ASSEMBLY, No. 1668

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:
Assemblywoman ANNETTE QUIJANO
District 20 (Union)

SYNOPSIS

Imposes certain duties on persons or entities engaged in business pertaining to criminal records and imposes penalties for disseminating expunged record; increases maximum fine for current disorderly persons offense.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

AN ACT concerning expungement orders and amending N.J.S.2C:52-30.

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

1. N.J.S.2C:52-30 is to read as follows:

2C:52-30. Disclosure of Expungement Order. Except as otherwise provided in this chapter,

a. any person who reveals to another the existence of an arrest, conviction or related legal proceeding with knowledge that the records and information pertaining thereto have been expunged or sealed is a disorderly person. Notwithstanding the provisions of section 2C:43-3, the maximum fine which can be imposed for violation of this **[**section**]** subsection is **[**$200.00**]** $2000.

b. any person or entity regularly engaged in the business of collecting, assembling, evaluating or disseminating criminal records on individuals for a fee must regularly update the records to ensure accuracy, promptly delete a record that has been expunged, provide clients with the date collected and explain to clients that records are valid only as of the date collected.

c. any person or entity regularly engaged in the business of collecting, assembling, evaluating or disseminating criminal records on individuals for a fee, which disseminates a criminal record that has been expunged and knows or should have known at the time of dissemination that the record has been expunged is liable to the individual who is the subject of the criminal record for a penalty of $5,000 or actual damages caused by the violation, whichever is greater, plus costs and attorney fees.

(cf: N.J.S.2C:52-30)

2. This act shall take effect on the 90th day following enactment.

STATEMENT

This bill increases the maximum fine which can be imposed on a person who reveals to another the existence of an arrest, conviction or related legal proceeding with knowledge that the record or information has been expunged or sealed. In addition, the bill imposes certain duties on any person or entity regularly engaged in the business of collecting, assembling, evaluating or disseminating criminal records on individuals for a fee and provides for penalties for disseminating a criminal record that has been expunged.

Under current law, the maximum fine which can be imposed for the disorderly persons offense on a person who reveals to another

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.

the existence of an arrest, conviction or related legal proceeding with knowledge that the records and information pertaining thereto have been expunged or sealed is $200. The bill would increase that amount to $2,000.

In addition, the bill provides that any person or entity regularly engaged in the business of collecting, assembling, evaluating or disseminating criminal records on individuals for a fee is required to regularly update the records to ensure accuracy, promptly delete a record that has been expunged, provide clients with the date collected and explain to clients that records are valid only as of the date collected. If any person or entity regularly engaged in the business of collecting, assembling, evaluating or disseminating criminal records on individuals for a fee, disseminates a criminal record that has been expunged and knows or should have known at the time of dissemination that the record has been expunged is liable to the individual who is the subject of the criminal record for a penalty of $5,000 or actual damages caused by the violation, whichever is greater, plus costs and attorney fees.

This bill would take effect on the 90th day following enactment.