear or  
40 Radiological Devices); and conspiracies or attempts to commit such  
41 crimes.

42 Records of conviction for any crime committed by a person  
43 holding any public office, position or employment, elective or  
44 appointive, under the government of this State or any agency or  
45 political subdivision thereof and any conspiracy or attempt to  
46 commit such a crime shall not be subject to expungement if the  
47 crime involved or touched such office, position or employment.

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

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

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

8 (3) Any controlled dangerous substance provided that the  
9 conviction is of the third or fourth degree, where the court finds that  
10 **[expungement is consistent with the public interest, giving due**  
11 **consideration to the nature of the offense and the petitioner's**  
12 **character and conduct since conviction]** compelling circumstances  
13 exist to grant the expungement. The prosecutor may object  
14 pursuant to section 10 of P.L. , c. (C. ) (pending before the  
15 Legislature as this bill), N.J.S.2C:52-11, N.J.S.2C:52-14, or  
16 N.J.S.2C:52-24.

17 d. In the case of a State licensed physician or podiatrist  
18 convicted of an offense involving drugs or alcohol or pursuant to  
19 section 14 or 15 of P.L.1989, c.300 (C.2C:21-20 or 2C:21-4.1), the  
20 **[court]** applicant shall notify the State Board of Medical Examiners  
21 upon **[receipt of a petition]** filing an application for expungement  
22 **[of the conviction and records and information pertaining thereto]**  
23 and provide the board with a copy thereof. The applicant shall also  
24 provide to the court a certification attesting that the requirements of  
25 this subsection were satisfied. Failure to satisfy the requirements of  
26 this subsection shall be grounds for denial of the expungement  
27 application and, if applicable, administrative discipline by the  
28 board.

29 (cf: P.L.2017, c.244, s.1)

30

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

32 2C:52-3. Disorderly persons offenses and petty disorderly  
33 persons offenses.

34 a. Any person who has been convicted of one or more  
35 disorderly persons or petty disorderly persons offenses under the  
36 laws of this State who has not been convicted of any crime, whether  
37 within this State or any other jurisdiction, may present an  
38 expungement application to the Superior Court pursuant to this  
39 section. Any person who has been convicted of one or more  
40 disorderly persons or petty disorderly persons offenses under the  
41 laws of this State who has also been convicted of one or more  
42 crimes shall not be eligible to apply for an expungement pursuant to  
43 this section, but may present an expungement application to the  
44 Superior Court pursuant to N.J.S.2C:52-2.

45 b. Any person who has been convicted of one or more  
46 disorderly persons or petty disorderly persons offenses under the  
47 laws of this State who has not been convicted of any crime, whether

1 within this State or any other jurisdiction, may present an  
2 expungement application to the Superior Court pursuant to this  
3 section if:

4 the person has been convicted, under the laws of this State, on  
5 the same or separate occasions of no more than **[four]** five  
6 disorderly persons offenses, no more than **[four]** five petty  
7 disorderly persons offenses, or a combination of no more than  
8 **[four]** five disorderly persons and petty disorderly persons  
9 offenses, and the person does not otherwise have any **[prior or]**  
10 subsequent conviction for a disorderly persons or petty disorderly  
11 persons offense, whether within this State or any other jurisdiction,  
12 such that the total number of convictions for disorderly persons and  
13 petty disorderly persons offenses would exceed **[four]** five. A  
14 prior conviction for another disorderly persons offense or petty  
15 disorderly persons offense shall not bar presenting an application  
16 seeking expungement relief for the convictions that are the subject  
17 of the application, which may include convictions for no more than  
18 five disorderly persons or petty disorderly persons offenses, or  
19 combination thereof; or

20 the person has been convicted of multiple disorderly persons  
21 offenses or multiple petty disorderly persons offenses under the  
22 laws of this State, or a combination of multiple disorderly persons  
23 and petty disorderly persons offenses under the laws of this State,  
24 which convictions were entered on the same day, and does not  
25 otherwise have any **[prior or]** subsequent conviction for another  
26 offense in addition to those convictions included in the  
27 expungement application, whether any such conviction was within  
28 this State or any other jurisdiction. A prior conviction for another  
29 disorderly persons or petty disorderly persons offense that was not  
30 entered on the same day shall not bar presenting an application  
31 seeking expungement relief for the convictions entered on the same  
32 day that are the subject of the application; or

33 the person has been convicted of multiple disorderly persons  
34 offenses or multiple petty disorderly persons offenses under the  
35 laws of this State, or a combination of multiple disorderly persons  
36 and petty disorderly persons offenses under the laws of this State,  
37 which offenses or combination of offenses were interdependent or  
38 closely related in circumstances and were committed as part of a  
39 sequence of events that took place within a comparatively short  
40 period of time, regardless of the date of conviction or sentencing for  
41 each individual offense, and the person does not otherwise have any  
42 **[prior or]** subsequent conviction for another offense in addition to  
43 those convictions included in the expungement application, whether  
44 within this State or any other jurisdiction. 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



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

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

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

1 disorderly persons offense was adjudged, **【**which contains a  
2 separate,**】** which includes a duly verified petition as provided in  
3 N.J.S.2C:52-7 **【**for each conviction sought to be expunged,**】**  
4 praying that the conviction, or convictions if applicable, and all  
5 records and information pertaining thereto be expunged. The  
6 petition **【**for each conviction**】** appended to an application shall  
7 comply with the requirements of N.J.S.2C:52-1 et seq.

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

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

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

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

42 the person has not been otherwise convicted of a crime,  
43 disorderly persons offense, or petty disorderly persons offense since  
44 the time of the most recent conviction; and the court finds in its  
45 discretion that **【**expungement is in the public interest, giving due  
46 consideration to the nature of the offense or offenses, and the  
47 applicant's character and conduct since the conviction or

1 convictions】 compelling circumstances exist to grant the  
2 expungement. The prosecutor may object pursuant to section 10 of  
3 P.L. , c. (C. ) (pending before the Legislature as this bill),  
4 N.J.S.2C:52-11, N.J.S.2C:52-14, or N.J.S.2C:52-24.

5 In determining whether compelling circumstances exist for the  
6 purposes of paragraph (1) of this subsection, a court may consider  
7 the amount of 【the fine or fines】 any court-ordered financial  
8 assessment imposed, the person's age at the time of the offense or  
9 offenses, the person's financial condition and other relevant  
10 circumstances regarding the person's ability to pay.

11 (cf: P.L.2017, c.244, s.2)

12

13 4. N.J.S.2C:52-6 is amended to read as follows:

14 2C:52-6. Arrests not resulting in conviction.

15 a. When a person has been arrested or held to answer for a  
16 crime, disorderly persons offense, petty disorderly persons offense,  
17 or municipal ordinance violation under the laws of this State or of  
18 any governmental entity thereof and proceedings against the person  
19 were dismissed, the person was acquitted, or the person was  
20 discharged without a conviction or finding of guilt, the Superior  
21 Court shall, at the time of dismissal, acquittal, or discharge, or, in  
22 any case set forth in paragraph (1) of this subsection, 【upon receipt  
23 of an application from the person,】 order the expungement of all  
24 records and information relating to the arrest or charge.

25 (1) If proceedings took place in municipal court, the municipal  
26 court shall 【provide the person, upon request, with appropriate  
27 documentation to transmit to the Superior Court to request  
28 expungement pursuant to】 follow procedures developed by the  
29 Administrative 【Office】 Director of the Courts. 【Upon receipt of  
30 the documentation, the Superior Court shall enter an ex parte order  
31 expunging all records and information relating to the person's arrest  
32 or charge.】

33 (2) The provisions of N.J.S.2C:52-7 through N.J.S.2C:52-14  
34 shall not apply to an expungement pursuant to this subsection 【and  
35 no fee shall be charged to the person making such application】.

36 (3) An expungement under this subsection shall not be ordered  
37 where the dismissal, acquittal, or discharge resulted from a plea  
38 bargaining agreement involving the conviction of other  
39 charges. This bar, however, shall not apply once the conviction is  
40 itself expunged.

41 (4) The 【Superior Court】 court shall forward a copy of the  
42 expungement order to 【the appropriate court and to】 the county  
43 prosecutor. The county prosecutor shall promptly distribute copies  
44 of the expungement order to appropriate law enforcement agencies  
45 and correctional institutions who have custody and control of the  
46 records specified in the order so that they may comply with the  
47 requirements of N.J.S.2C:52-15.

1 (5) An expungement related to a dismissal, acquittal, or  
2 discharge ordered pursuant to this subsection shall not bar any  
3 future expungement.

4 (6) Where a dismissal of an offense is based on an eligible  
5 servicemember's successful participation in a Veterans Diversion  
6 Program pursuant to P.L.2017, c.42 (C.2C:43-23 et al.), the county  
7 prosecutor, on behalf of the eligible servicemember, may move  
8 before the court for the expungement of all records and information  
9 relating to the arrest or charge, and the diversion at the time of  
10 dismissal pursuant to this section.

11 b. When a person did not apply or a prosecutor did not move  
12 on behalf of an eligible servicemember for an expungement of an  
13 arrest or charge not resulting in a conviction pursuant to subsection  
14 a. of this section, the person may at any time following the  
15 disposition of proceedings, present a duly verified petition as  
16 provided in N.J.S.2C:52-7 to the Superior Court in the county in  
17 which the disposition occurred praying that records of such arrest  
18 and all records and information pertaining thereto be expunged.  
19 **【No fee shall be charged to the person for applying for an**  
20 **expungement of an arrest or charge not resulting in a conviction**  
21 **pursuant to this subsection.】**

22 c. (1) Any person who has had charges dismissed against him  
23 pursuant to a program of supervisory treatment pursuant to  
24 N.J.S.2C:43-12, or conditional discharge pursuant to N.J.S.2C:36A-  
25 1, or conditional dismissal pursuant to P.L.2013, c.158 (C.2C:43-  
26 13.1 et al.), shall be barred from the relief provided in this section  
27 until six months after the entry of the order of dismissal.

28 (2) A servicemember who has successfully participated in a  
29 Veterans Diversion Program pursuant to P.L.2017, c.42 (C.2C:43-  
30 23 et al.) may apply for expungement pursuant to this section at any  
31 time following the order of dismissal if an expungement was not  
32 granted at the time of dismissal.

33 d. Any person who has been arrested or held to answer for a  
34 crime shall be barred from the relief provided in this section where  
35 the dismissal, discharge, or acquittal resulted from a determination  
36 that the person was insane or lacked the mental capacity to commit  
37 the crime charged.

38 (cf: P.L.2017, c.42, s.7)

39  
40 5. (New section) a. (1) Notwithstanding the requirements of  
41 N.J.S.2C:52-2 and N.J.S.2C:52-3 or any other provision of law to  
42 the contrary, beginning on the effective date of this section, the  
43 following persons may file a petition for an expungement with the  
44 Superior Court at any time, provided they have satisfied, except as  
45 otherwise set forth in this subsection, payment of any court-ordered  
46 financial assessment as defined in section 8 of P.L. 2017, c.244  
47 (C.2C:52-23.1), satisfactorily completed probation or parole, been

1 released from incarceration, or been discharged from legal custody  
2 or supervision at the time of application:

3 (a) any person who, prior to the effective date of this section,  
4 was charged with, convicted of, or adjudicated delinquent for, any  
5 number of offenses, which in the case of a delinquent if committed  
6 by an adult would constitute, unlawful distribution of, or possessing  
7 or having under control with intent to distribute, marijuana or  
8 hashish in violation of paragraph (12) of subsection b. of  
9 N.J.S.2C:35-5, or a violation of that paragraph and a violation of  
10 subsection a. of section 1 of P.L.1987, c.101 (C.2C:35-7) or  
11 subsection a. of section 1 of P.L.1997, c.327 (C.2C:35-7.1) for  
12 distributing, or possessing or having under control with intent to  
13 distribute, on or within 1,000 feet of any school property, or on or  
14 within 500 feet of the real property comprising a public housing  
15 facility, public park, or public building; or

16 (b) any person who, prior to the effective date of this section,  
17 was charged with, convicted of, or adjudicated delinquent for, any  
18 number of offenses, which in the case of a delinquent if committed  
19 by an adult would constitute, obtaining, possessing, using, being  
20 under the influence of, or failing to make lawful disposition of  
21 marijuana or hashish in violation of paragraph (3) or (4) of  
22 subsection a., or subsection b., or subsection c. of N.J.S.2C:35-10;  
23 or

24 (c) any person who, prior to the effective date of this section,  
25 was charged with, convicted of, or adjudicated delinquent for, any  
26 number of offenses, which in the case of a delinquent if committed  
27 by an adult would constitute, a violation involving marijuana or  
28 hashish as described in subparagraph (a) or (b) of this paragraph  
29 and using or possessing with intent to use drug paraphernalia with  
30 that marijuana or hashish in violation of N.J.S.2C:36-2.

31 (2) If, at the time of application, a court-ordered financial  
32 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 provisions of paragraph (1) of this  
36 subsection are otherwise satisfied, the person may submit the  
37 expungement application and the court shall grant an expungement  
38 in accordance with subsection c. of this section; provided, however,  
39 that at the time the expungement is granted the court shall enter a  
40 civil judgment for the unpaid portion of the court-ordered financial  
41 assessment in the name of the Treasurer, State of New Jersey and  
42 transfer collection and disbursement responsibility to the State  
43 Treasurer for the outstanding amount in accordance with section 8  
44 of P.L.2017, c.244 (C.2C:52:23.1). The Treasurer may specify, and  
45 the Administrative Office of the Courts shall collaborate with, the  
46 technical and informational standards required to effectuate the  
47 transfer of the collection and disbursement responsibilities.  
48 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 b. (1) Notwithstanding the requirements of N.J.S.2C:52-2 and  
4 N.J.S.2C:52-3 or any other provision of law to the contrary,  
5 beginning on the effective date of this section, a person who, prior,  
6 on, or after that effective date is charged with, convicted of, or  
7 adjudicated delinquent for, any number of offenses, which in the  
8 case of a delinquent if committed by an adult would constitute,  
9 unlawful distribution of, or possessing or having under control with  
10 intent to distribute, marijuana or hashish in violation of paragraph  
11 (11) of subsection b. of N.J.S.2C:35-5, may file a petition for an  
12 expungement with the Superior Court after the expiration of three  
13 years from the date of the most recent conviction, payment of any  
14 court-ordered financial assessment as defined in N.J.S.2C:52-2,  
15 satisfactory completion of probation or parole, release from  
16 incarceration, or discharge from legal custody or supervision,  
17 whichever is later.

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

39 (b) Additionally, an application may be filed and presented, and  
40 an expungement granted pursuant to subsection c. of this section,  
41 although less than three years have expired in accordance with the  
42 time requirement set forth in paragraph (1) of this subsection, when  
43 the court finds that the court-ordered financial assessment is  
44 satisfied but less than three years have expired from the date of  
45 satisfaction, and the time requirement of three years is otherwise  
46 satisfied, and the court finds that the person substantially complied  
47 with any payment plan ordered pursuant to N.J.S.2C:46-1 et seq., or

1 could not do so due to compelling circumstances affecting the  
2 person's ability to satisfy the financial assessment.

3 c. (1) The provisions of N.J.S.2C:52-8 through N.J.S.2C:52-14  
4 shall not apply to an expungement as set forth in this section.

5 (2) Upon review of the petition, the court shall immediately grant  
6 an expungement for each charge, conviction, or adjudication of  
7 delinquency as described in subsection a. or b. of this section, as  
8 applicable. The court shall provide copies of the expungement  
9 order to the person who is the subject of the petition.

10 (3) A court order vacating an expungement that is granted to a  
11 person pursuant to this subsection may be issued upon an action  
12 filed by a county prosecutor with the court that granted the  
13 expungement, if filed no later than 30 days after the expungement  
14 order was issued, with notice to the person, and a hearing is  
15 scheduled at which the county prosecutor shows proof that the  
16 expungement was granted in error due to a statutory disqualification  
17 to expungement that existed at the time the relief was initially  
18 granted.

19 d. Any public employee or public agency that provides  
20 information or records pursuant to this section shall be immune  
21 from criminal and civil liability as a result of an act of commission  
22 or omission by that person or entity arising out of and in the course  
23 of participation in, or assistance with, in good faith, an  
24 expungement. The immunity shall be in addition to and not in  
25 limitation of any other immunity provided by law.

26

27 6. (New section) a. Unless otherwise provided by law, a court  
28 shall order the nondisclosure of the records of the court and probation  
29 services, and records of law enforcement agencies with respect to any  
30 arrest, charge, conviction, or adjudication of delinquency, and any  
31 proceedings related thereto, upon disposition of any case occurring on  
32 or after the date of this section that solely includes the following  
33 convictions or adjudications of delinquency:

34 (1) any number of offenses for, or juvenile acts which if  
35 committed by an adult would constitute, unlawful distribution of, or  
36 possessing or having under control with intent to distribute, marijuana  
37 or hashish in violation of paragraph (12) of subsection b. of  
38 N.J.S.2C:35-5, or a violation of that paragraph and a violation of  
39 subsection a. of section 1 of P.L.1987, c.101 (C.2C:35-7) or subsection  
40 a. of section 1 of P.L.1997, c.327 (C.2C:35-7.1) for distributing, or  
41 possessing or having under control with intent to distribute, on or  
42 within 1,000 feet of any school property, or on or within 500 feet of  
43 the real property comprising a public housing facility, public park, or  
44 public building;

45 (2) any number of offenses for, or juvenile acts which if committed  
46 by an adult would constitute, obtaining, possessing, using, being under  
47 the influence of, or failing to make lawful disposition of marijuana or

1 hashish in violation of paragraph (3) or (4) of subsection a., or  
2 subsection b., or subsection c. of N.J.S.2C:35-10; or

3 (3) a violation involving marijuana or hashish as described in  
4 paragraph (1) or (2) of this subsection and any number of offenses for,  
5 or juvenile acts which if committed by an adult would constitute, using  
6 or possessing with intent to use drug paraphernalia in violation of  
7 N.J.S.2C:36-2 if the drug paraphernalia appears to be for use, intended  
8 for use, or designed for use with marijuana or hashish, unless the  
9 owner or anyone in control of the object was in possession of one  
10 ounce or more of marijuana, five grams or more of hashish, or another  
11 illegal controlled dangerous substance or controlled substance analog,  
12 or the object was in proximity of one ounce or more of marijuana, five  
13 grams or more of hashish, or another illegally possessed controlled  
14 dangerous substance or controlled substance analog to indicate its use,  
15 intended use, or design for use with that controlled dangerous  
16 substance or controlled substance analog.

17 b. Notice of the sealing order issued pursuant to subsection a. of  
18 this section shall be provided to:

19 (1) The Attorney General, county prosecutor, or municipal  
20 prosecutor handling the case; and

21 (2) The State Police and any local law enforcement agency having  
22 custody of the files and records.

23 c. Upon the entry of a sealing order issued pursuant to subsection  
24 a. of this section, the proceedings in the case shall be sealed and all  
25 index references shall be marked “not available” or “no record.” Law  
26 enforcement agencies shall reply to requests for information or records  
27 of a person subject to a sealing order that there is no information or  
28 records. The person may also reply to any inquiry that there is no  
29 information or record, except that information subject to a sealing  
30 order shall be revealed by that person if seeking employment within  
31 the judicial branch or with a law enforcement or corrections agency,  
32 and the information shall continue to provide a disability to the extent  
33 provided by law.

34 d. Records subject to a sealing order issued pursuant to subsection  
35 a. of this section may be maintained for purposes of prior offender  
36 status, identification and law enforcement purposes, provided that the  
37 records shall not be considered whenever the Pretrial Services  
38 Program established by the Administrative Office of the Courts  
39 pursuant to section 11 of P.L.2014, c.31 (C.2A:162-25) conducts a risk  
40 assessment on an eligible defendant for the purpose of making  
41 recommendations to the court concerning an appropriate pretrial  
42 release decision in accordance with sections 1 through 11 of P.L.2014,  
43 c.31 (C.2A:162-15 et seq.) or used for sentencing purposes in any  
44 other case.

45  
46 7. (New section) “Clean slate” expungement by petition. a. A  
47 person, who is not otherwise eligible to present an expungement  
48 application pursuant to any other section of chapter 52 of Title 2C



1 of the New Jersey Statutes or other section of law, may present an  
2 expungement application to the Superior Court pursuant to this  
3 section if the person has been convicted of one or more crimes, one  
4 or more disorderly persons or petty disorderly persons offenses, or a  
5 combination of one or more crimes and offenses under the laws of  
6 this State, unless the person has a conviction for a crime which is  
7 not subject to expungement pursuant to subsection b. or c. of  
8 N.J.S.2C:52-2. The person may present an application pursuant to  
9 this section regardless of whether the person would otherwise be  
10 ineligible pursuant to subsection e. of N.J.S.2C:52-14 for having  
11 had a previous criminal conviction expunged, or due to having been  
12 granted an expungement pursuant to this or any other provision of  
13 law.

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

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

1 collection and disbursement responsibilities. Notwithstanding any  
2 provision in this law or any other law to the contrary, the court shall  
3 have sole discretion to amend the judgment.

4 d. No expungement applications may be filed pursuant to this  
5 section after the establishment of the automated process pursuant to  
6 subsection a. of section 8 of P.L. c. (C. )(pending before the  
7 Legislature as this bill).

8

9 8. (New section) Automated “clean slate” process. a. The  
10 following provisions set forth in this subsection shall become  
11 operative on the 180th day following enactment of this section:

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

33 (2) The automated process shall be designed to restore a  
34 person’s convictions and other criminal history on the State Police  
35 Criminal History if the person is subsequently convicted of a crime,  
36 for which the conviction is not subject to expungement pursuant to  
37 subsection b. or c. of N.J.S.2C:52-2. A prosecutor may submit the  
38 restored criminal history to the court for consideration at sentencing  
39 for the subsequent conviction.

40 (3) Upon establishment of the automated process pursuant to  
41 this subsection, any pending “clean slate” expungement petitions  
42 filed pursuant to section 7 of P.L. , c. (C. ) (pending before  
43 the Legislature as this bill) shall be rendered moot and shall be  
44 withdrawn or dismissed in accordance with procedures established  
45 by the Supreme Court.

46 b. (1) (a) There is established a task force for the purpose of  
47 examining, evaluating, and making recommendations regarding the  
48 development and implementation of the automated process described

1 in subsection a. of this section, by which all of a person's convictions,  
2 and all records and information pertaining thereto, shall be rendered  
3 inaccessible to the public.

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

5 The Chief Technology Officer of the Office of Information  
6 Technology, or a designee or designees;

7 The Attorney General, or a designee or designees, one or more of  
8 whom may be members of the State Bureau of Identification and the  
9 Information Technology Bureau in the Division of State Police  
10 designated by the Superintendent of the State Police;

11 The Administrative Director of the Courts, or a designee or  
12 designees;

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

15 The Commissioner of the Department of Corrections, or a designee  
16 or designees;

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

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

21 Two members of the Senate, who shall each be of different  
22 political parties, appointed by the Governor upon the recommendation  
23 of the Senate President;

24 Two members of the General Assembly, who shall each be of  
25 different political parties, appointed by the Governor upon the  
26 recommendation of the Speaker of the General Assembly;

27 Two members of academic institutions or non-profit entities who  
28 have a background in, or special knowledge of, computer technology,  
29 database management, or recordkeeping processes; and

30 Four members of the public appointed by the Governor who each  
31 have a background in, or special knowledge of, the technological,  
32 criminal record or legal processes of expungement, or criminal history  
33 recordkeeping, of which two of whom shall be appointed by the  
34 Governor upon recommendation of the Senate President and two of  
35 whom shall be appointed by the Governor upon recommendation of  
36 the Speaker of the General Assembly.

37 (c) Appointments to the task force shall be made within 30 days of  
38 the effective date of this section. Vacancies in the membership of the  
39 task force shall be filled in the same manner as the original  
40 appointments were made.

41 (d) Members of the task force shall serve without compensation,  
42 but shall be reimbursed for necessary expenditures incurred in the  
43 performance of their duties as members of the task force within the  
44 limits of funds appropriated or otherwise made available to the task  
45 force for its purposes.

46 (e) The task force shall organize as soon as practicable, but no  
47 later than 30 days following the appointment of its members. The task

1 force shall choose a chairperson from among its members and shall  
2 appoint a secretary who need not be a member of the task force.

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

10 (2) It shall be the duty of the task force to identify, analyze and  
11 recommend solutions to any technological, fiscal, resource, and  
12 practical issues that may arise in the development and implementation  
13 of the automated process described in subsection a. of this section. In  
14 carrying out these responsibilities, the task force shall to the extent  
15 feasible:

16 (a) examine and evaluate the effectiveness of the design and  
17 implementation of automated processes in Pennsylvania and California  
18 and other jurisdictions that have implemented similar programs, and  
19 consult with officials in those jurisdictions concerning their processes  
20 and any technological, fiscal, resource, and practical issues that they  
21 may have encountered, contemplated, or addressed in developing and  
22 implementing those systems; and

23 (b) consult with non-profit computer programming organizations  
24 such as "Code for America" with expertise in assisting in the  
25 implementation of automated processes and expungement processing  
26 generally, to the extent those organizations make themselves available  
27 for this purpose; and

28 (c) identify the necessary systemic changes, required technology,  
29 cost estimates, and possible sources of funding for developing and  
30 implementing the automated process described in subsection a. of this  
31 section.

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

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

38

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

40 2C:52-8. Statements to accompany petition. There shall be  
41 attached to a petition for expungement:

42 a. A statement with the affidavit or verification that there are  
43 no disorderly persons, petty disorderly persons or criminal charges  
44 pending against the petitioner at the time of filing of the petition for  
45 expungement.

46 b. In those instances where the petitioner is seeking the  
47 expungement of a criminal conviction **【**, or the expungement of  
48 convictions**】** pursuant to **【**N.J.S.2C:52-3 for multiple disorderly

1 persons or petty disorderly persons offenses, all of which were  
2 entered the same day, or which were interdependent or closely  
3 related in circumstances and were committed as part of a sequence  
4 of events that took place within a comparatively short period of  
5 time] N.J.S.2C:52-2, a statement with affidavit or verification that  
6 he has never been granted expungement, sealing or similar relief  
7 regarding a criminal conviction [or convictions for multiple  
8 disorderly persons or petty disorderly persons offenses, all of which  
9 were entered the same day, or which were interdependent or closely  
10 related in circumstances and were committed as part of a sequence  
11 of events that took place within a comparatively short period of  
12 time] by any court in this State or other state or by any Federal  
13 court. "Sealing" refers to the relief previously granted pursuant to  
14 P.L.1973, c.191 (C.2A:85-15 et seq.).

15 c. In those instances where a person has received a dismissal of  
16 a criminal charge because of acceptance into a supervisory  
17 treatment or any other diversion program, a statement with affidavit  
18 or verification setting forth the nature of the original charge, the  
19 court of disposition and date of disposition.

20 d. A statement as to whether the petitioner has legally changed  
21 the petitioner's name, the date of judgment of name change, and the  
22 previous legal name. If applicable, the petitioner shall provide a  
23 copy of the order for name change.

24 (cf: P.L.2017, c.244, s.4)

25

26 10. (New section) a. (1) No later than twelve months after the  
27 effective date of this section, the Administrative Office of the Courts  
28 shall develop and maintain a system for petitioners to electronically  
29 file expungement applications pursuant to N.J.S.2C:52-1 et seq. The  
30 e-filing system shall be available Statewide and include electronic  
31 filing, electronic service of process, and electronic document  
32 management.

33 (2) The system shall, within 30 days of the person filing the  
34 application for expungement, electronically notify relevant law  
35 enforcement and criminal justice agencies, if applicable, pursuant to  
36 N.J.S.2C:52-10.

37 (3) The system shall electronically compile a listing of all possibly  
38 relevant Judiciary records for an expungement petitioner and transmit  
39 this information to the appropriate criminal justice agencies subject to  
40 notice of the petition in accordance with N.J.S.2C:52-10.

41 b. Upon receipt of the information from the court pursuant to  
42 paragraphs (2) and (3) of subsection a. of this section, the  
43 Superintendent of State Police, the Attorney General, and the county  
44 prosecutor of any county in which the person was convicted shall,  
45 within 60 days, review and confirm, as appropriate, the information  
46 against the Criminal Case History and notify the court of any  
47 inaccurate or incomplete data contained in the information or of any  
48 other basis for ineligibility, if applicable, pursuant to N.J.S.2C:52-14.

1 c. The court shall provide copies of an expungement order to the  
2 person who is the subject of the petition and electronically transmit the  
3 order to the previously noticed parties, or parties otherwise entitled to  
4 notice, in accordance with N.J.S.2C:52-15.

5  
6 11. N.J.S.2C:52-14 is amended to read as follows:

7 2C:52-14. A petition for expungement filed pursuant to this  
8 chapter shall be denied when:

9 a. Any statutory prerequisite, including any provision of this  
10 chapter, is not fulfilled or there is any other statutory basis for  
11 denying relief.

12 b. The need for the availability of the records outweighs the  
13 desirability of having a person freed from any disabilities as  
14 otherwise provided in this chapter. An application may be denied  
15 under this subsection only following objection of a party given  
16 notice pursuant to N.J.S.2C:52-10 and the burden of asserting such  
17 grounds shall be on the objector **】, except that in regard to**  
18 **expungement sought for third or fourth degree drug offenses**  
19 **pursuant to paragraph (3) of subsection c. of N.J.S.2C:52-2, the**  
20 **court shall consider whether this factor applies regardless of**  
21 **whether any party objects on this basis】.**

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

27 d. The arrest or conviction sought to be expunged is, at the  
28 time of hearing, the subject matter of civil litigation between the  
29 petitioner or his legal representative and the State, any  
30 governmental entity thereof or any State agency and the  
31 representatives or employees of any such body.

32 e. **【A】** Except as set forth in subsection a. of section 7 of  
33 P.L. , c. (C. ) (pending before the Legislature as this bill)  
34 concerning a “clean slate” expungement petition, the person has had  
35 a previous criminal conviction expunged regardless of the lapse of  
36 time between the prior expungement, or sealing under prior law,  
37 and the present petition. This provision shall not apply:

38 (1) When the person is seeking the expungement of a municipal  
39 ordinance violation or,

40 (2) When the person is seeking the expungement of records  
41 pursuant to N.J.S.2C:52-6.

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

43 (cf: P.L.2017, c.244, s.5)

44  
45 12. N.J.S.2C:52-15 is amended to read as follows:

46 2C:52-15. a. Except as provided in subsection b. of this section,  
47 if an order of expungement of records of arrest or conviction under  
48 this chapter is granted by the court, all the records specified in said

1 order shall be removed from the files of the agencies which have  
2 been noticed of the pendency of petitioner's motion and which are,  
3 by the provisions of this chapter, entitled to notice, and shall be  
4 placed in the control of a person who has been designated by the  
5 head of each such agency which, at the time of the hearing,  
6 possesses said records. That designated person shall, except as  
7 otherwise provided in this chapter, ensure that such records or the  
8 information contained therein are not released for any reason and  
9 are not utilized or referred to for any purpose. In response to  
10 requests for information or records of the person who was arrested  
11 or convicted, all noticed officers, departments and agencies shall  
12 reply, with respect to the arrest, conviction or related proceedings  
13 which are the subject of the order, that there is no record  
14 information.

15 b. Records of the Probation Division of the Superior Court  
16 related to **【**restitution, a fine, or other**】** any court-ordered financial  
17 assessment that remains due at the time the court grants an  
18 expungement **【**may be retained as confidential, restricted-access  
19 records in the Judiciary's automated system to facilitate the  
20 collection and distribution of any outstanding assessments by the  
21 comprehensive enforcement program established pursuant to  
22 P.L.1995, c.9 (C.2B:19-1 et al.) as ordered by the court. The  
23 Administrative Director of the Courts shall ensure that such records  
24 are not released to the public. Such records shall be removed from  
25 the Judiciary's automated system upon satisfaction of court-ordered  
26 financial assessments or by order of the court**】** shall be transferred  
27 to the New Jersey Department of Treasury for the collection and  
28 disbursement of future payments and satisfaction of judgments in  
29 accordance with section 8 of P.L.2017, c.244 (C.2C:52-23.1). The  
30 term "court-ordered financial assessment" as used herein and  
31 throughout this section means and includes any fine, fee, penalty,  
32 restitution, and other form of financial assessment imposed by the  
33 court as part of the sentence for the conviction, for which payment  
34 of restitution takes precedence in accordance with chapter 46 of  
35 Title 2C of the New Jersey Statutes. The Treasurer may specify,  
36 and the Administrative Office of the Courts shall collaborate with,  
37 the technical and informational standards required to effectuate the  
38 transfer of the collection and disbursement responsibilities.  
39 Notwithstanding any provision in this law or any other law to the  
40 contrary, the court shall have sole authority to amend the judgment  
41 concerning the amount of any court-ordered financial assessment  
42 that remains due at the time the court grants an expungement.

43 (cf: P.L.2017, c.244, s.6)

44

45 13. Section 8 of P.L.2017, c.244 (C.2C:52-23.1) is amended to  
46 read as follows:

47 8. a. Notwithstanding any provision in this act to the contrary,  
48 expunged records may be used **【**by the comprehensive enforcement

1 program established pursuant to P.L.1995, c.9 (C.2B:19-1 et al.)】 to  
2 **【collect restitution, fines and other】** facilitate the State Treasurer’s  
3 collection of any court-ordered financial assessments that remain  
4 due at the time an expungement is granted by the court. The term  
5 “court-ordered financial assessment” as used herein and throughout  
6 this section means and includes any fine, fee, penalty, restitution,  
7 and other form of financial assessment imposed by the court as part  
8 of the sentence for the conviction, for which payment of restitution  
9 takes precedence in accordance with chapter 46 of Title 2C of the  
10 New Jersey Statutes. Information regarding the nature of such  
11 financial assessments or their derivation from expunged criminal  
12 convictions shall not be disclosed to the public. Any record of a  
13 civil judgment for the unpaid portion of any court-ordered financial  
14 **【obligations】** assessment that may be docketed after the court has  
15 granted an expungement of the underlying criminal conviction shall  
16 be entered in the name of the Treasurer, State of New Jersey. The  
17 State Treasurer shall thereafter administer such judgments **【in**  
18 **cooperation with the comprehensive enforcement program】** without  
19 disclosure of any information related to the underlying criminal  
20 nature of the assessments.

21 b. **【The court, after providing appropriate due process, may**  
22 **nullify an expungement granted to a person pursuant to subsection**  
23 **a. of N.J.S.2C:52-2 if the person willfully fails to comply with an**  
24 **established payment plan or otherwise cooperate with the**  
25 **comprehensive enforcement program to facilitate the collection of**  
26 **any outstanding restitution, fines, and other court-ordered**  
27 **assessments, provided that prior to nullifying the expungement the**  
28 **person shall be afforded an opportunity to comply with or**  
29 **restructure the payment plan, or otherwise cooperate to facilitate the**  
30 **collection of outstanding restitution, fines, and other court-ordered**  
31 **assessments. In the event of nullification, the court may restore the**  
32 **previous expungement granted if the person complies with the**  
33 **payment plan or otherwise cooperates to facilitate the collection of**  
34 **any outstanding restitution, fines, and other court-ordered**  
35 **assessments.】** (Deleted by amendment, P.L. c. ) (pending before  
36 the Legislature as this bill)  
37 (cf: P.L.2017, c.244, s.8)

38

39 14. N.J.S.22A:2-25 is amended to read as follows:

40 22A:2-25. Law Division filing fees

41 Upon the filing, entering or docketing with the deputy clerk of  
42 the Superior Court in the various counties of the herein-mentioned  
43 papers or documents by either party to any action or proceeding in  
44 the Law Division of the Superior Court, other than a civil action in  
45 which a summons or writ must be issued, he shall pay the deputy  
46 clerk of the court the following fees:



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1 Entering of complaint or first paper of any action or proceeding ...  
2 .....\$ 9.00  
3 Filing  
4 complaint.....  
5 .....\$ 3.00  
6 Filing answer or  
7 appearance.....  
8 .....\$ 6.00  
9 Filing any other pleading, any amended pleading or any amendment  
10 to a pleading .....\$ 3.00  
11 Filing and entering each order or judgment of court, including  
12 order to show cause.....\$ 6.00  
13 Filing and entering a voluntary dismissal, either by stipulation or  
14 order of court.....\$ 7.50  
15 Filing notice of appeal  
16 .....  
17 .....\$15.00  
18 Filing proceedings or papers on appeal  
19 .....\$ 6.00  
20 **【Filing first paper on petition for expungement**  
21 **.....\$22.50 】**  
22 Filing any other paper or document not herein stated  
23 .....\$ 4.50  
24 Signing and sealing habeas corpus  
25 .....\$  
26 7.50  
27 Signing and issuing  
28 subpena.....  
29 .....\$ 1.50  
30 (cf: P.L.1985, c.422, s.1)

31  
32 15. N.J.S.2C:52-29 is amended to read as follows:  
33 2C:52-29. Any person who files an application pursuant to this  
34 chapter shall **【pay to the State Treasurer】** not be charged a fee **【of**  
35 **\$30.00 to defer administrative costs in processing an application**  
36 **hereunder】** for applying for an expungement, and any fee set forth  
37 in the Rules of Court, which was, based on the Supreme Court’s  
38 temporary authority pursuant to sections 12 through 15, and 17  
39 through 19 of P.L.2014, c.31 (C.2B:1-7 through C.2B:1-13), a  
40 revision or supplement by the Supreme Court to the fee charged  
41 pursuant to this section prior to its amendment by P.L. \_\_\_\_\_,  
42 c. (C. \_\_\_\_\_) (pending before the Legislature as this bill), is void.  
43 (cf: N.J.S.2C:52-29)

44  
45 16. There is appropriated from the General Fund to the  
46 Department of Law and Public Safety the sum of \$15,000,000 to  
47 implement the provisions of this act.

1       17. Section 8 of this act, concerning the automated “clean slate”  
2 process and the task force assisting with its development and  
3 implementation, sections 14 and 15 of this act, eliminating  
4 expungement filings fees, and section 16 of this act, making an  
5 appropriation, shall take effect immediately, and the remaining  
6 sections of this act shall take effect on the 180th day following  
7 enactment. Concerning those sections which do not take effect  
8 immediately, the Attorney General and the Administrative Director  
9 of the Courts may take any anticipatory administrative action as  
10 may be necessary to effectuate those provisions.

11

12

13

#### STATEMENT

14

15       This bill concerns several reforms to expungement eligibility and  
16 procedures, some focused on the treatment of various marijuana or  
17 hashish possession, distribution, and drug paraphernalia crimes and  
18 offenses and others being more generally applicable to any  
19 expungement. Notably, the bill would: establish a new “clean slate”  
20 process to generally clear a person’s entire criminal history, initially  
21 by expungement petition and later replaced by an automated “clean  
22 slate” process; create a new electronic filing system for all  
23 expungements; and appropriate \$15,000,000 to the Department of Law  
24 and Public Safety to assist with implementation of the reforms. The  
25 bill’s provisions are almost entirely based upon a combination of the  
26 Second Reprint of Senate Bill No. 3205, which passed both Houses of  
27 the Legislature on June 10, 2019, and the suggested changes presented  
28 in the Governor’s Conditional Veto of the bill, which was received by  
29 the Senate on August 23, 2019.

#### “Standard” Expungement Process

30       Concerning the “standard” expungement process for criminal  
31 convictions, a person’s eligibility based upon the number or types of  
32 convictions would be broadened in several ways. Under current law,  
33 any prior conviction which would cause a person to exceed the  
34 numerical cap on convictions to be expunged or which would fall  
35 outside the types of “grouped” eligible convictions to be expunged  
36 would render a person ineligible to pursue expungement relief. The  
37 bill would eliminate ineligibility stemming from any such prior  
38 conviction, thereby permitting a person to proceed with an application  
39 seeking to expunge a conviction or convictions on the basis of any of  
40 the following categories, regardless of any prior conviction of record:

41       - one crime, and the person does not otherwise have any  
42 subsequent criminal conviction;

43       - one crime and no more than three disorderly persons or petty  
44 disorderly persons offenses, and the person does not otherwise have  
45 any subsequent conviction for another crime or offense;

46       - multiple crimes or a combination of one or more crimes and one  
47 or more disorderly persons or petty disorderly persons offenses, all  
48

1 listed in a single judgment of conviction, and the person does not  
2 otherwise have any subsequent conviction for another crime or  
3 offense; or

4 - multiple crimes or a combination of one or more crimes and one  
5 or more disorderly persons or petty disorderly persons offenses that  
6 occurred as part of a one-time “crime spree,” and the person does not  
7 otherwise have any subsequent conviction for another crime or  
8 offense.

9 As to eligibility based on waiting periods, the current law’s six-  
10 year time period after which a person may first file an expungement  
11 application that includes any criminal conviction or convictions,  
12 measured from the date of the most recent conviction, payment of  
13 any court-ordered financial assessment (such as a fine or  
14 restitution), satisfactory completion of probation or parole, or  
15 release from incarceration, whichever is later, would be reduced to  
16 five years. This five-year waiting period would also apply to any  
17 person who at the time of application had not completed paying all  
18 financial assessments, but otherwise satisfied the waiting period, as  
19 is currently permitted based on the existing six-year period – any  
20 such outstanding financial assessment post-expungement (for this  
21 category and other categories of expungement, when specifically  
22 available as detailed throughout the statement) would be subject to  
23 collection and disbursement by the State Treasurer as described at the  
24 end of the statement under the heading Reforms Applicable to All  
25 Categories of Expungement.

26 Also subject to reduction by one year, from five years to four  
27 years, would be the waiting period for when a person who, having  
28 satisfied the financial assessment and all other aspects of  
29 sentencing, could make an early application by proving to the court  
30 that there are “compelling circumstances” for granting such early  
31 expungement (this is currently known as an early, “public interest”  
32 expungement).

33 For an application only containing disorderly persons or petty  
34 disorderly persons convictions, it would be permitted to include  
35 requests for expungement relief addressing up to five convictions,  
36 which is one conviction greater than what is currently permitted under  
37 the law (if the application is not based upon multiple convictions being  
38 entered on the same day or multiple offenses making up a one-time  
39 “crime spree,” for which no numerical caps exist). Additionally, the  
40 general five-year waiting period applicable to the appropriate timing  
41 for filing an application addressing only disorderly persons and petty  
42 disorderly persons offenses would not prevent a person from filing an  
43 application, if at the time of submission, the financial assessment was  
44 not paid-off, but all other aspects of sentencing were satisfied for at  
45 least five years. Doing so makes consistent all of the various  
46 categories of expungement, both under current law and those created  
47 by the bill that may involve convictions for disorderly persons and  
48 petty disorderly persons offenses, with respect to the potential earlier

1 filing of an expungement application, regardless of outstanding  
2 financial assessments. Doing so also clarifies the State Treasurer's  
3 authority to engage in post-expungement collection and disbursement  
4 of any such outstanding assessments.

5 A person's eligibility under the "standard" expungement process  
6 for convictions of either crimes, offenses, or both crimes and offenses  
7 based upon not exceeding the aforementioned numerical caps on  
8 convictions would be modified concerning how certain marijuana and  
9 hashish distribution, possession, and drug paraphernalia crimes and  
10 offenses are counted. Any conviction for the following crimes would  
11 be considered a lesser conviction of a disorderly persons offense  
12 instead of a criminal conviction for purposes of determining eligibility,  
13 and thus would only count against the cap on convictions for  
14 disorderly persons or petty disorderly persons offenses:

15 - unlawful distribution of, or possessing or having under control  
16 with intent to distribute, less than five pounds of marijuana, or less  
17 than one pound of hashish, in violation of paragraph (11) or (12) of  
18 subsection b. of N.J.S.2C:35-5, or a violation of either of those  
19 paragraphs and a violation of subsection a. of section 1 of P.L.1987,  
20 c.101 (C.2C:35-7) or subsection a. of section 1 of P.L.1997, c.327  
21 (C.2C:35-7.1), for distributing, or possessing or having under control  
22 with intent to distribute, on or within 1,000 feet of any school  
23 property, or on or within 500 feet of the real property comprising a  
24 public housing facility, public park, or public building; and

25 - obtaining or possessing marijuana or hashish in violation of  
26 paragraph (3) of subsection a. of N.J.S.2C:35-10.

27 And any conviction for the following disorderly persons offenses  
28 would not be counted at all towards any numerical cap:

29 - obtaining or possessing a small amount of marijuana or hashish  
30 in violation of paragraph (4) of subsection a. of N.J.S.2C:35-10, or  
31 using, being under the influence of, or failing to make lawful  
32 disposition of marijuana or hashish in violation of subsection b. or  
33 subsection c. of that section; and

34 - any violation involving marijuana or hashish as described  
35 above concerning distribution or possession with intent to  
36 distribute, or obtaining or possessing, and using or possessing with  
37 intent to use drug paraphernalia with that marijuana or hashish in  
38 violation of N.J.S.2C:36-2.

39 The "standard" expungement application process concerning  
40 convictions for either crimes, offenses, or both crimes and offenses  
41 would be simplified by no longer requiring a separate, duly verified  
42 petition for each individual conviction for which expungement  
43 relief is sought. The current law already requires a person to list all  
44 of the person's convictions for crimes and offenses within each  
45 petition, so all such information, which is readily contained in just  
46 one petition, need not be repeated in multiple petitions as currently  
47 required.

1 For those situations in municipal court when no conviction is  
2 entered, due to proceedings being dismissed, the person being  
3 acquitted, or the person being discharged without a conviction or  
4 finding of guilt, the bill would place responsibility on the municipal  
5 court to follow procedures developed by the Administrative Director  
6 of the Courts to assist with the expungement. Under the current law,  
7 the person involved in the municipal court proceeding is given  
8 documentation which the person could use to later file for an  
9 expungement.

10 Faster Expungement Process and Court-Initiated Sealing for  
11 Various Possession, Distribution, and Drug Paraphernalia Crimes and  
12 Offenses

13 An additional category of expungement, as well as a new, court-  
14 initiated sealing of records upon disposition of a case (i.e., at  
15 sentencing) would be available as a means of more quickly clearing or  
16 rendering unavailable a person's record with respect to any number of  
17 the above described marijuana or hashish possession, distribution, or  
18 drug paraphernalia crimes and offenses:

19 -for any person, *who prior to the effective date of the bill*, was  
20 charged with, convicted of, or adjudicated delinquent for any number  
21 of such marijuana or hashish crimes or offenses, other than a larger  
22 amount distribution crime in violation of paragraph (11) of subsection  
23 b. of N.J.S.2C:35-5, there would be no waiting period before  
24 applications could be filed, so long as the person has satisfied payment  
25 of any court-ordered financial assessment (with an exception noted  
26 below), satisfactorily completed probation or parole, been released  
27 from incarceration, or been discharged from legal custody or  
28 supervision at the time of application. If a financial assessment is still  
29 subject to collection, the person could proceed with the expungement  
30 application and be granted relief so long as the remaining factors  
31 associated with the conviction are satisfied;

32 -for any person, *who on or after the effective date*, was charged,  
33 convicted, or adjudicated delinquent for any number of such marijuana  
34 or hashish crimes or offenses, other than a larger amount distribution  
35 crime, and for drug paraphernalia, only violations involving possession  
36 of less than one ounce of marijuana, or less than five grams of hashish,  
37 the court would order, on its own initiative, the sealing of all  
38 records through an "order of nondisclosure" concerning these  
39 offenses. The order would be issued immediately upon the  
40 disposition of the associated charges, and would cover relevant  
41 court and probation records, and law enforcement records. The  
42 general unavailability of sealed records would be similar to the  
43 legal effect of rendering expunged records unavailable.

44 -for any person, concerning a larger amount distribution crime in  
45 violation of paragraph (11) of subsection b. of N.J.S.2C:35-5,  
46 *regardless of when charged, convicted, or adjudicated delinquent*, that  
47 person would only be permitted to apply for an expungement after a  
48 period of three years, although with the ability to file even if all court-

1 ordered financial assessments were not completely paid off at the time  
2 of filing. There would be no authority for a court to issue a sealing  
3 order following disposition of a case involving a larger amount  
4 distribution crime.

5 “Clean Slate” Process – By Petition, Then Automated

6 The bill would initially establish a new “clean slate” expungement  
7 which would permit a person, who is not otherwise eligible to present  
8 an expungement application pursuant to any other category of  
9 expungement, to expunge any number of convictions for crimes,  
10 disorderly persons offenses, petty disorderly persons offenses, or a  
11 combination thereof, unless the person has a conviction for a more  
12 serious or violent crime which is not subject to expungement  
13 pursuant to subsection b. of N.J.S.2C:52-2, or pursuant to  
14 subsection c. of that section because the conviction involved a  
15 larger amount controlled dangerous substance distribution offense  
16 graded as a first or second degree crime. An eligible person could  
17 file for “clean slate” expungement relief even if that person had a  
18 previous criminal conviction expunged, which is normally a  
19 disqualifier for expungement pursuant to subsection e. of  
20 N.J.S.2C:52-14.

21 An application for this broad form of expungement relief could be  
22 filed after the expiration of a period of ten years from the date of the  
23 person’s most recent conviction, payment of any court-ordered  
24 financial assessment, satisfactory completion of probation or parole, or  
25 release from incarceration, whichever is later. As with the “standard”  
26 waiting period and shorter waiting period for the above described  
27 marijuana- and hashish-related offenses, a person could still apply for  
28 a “clean slate” expungement, even though at the time of application  
29 the court-ordered financial assessments were not completely paid  
30 off, so long as that person had otherwise satisfied the “clean slate”  
31 ten-year waiting period.

32 This petition-based process would be subsequently replaced by  
33 an automated “clean slate” process using the same eligibility  
34 criteria concerning the types of convictions that can be expunged.  
35 The automated process would be designed to restore a person’s  
36 entire criminal record if the person was subsequently convicted of a  
37 more serious, violent, or distribution crime, for which the  
38 conviction is not eligible for expungement pursuant to subsection b.  
39 or c. of N.J.S.2C:52-2 as described above.

40 The automated process would be developed and implemented, to  
41 the greatest extent practicable, following the recommendations of a  
42 task force established by the bill. The task force would include at  
43 least 13 members, including several ex-official cabinet members,  
44 such as the Attorney General and Commissioner of Corrections, the  
45 Administrative Director of the Courts, two Senators and two  
46 members of the General Assembly, and four public members. The  
47 executive and judicial branch representatives could assign one or  
48 more designees to participate in the task force in their place.

1 The task force would be responsible for identifying, analyzing,  
2 and recommending solutions to “any technological, fiscal, resource,  
3 and practical issues that may arise in the development and  
4 implementation of the automated process.” It would issue its final  
5 report of findings and recommendations to the Governor and  
6 Legislature no later than 180 days after it first organized (and  
7 thereafter it would expire).

8 Upon establishment of the automated “clean slate” process, no  
9 more “clean slate” expungement petitions could be filed in court,  
10 and any pending petitions would be rendered moot and be  
11 withdrawn or dismissed in accordance with procedures established  
12 by the Supreme Court.

13 Reforms Applicable to All Categories of Expungement

14 The bill eliminates the existing court filing fee for all expungement  
15 applications (currently \$75).

16 To assist with expungement applications, the Administrative  
17 Office of the Courts would develop an expungement e-filing  
18 system, to be used in the future for all expungement filings, and  
19 upon implementation would additionally provide for electronic  
20 service of process and document management. Electronic  
21 distribution of notices for expungement relief and copies of  
22 expungement orders to appropriate law enforcement and criminal  
23 justice agencies would also be done by the courts.

24 Upon receipt of information presented through the e-filing  
25 system, the Superintendent of State Police, Attorney General, and  
26 the county prosecutor of any county in which a person seeking  
27 expungement relief was convicted would, within 60 days, review  
28 and confirm, as appropriate, the information against their own  
29 records and notify the court of any inaccurate or incomplete data  
30 contained in the information received, as well as any other basis for  
31 the person’s ineligibility.

32 Lastly, with respect to the on-going collection of court-ordered  
33 financial assessments following the granting of an expungement, when  
34 applicable, the bill would transfer responsibility for such collection  
35 and disbursement efforts to the State Treasurer. Under current law, the  
36 Judiciary continues as the primary collector of monies post-  
37 expungement through its comprehensive enforcement program  
38 established pursuant to P.L.1995, c.9 (C.2B:19-1 et al.). The bill also  
39 removes the willful non-payment of court-ordered financial  
40 assessments through the comprehensive enforcement program as a  
41 reason to nullify an expungement granted by a court, since this  
42 program would no longer be involved in the post-expungement  
43 collection efforts.