

**ASSEMBLY, No. 1892**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Assemblyman BENJIE E. WIMBERLY**

**District 35 (Bergen and Passaic)**

**SYNOPSIS**

Establishes pilot program in Paterson authorizing non-disclosure of records of certain expungements.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1   **AN ACT** creating a pilot program for the City of Paterson  
 2       concerning the disclosure and application of certain expunged  
 3       records and information for certain employment opportunities.  
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5       **BE IT ENACTED** by the Senate and General Assembly of the State  
 6       of New Jersey:  
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8       1.   a. The Legislature finds and declares:

9       (1) Many persons who are arrested for or charged with a crime,  
 10       offense, or violation of a municipal ordinance are not convicted or  
 11       adjudged guilty, due to the proceedings being dismissed, or the  
 12       persons being acquitted or discharged without a conviction or  
 13       finding of guilt;

14       (2) Additionally, many persons with a conviction or finding of  
 15       guilt for a disorderly persons offense, petty disorderly persons  
 16       offense, or violation of a municipal ordinance, all non-indictable  
 17       actions, can face numerous legal disabilities based on what are  
 18       often minor infractions of the law;

19       (3) Among these two sets of persons are those who are of good  
 20       or reformed character and well qualified to be employed in certain  
 21       positions in the judicial branch or with a law enforcement or  
 22       corrections agency, but who may be prevented from such  
 23       employment due to their full records and information on their arrest  
 24       or charge, or conviction or finding of guilt in the case of a non-  
 25       indictable action, being disclosed to any prospective judicial, law  
 26       enforcement, or corrections employer under current law, even if  
 27       such records or information have been expunged;

28       (4) Such disclosures may be more detrimental than beneficial to  
 29       both persons affected by the disclosures and this State, should they  
 30       eliminate too many well qualified persons from employment  
 31       opportunities in the judicial branch or with a law enforcement or  
 32       corrections agency;

33       (5) In order to help determine the appropriateness of preventing  
 34       the use of arrests or charges that do not result in a conviction or  
 35       finding of guilt, or the use of convictions or findings of guilt for  
 36       non-indictable actions with respect to employment opportunities for  
 37       otherwise qualified candidates seeking employment within the  
 38       judicial branch or a law enforcement or corrections agency, a pilot  
 39       program should be undertaken;

40       (6) The pilot program preventing the use of such records or  
 41       information should be tested on a smaller scale first, but in a large  
 42       enough capacity in order to determine whether the idea should be  
 43       expanded beyond the scope of the pilot program, and perhaps made  
 44       a permanent and Statewide change;

45       (7) The City of Paterson represents a suitable selection for the  
 46       pilot program, balancing a small scale program with the potential  
 47       for a large amount of usable information, based on the city being  
 48       one of the most populous municipalities, with a large and active

1 municipal court system and law enforcement and correctional  
2 agencies, all providing numerous and wide-ranging employment  
3 opportunities for persons with arrests or charges that do not result in  
4 a conviction or finding of guilt, or with convictions or findings of  
5 guilt for non-indictable actions.

6 b. (1) There is established a five-year pilot program for the  
7 City of Paterson concerning the use of expunged records and  
8 information for certain persons seeking employment within its  
9 municipal court system or any of its law enforcement or corrections  
10 agencies. Except as provided in paragraph (2) of this subsection,  
11 for five years after the effective date of this section, the provisions  
12 of subsection c. of N.J.S.2C:52-27, requiring that a person seeking  
13 employment within the municipality's municipal court system, law  
14 enforcement, or corrections agencies disclose expunged records and  
15 information, and requiring that those expunged materials continue  
16 to provide a disability notwithstanding the expungement, shall only  
17 apply to records and information related to a person's conviction for  
18 an indictable offense. The provisions shall not apply to records and  
19 information: (a) related to a person's arrest or charge for a crime,  
20 offense, or violation of a municipal ordinance not resulting in a  
21 conviction or finding of guilt due to the proceedings against the  
22 person being dismissed, the person being acquitted, or the person  
23 being discharged without a conviction or finding of guilt; or (b)  
24 related to a person's conviction or finding of guilt for a disorderly  
25 persons offense, petty disorderly persons offense, or violation of a  
26 municipal ordinance.

27 (2) A person seeking employment within the municipal court  
28 system as a court director, court administrator, or deputy court  
29 administrator shall continue to disclose expunged records and  
30 information in compliance with subsection c. of N.J.S.2C:52-27.

31 (3) At the conclusion of the five-year period, the City of  
32 Paterson shall submit a report to the Governor, and to the  
33 Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1),  
34 on the implementation of the pilot program, which shall include a  
35 recommendation on the advisability of the continuation,  
36 modification, expansion, or termination of the program.

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

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#### STATEMENT

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44 This bill would establish a five-year pilot program for the City of  
45 Paterson concerning the disclosure and application of expunged  
46 records and information for persons seeking employment within its  
47 municipal court system or any of its law enforcement or corrections  
48 agencies.

1 Under the bill, for a period of five years, the provisions of  
2 subsection c. of N.J.S.2C:52-27, requiring that a person seeking  
3 certain employment within the municipality's municipal court  
4 system or law enforcement or corrections agencies disclose  
5 expunged records and information, and requiring that those  
6 expunged materials continue to provide a disability notwithstanding  
7 the expungement, would only apply to records and information  
8 related to a person's conviction for an indictable offense (a crime of  
9 the fourth degree or higher). The provisions would not apply to  
10 records and information: (1) related to a person's arrest or charge  
11 for a crime, offense, or violation of a municipal ordinance not  
12 resulting in a conviction or finding of guilt; or (2) related to a  
13 person's conviction or finding of guilt for a disorderly persons  
14 offense, petty disorderly persons offense, or violation of a  
15 municipal ordinance.

16 However, the bill specifically excludes a person seeking  
17 employment within the municipal court system as a court director,  
18 court administrator, or deputy court administrator. Under the bill  
19 these individuals would continue to disclose expunged records and  
20 information in compliance with subsection c. of N.J.S.2C:52-27.

21 At the conclusion of the five-year period, the City of Paterson  
22 would submit a report to the Governor, and to the Legislature  
23 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), on the  
24 implementation of the pilot program, which would include a  
25 recommendation on the advisability of the continuation,  
26 modification, expansion, or termination of the program.

27 The sponsor notes that the pilot program would offer an  
28 opportunity to determine if the current expungement law, requiring  
29 disclosure of all expunged information on arrests or charges which  
30 do not result in convictions or findings of guilt, or on convictions  
31 for non-indictable actions, often being minor infractions of the law,  
32 prevents too many persons of good or reformed character, who are  
33 otherwise well qualified, from obtaining employment in the judicial  
34 branch or with a law enforcement or corrections agency.  
35 Depending upon the results reviewed from the pilot program,  
36 changing the disclosure requirements for such information could be  
37 expanded beyond the scope of the pilot program, and perhaps made  
38 a permanent and Statewide change.