

SENATE, No. 4154

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED SEPTEMBER 12, 2019

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District 15 (Hunterdon and Mercer)

Co-Sponsored by:

**Senator Turner, Assemblyman Chiaravalloti, Assemblywomen Tucker,
Jasey and Timberlake**

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.

(Sponsorship Updated As Of: 12/17/2019)

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-year
19 time requirement set forth in paragraph (1) of this subsection, if, at
20 the time of application, a court-ordered financial assessment subject
21 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 committed
35 by an adult would constitute, unlawful distribution of, or possessing or
36 having under control with intent to distribute, marijuana or hashish in
37 violation of paragraph (12) of subsection b. of N.J.S.2C:35-5, or a
38 violation of that paragraph and a violation of subsection a. of section 1
39 of P.L.1987, c.101 (C.2C:35-7) or subsection a. of section 1 of
40 P.L.1997, c.327 (C.2C:35-7.1) for distributing, or possessing or having
41 under control with intent to distribute, on or within 1,000 feet of any
42 school property, or on or within 500 feet of the real property
43 comprising a public housing facility, public park, or public building;

44 (2) any number of offenses for, or juvenile acts which if committed
45 by an adult would constitute, obtaining, possessing, using, being under
46 the influence of, or failing to make lawful disposition of marijuana or
47 hashish in violation of paragraph (3) or (4) of subsection a., or
48 subsection b., or subsection c. of N.J.S.2C:35-10; or

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

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

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

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

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

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

43
44 7. (New section) “Clean slate” expungement by petition. a. A
45 person, who is not otherwise eligible to present an expungement
46 application pursuant to any other section of chapter 52 of Title 2C
47 of the New Jersey Statutes or other section of law, may present an
48 expungement application to the Superior Court pursuant to this

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

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

30 c. Notwithstanding the provisions concerning the ten-year time
31 requirement, 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 time requirement of ten years is
36 otherwise satisfied, the person may submit the expungement
37 application and the court shall grant an expungement in accordance
38 with this section; provided, however, that at the time of the
39 expungement the court shall enter a civil judgment for the unpaid
40 portion of the court-ordered financial assessment in the name of the
41 Treasurer, State of New Jersey and transfer collection and
42 disbursement responsibility to the State Treasurer for the
43 outstanding amount in accordance with section 8 of P.L.2017, c.244
44 (C.2C:52-23.1). The Treasurer may specify, and the Administrative
45 Office of the Courts shall collaborate with, the technical and
46 informational standards required to effectuate the transfer of the
47 collection and disbursement responsibilities. Notwithstanding any

1 provision in this law or any other law to the contrary, the court shall
2 have sole discretion to amend the judgment.

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

7
8 8. (New section) Automated “clean slate” process. a. The
9 following provisions set forth in this subsection shall become
10 operative on the 180th day following enactment of this section:

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

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

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

45 b. (1) (a) There is established a task force for the purpose of
46 examining, evaluating, and making recommendations regarding the
47 development and implementation of the automated process described
48 in subsection a. of this section, by which all of a person’s convictions,

1 and all records and information pertaining thereto, shall be rendered
2 inaccessible to the public.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (e) The task force shall organize as soon as practicable, but no
46 later than 30 days following the appointment of its members. The task
47 force shall choose a chairperson from among its members and shall
48 appoint a secretary who need not be a member of the task force.

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

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

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

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

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

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

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

36
37 9. N.J.S.2C:52-8 is amended to read as follows:

38 2C:52-8. Statements to accompany petition. There shall be
39 attached to a petition for expungement:

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

44 b. In those instances where the petitioner is seeking the
45 expungement of a criminal conviction **【**, or the expungement of
46 convictions**】** pursuant to **【**N.J.S.2C:52-3 for multiple disorderly
47 persons or petty disorderly persons offenses, all of which were
48 entered the same day, or which were interdependent or closely

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

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

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

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

23

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

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

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

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

47 c. The court shall provide copies of an expungement order to the
48 person who is the subject of the petition and electronically transmit the

1 order to the previously noticed parties, or parties otherwise entitled to
2 notice, in accordance with N.J.S.2C:52-15.

3

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

5 2C:52-14. A petition for expungement filed pursuant to this
6 chapter shall be denied when:

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

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

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

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

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

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

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

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

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

42

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

44 2C:52-15. a. Except as provided in subsection b. of this section,
45 if an order of expungement of records of arrest or conviction under
46 this chapter is granted by the court, all the records specified in said
47 order shall be removed from the files of the agencies which have

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

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

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

43

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

46 8. a. Notwithstanding any provision in this act to the contrary,

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

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

39

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

41 22A:2-25. Law Division filing fees

42 Upon the filing, entering or docketing with the deputy clerk of
43 the Superior Court in the various counties of the herein-mentioned
44 papers or documents by either party to any action or proceeding in
45 the Law Division of the Superior Court, other than a civil action in
46 which a summons or writ must be issued, he shall pay the deputy
47 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.

30 “Standard” Expungement Process

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

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

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

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

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.