

ASSEMBLY, No. 3198

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:
Assemblywoman CAROL A. MURPHY
District 7 (Burlington)

SYNOPSIS

Permits, under certain circumstances, person adjudged juvenile delinquent to expunge record for act which would have constituted robbery if committed by adult.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning expungements for persons adjudged juvenile
2 delinquents, and amending P.L.1980, c.163.

3

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

6

7 1. Section 1 of P.L.1980, c.163 (C.2C:52-4.1) is amended to
8 read as follows:

9 1. a. Any person adjudged a juvenile delinquent may have
10 such adjudication expunged as follows:

11 (1) Pursuant to N.J.S.2C:52-2, if the act committed by the
12 juvenile would have constituted a crime if committed by an adult;
13 provided, that the person may expunge an adjudication for an act
14 which if committed by an adult would have constituted the crime of
15 robbery, notwithstanding that a conviction for this crime is not
16 subject to expungement pursuant to subsection b. of N.J.S.2C:52-2,
17 so long as the act did not involve the infliction of bodily injury or
18 use of force upon another, or was not committed while using or
19 armed with a deadly weapon as defined in subsection c. of
20 N.J.S.2C:11-1;

21 (2) Pursuant to N.J.S.2C:52-3, if the act committed by the
22 juvenile would have constituted a disorderly or petty disorderly
23 persons offense if committed by an adult; or

24 (3) Pursuant to N.J.S.2C:52-4, if the act committed by the
25 juvenile would have constituted an ordinance violation if committed
26 by an adult.

27 For purposes of expungement, any act which resulted in a
28 juvenile being adjudged a delinquent shall be classified as if that act
29 had been committed by an adult, except as set forth in paragraph (1)
30 of this subsection.

31 b. Additionally, any person who has been adjudged a juvenile
32 delinquent may have his entire record of delinquency adjudications
33 expunged if:

34 (1) Three years have elapsed since the final discharge of the
35 person from legal custody or supervision or three years have
36 elapsed after the entry of any other court order not involving
37 custody or supervision, except that periods of post-incarceration
38 supervision pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44),
39 shall not be considered in calculating the three-year period for
40 purposes of this paragraph;

41 (2) He has not been convicted of a crime, or a disorderly or
42 petty disorderly persons offense, or adjudged a delinquent, or in
43 need of supervision, during the three years prior to the filing of the
44 petition, and no proceeding or complaint is pending seeking such a
45 conviction or adjudication, except that periods of post-incarceration

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 supervision pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44),
2 shall not be considered in calculating the three-year period for
3 purposes of this paragraph;

4 (3) **【He】** Except as set forth in paragraph (1) of subsection a. of
5 this section, he was never adjudged a juvenile delinquent on the
6 basis of an act which if committed by an adult would constitute a
7 crime not subject to expungement under N.J.S.2C:52-2;

8 (4) He has never had an adult conviction expunged; and

9 (5) He has never had adult criminal charges dismissed following
10 completion of a supervisory treatment or other diversion program.

11 c. Any person who has been charged with an act of
12 delinquency and against whom proceedings were dismissed may
13 have the filing of those charges expunged pursuant to the provisions
14 of N.J.S.2C:52-6.

15 (cf: P.L.2017, c.245, s.1)

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17 2. This act shall take effect immediately.

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STATEMENT

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22 This bill would permit a person who was adjudged a juvenile
23 delinquent to expunge a juvenile record for an act which if
24 committed by an adult would have constituted the crime of robbery
25 (either under N.J.S.2C:15-1 or the robbery statute pre-dating the
26 1978 adoption of the “New Jersey Code of Criminal Justice”
27 (Title 2C)), so long as the juvenile act did not involve the infliction
28 of bodily injury or use of force upon another, or was not committed
29 while using or armed with a firearm or other deadly weapon.
30 Generally, for purposes of expungement, an act is classified as if it
31 had been committed by an adult, and an act of robbery committed
32 by an adult is ineligible for expungement; thus, under current law a
33 juvenile act constituting robbery is ineligible for expungement. The
34 bill would establish an exception with respect to the classification
35 of a juvenile act constituting robbery that did not involve the
36 infliction of bodily injury or use of force, or was not committed
37 while using or armed with a firearm or other deadly weapon, so that
38 a juvenile adjudication for such an act could be expunged.