

§4 - C.2C:35-23.1  
§5 - C.2C:52-6.1  
§15 - C.34:6B-21  
§16 –  
C.17:16F-11.1  
§17 - C.10:5-50  
§§19,20 -  
C.2B:1-14 &  
2B:1-15  
§21 - Note

P.L. 2021, CHAPTER 19, *approved February 22, 2021*  
Assembly Committee Substitute (*Third Reprint*) for  
Assembly, Nos. 1897 and 4269

1 AN ACT concerning certain criminal and civil justice reforms,  
2 particularly <sup>1</sup>【with respect to】 addressing<sup>1</sup> the legal  
3 consequences associated with certain marijuana and hashish  
4 offenses as well as <sup>1</sup>【broadening】 raising<sup>1</sup> awareness of available  
5 expungement relief, and amending and supplementing various  
6 parts of the statutory law.

7  
8 **BE IT ENACTED** by the Senate and General Assembly of the State  
9 of New Jersey:

10  
11 <sup>3</sup>【1. N.J.S.2C:35-5 is amended to read as follows:

12 2C:35-5. Manufacturing, Distributing or Dispensing. a. Except  
13 as authorized by P.L.1970, c.226 (C.24:21-1 et seq.), it shall be  
14 unlawful for any person knowingly or purposely:

15 (1) To manufacture, distribute or dispense, or to possess or have  
16 under his control with intent to manufacture, distribute or dispense,  
17 a controlled dangerous substance or controlled substance analog; or

18 (2) To create, distribute, or possess or have under his control  
19 with intent to distribute, a counterfeit controlled dangerous  
20 substance.

21 b. Any person who violates subsection a. with respect to:

22 (1) Heroin, or its analog, or coca leaves and any salt, compound,  
23 derivative, or preparation of coca leaves, and any salt, compound,  
24 derivative, or preparation thereof which is chemically equivalent or  
25 identical with any of these substances, or analogs, except that the  
26 substances shall not include decocainized coca leaves or extractions  
27 which do not contain cocaine or ecogine, or 3,4-  
28 methylenedioxyamphetamine or 3,4-  
29 methylenedioxyamphetamine, in a quantity of five ounces or more  
30 including any adulterants or dilutants is guilty of a crime of the first  
31 degree. The defendant shall, except as provided in N.J.S.2C:35-12,  
32 be sentenced to a term of imprisonment by the court. The term of

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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SJU committee amendments adopted November 9, 2020.

<sup>2</sup>Senate SBA committee amendments adopted November 12, 2020.

<sup>3</sup>Assembly floor amendments adopted December 17, 2020.

1 imprisonment shall include the imposition of a minimum term  
2 which shall be fixed at, or between, one-third and one-half of the  
3 sentence imposed, during which the defendant shall be ineligible for  
4 parole. Notwithstanding the provisions of subsection a. of  
5 N.J.S.2C:43-3, a fine of up to **【\$500,000.00】** \$500,000 may be  
6 imposed;

7 (2) A substance referred to in paragraph (1) of this subsection,  
8 in a quantity of one-half ounce or more but less than five ounces,  
9 including any adulterants or dilutants is guilty of a crime of the  
10 second degree;

11 (3) A substance referred to paragraph (1) of this subsection in a  
12 quantity less than one-half ounce including any adulterants or  
13 dilutants is guilty of a crime of the third degree except that,  
14 notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a  
15 fine of up to **【\$75,000.00】** \$75,000 may be imposed;

16 (4) A substance classified as a narcotic drug in Schedule I or II  
17 other than those specifically covered in this section, or the analog of  
18 any such substance, in a quantity of one ounce or more including  
19 any adulterants or dilutants is guilty of a crime of the second  
20 degree;

21 (5) A substance classified as a narcotic drug in Schedule I or II  
22 other than those specifically covered in this section, or the analog of  
23 any such substance, in a quantity of less than one ounce including  
24 any adulterants or dilutants is guilty of a crime of the third degree  
25 except that, notwithstanding the provisions of subsection b. of  
26 N.J.S.2C:43-3, a fine of up to **【\$75,000.00】** \$75,000 may be  
27 imposed;

28 (6) Lysergic acid diethylamide, or its analog, in a quantity of  
29 100 milligrams or more including any adulterants or dilutants, or  
30 phencyclidine, or its analog, in a quantity of 10 grams or more  
31 including any adulterants or dilutants, is guilty of a crime of the  
32 first degree. Except as provided in N.J.S.2C:35-12, the court shall  
33 impose a term of imprisonment which shall include the imposition  
34 of a minimum term, fixed at, or between, one-third and one-half of  
35 the sentence imposed by the court, during which the defendant shall  
36 be ineligible for parole. Notwithstanding the provisions of  
37 subsection a. of N.J.S.2C:43-3, a fine of up to **【\$500,000.00】**  
38 \$500,000 may be imposed;

39 (7) Lysergic acid diethylamide, or its analog, in a quantity of  
40 less than 100 milligrams including any adulterants or dilutants, or  
41 where the amount is undetermined, or phencyclidine, or its analog,  
42 in a quantity of less than 10 grams including any adulterants or  
43 dilutants, or where the amount is undetermined, is guilty of a crime  
44 of the second degree;

45 (8) Methamphetamine, or its analog, or phenyl-2-propanone  
46 (P2P), in a quantity of five ounces or more including any  
47 adulterants or dilutants is guilty of a crime of the first degree.

1 Notwithstanding the provisions of subsection a. of N.J.S.2C:43-3, a  
2 fine of up to ~~【\$300,000.00】~~ \$300,000 may be imposed;

3 (9) (a) Methamphetamine, or its analog, or phenyl-2-propanone  
4 (P2P), in a quantity of one-half ounce or more but less than five  
5 ounces including any adulterants or dilutants is guilty of a crime of  
6 the second degree;

7 (b) Methamphetamine, or its analog, or phenyl-2-propanone  
8 (P2P), in a quantity of less than one-half ounce including any  
9 adulterants or dilutants is guilty of a crime of the third degree  
10 except that notwithstanding the provisions of subsection b. of  
11 N.J.S.2C:43-3, a fine of up to ~~【\$75,000.00】~~ \$75,000 may be  
12 imposed;

13 (10) (a) Marijuana in a quantity of 25 pounds or more  
14 including any adulterants or dilutants, or 50 or more marijuana  
15 plants, regardless of weight, or hashish in a quantity of five pounds  
16 or more including any adulterants or dilutants, is guilty of a crime  
17 of the first degree. Notwithstanding the provisions of subsection a.  
18 of N.J.S.2C:43-3, a fine of up to ~~【\$300,000.00】~~ \$300,000 may be  
19 imposed;

20 (b) Marijuana in a quantity of five pounds or more but less than  
21 25 pounds including any adulterants or dilutants, or 10 or more but  
22 fewer than 50 marijuana plants, regardless of weight, or hashish in a  
23 quantity of one pound or more but less than five pounds, including  
24 any adulterants and dilutants, is guilty of a crime of the second  
25 degree;

26 (11) <sup>2</sup>~~【Marijuana】~~ (a) Prior to the effective date of P.L. \_\_\_\_\_,  
27 c. (C. \_\_\_\_\_) (pending before the Legislature as this bill),  
28 marijuana<sup>2</sup> in a quantity of <sup>1</sup>【one 【ounce】 pound or】<sup>1</sup> <sup>2</sup>【more  
29 <sup>1</sup>than】<sup>2</sup> one ounce<sup>1</sup> <sup>2</sup>or more<sup>2</sup> but less than five pounds including  
30 any adulterants or dilutants, or hashish in a quantity of 【five grams】  
31 <sup>1</sup>【one-half pound or】<sup>1</sup> <sup>2</sup>【more <sup>1</sup>than】<sup>2</sup> five grams<sup>1</sup> <sup>2</sup>or more<sup>2</sup> but  
32 less than one pound including any adulterants or dilutants, is guilty  
33 of a crime of the third degree except that, notwithstanding the  
34 provisions of subsection b. of N.J.S.2C:43-3, a fine of up to  
35 ~~【\$25,000.00】~~ \$25,000 may be imposed;

36 <sup>2</sup>(b) On and after the effective date of P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_)  
37 (pending before the Legislature as this bill), marijuana in a quantity  
38 of more than one ounce but less than five pounds including any  
39 adulterants or dilutants, or hashish in a quantity of more than five  
40 grams but less than one pound including any adulterants or  
41 dilutants, is guilty of a crime of the third degree except that,  
42 notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a  
43 fine of up to \$25,000 may be imposed;<sup>2</sup>

44 (12) <sup>1</sup>~~【(a) Marijuana in a quantity of two ounces or more but~~  
45 ~~less than one pound including any adulterants or dilutants, or~~  
46 ~~hashish in a quantity of five grams or more but less than one-half~~  
47 ~~pound including any adulterants or dilutants, is guilty of a~~

1 disorderly persons offense for a first offense, and guilty of a crime  
2 of the fourth degree for a second or subsequent offense;

3 (b)<sup>1</sup> <sup>2</sup>**[Marijuana]** (a) Prior to the effective date of P.L. \_\_\_\_\_,  
4 c. (C. \_\_\_\_\_) (pending before the Legislature as this bill),  
5 marijuana<sup>2</sup> in a quantity of <sup>1</sup>**[less than]**<sup>1</sup> **[one ounce]** <sup>1</sup>**[two**  
6 **ounces]** <sup>2</sup>**[one ounce or]**<sup>2</sup> **less<sup>1</sup> <sup>2</sup>than one ounce<sup>2</sup>** including any  
7 adulterants or dilutants, or hashish in a quantity of <sup>1</sup>**[less than]**<sup>1</sup>  
8 <sup>2</sup>**less than<sup>2</sup>** five grams <sup>2</sup>**[<sup>1</sup>or less<sup>1</sup>]**<sup>2</sup> including any adulterants or  
9 dilutants, is **[guilty of a crime of the fourth degree]** guilty of a  
10 crime of the fourth degree;

11 <sup>2</sup>(b) On and after the effective date of P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_)  
12 (pending before the Legislature as this bill), marijuana in a quantity  
13 of one ounce or less including any adulterants or dilutants, or  
14 hashish in a quantity of five grams or less including any adulterants  
15 or dilutants, is<sup>2</sup> <sup>1</sup>, for a first offense, <sup>2</sup>**[guilty of<sup>1</sup> an unlawful act]**<sup>2</sup>  
16 subject to a <sup>2</sup>**[civil penalty of \$50]** written warning, which also  
17 indicates that any subsequent violation is a crime punishable by a  
18 term imprisonment, a fine, or both<sup>2</sup> <sup>1</sup>], and for a second or  
19 subsequent offense, is guilty of a crime of the fourth degree;

20 (a) <sup>2</sup>(i)<sup>2</sup> The odor of marijuana or hashish, or burnt marijuana or  
21 hashish, shall not constitute reasonable articulable suspicion to  
22 initiate a search of a person to determine a violation of  
23 <sup>2</sup>subparagraph (b) of<sup>2</sup> paragraph (12) of this subsection. A person  
24 who violates this <sup>2</sup>**[paragraph]** subparagraph<sup>2</sup> shall not be subject  
25 to arrest, detention, or otherwise be taken into custody, unless the  
26 person is being arrested, detained, or otherwise taken into custody  
27 for also committing another violation of law for which that action is  
28 legally permitted or required;

29 (b) <sup>2</sup>(i)<sup>1</sup> The civil penalty provided for in <sup>1</sup>**[this subparagraph]**  
30 paragraph (12) of this subsection<sup>1</sup> shall be collected pursuant to the  
31 “Penalty Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-10  
32 et seq.), in a summary proceeding before the municipal court having  
33 jurisdiction. A penalty recovered under the provisions of this  
34 paragraph shall be recovered by and in the name of the State by the  
35 local municipality. The penalty shall be paid into the treasury of  
36 the municipality in which the violation occurred for the general use  
37 of the municipality;

38 <sup>1</sup>(ii)<sup>2</sup> A person shall not be deprived of any legal or civil right,  
39 privilege, benefit, or opportunity provided pursuant to any law  
40 solely by reason of committing a violation of <sup>2</sup>subparagraph (b) of<sup>2</sup>  
41 paragraph (12) of this subsection, nor shall committing one or more  
42 violations modify any legal or civil right, privilege, benefit, or  
43 opportunity provided pursuant to any law, including, but not limited  
44 to, the granting, renewal, forfeiture, or denial of a license, permit,  
45 or certification, qualification for and the receipt, alteration,  
46 continuation, or denial of any form of financial assistance, housing  
47 assistance, or other social services, rights of or custody by a

1 biological parent, or adoptive or foster parent, or other legal  
2 guardian of a child or newborn infant, or pregnant woman, in any  
3 action or proceeding by the Division of Child Protection and  
4 Permanency in the Department of Children and Families, or  
5 qualification, approval, or disapproval to serve as a foster parent or  
6 other legal guardian;

7 (c) All local and county law enforcement authorities shall,  
8 following the submission process used for the uniform crime  
9 reporting system established by P.L.1966, c.37 (C.52:17B-  
10 5.1 et seq.), submit a quarterly report to the Uniform Crime  
11 Reporting Unit, within the Division of State Police in the  
12 Department of Law and Public Safety, or to another designated  
13 recipient determined by the Attorney General, containing the  
14 number of violations of <sup>2</sup>suparagraph (b) of<sup>2</sup> paragraph (12) of this  
15 subsection committed within their respective jurisdictions, plus the  
16 race, ethnicity, gender, and age of each person committing a  
17 violation, and the disposition of each person's violation. These  
18 violations and associated information, along with a quarterly  
19 summary of violations investigated, and associated information  
20 collected, by the Division of State Police for the same period shall  
21 be summarized by county and municipality in an annual report, and  
22 both quarterly summaries and annual reports shall be made  
23 available at no cost to the public on the Division of State Police's  
24 Internet website;<sup>1</sup>

25 (13) Any other controlled dangerous substance classified in  
26 Schedule I, II, III or IV, or its analog, is guilty of a crime of the  
27 third degree, except that, notwithstanding the provisions of  
28 subsection b. of N.J.S.2C:43-3, a fine of up to **【\$25,000.00】**  
29 \$25,000 may be imposed; or

30 (14) Any Schedule V substance, or its analog, is guilty of a  
31 crime of the fourth degree except that, notwithstanding the  
32 provisions of subsection b. of N.J.S.2C:43-3, a fine of up to  
33 **【\$25,000.00】** \$25,000 may be imposed.

34 c. Where the degree of the offense for violation of this section  
35 depends on the quantity of the substance, the quantity involved  
36 shall be determined by the trier of fact. Where the indictment or  
37 accusation so provides, the quantity involved in individual acts of  
38 manufacturing, distribution, dispensing or possessing with intent to  
39 distribute may be aggregated in determining the grade of the  
40 offense, whether distribution or dispensing is to the same person or  
41 several persons, provided that each individual act of manufacturing,  
42 distribution, dispensing or possession with intent to distribute was  
43 committed within the applicable statute of limitations.

44 (cf: P.L.2000, c.136, s.1)**】<sup>3</sup>**

1       <sup>3</sup>[2. N.J.S.2C:35-10 is amended to read as follows:

2       2C:35-10. Possession, Use or Being Under the Influence, or  
3 Failure to Make Lawful Disposition.

4       a. It is unlawful for any person, knowingly or purposely, to  
5 obtain, or to possess, actually or constructively, a controlled  
6 dangerous substance or controlled substance analog, unless the  
7 substance was obtained directly, or pursuant to a valid prescription  
8 or order form from a practitioner, while acting in the course of his  
9 professional practice, or except as otherwise authorized by  
10 P.L.1970, c.226 (C.24:21-1 et seq.). Any person who violates this  
11 section with respect to:

12       (1) A controlled dangerous substance, or its analog, classified in  
13 Schedule I, II, III or IV other than those specifically covered in this  
14 section, is guilty of a crime of the third degree except that,  
15 notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a  
16 fine of up to ~~[\$35,000.00]~~ \$35,000 may be imposed;

17       (2) Any controlled dangerous substance, or its analog, classified  
18 in Schedule V, is guilty of a crime of the fourth degree except that,  
19 notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a  
20 fine of up to ~~[\$15,000.00]~~ \$15,000 may be imposed; <sup>1</sup>or<sup>1</sup>

21       (3) <sup>2</sup>**[Possession]** (a) Prior to the effective date of P.L. \_\_\_\_\_,  
22 c. (C. \_\_\_\_\_) (pending before the Legislature as this bill), possession<sup>2</sup>  
23 of more than [50 grams] <sup>1</sup>[two ounces] <sup>2</sup>[six ounces<sup>1</sup>] 50 grams<sup>2</sup>  
24 of marijuana, including any adulterants or dilutants, or more than  
25 <sup>1</sup>[five grams] <sup>2</sup>[170 grams<sup>1</sup>] five grams<sup>2</sup> of hashish is guilty of a  
26 crime of the fourth degree, except that, notwithstanding the  
27 provisions of subsection b. of N.J.S.2C:43-3, a fine of up to  
28 \$25,000.00 may be imposed; <sup>1</sup>[or]

29       <sup>2</sup>**[(a)]** (b) On and after to the effective date of P.L. \_\_\_\_\_,  
30 c. (C. \_\_\_\_\_) (pending before the Legislature as this bill),  
31 possession of more than six ounces of marijuana, including any  
32 adulterants or dilutants, or more than 170 grams of hashish is guilty  
33 of a crime of the fourth degree, except that, notwithstanding the  
34 provisions of subsection b. of N.J.S.2C:43-3, a fine of up to  
35 \$25,000.00 may be imposed;

36       (i)<sup>2</sup> The odor of marijuana or hashish, or burnt marijuana or  
37 hashish, shall not constitute reasonable articulable suspicion to  
38 initiate a search of a person to determine a violation of  
39 <sup>2</sup>subparagraph (b) of<sup>2</sup> paragraph (3) of this subsection. A person  
40 who violates this paragraph shall not be subject to arrest, detention,  
41 or otherwise be taken into custody, unless the person is being  
42 arrested, detained, or otherwise taken into custody for also  
43 committing another violation of law for which that action is legally  
44 permitted or required;

45       <sup>2</sup>**[(b)]** (ii)<sup>2</sup> A person shall not be deprived of any legal or civil  
46 right, privilege, benefit, or opportunity provided pursuant to any  
47 law solely by reason of committing a violation of <sup>2</sup>subparagraph (b)

1 of<sup>2</sup> paragraph (3), nor shall committing one or more violations  
2 modify any legal or civil right, privilege, benefit, or opportunity  
3 provided pursuant to any law, including, but not limited to, the  
4 granting, renewal, forfeiture, or denial of a license, permit, or  
5 certification, qualification for and the receipt, alteration,  
6 continuation, or denial of any form of financial assistance, housing  
7 assistance, or other social services, rights of or custody by a  
8 biological parent, or adoptive or foster parent, or other legal  
9 guardian of a child or newborn infant, or pregnant woman, in any  
10 action or proceeding by the Division of Child Protection and  
11 Permanency in the Department of Children and Families, or  
12 qualification, approval, or disapproval to serve as a foster parent or  
13 other legal guardian;

14 <sup>2</sup>**[(c)] (iii)**<sup>2</sup> All local and county law enforcement authorities  
15 shall, following the submission process used for the uniform crime  
16 reporting system established by P.L.1966, c.37 (C.52:17B-  
17 5.1 et seq.), submit a quarterly report to the Uniform Crime  
18 Reporting Unit, within the Division of State Police in the  
19 Department of Law and Public Safety, or to another designated  
20 recipient determined by the Attorney General, containing the  
21 number of violations of <sup>2</sup>subparagraph (b) of<sup>2</sup> paragraph (3) of this  
22 subsection committed within their respective jurisdictions, plus the  
23 race, ethnicity, gender, and age of each person committing a  
24 violation, and the disposition of each person's violation. These  
25 violations and associated information, along with a quarterly  
26 summary of violations investigated, and associated information  
27 collected, by the Division of State Police for the same period shall  
28 be summarized by county and municipality in an annual report, and  
29 both quarterly summaries and annual reports shall be made  
30 available at no cost to the public on the Division of State Police's  
31 Internet website;<sup>1 2</sup>or<sup>2</sup>

32 (4) <sup>1</sup>**[(Possession of [50 grams] two ounces** or less of marijuana,  
33 including any adulterants or dilutants, or five grams or less of  
34 hashish is an unlawful act subject to a [disorderly person] civil  
35 penalty of \$50, but this amount of marijuana or hashish is presumed  
36 to be the lawful possession of medical cannabis or a medical  
37 cannabis product in accordance with the "Jake Honig  
38 Compassionate Use Medical Cannabis Act," P.L.2009, c.307  
39 (C.24:6I-1 et al.) or P.L.2015, c.158 (C.18A:40-12.22 et al.), and  
40 the State shall establish by a preponderance of evidence that the  
41 substance possessed was not medical cannabis or a medical  
42 cannabis product in order to impose the \$50 civil penalty for  
43 possession of marijuana or hashish pursuant to this paragraph. The  
44 civil penalty provided for in this paragraph shall be collected  
45 pursuant to the "Penalty Enforcement Law of 1999," P.L.1999,  
46 c.274 (C.2A:58-10 et seq.), in a summary proceeding before the  
47 municipal court having jurisdiction. A penalty recovered under the  
48 provisions of this paragraph shall be recovered by and in the name

1 of the State by the local municipality. The penalty shall be paid  
2 into the treasury of the municipality in which the violation occurred  
3 for the general use of the municipality.] <sup>2</sup>[(Deleted by amendment,  
4 P.L. , c. ) (pending before the Legislature as this bill)<sup>1</sup>]

5 (a) Prior to the effective date of P.L. , c. (C. ) (pending  
6 before the Legislature as this bill), possession of 50 grams or less of  
7 marijuana, including any adulterants or dilutants, or five grams or  
8 less of hashish is a disorderly person;

9 (b) On and after the effective date of P.L. , c. (C. )  
10 (pending before the Legislature as this bill), possession of six  
11 ounces or less of marijuana, including any adulterants or dilutants,  
12 or 170 grams or less of hashish is not punishable as a crime,  
13 offense, or civil violation of law;

14 (5) Possession of one ounce or less of psilocybin is a disorderly  
15 person;<sup>2</sup>

16 Any person who commits any offense [defined in] set forth in  
17 paragraphs (1) through (3) of this [section] subsection while on any  
18 property used for school purposes which is owned by or leased to  
19 any elementary or secondary school or school board, or within  
20 1,000 feet of any such school property or a school bus, or while on  
21 any school bus, and who is not sentenced to a term of  
22 imprisonment, shall, in addition to any other sentence which the  
23 court may impose, be required to perform not less than 100 hours of  
24 community service.

25 b. <sup>1</sup>(1)<sup>1</sup> Any person who uses or who is under the influence of  
26 any controlled dangerous substance, or its analog, <sup>1</sup>not including  
27 marijuana or hashish,<sup>1</sup> for a purpose other than the treatment of  
28 sickness or injury as lawfully prescribed or administered by a  
29 physician is a disorderly person.

30 In a prosecution under this subsection, it shall not be necessary  
31 for the State to prove that the accused did use or was under the  
32 influence of any specific <sup>1</sup>, prohibited<sup>1</sup> drug, but it shall be  
33 sufficient for a conviction under this subsection for the State to  
34 prove that the accused did use or was under the influence of some  
35 prohibited controlled dangerous substance, counterfeit controlled  
36 dangerous substance, or controlled substance analog, by proving  
37 that the accused did manifest physical and physiological symptoms  
38 or reactions caused by the use of any <sup>1</sup>prohibited<sup>1</sup> controlled  
39 dangerous substance or controlled substance analog.

40 <sup>1</sup>(2) Notwithstanding that using or being under the influence of  
41 marijuana or hashish is not a punishable offense pursuant to this  
42 subsection, the smoking, vaping, or aerosolizing of marijuana or  
43 hashish may be prohibited or otherwise regulated on or in any  
44 property by the person or entity that owns or controls that property,  
45 including multifamily housing that is a multiple dwelling as defined  
46 in section 3 of P.L.1967, c.76 (C.55:13A-3), the units of a  
47 condominium, as those terms are defined by section 3 of P.L.1969,



1 c.257 (C.46:8B-3), or a site in a mobile home park as defined in  
2 section 3 of P.L.1983, c.386 (C.40:55D-102), which site is leased to  
3 the owner of a manufactured home, as defined in that section, that is  
4 installed thereon.<sup>1</sup>

5 c. Any person who knowingly obtains or possesses a controlled  
6 dangerous substance or controlled substance analog in violation of  
7 <sup>1</sup>paragraph (1) or (2) of<sup>1</sup> subsection a. of this section and who fails  
8 to voluntarily deliver the substance to the nearest law enforcement  
9 officer is guilty of a disorderly persons offense. Nothing in this  
10 subsection shall be construed to preclude a prosecution or  
11 conviction for any other offense defined in this title or any other  
12 statute.

13 (cf: P.L.1997, c.181, s.6)]<sup>3</sup>

14  
15 <sup>3</sup>[<sup>1</sup>3. N.J.S.2C:36-2 is amended to read as follows:

16 2C:36-2. a. Use or possession with intent to use, disorderly  
17 persons offense. It shall be unlawful for any person to use, or to  
18 possess with intent to use, drug paraphernalia to plant, propagate,  
19 cultivate, grow, harvest, manufacture, compound, convert, produce,  
20 process, prepare, test, analyze, pack, repack, store, contain, conceal,  
21 ingest, inhale, or otherwise introduce into the human body a  
22 controlled dangerous substance, controlled substance analog or  
23 toxic chemical in violation of the provisions of chapter 35 of this  
24 title, other than when used, or possessed with intent to use, for  
25 ingesting, inhaling, or otherwise introducing marijuana or hashish  
26 into the human body. Any person who violates this section is guilty  
27 of a disorderly persons offense.

28 b. Notwithstanding that using or possessing with intent to use  
29 drug paraphernalia to ingest, inhale, or otherwise introduce  
30 marijuana or hashish into the human body is not a punishable  
31 offense pursuant to this section, the use of drug paraphernalia for  
32 that purpose may be prohibited or otherwise regulated on or in any  
33 property by the person or entity that owns or controls that property,  
34 including multifamily housing that is a multiple dwelling as defined  
35 in section 3 of P.L.1967, c.76 (C.55:13A-3), the units of a  
36 condominium, as those terms are defined by section 3 of P.L.1969,  
37 c.257 (C.46:8B-3), or a site in a mobile home park as defined in  
38 section 3 of P.L.1983, c.386 (C.40:55D-102), which site is leased to  
39 the owner of a manufactured home, as defined in that section, that is  
40 installed thereon.<sup>1</sup>

41 (cf: P.L.2007, c.31, s.3)]<sup>3</sup>

42  
43 <sup>1</sup>[<sup>3.</sup>] <sup>3</sup>[<sup>4.</sup><sup>1</sup> (New section) a. Except to the extent required to  
44 dismiss, withdraw, or terminate the charge, no court shall have  
45 jurisdiction over any charge, including any charge of delinquency,  
46 based on <sup>1</sup>[the distribution of] offenses that occurred prior to the  
47 effective date of P.L. , c. (C. ) (pending before the Legislature  
48 as this bill), involving manufacturing, distributing, or dispensing, or

1 possessing or having under control with intent to manufacture,  
2 distribute, or dispense,<sup>1</sup> marijuana or hashish in violation of  
3 paragraph <sup>2</sup>[(11) of subsection b. of N.J.S.2C:35-5, or a lesser  
4 amount of marijuana or hashish in violation of paragraph <sup>1</sup>]<sup>2</sup> (12) of  
5 subsection b. of <sup>1</sup>[N.J.S.2C:35-5, or the possession] <sup>2</sup>[that section]  
6 N.J.S.2C:35-5<sup>2</sup>, or <sup>2</sup>[a violation of either of those paragraphs and a  
7 violation of subsection a. of section 1 of P.L.1987, c.101 (C.2C:35-  
8 7) or subsection a. of section 1 of P.L.1997, c.327 (C.2C:35-7.1) for  
9 distributing, dispensing, or possessing with intent to distribute or  
10 dispense, on or within 1,000 feet of any school property, or on or  
11 within 500 feet of the real property comprising a public housing  
12 facility, public park, or public building, or]<sup>2</sup> obtaining, possessing,  
13 using, being under the influence of, or failing to make lawful  
14 disposition<sup>1</sup> of marijuana or hashish in violation of paragraph <sup>1</sup>(3)  
15 or<sup>1</sup> (4) of subsection a. <sup>1</sup>, or subsection b., or subsection c.<sup>1</sup> of  
16 N.J.S.2C:35-10, <sup>1</sup>[that occurred prior to the effective date of  
17 P.L. , c. (C. ) (pending before the Legislature as this bill)]  
18 or a violation involving marijuana or hashish as described herein  
19 and a violation of N.J.S.2C:36-2 for using or possessing with intent  
20 to use drug paraphernalia with that marijuana or hashish, alone or in  
21 combination with each other<sup>1</sup>, <sup>2</sup>or possession of any controlled  
22 dangerous substance while operating a motor vehicle in violation of  
23 section 1 of P.L.1964, c.289 (C.39:4-49.1), or any disorderly  
24 persons offense or petty disorderly persons offense subject to  
25 conditional discharge pursuant to N.J.S.2C:36A-1,<sup>2</sup> unless a <sup>1</sup>guilty  
26 verdict, plea, or other entry of guilt, or<sup>1</sup> final judgment of  
27 conviction or adjudication of delinquency has been entered on or  
28 before that effective date. These non-prosecutable charges and  
29 cases shall be expeditiously dismissed, which may be accomplished  
30 by appropriate action by a law enforcement agency, or on a motion  
31 to the court which would otherwise have jurisdiction over a case, or  
32 the court's own motion, based upon guidelines <sup>1</sup>[or] ,  
33 administrative<sup>1</sup> directives <sup>1</sup>, and court orders<sup>1</sup> issued by the  
34 Attorney General, the Administrative Director of the Courts, and  
35 the Supreme Court <sup>1</sup>, as appropriate<sup>1</sup>.

36 b. <sup>1</sup>[A charge, including any charge of delinquency,  
37 conviction, or adjudication of delinquency, based on a violation of  
38 any of the following laws that occurred prior to, on, or after the  
39 effective date of P.L. , c. (C. ) (pending before the  
40 Legislature as this bill), shall not be considered whenever the  
41 Pretrial Services Program established by the Administrative Office  
42 of the Courts pursuant to section 11 of P.L.2014, c.31 (C.2A:162-  
43 25) conducts a risk assessment on an eligible defendant for the  
44 purpose of making recommendations to the court concerning an  
45 appropriate pretrial release decision in accordance with sections 1  
46 through 11 of P.L.2014, c.31 (C.2A:162-15 et seq.): a violation of  
47 paragraph (11) of subsection b. of N.J.S.2C:35-5; or a lesser amount

1 of marijuana or hashish in violation of paragraph (12) of subsection  
2 b. of that section; or a violation of either of those paragraphs and a  
3 violation of subsection a. of section 1 of P.L.1987, c.101 (C.2C:35-  
4 7) or subsection a. of section 1 of P.L.1997, c.327 (C.2C:35-7.1) for  
5 distributing, or possessing or having under control with intent to  
6 distribute, on or within 1,000 feet of any school property, or on or  
7 within 500 feet of the real property comprising a public housing  
8 facility, public park, or public building; or for obtaining,  
9 possessing, using, being under the influence of, or failing to make  
10 lawful disposition of marijuana or hashish in violation of paragraph  
11 (3) or (4) of subsection a., or subsection b., or subsection c. of  
12 N.J.S.2C:35-10; or for a violation of any of those provisions and a  
13 violation of N.J.S.2C:36-2 for using or possessing with intent to use  
14 drug paraphernalia with the marijuana or hashish.

15 c.]<sup>1</sup> (1) Regarding a <sup>1</sup>【conviction or adjudication of  
16 delinquency】 guilty verdict, plea, or other entry of guilt<sup>1</sup> entered  
17 prior to the effective date of P.L. , c. (C. ) (pending before  
18 the Legislature as this bill), it shall be grounds for <sup>1</sup>【post-  
19 conviction】<sup>1</sup> relief that the <sup>1</sup>【conviction or adjudication of  
20 delinquency】 guilty verdict, plea, or other entry of guilt<sup>1</sup> involved  
21 <sup>1</sup>【unlawful distribution of, or possessing or having under control  
22 with intent to distribute, marijuana or hashish in violation of  
23 paragraph (11) of subsection b. of N.J.S.2C:35-5, or a lesser amount  
24 of marijuana or hashish in violation of paragraph (12) of subsection  
25 b. of that section, or a violation of either of those paragraphs and a  
26 violation of subsection a. of section 1 of P.L.1987, c.101 (C.2C:35-  
27 7) or subsection a. of section 1 of P.L.1997, c.327 (C.2C:35-7.1),  
28 for distributing, or possessing or having under control with intent to  
29 distribute, on or within 1,000 feet of any school property, or on or  
30 within 500 feet of the real property comprising a public housing  
31 facility, public park, or public building, or obtaining, possessing,  
32 using, being under the influence of, or failing to make lawful  
33 disposition of marijuana or hashish in violation of paragraph (3) or  
34 (4) of subsection a., or subsection b., or subsection c. of  
35 N.J.S.2C:35-10, or a violation involving marijuana or hashish as  
36 described herein and using or possessing with intent to use drug  
37 paraphernalia with that marijuana or hashish in violation of  
38 N.J.S.2C:36-2, alone or in combination with each other】 one or  
39 more crimes or offenses, or delinquent acts which if committed by  
40 an adult would constitute one or more crimes or offenses,  
41 enumerated in subsection a. of this section<sup>1</sup>, if a final judgment of  
42 conviction or adjudication of delinquency had not been entered on  
43 or before that effective date.

44 (2) Notwithstanding any court rule limiting the time period  
45 within which a motion to reduce or change a sentence may be filed,  
46 any person who, on the effective date of P.L. , c. (C. )  
47 (pending before the Legislature as this bill), is <sup>1</sup>or will be<sup>1</sup> serving a  
48 sentence of incarceration, probation, parole or other form of

1 community supervision solely as a result of the person's conviction  
 2 or adjudication of delinquency for one or more crimes or offenses <sup>1</sup>,  
 3 or delinquent acts which if committed by an adult would constitute  
 4 one or more crimes or offenses,<sup>1</sup> enumerated in <sup>1</sup>【paragraph (1)】  
 5 subsection a.<sup>1</sup> of this <sup>1</sup>【subsection】 section<sup>1</sup> may move to have the  
 6 person's sentence reviewed by the court. If the court finds that the  
 7 sentence under review is based solely upon a conviction or  
 8 adjudication of delinquency for one or more crimes or offenses <sup>1</sup>, or  
 9 delinquent acts which if committed by an adult would constitute one  
 10 or more crimes or offenses,<sup>1</sup> enumerated in <sup>1</sup>【paragraph (1)】  
 11 subsection a.<sup>1</sup> of this <sup>1</sup>【subsection】 section<sup>1</sup>, the court shall order  
 12 appropriate relief.

13 (3) No fee shall be charged to a person seeking post-conviction  
 14 relief pursuant to this subsection.】<sup>3</sup>

15  
 16 <sup>1</sup>【4.】 <sup>3</sup>【5.】<sup>1</sup> (New section) Other than the consequences of any  
 17 sentence set forth in a judgment of conviction, including a term of  
 18 imprisonment and any court-ordered financial assessment, unless  
 19 otherwise provided by law, any arrest, charge, conviction, and  
 20 adjudication of delinquency that occurred prior to the effective date  
 21 of P.L. , c. (C. ) (pending before the Legislature as this bill),  
 22 and any proceedings related thereto, for <sup>1</sup>【unlawful distribution of】  
 23 manufacturing, distributing, or dispensing<sup>1</sup> , or possessing or  
 24 having under control with intent to <sup>1</sup>manufacture,<sup>1</sup> distribute, <sup>1</sup>or  
 25 dispense,<sup>1</sup> marijuana or hashish in violation of paragraph (11) of  
 26 subsection b. of N.J.S.2C:35-5, or a lesser amount of marijuana or  
 27 hashish in violation of paragraph (12) of subsection b. of that  
 28 section, or a violation of either of those paragraphs and a violation  
 29 of subsection a. of section 1 of P.L.1987, c.101 (C.2C:35-7) or  
 30 subsection a. of section 1 of P.L.1997, c.327 (C.2C:35-7.1), for  
 31 distributing, <sup>1</sup>dispensing,<sup>1</sup> or possessing or having under control  
 32 with intent to distribute <sup>1</sup>or dispense<sup>1</sup>, on or within 1,000 feet of  
 33 any school property, or on or within 500 feet of the real property  
 34 comprising a public housing facility, public park, or public  
 35 building, or obtaining, possessing, using, being under the influence  
 36 of, or failing to make lawful disposition of marijuana or hashish in  
 37 violation of paragraph (3) or (4) of subsection a., or subsection b.,  
 38 or subsection c. of N.J.S.2C:35-10, or a violation involving  
 39 marijuana or hashish as described herein and <sup>1</sup>a violation of  
 40 N.J.S.2C:36-2 for<sup>1</sup> using or possessing with intent to use drug  
 41 paraphernalia with that marijuana or hashish <sup>1</sup>【in violation of  
 42 N.J.S.2C:36-2】 , alone or in combination with each other,<sup>1</sup> shall be  
 43 deemed not to have occurred, and the person involved in that  
 44 violation may answer any questions relating to their occurrence  
 45 accordingly, except that such information shall be revealed by that  
 46 person if seeking employment within the judicial branch or with a

1 law enforcement or corrections agency and such information shall  
2 continue to provide a disability as otherwise provided by law.】<sup>3</sup>

3  
4 <sup>1</sup>【5. (New section) The Administrative Director of the Courts  
5 shall maintain and provide information to any person upon request  
6 about the expungement process and legal services programs  
7 Statewide and in each county which may be available to assist the  
8 person with an expedited expungement pursuant to section 5 of  
9 P.L.2019, c.269 (C.2C:52-5.1) or a “clean slate” expungement  
10 pursuant to section 7 of P.L.2019, c.269 (C.2C:52-5.3).】<sup>1</sup>

11  
12 <sup>1</sup>【6. (New section) a. (1) The Administrative Director of the  
13 Courts shall develop and maintain a multilingual public awareness  
14 campaign to promote awareness of the expungement process,  
15 including an expedited expungement pursuant to section 5 of  
16 P.L.2019, c.269 (C.2C:52-5.1) or a “clean slate” expungement  
17 pursuant to section 7 of P.L.2019, c.269 (C.2C:52-5.3), and the  
18 expungement e-filing system established pursuant to section 11 of  
19 P.L.2019, c.269 (C.2C:52-10.1), as well as information on State,  
20 local, non-profit and other private job training programs in  
21 consultation with the Department of Labor and Workforce  
22 Development, with a focus on assisting those persons eligible for  
23 the expedited expungement or “clean slate” expungement of their  
24 records pursuant to section 5 of P.L.2019, c.269 (C.2C:52-5.1) or a  
25 “clean slate” expungement pursuant to section 7 of P.L.2019, c.269  
26 (C.2C:52-5.3), respectively.

27 (2) The public awareness campaign shall, at a minimum, utilize  
28 electronic and print media, and shall make available electronically  
29 on an Internet website a petition form and a list of the supporting  
30 information necessary for an expungement, including an expedited  
31 or “clean slate” expungement pursuant to section 5 of  
32 P.L.2019, c.269 (C.2C:52-5.1) or section 7 of P.L.2019, c.269  
33 (C.2C:52-5.3), respectively, using the expungement e-filing system  
34 once established pursuant to section 11 of P.L.2019, c.269 (C.2C:52-  
35 10.1).

36 (3) The petition and supporting information shall, at a minimum,  
37 be made available in English and Spanish.

38 b. The Administrative Director of the Courts shall include in the  
39 annual report on the activities of the Administrative Office of the  
40 Courts, prepared pursuant to N.J.S.2A:12-5, information about the  
41 activities and accomplishments of the public awareness campaign  
42 developed and maintained pursuant to subsection a. of this section,  
43 beginning no later than one year after the effective date of  
44 P.L. , c. (C. ) (pending before the Legislature as this  
45 bill).】<sup>1</sup>

46  
47 <sup>3</sup>1. N.J.S.2C:35-5 is amended to read as follows:

1 2C:35-5. Manufacturing, Distributing or Dispensing. a. Except  
2 as authorized by P.L.1970, c.226 (C.24:21-1 et seq.), it shall be  
3 unlawful for any person knowingly or purposely:

4 (1) To manufacture, distribute or dispense, or to possess or have  
5 under his control with intent to manufacture, distribute or dispense,  
6 a controlled dangerous substance or controlled substance analog; or

7 (2) To create, distribute, or possess or have under his control  
8 with intent to distribute, a counterfeit controlled dangerous  
9 substance.

10 b. Any person who violates subsection a. with respect to:

11 (1) Heroin, or its analog, or coca leaves and any salt, compound,  
12 derivative, or preparation of coca leaves, and any salt, compound,  
13 derivative, or preparation thereof which is chemically equivalent or  
14 identical with any of these substances, or analogs, except that the  
15 substances shall not include decocainized coca leaves or extractions  
16 which do not contain cocaine or ecogine, or 3,4-  
17 methylenedioxyamphetamine or 3,4-  
18 methylenedioxyamphetamine, in a quantity of five ounces or more  
19 including any adulterants or dilutants is guilty of a crime of the first  
20 degree. The defendant shall, except as provided in N.J.S.2C:35-12,  
21 be sentenced to a term of imprisonment by the court. The term of  
22 imprisonment shall include the imposition of a minimum term  
23 which shall be fixed at, or between, one-third and one-half of the  
24 sentence imposed, during which the defendant shall be ineligible for  
25 parole. Notwithstanding the provisions of subsection a. of  
26 N.J.S.2C:43-3, a fine of up to **【\$500,000.00】** \$500,000 may be  
27 imposed;

28 (2) A substance referred to in paragraph (1) of this subsection,  
29 in a quantity of one-half ounce or more but less than five ounces,  
30 including any adulterants or dilutants is guilty of a crime of the  
31 second degree;

32 (3) A substance referred to paragraph (1) of this subsection in a  
33 quantity less than one-half ounce including any adulterants or  
34 dilutants is guilty of a crime of the third degree except that,  
35 notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a  
36 fine of up to **【\$75,000.00】** \$75,000 may be imposed;

37 (4) A substance classified as a narcotic drug in Schedule I or II  
38 other than those specifically covered in this section, or the analog of  
39 any such substance, in a quantity of one ounce or more including  
40 any adulterants or dilutants is guilty of a crime of the second  
41 degree;

42 (5) A substance classified as a narcotic drug in Schedule I or II  
43 other than those specifically covered in this section, or the analog of  
44 any such substance, in a quantity of less than one ounce including  
45 any adulterants or dilutants is guilty of a crime of the third degree  
46 except that, notwithstanding the provisions of subsection b. of  
47 N.J.S.2C:43-3, a fine of up to **【\$75,000.00】** \$75,000 may be  
48 imposed;

1 (6) Lysergic acid diethylamide, or its analog, in a quantity of  
2 100 milligrams or more including any adulterants or dilutants, or  
3 phencyclidine, or its analog, in a quantity of 10 grams or more  
4 including any adulterants or dilutants, is guilty of a crime of the  
5 first degree. Except as provided in N.J.S.2C:35-12, the court shall  
6 impose a term of imprisonment which shall include the imposition  
7 of a minimum term, fixed at, or between, one-third and one-half of  
8 the sentence imposed by the court, during which the defendant shall  
9 be ineligible for parole. Notwithstanding the provisions of  
10 subsection a. of N.J.S.2C:43-3, a fine of up to **【\$500,000.00】**  
11 \$500,000 may be imposed;

12 (7) Lysergic acid diethylamide, or its analog, in a quantity of  
13 less than 100 milligrams including any adulterants or dilutants, or  
14 where the amount is undetermined, or phencyclidine, or its analog,  
15 in a quantity of less than 10 grams including any adulterants or  
16 dilutants, or where the amount is undetermined, is guilty of a crime  
17 of the second degree;

18 (8) Methamphetamine, or its analog, or phenyl-2-propanone  
19 (P2P), in a quantity of five ounces or more including any  
20 adulterants or dilutants is guilty of a crime of the first degree.  
21 Notwithstanding the provisions of subsection a. of N.J.S.2C:43-3, a  
22 fine of up to **【\$300,000.00】** \$300,000 may be imposed;

23 (9) (a) Methamphetamine, or its analog, or phenyl-2-propanone  
24 (P2P), in a quantity of one-half ounce or more but less than five  
25 ounces including any adulterants or dilutants is guilty of a crime of  
26 the second degree;

27 (b) Methamphetamine, or its analog, or phenyl-2-propanone  
28 (P2P), in a quantity of less than one-half ounce including any  
29 adulterants or dilutants is guilty of a crime of the third degree  
30 except that notwithstanding the provisions of subsection b. of  
31 N.J.S.2C:43-3, a fine of up to **【\$75,000.00】** \$75,000 may be  
32 imposed;

33 (10) (a) Marijuana in a quantity of 25 pounds or more  
34 including any adulterants or dilutants, or 50 or more marijuana  
35 plants, regardless of weight, or hashish in a quantity of five pounds  
36 or more including any adulterants or dilutants, is guilty of a crime  
37 of the first degree. Notwithstanding the provisions of subsection a.  
38 of N.J.S.2C:43-3, a fine of up to **【\$300,000.00】** \$300,000 may be  
39 imposed;

40 (b) Marijuana in a quantity of five pounds or more but less than  
41 25 pounds including any adulterants or dilutants, or 10 or more but  
42 fewer than 50 marijuana plants, regardless of weight, or hashish in a  
43 quantity of one pound or more but less than five pounds, including  
44 any adulterants and dilutants, is guilty of a crime of the second  
45 degree;

46 (11) **【Marijuana】** (a) Prior to the effective date of P.L. \_\_\_\_\_,  
47 c. (C. \_\_\_\_\_) (pending before the Legislature as this bill), marijuana  
48 in a quantity of one ounce or more but less than five pounds

1 including any adulterants or dilutants, or hashish in a quantity of  
2 five grams or more but less than one pound including any  
3 adulterants or dilutants, is guilty of a crime of the third degree  
4 except that, notwithstanding the provisions of subsection b. of  
5 N.J.S.2C:43-3, a fine of up to **[\$25,000.00]** \$25,000 may be  
6 imposed;

7 (b) On and after the effective date of P.L. , c. (C. )  
8 (pending before the Legislature as this bill), marijuana in a quantity  
9 of more than one ounce but less than five pounds including any  
10 adulterants or dilutants, or hashish in a quantity of more than five  
11 grams but less than one pound including any adulterants or  
12 dilutants, is guilty of a crime of the third degree except that,  
13 notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a  
14 fine of up to \$25,000 may be imposed;

15 (12) **【Marijuana】** (a) Prior to the effective date of P.L. ,  
16 c. (C. ) (pending before the Legislature as this bill), marijuana  
17 in a quantity of less than one ounce including any adulterants or  
18 dilutants, or hashish in a quantity of less than five grams including  
19 any adulterants or dilutants, is guilty of a crime of the fourth  
20 degree;

21 (b) On and after the effective date of P.L. , c. (C. )  
22 (pending before the Legislature as this bill), marijuana in a quantity  
23 of one ounce or less including any adulterants or dilutants, or  
24 hashish in a quantity of five grams or less including any adulterants  
25 or dilutants, is, for a first offense, subject to a written warning,  
26 which also indicates that any subsequent violation is a crime  
27 punishable by a term of imprisonment, a fine, or both, and for a  
28 second or subsequent offense, is guilty of a crime of the fourth  
29 degree;

30 (i) The odor of marijuana or hashish, or burnt marijuana or  
31 hashish, shall not constitute reasonable articulable suspicion to  
32 initiate a search of a person to determine a violation of  
33 subparagraph (b) of paragraph (12) of this subsection. A person  
34 who violates this subparagraph shall not be subject to arrest,  
35 detention, or otherwise be taken into custody, unless the person is  
36 being arrested, detained, or otherwise taken into custody for also  
37 committing another violation of law for which that action is legally  
38 permitted or required;

39 (ii) A person shall not be deprived of any legal or civil right,  
40 privilege, benefit, or opportunity provided pursuant to any law  
41 solely by reason of committing a violation of subparagraph (b) of  
42 paragraph (12) of this subsection, nor shall committing one or more  
43 violations modify any legal or civil right, privilege, benefit, or  
44 opportunity provided pursuant to any law, including, but not limited  
45 to, the granting, renewal, forfeiture, or denial of a license, permit,  
46 or certification, qualification for and the receipt, alteration,  
47 continuation, or denial of any form of financial assistance, housing  
48 assistance, or other social services, rights of or custody by a



1 biological parent, or adoptive or foster parent, or other legal  
2 guardian of a child or newborn infant, or pregnant woman, in any  
3 action or proceeding by the Division of Child Protection and  
4 Permanency in the Department of Children and Families, or  
5 qualification, approval, or disapproval to serve as a foster parent or  
6 other legal guardian;

7 (iii) All local and county law enforcement authorities shall,  
8 following the submission process used for the uniform crime  
9 reporting system established by P.L.1966, c.37 (C.52:17B-  
10 5.1 et seq.), submit a quarterly report to the Uniform Crime  
11 Reporting Unit, within the Division of State Police in the  
12 Department of Law and Public Safety, or to another designated  
13 recipient determined by the Attorney General, containing the  
14 number of violations of subparagraph (b) of paragraph (12) of this  
15 subsection committed within their respective jurisdictions, plus the  
16 race, ethnicity, gender, and age of each person committing a  
17 violation, and the disposition of each person's violation. These  
18 violations and associated information, along with a quarterly  
19 summary of violations investigated, and associated information  
20 collected, by the Division of State Police for the same period shall  
21 be summarized by county and municipality in an annual report, and  
22 both quarterly summaries and annual reports shall be made  
23 available at no cost to the public on the Division of State Police's  
24 Internet website;

25 (13) Any other controlled dangerous substance classified in  
26 Schedule I, II, III or IV, or its analog, is guilty of a crime of the  
27 third degree, except that, notwithstanding the provisions of  
28 subsection b. of N.J.S.2C:43-3, a fine of up to **[\$25,000.00]**  
29 \$25,000 may be imposed; or

30 (14) Any Schedule V substance, or its analog, is guilty of a  
31 crime of the fourth degree except that, notwithstanding the  
32 provisions of subsection b. of N.J.S.2C:43-3, a fine of up to  
33 **[\$25,000.00]** \$25,000 may be imposed.

34 c. Where the degree of the offense for violation of this section  
35 depends on the quantity of the substance, the quantity involved  
36 shall be determined by the trier of fact, other than with respect to a  
37 first violation of subparagraph (b) of paragraph (12) of subsection  
38 b. of this section which is subject to a written warning as set forth in  
39 that subparagraph. Where the indictment or accusation so provides,  
40 the quantity involved in individual acts of manufacturing,  
41 distribution, dispensing or possessing with intent to distribute may  
42 be aggregated in determining the grade of the offense, whether  
43 distribution or dispensing is to the same person or several persons,  
44 provided that each individual act of manufacturing, distribution,  
45 dispensing or possession with intent to distribute was committed  
46 within the applicable statute of limitations.<sup>3</sup>

47 (cf: P.L.2000, c.136, s.1)

1       <sup>3</sup>2. N.J.S.2C:35-10 is amended to read as follows:

2       2C:35-10. Possession, Use or Being Under the Influence, or  
3 Failure to Make Lawful Disposition.

4       a. It is unlawful for any person, knowingly or purposely, to  
5 obtain, or to possess, actually or constructively, a controlled  
6 dangerous substance or controlled substance analog, unless the  
7 substance was obtained directly, or pursuant to a valid prescription  
8 or order form from a practitioner, while acting in the course of his  
9 professional practice, or except as otherwise authorized by  
10 P.L.1970, c.226 (C.24:21-1 et seq.). Any person who violates this  
11 section with respect to:

12       (1) A controlled dangerous substance, or its analog, classified in  
13 Schedule I, II, III or IV other than those specifically covered in this  
14 section, is guilty of a crime of the third degree except that,  
15 notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a  
16 fine of up to ~~【\$35,000.00】~~ \$35,000 may be imposed;

17       (2) Any controlled dangerous substance, or its analog, classified  
18 in Schedule V, is guilty of a crime of the fourth degree except that,  
19 notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a  
20 fine of up to ~~【\$15,000.00】~~ \$15,000 may be imposed;

21       (3) ~~【Possession】~~ (a) Prior to the effective date of P.L. \_\_\_\_\_,  
22 c. (C. \_\_\_\_\_) (pending before the Legislature as this bill),  
23 possession of more than 50 grams of marijuana, including any  
24 adulterants or dilutants, or more than five grams of hashish is guilty  
25 of a crime of the fourth degree, except that, notwithstanding the  
26 provisions of subsection b. of N.J.S.2C:43-3, a fine of up to  
27 【\$25,000.00】 \$25,000 may be imposed; ~~【or】~~

28       (b) On and after to the effective date of P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_)  
29 (pending before the Legislature as this bill), possession of more  
30 than six ounces of marijuana, including any adulterants or dilutants,  
31 or more than 17 grams of hashish is guilty of a crime of the fourth  
32 degree, except that, notwithstanding the provisions of subsection b.  
33 of N.J.S.2C:43-3, a fine of up to \$25,000 may be imposed;

34       (i) The odor of marijuana or hashish, or burnt marijuana or  
35 hashish, shall not constitute reasonable articulable suspicion to  
36 initiate a search of a person to determine a violation of  
37 subparagraph (b) of paragraph (3) of this subsection. A person  
38 who violates this paragraph shall not be subject to arrest, detention,  
39 or otherwise be taken into custody, unless the person is being  
40 arrested, detained, or otherwise taken into custody for also  
41 committing another violation of law for which that action is legally  
42 permitted or required;

43       (ii) A person shall not be deprived of any legal or civil right,  
44 privilege, benefit, or opportunity provided pursuant to any law  
45 solely by reason of committing a violation of subparagraph (b) of  
46 paragraph (3) of this subsection, nor shall committing one or more  
47 violations modify any legal or civil right, privilege, benefit, or  
48 opportunity provided pursuant to any law, including, but not limited

1 to, the granting, renewal, forfeiture, or denial of a license, permit,  
2 or certification, qualification for and the receipt, alteration,  
3 continuation, or denial of any form of financial assistance, housing  
4 assistance, or other social services, rights of or custody by a  
5 biological parent, or adoptive or foster parent, or other legal  
6 guardian of a child or newborn infant, or pregnant woman, in any  
7 action or proceeding by the Division of Child Protection and  
8 Permanency in the Department of Children and Families, or  
9 qualification, approval, or disapproval to serve as a foster parent or  
10 other legal guardian;

11 (iii) All local and county law enforcement authorities shall,  
12 following the submission process used for the uniform crime  
13 reporting system established by P.L.1966, c.37 (C.52:17B-  
14 5.1 et seq.), submit a quarterly report to the Uniform Crime  
15 Reporting Unit, within the Division of State Police in the  
16 Department of Law and Public Safety, or to another designated  
17 recipient determined by the Attorney General, containing the  
18 number of violations of subparagraph (b) of paragraph (3) of this  
19 subsection committed within their respective jurisdictions, plus the  
20 race, ethnicity, gender, and age of each person committing a  
21 violation, and the disposition of each person's violation. These  
22 violations and associated information, along with a quarterly  
23 summary of violations investigated, and associated information  
24 collected, by the Division of State Police for the same period shall  
25 be summarized by county and municipality in an annual report, and  
26 both quarterly summaries and annual reports shall be made  
27 available at no cost to the public on the Division of State Police's  
28 Internet website; or

29 (4) **【Possession】** (a) Prior to the effective date of P.L. \_\_\_\_\_, c.  
30 (C. \_\_\_\_\_) (pending before the Legislature as this bill), possession of  
31 50 grams or less of marijuana, including any adulterants or  
32 dilutants, or five grams or less of hashish is a disorderly person;

33 (b) On and after the effective date of P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_)  
34 (pending before the Legislature as this bill), possession of six  
35 ounces or less of marijuana, including any adulterants or dilutants,  
36 or 17 grams or less of hashish is not subject to any punishment, as  
37 this possession is not a crime, offense, act of delinquency, or civil  
38 violation of law;

39 Any person who commits any offense **【defined in】** set forth in  
40 paragraphs (1) through (3) of this 【section】 subsection while on any  
41 property used for school purposes which is owned by or leased to  
42 any elementary or secondary school or school board, or within  
43 1,000 feet of any such school property or a school bus, or while on  
44 any school bus, and who is not sentenced to a term of  
45 imprisonment, shall, in addition to any other sentence which the  
46 court may impose, be required to perform not less than 100 hours of  
47 community service.

1 b. (1) Any person who uses or who is under the influence of  
2 any controlled dangerous substance, or its analog, not including  
3 marijuana or hashish, for a purpose other than the treatment of  
4 sickness or injury as lawfully prescribed or administered by a  
5 physician is a disorderly person.

6 In a prosecution under this subsection, it shall not be necessary  
7 for the State to prove that the accused did use or was under the  
8 influence of any specific, prohibited drug, but it shall be sufficient  
9 for a conviction under this subsection for the State to prove that the  
10 accused did use or was under the influence of some prohibited  
11 controlled dangerous substance, counterfeit controlled dangerous  
12 substance, or controlled substance analog, by proving that the  
13 accused did manifest physical and physiological symptoms or  
14 reactions caused by the use of any prohibited controlled dangerous  
15 substance or controlled substance analog.

16 (2) Notwithstanding that using or being under the influence of  
17 marijuana or hashish is not a punishable crime, offense, act of  
18 delinquency, or civil violation pursuant to this subsection, the  
19 smoking, vaping, or aerosolizing of marijuana or hashish may be  
20 prohibited or otherwise regulated on or in any property by the  
21 person or entity that owns or controls that property, including  
22 multifamily housing that is a multiple dwelling as defined in section  
23 3 of P.L.1967, c.76 (C.55:13A-3), the structure or specific units of  
24 the structure of a cooperative as defined in section 3 of P.L.1987,  
25 c.381 (C.46:8D-3), the units of a condominium, as those terms are  
26 defined by section 3 of P.L.1969, c.257 (C.46:8B-3), or a site in a  
27 mobile home park as defined in section 3 of P.L.1983, c.386  
28 (C.40:55D-102), which site is leased to the owner of a  
29 manufactured home, as defined in that section, that is installed  
30 thereon.

31 c. Any person who knowingly obtains or possesses a controlled  
32 dangerous substance or controlled substance analog in violation of  
33 paragraph (1) or (2) of subsection a. of this section and who fails to  
34 voluntarily deliver the substance to the nearest law enforcement  
35 officer is guilty of a disorderly persons offense. Nothing in this  
36 subsection shall be construed to preclude a prosecution or  
37 conviction for any other offense defined in this title or any other  
38 statute.<sup>3</sup>

39 (cf: P.L.1997, c.181, s.6)

40  
41 <sup>3</sup>3. N.J.S.2C:36-2 is amended to read as follows:

42 2C:36-2. a. Use or possession with intent to use, disorderly  
43 persons offense. It shall be unlawful for any person to use, or to  
44 possess with intent to use, drug paraphernalia to plant, propagate,  
45 cultivate, grow, harvest, manufacture, compound, convert, produce,  
46 process, prepare, test, analyze, pack, repack, store, contain, conceal,  
47 ingest, inhale, or otherwise introduce into the human body a  
48 controlled dangerous substance, controlled substance analog or

1 toxic chemical in violation of the provisions of chapter 35 of this  
2 title, other than when used, or possessed with intent to use, for  
3 ingesting, inhaling, or otherwise introducing marijuana or hashish  
4 into the human body. Any person who violates this section is guilty  
5 of a disorderly persons offense.

6 b. Notwithstanding that using or possessing with intent to use  
7 drug paraphernalia to ingest, inhale, or otherwise introduce  
8 marijuana or hashish into the human body is not a punishable crime,  
9 offense, act of delinquency, or civil violation pursuant to this  
10 section, the use of drug paraphernalia for that purpose may be  
11 prohibited or otherwise regulated on or in any property by the  
12 person or entity that owns or controls that property, including  
13 multifamily housing that is a multiple dwelling as defined in section  
14 3 of P.L.1967, c.76 (C.55:13A-3), the structure or specific units of  
15 the structure of a cooperative as defined in section 3 of P.L.1987,  
16 c.381 (C.46:8D-3), the units of a condominium, as those terms are  
17 defined by section 3 of P.L.1969, c.257 (C.46:8B-3), or a site in a  
18 mobile home park as defined in section 3 of P.L.1983, c.386  
19 (C.40:55D-102), which site is leased to the owner of a  
20 manufactured home, as defined in that section, that is installed  
21 thereon.<sup>3</sup>

22 (cf: P.L.2007, c.31, s.3)

23

24 <sup>3</sup>4. (New section) a. Except to the extent required to dismiss,  
25 withdraw, or terminate the charge, no prosecutor shall pursue any  
26 charge, including any charge of delinquency, based on crimes or  
27 offenses pending with a court on the first day of the fifth month  
28 next following the effective date of P.L. , c. (C. ) (pending  
29 before the Legislature as Second Reprint of Assembly Bill No. 21)  
30 that occurred prior to that effective date, involving manufacturing,  
31 distributing, or dispensing, or possessing or having under control  
32 with intent to manufacture, distribute, or dispense, marijuana or  
33 hashish in violation of paragraph (12) of subsection b. of  
34 N.J.S.2C:35-5, or obtaining, possessing, using, being under the  
35 influence of, or failing to make lawful disposition of marijuana or  
36 hashish in violation of paragraph (3) or (4) of subsection a., or  
37 subsection b., or subsection c. of N.J.S.2C:35-10, or a violation  
38 involving marijuana or hashish as described herein and a violation  
39 of N.J.S.2C:36-2 for using or possessing with intent to use drug  
40 paraphernalia with that marijuana or hashish, alone or in  
41 combination with each other, or a violation involving marijuana or  
42 hashish and a violation of section 1 of P.L.1964, c.289 (C.39:4-  
43 49.1) for possession of a controlled dangerous substance while  
44 operating a motor vehicle, alone or in combination with each other,  
45 or any disorderly persons offense or petty disorderly persons  
46 offense subject to conditional discharge pursuant to N.J.S.2C:36A-  
47 1. These non-prosecutable charges and cases shall be expeditiously  
48 dismissed, which may be accomplished by appropriate action by the

1 prosecutor based upon guidelines issued by the Attorney General,  
2 or the court's own motion based upon administrative directives  
3 issued by the Administrative Director of the Courts.

4 b. (1) On the first day of the fifth month next following the  
5 effective date of P.L. , c. (C. ) (pending before the  
6 Legislature as Second Reprint of Assembly Bill No. 21), any guilty  
7 verdict, plea, placement in a diversionary program, or other entry of  
8 guilt on a matter that was entered prior to that effective date, but the  
9 judgment of conviction or final disposition on the matter was not  
10 entered prior to that date, and the guilty verdict, plea, placement in  
11 a diversionary program, or other entry of guilt solely involved one  
12 or more crimes or offenses, or delinquent acts which if committed  
13 by an adult would constitute one or more crimes or offenses,  
14 enumerated in subsection a. of this section, that guilty verdict, plea,  
15 placement in a diversionary program, or other entry of guilt shall be  
16 vacated by operation of law. The Administrative Director of the  
17 Courts, in consultation with the Attorney General, may take any  
18 administrative action as may be necessary to vacate the guilty  
19 verdict, plea, placement in a diversionary program, or other entry of  
20 guilt.

21 (2) On the first day of the fifth month next following the  
22 effective date of P.L. , c. (C. ) (pending before the  
23 Legislature as Second Reprint of Assembly Bill No. 21), any  
24 conviction, remaining sentence, ongoing supervision, or unpaid  
25 court-ordered financial assessment as defined in section 8 of  
26 P.L.2017, c.244 (C.2C:52-23.1) of any person who, on that effective  
27 date, is or will be serving a sentence of incarceration, probation,  
28 parole or other form of community supervision as a result of the  
29 person's conviction or adjudication of delinquency solely for one or  
30 more crimes or offenses, or delinquent acts which if committed by  
31 an adult would constitute one or more crimes or offenses,  
32 enumerated in subsection a. of this section, shall have the  
33 conviction, remaining sentence, ongoing supervision, or unpaid  
34 court-ordered financial assessment vacated by operation of law.  
35 The Administrative Director of the Courts, in consultation with the  
36 Attorney General, may take any administrative action as may be  
37 necessary to vacate the conviction, remaining sentence, ongoing  
38 supervision, or unpaid court-ordered financial assessment.<sup>3</sup>

39  
40 <sup>35.</sup> (New section) On the first day of the fifth month next  
41 following the effective date of P.L. , c. (C. ) (pending before  
42 the Legislature as Second Reprint of Assembly Bill No. 21), any  
43 case that, prior to that effective date, includes a conviction or  
44 adjudication of delinquency solely for one or more crimes or  
45 offenses involving manufacturing, distributing, or dispensing, or  
46 possessing or having under control with intent to manufacture,  
47 distribute, or dispense, marijuana or hashish in violation of  
48 paragraph (12) of subsection b. of N.J.S.2C:35-5, or obtaining,

1 possessing, using, being under the influence of, or failing to make  
 2 lawful disposition of marijuana or hashish in violation of paragraph  
 3 (3) or (4) of subsection a., or subsection b., or subsection c. of  
 4 N.J.S.2C:35-10, or a violation involving marijuana or hashish as  
 5 described herein and a violation of N.J.S.2C:36-2 for using or  
 6 possessing with intent to use drug paraphernalia with that marijuana  
 7 or hashish, alone or in combination with each other, or any  
 8 disorderly persons offense or petty disorderly persons offense  
 9 subject to conditional discharge pursuant to N.J.S.2C:36A-1, shall  
 10 be expunged by operation of law, and any remaining sentence,  
 11 ongoing supervision, or unpaid court-ordered financial assessment  
 12 as defined in section 8 of P.L.2017, c.244 (C.2C:52-23.1) shall be  
 13 vacated by operation of law. The Administrative Director of the  
 14 Courts, in consultation with the Attorney General, may take any  
 15 administrative action as may be necessary to expeditiously  
 16 effectuate the expungement of records associated with any  
 17 expunged matter.<sup>3</sup>

18  
 19 <sup>1</sup>6. Section 6 of P.L.2019, c.269 (C.2C:52-5.2) is amended to  
 20 read as follows:

21 6. a. (1) No later than three months after the effective date of  
 22 this section, the Administrative Office of the Courts shall develop  
 23 and maintain a system for sealing records from the public, upon  
 24 order of a court, pertaining to offenses **[or] <sup>2</sup>[,] or<sup>2</sup>** delinquent acts  
 25 **<sup>2</sup>[, or unlawful acts subject to a civil penalty,]<sup>2</sup> <sup>1</sup>[or community**  
 26 **service in lieu of payment of a penalty,]<sup>1</sup>** involving marijuana or  
 27 hashish as described in this section. Once the system is developed,  
 28 unless otherwise provided by law, a court shall order the  
 29 nondisclosure to the public of the records of the court and probation  
 30 services, and records of law enforcement agencies with respect to  
 31 any arrest, conviction, **[or] <sup>2</sup>or<sup>2</sup>** adjudication of delinquency **<sup>2</sup>[, or**  
 32 **imposition of a civil penalty]<sup>2</sup> <sup>1</sup>[or community service]<sup>1</sup> , and any  
 33 proceedings related thereto, upon disposition of any case occurring  
 34 on or after the development of the system for sealing records that  
 35 solely includes the following convictions **[or] <sup>2</sup>[,] or<sup>2</sup>**  
 36 **adjudications of delinquency <sup>2</sup>[, or imposition of civil penalties]<sup>2</sup>**  
 37 **<sup>1</sup>[or community service]<sup>1</sup>:****

38 (a) any number of offenses for, **[or] <sup>2</sup>or<sup>2</sup>** delinquent acts which  
 39 if committed by an adult would constitute, **[unlawful distribution**  
 40 **of] <sup>2</sup>[or unlawful acts subject to a civil penalty <sup>1</sup>[, or community**  
 41 **service in lieu of payment of a penalty]<sup>1</sup> for,]<sup>2</sup> **manufacturing,**  
 42 **distributing, or dispensing,** or possessing or having under control  
 43 with intent to **manufacture, distribute, or dispense,** marijuana or  
 44 hashish in violation of paragraph (12) of subsection b. of  
 45 N.J.S.2C:35-5, or a violation of that paragraph and a violation of  
 46 subsection a. of section 1 of P.L.1987, c.101 (C.2C:35-7) or  
 47 subsection a. of section 1 of P.L.1997, c.327 (C.2C:35-7.1) for**

1 distributing, or possessing or having under control with intent to  
2 distribute, on or within 1,000 feet of any school property, or on or  
3 within 500 feet of the real property comprising a public housing  
4 facility, public park, or public building; or

5 (b) any number of offenses for, ~~or~~<sup>2</sup> delinquent acts which  
6 if committed by an adult would constitute, ~~or unlawful acts~~<sup>2</sup>  
7 subject to a civil penalty <sup>1</sup>, or community service in lieu of  
8 payment of a penalty <sup>1</sup> for. <sup>2</sup> obtaining ~~],~~ or possessing ~~],~~ using,  
9 being under the influence of, or failing to make lawful disposition  
10 of ~~]~~ marijuana or hashish in violation of paragraph (3) <sup>1</sup>~~or (4)~~ <sup>1</sup> of  
11 subsection a. ~~],~~ or subsection b., or subsection c. ~~]~~ of N.J.S.2C:35-  
12 10 ~~]; or~~ ~~].~~

13 (c) ~~any number of offenses for, or delinquent acts which if~~  
14 ~~committed by an adult would constitute, a violation involving~~  
15 ~~marijuana or hashish as described in subparagraph (a) or (b) of this~~  
16 ~~paragraph and using or possessing with intent to use drug~~  
17 ~~paraphernalia with that marijuana or hashish in violation of~~  
18 ~~N.J.S.2C:36-2.] (Deleted by amendment, P.L. \_\_\_\_\_, c. \_\_\_\_\_) (pending~~  
19 ~~before the Legislature as this bill)~~

20 (2) If the disposition of the case includes a court-ordered  
21 financial assessment subject to collection under the comprehensive  
22 enforcement program established pursuant to P.L.1995, c.9  
23 (C.2B:19-1 et al.), then at the time of issuing the sealing order, the  
24 court shall also enter a civil judgment for the unpaid portion of the  
25 court-ordered financial assessment in the name of the Treasurer,  
26 State of New Jersey and transfer collections and disbursement  
27 responsibility to the State Treasurer for the outstanding amount 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 means and  
30 includes any fine, fee, penalty, restitution, and other form of  
31 financial assessment imposed by the court as part of the sentence  
32 for the conviction or convictions that are the subject of the sealing  
33 order, for which payment of restitution takes precedence in  
34 accordance with chapter 46 of Title 2C of the New Jersey Statutes.  
35 The Treasurer may specify, and the Administrative Office of the  
36 Courts shall collaborate with, the technical and informational  
37 standards required to effectuate the transfer of the collection and  
38 disbursement responsibilities. Notwithstanding any provision in this  
39 law or any other law to the contrary, the court shall have sole  
40 discretion to amend the judgment.

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

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

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

47 c. Upon the entry of a sealing order issued pursuant to  
48 subsection a. of this section, the proceedings in the case shall be



1 sealed and all index references shall be marked "not available" or  
2 "no record." Law enforcement agencies shall reply to requests for  
3 information or records of a person subject to a sealing order that  
4 there is no information or records. The person may also reply to  
5 any inquiry that there is no information or record, except that  
6 information subject to a sealing order shall be revealed by that  
7 person if seeking employment within the judicial branch or with a  
8 law enforcement or corrections agency, and the information shall  
9 continue to provide a disability to the extent provided by law.

10 d. Records subject to a sealing order issued pursuant to  
11 subsection a. of this section may be maintained for purposes of  
12 prior offender status, identification, and law enforcement purposes,  
13 provided that the records shall not be **【**considered whenever the  
14 Pretrial Services Program established by the Administrative Office  
15 of the Courts pursuant to section 11 of P.L.2014, c.31 (C.2A:162-  
16 25) conducts a risk assessment on an eligible defendant for the  
17 purpose of making recommendations to the court concerning an  
18 appropriate pretrial release decision in accordance with sections 1  
19 through 11 of P.L.2014, c.31 (C.2A:162-15 et seq.) or **】** <sup>2</sup>considered  
20 whenever the Pretrial Services Program established by the  
21 Administrative Office of the Courts pursuant to section 11 of  
22 P.L.2014, c.31 (C.2A:162-25) conducts a risk assessment on an  
23 eligible defendant for the purpose of making recommendations to  
24 the court concerning an appropriate pretrial release decision in  
25 accordance with sections 1 through 11 of P.L.2014, c.31 (C.2A:162-  
26 15 et seq.) or<sup>2</sup> used for sentencing purposes in any other case.<sup>1</sup>  
27 (cf: P.L.2019, c.269, s.6)

28  
29 <sup>1</sup>7. Section 3 of P.L.2014, c.31 (C.2A:162-17) is amended to  
30 read as follows:

31 3. Except as otherwise provided under sections 4 and 5 of  
32 P.L.2014, c.31 (C.2A:162-18 and C.2A:162-19) concerning a  
33 hearing on pretrial detention, a court shall make, pursuant to this  
34 section, a pretrial release decision for an eligible defendant without  
35 unnecessary delay, but in no case later than 48 hours after the  
36 eligible defendant's commitment to jail.

37 a. The court shall order the pretrial release of the eligible  
38 defendant on personal recognizance or on the execution of an  
39 unsecured appearance bond when, after considering all the  
40 circumstances, the Pretrial Services Program's risk assessment and  
41 recommendations on conditions of release prepared pursuant to  
42 section 11 of P.L.2014, c.31 (C.2A:162-25), and any information  
43 that may be provided by a prosecutor or the eligible defendant, the  
44 court finds that the release would reasonably assure the eligible  
45 defendant's appearance in court when required, the protection of the  
46 safety of any other person or the community, and that the eligible  
47 defendant will not obstruct or attempt to obstruct the criminal  
48 justice process.

1       b. (1) If the court does not find, after consideration, that the  
2 release described in subsection a. of this section will reasonably  
3 assure the eligible defendant's appearance in court when required,  
4 the protection of the safety of any other person or the community,  
5 and that the eligible defendant will not obstruct or attempt to  
6 obstruct the criminal justice process, the court may order the  
7 pretrial release of the eligible defendant subject to the following:

8       (a) the eligible defendant shall not commit any offense during  
9 the period of release;

10       (b) the eligible defendant shall avoid all contact with an alleged  
11 victim of the crime;

12       (c) the eligible defendant shall avoid all contact with all  
13 witnesses who may testify concerning the offense that are named in  
14 the document authorizing the eligible defendant's release or in a  
15 subsequent court order; and

16       (d) any one or more non-monetary conditions as set forth in  
17 paragraph (2) of this subsection.

18       (2) The non-monetary condition or conditions of a pretrial  
19 release ordered by the court pursuant to this paragraph shall be the  
20 least restrictive condition, or combination of conditions, that the  
21 court determines will reasonably assure the eligible defendant's  
22 appearance in court when required, the protection of the safety of  
23 any other person or the community, and that the eligible defendant  
24 will not obstruct or attempt to obstruct the criminal justice process,  
25 which may include that the eligible defendant:

26       (a) remain in the custody of a designated person, who agrees to  
27 assume supervision and to report any violation of a release  
28 condition to the court, if the designated person is able to reasonably  
29 assure the court that the eligible defendant will appear in court  
30 when required, will not pose a danger to the safety of any other  
31 person or the community, and will not obstruct or attempt to  
32 obstruct the criminal justice process;

33       (b) maintain employment, or, if unemployed, actively seek  
34 employment;

35       (c) maintain or commence an educational program;

36       (d) abide by specified restrictions on personal associations,  
37 place of abode, or travel;

38       (e) report on a regular basis to a designated law enforcement  
39 agency, or other agency, or pretrial services program;

40       (f) comply with a specified curfew;

41       (g) refrain from possessing a firearm, destructive device, or  
42 other dangerous weapon;

43       (h) refrain from excessive use of alcohol, or any <sup>2</sup>unlawful<sup>2</sup> use  
44 of a narcotic drug or other controlled substance without a  
45 prescription by a licensed medical practitioner <sup>2</sup>[, except that, the  
46 court's order shall not refrain the eligible defendant from using  
47 marijuana or hashish]<sup>2</sup>;

- 1 (i) undergo available medical, psychological, or psychiatric  
2 treatment, including treatment for drug or alcohol dependency, and  
3 remain in a specified institution if required for that purpose;
- 4 (j) return to custody for specified hours following release for  
5 employment, schooling, or other limited purposes;
- 6 (k) be placed in a pretrial home supervision capacity with or  
7 without the use of an approved electronic monitoring device. The  
8 court may order the eligible defendant to pay all or a portion of the  
9 costs of the electronic monitoring, but the court may waive the  
10 payment for an eligible defendant who is indigent and who has  
11 demonstrated to the court an inability to pay all or a portion of the  
12 costs; or
- 13 (l) satisfy any other condition that is necessary to reasonably  
14 assure the eligible defendant's appearance in court when required,  
15 the protection of the safety of any other person or the community,  
16 and that the eligible defendant will not obstruct or attempt to  
17 obstruct the criminal justice process, which shall not include any  
18 prohibition or restriction concerning <sup>2</sup>];
- 19 (a) an unlawful act subject only to a civil penalty for]<sup>2</sup>  
20 manufacturing, distributing, or dispensing, or possessing or having  
21 under control with intent to manufacture, distribute, or dispense,  
22 marijuana or hashish in violation of paragraph (12) of subsection b.  
23 of N.J.S.2C:35-5, or <sup>2</sup>[possessing any amount] possession<sup>2</sup> of  
24 marijuana or hashish <sup>2</sup>[that does not violate] in violation of<sup>2</sup>  
25 paragraph (3) of subsection a. of N.J.S.2C:35-10 <sup>2</sup>]; or
- 26 (b) the presence of any cannabinoid metabolites in any bodily  
27 fluids of the eligible defendant]<sup>2</sup>.
- 28 c. (1) If the court does not find, after consideration, that the  
29 release described in subsection a. or b. of this section will  
30 reasonably assure the eligible defendant's appearance in court when  
31 required, the court may order the pretrial release of the eligible  
32 defendant on monetary bail, other than an unsecured appearance  
33 bond. The court may only impose monetary bail pursuant to this  
34 subsection to reasonably assure the eligible defendant's appearance.  
35 The court shall not impose the monetary bail to reasonably assure  
36 the protection of the safety of any other person or the community or  
37 that the eligible defendant will not obstruct or attempt to obstruct  
38 the criminal justice process, or for the purpose of preventing the  
39 release of the eligible defendant.
- 40 (2) If the eligible defendant is unable to post the monetary bail  
41 imposed by the court pursuant to this subsection, and for that reason  
42 remains detained in jail, the provisions of section 8 of P.L.2014,  
43 c.31 (C.2A:162-22) shall apply to the eligible defendant.
- 44 d. (1) If the court does not find, after consideration, that the  
45 release described in subsection a., b., or c. will reasonably assure  
46 the eligible defendant's appearance in court when required, the  
47 protection of the safety of any other person or the community, and  
48 that the eligible defendant will not obstruct or attempt to obstruct

1 the criminal justice process, the court may order the pretrial release  
2 of the eligible defendant using a combination of non-monetary  
3 conditions as set forth in subsection b. of this section, and monetary  
4 bail as set forth in subsection c. of this section.

5 (2) If the eligible defendant is unable to post the monetary bail  
6 imposed by the court in combination with non-monetary conditions  
7 pursuant to this subsection, and for that reason remains detained in  
8 jail, the provisions of section 8 of P.L.2014, c.31 (C.2A:162-22)  
9 shall apply to the eligible defendant.

10 e. For purposes of the court's consideration for pretrial release  
11 described in this section, with respect to whether the particular  
12 method of release will reasonably assure that the eligible defendant  
13 will not obstruct or attempt to obstruct the criminal justice process,  
14 this reasonable assurance may be deemed to exist if the prosecutor  
15 does not provide the court with information relevant to the risk of  
16 whether the eligible defendant will obstruct or attempt to obstruct  
17 the criminal justice process.<sup>1</sup>  
18 (cf: P.L.2014, c.31, s.3)

19

20 <sup>1</sup>8. Section 6 of P.L.2014, c.31 (C.2A:162-20) is amended to  
21 read as follows:

22 6. In determining in a pretrial detention hearing whether no  
23 amount of monetary bail, non-monetary conditions or combination  
24 of monetary bail and conditions would reasonably assure the  
25 eligible defendant's appearance in court when required, the  
26 protection of the safety of any other person or the community, or  
27 that the eligible defendant will not obstruct or attempt to obstruct  
28 the criminal justice process, the court may take into account  
29 information concerning:

30 a. The nature and circumstances of the offense charged;

31 b. The weight of the evidence against the eligible defendant,  
32 except that the court may consider the admissibility of any evidence  
33 sought to be excluded;

34 c. The history and characteristics of the eligible defendant,  
35 including:

36 (1) the eligible defendant's character, physical and mental  
37 condition, family ties, employment, financial resources, length of  
38 residence in the community, community ties, past conduct, history  
39 relating to drug or alcohol abuse, criminal history, and record  
40 concerning [appearance] appearances at court proceedings, except  
41 with respect to these factors, the court shall not consider <sup>2</sup>[an  
42 unlawful act subject only to a civil penalty for] <sup>2</sup>manufacturing,  
43 distributing, or dispensing, or possessing or having under control  
44 with intent to manufacture, distribute, or dispense, marijuana or  
45 hashish in violation of paragraph (12) of subsection b. of  
46 N.J.S.2C:35-5, or <sup>2</sup>[possessing any amount] possession <sup>2</sup>of  
47 marijuana or hashish <sup>2</sup>[that does not violate] in violation of <sup>2</sup>  
48 paragraph (3) of subsection a. of N.J.S.2C:35-10; and

1 (2) whether, at the time of the current offense or arrest, the  
2 eligible defendant was on probation, parole, or on other release  
3 pending trial, sentencing, appeal, or completion of sentence for an  
4 offense under federal law, or the law of this or any other state;

5 d. The nature and seriousness of the danger to any other person  
6 or the community that would be posed by the eligible defendant's  
7 release, if applicable;

8 e. The nature and seriousness of the risk of obstructing or  
9 attempting to obstruct the criminal justice process that would be  
10 posed by the eligible defendant's release, if applicable; and

11 f. The release recommendation of the pretrial services program  
12 obtained using a risk assessment instrument under section 11 of  
13 P.L.2014, c.31 (C.2A:162-25).<sup>1</sup>

14 (cf: P.L.2014, c.31, s.6)

15  
16 <sup>1</sup>9. Section 10 of P.L.2014, c.31 (C.2A:162-24) is amended to  
17 read as follows:

18 10. a. Upon motion of a prosecutor, when an eligible defendant  
19 is released from custody before trial pursuant to section 3 or 8 of  
20 P.L.2014, c.31 (C.2A:162-17 or C.2A:162-22), the court, upon a  
21 finding that the eligible defendant while on release has violated a  
22 restraining order or condition of release, or upon a finding of  
23 probable cause to believe that the eligible defendant has committed  
24 a new crime while on release, may not revoke the eligible  
25 defendant's release and order that the eligible defendant be detained  
26 pending trial unless the court, after considering all relevant  
27 circumstances including but not limited to the nature and  
28 seriousness of the violation or criminal act committed, finds clear  
29 and convincing evidence that no monetary bail, non-monetary  
30 conditions of release or combination of monetary bail and  
31 conditions would reasonably assure the eligible defendant's  
32 appearance in court when required, the protection of the safety of  
33 any other person or the community, or that the eligible defendant  
34 will not obstruct or attempt to obstruct the criminal justice process.

35 b. A court shall not revoke an eligible defendant's release and  
36 order that the eligible defendant be detained pending trial based on  
37 <sup>2</sup>[(1) an unlawful act subject only to a civil penalty for]<sup>2</sup>  
38 manufacturing, distributing, or dispensing, or possessing or having  
39 under control with intent to manufacture, distribute, or dispense,  
40 marijuana or hashish in violation of paragraph (12) of subsection b.  
41 of N.J.S.2C:35-5, or <sup>2</sup>[possessing any amount] possession<sup>2</sup> of  
42 marijuana or hashish <sup>2</sup>[that does not violate] in violation of<sup>2</sup>  
43 paragraph (3) of subsection a. of N.J.S.2C:35-10 <sup>2</sup>]; or

44 (2) the presence of any cannabinoid metabolites in any bodily  
45 fluids of the eligible defendant]<sup>2</sup> .<sup>1</sup>

46 (cf: P.L.2014, c.31, s.10)

1       <sup>1</sup>10. Section 11 of P.L.2014, c.31 (C.2A:162-25) is amended to  
2 read as follows:

3       11. a. The Administrative Director of the Courts shall establish  
4 and maintain a Statewide Pretrial Services Program which shall  
5 provide pretrial services to effectuate the purposes of sections 1  
6 through 11 of P.L.2014, c.31 (C.2A:162-15 et seq.).

7       b. The Pretrial Services Program shall, after an eligible  
8 defendant is temporarily detained pursuant to subsection a. of  
9 section 2 of P.L.2014, c.31 (C.2A:162-16) following the issuance of  
10 a complaint-warrant, conduct a risk assessment on that eligible  
11 defendant for the purpose of making recommendations to the court  
12 concerning an appropriate pretrial release decision, including  
13 whether the eligible defendant shall be: released on the eligible  
14 defendant's own personal recognizance or on execution of an  
15 unsecured appearance bond; released on a non-monetary condition  
16 or conditions as set forth under subsection b. of section 3 of  
17 P.L.2014, c.31 (C.2A:162-17); released on monetary bail, other than  
18 an unsecured appearance bond; released on a combination of  
19 monetary bail and non-monetary conditions set forth under section  
20 3 of P.L.2014, c.31 (C.2A:162-17); or any other conditions  
21 necessary to effectuate the purposes of sections 1 through 11 of  
22 P.L.2014, c.31 (C.2A:162-15 et seq.). The risk assessment shall be  
23 completed and presented to the court so that the court can, without  
24 unnecessary delay, but in no case later than 48 hours after the  
25 eligible defendant's commitment to jail, make a pretrial release  
26 decision on the eligible defendant pursuant to section 3 of P.L.2014,  
27 c.31 (C.2A:162-17).

28       c. The pretrial risk assessment shall be conducted using a risk  
29 assessment instrument approved by the Administrative Director of  
30 the Courts that meets the requirements of this subsection.

31       (1) (a) The approved risk assessment instrument shall be  
32 objective, standardized, and developed based on analysis of  
33 empirical data and risk factors relevant to the risk of failure to  
34 appear in court when required and the danger to the community  
35 while on pretrial release. The risk assessment instrument shall not  
36 be required to include factors specifically pertaining to the risk for  
37 obstructing or attempting to obstruct the criminal justice process.

38       (b) The approved risk assessment instrument shall not consider a  
39 charge, including any charge of delinquency, conviction, or  
40 adjudication of delinquency, or civil penalty if the act was an  
41 unlawful act and not a crime or offense, based on a violation of any  
42 of the following, as risk factors relevant to the risk of failure to  
43 appear in court when required and the danger to the community  
44 while on pretrial release: manufacturing, distributing, or dispensing,  
45 or possessing or having under control with intent to manufacture,  
46 distribute, or dispense, marijuana or hashish in violation of  
47 paragraph (11) of subsection b. of N.J.S.2C:35-5, or a lesser amount  
48 of marijuana or hashish in violation of paragraph (12) of subsection

1 b. of that section; or a violation of either of those paragraphs and a  
2 violation of subsection a. of section 1 of P.L.1987, c.101 (C.2C:35-  
3 7) or subsection a. of section 1 of P.L.1997, c.327 (C.2C:35-7.1) for  
4 distributing, dispensing, or possessing with intent to distribute or  
5 dispense, on or within 1,000 feet of any school property, or on or  
6 within 500 feet of the real property comprising a public housing  
7 facility, public park, or public building; or obtaining, possessing,  
8 using, being under the influence of, or failing to make lawful  
9 disposition of marijuana or hashish in violation of paragraph (3) or  
10 (4) of subsection a., or subsection b., or subsection c. of  
11 N.J.S.2C:35-10; or a violation involving marijuana or hashish as  
12 described herein and a violation of N.J.S.2C:36-2 for using or  
13 possessing with intent to use drug paraphernalia with that marijuana  
14 or hashish.

15 (2) The approved risk assessment instrument shall gather  
16 demographic information about the eligible defendant including, but  
17 not limited to, race, ethnicity, gender, financial resources, and  
18 socio-economic status. Recommendations for pretrial release shall  
19 not be discriminatory based on race, ethnicity, gender, or socio-  
20 economic status.

21 d. In addition to the pretrial risk assessments made pursuant to  
22 this section, the Pretrial Services Program shall monitor appropriate  
23 eligible defendants released on conditions as ordered by the court.<sup>1</sup>  
24 (cf: P.L.2014, c.31, s.11)

25  
26 <sup>1</sup>11. N.J.S.2C:45-1 is amended to read as follows:

27 2C:45-1. Conditions of Suspension or Probation.

28 a. (1) When the court suspends the imposition of sentence on a  
29 person who has been convicted of an offense or sentences him to be  
30 placed on probation, it shall attach such reasonable conditions,  
31 authorized by this section, as it deems necessary to insure that he  
32 will lead a law-abiding life or is likely to assist him to do so. These  
33 conditions may be set forth in a set of standardized conditions  
34 promulgated by the county probation department and approved by  
35 the court.

36 (2) The following shall not be prohibited or restricted based on  
37 any conditions imposed pursuant to this section: <sup>2</sup>[(a) An unlawful  
38 act subject only to a civil penalty for]<sup>2</sup> manufacturing, distributing,  
39 or dispensing, or possessing or having under control with intent to  
40 manufacture, distribute, or dispense, marijuana or hashish in  
41 violation of paragraph (12) of subsection b. of N.J.S.2C:35-5; or  
42 <sup>2</sup>[possessing any amount] possession<sup>2</sup> of marijuana or hashish  
43 <sup>2</sup>[that does not violate] in violation of<sup>2</sup> paragraph (3) of subsection  
44 a. of N.J.S.2C:35-10 <sup>2</sup>]; or

45 (b) The presence of any cannabinoid metabolites in any bodily  
46 fluids of the person]<sup>2</sup>.

47 b. The court, as a condition of its order, may require the  
48 defendant:

- 1 (1) To support his dependents and meet his family  
2 responsibilities;
- 3 (2) To find and continue in gainful employment;
- 4 (3) To undergo available medical or psychiatric treatment and to  
5 enter and remain in a specified institution, when required for that  
6 purpose;
- 7 (4) To pursue a prescribed secular course of study or vocational  
8 training;
- 9 (5) To attend or reside in a facility established for the  
10 instruction, recreation or residence of persons on probation;
- 11 (6) To refrain from frequenting unlawful or disreputable places  
12 or consorting with disreputable persons;
- 13 (7) Not to have in his possession any firearm or other dangerous  
14 weapon unless granted written permission;
- 15 (8) (Deleted by amendment, P.L.1991, c.329);
- 16 (9) To remain within the jurisdiction of the court and to notify  
17 the court or the probation officer of any change in his address or his  
18 employment;
- 19 (10) To report as directed to the court or the probation officer,  
20 to permit the officer to visit his home, and to answer all reasonable  
21 inquiries by the probation officer;
- 22 (11) To pay a fine;
- 23 (12) To satisfy any other conditions reasonably related to the  
24 rehabilitation of the defendant and not unduly restrictive of his  
25 liberty or incompatible with his freedom of conscience;
- 26 (13) To require the performance of community-related service;  
27 and
- 28 (14) To be subject to Internet access conditions pursuant to  
29 paragraph (2) of subsection d. of this section.

30 In addition to any condition of probation, the court may enter an  
31 order prohibiting a defendant who is convicted of a sex offense  
32 from having any contact with the victim including, but not limited  
33 to, entering the victim's residence, place of employment or business,  
34 or school, and from harassing or stalking the victim or victim's  
35 relatives in any way, and may order other protective relief as  
36 provided in section 2 of P.L.2007, c.133 (C.2C:14-12).

37 c. The court, as a condition of its order, shall require the  
38 defendant to pay any assessments required by section 2 of P.L.1979,  
39 c.396 (C.2C:43-3.1) and shall, consistent with the applicable  
40 provisions of N.J.S.2C:43-3, N.J.S.2C:43-4 and N.J.S.2C:44-2 or  
41 section 1 of P.L.1983, c.411 (C.2C:43-2.1) require the defendant to  
42 make restitution.

43 d. (1) In addition to any condition imposed pursuant to  
44 subsection b. or c., the court shall order a person placed on  
45 probation to pay a fee, not exceeding \$25.00 per month for the  
46 probationary term, to probation services for use by the State, except  
47 as provided in subsection g. of this section. This fee may be waived  
48 in cases of indigency upon application by the chief probation officer  
49 to the sentencing court.



1 (2) In addition to any conditions imposed pursuant to subsection  
2 b. or c., the court may order a person who has been convicted or  
3 adjudicated delinquent of a sex offense as defined in subsection b.  
4 of section 2 of P.L.1994, c.133 (C.2C:7-2), and who is required to  
5 register as provided in subsections c. and d. of section 2 of  
6 P.L.1994, c.133 (C.2C:7-2), or who has been convicted or  
7 adjudicated delinquent for a violation of N.J.S.2C:34-3 to be  
8 subject to any of the following Internet access conditions:

9 (a) Prohibit the person from accessing or using a computer or  
10 any other device with Internet capability without the prior written  
11 approval of the court, except the person may use a computer or any  
12 other device with Internet capability in connection with that  
13 person's employment or search for employment with the prior  
14 approval of the person's probation officer;

15 (b) Require the person to submit to periodic unannounced  
16 examinations of the person's computer or any other device with  
17 Internet capability by a probation officer, law enforcement officer  
18 or assigned computer or information technology specialist,  
19 including the retrieval and copying of all data from the computer or  
20 device and any internal or external peripherals and removal of such  
21 information, equipment or device to conduct a more thorough  
22 inspection;

23 (c) Require the person to submit to the installation on the  
24 person's computer or device with Internet capability, at the person's  
25 expense, one or more hardware or software systems to monitor the  
26 Internet use; and

27 (d) Require the person to submit to any other appropriate  
28 restrictions concerning the person's use or access of a computer or  
29 any other device with Internet capability.

30 e. When the court sentences a person who has been convicted  
31 of a crime to be placed on probation, it may require him to serve a  
32 term of imprisonment not exceeding 364 days as an additional  
33 condition of its order. When the court sentences a person convicted  
34 of a disorderly persons offense to be placed on probation, it may  
35 require him to serve a term of imprisonment not exceeding 90 days  
36 as an additional condition of its order. In imposing a term of  
37 imprisonment pursuant to this subsection, the sentencing court shall  
38 specifically place on the record the reasons which justify the  
39 sentence imposed. The term of imprisonment imposed hereunder  
40 shall be treated as part of the sentence, and in the event of a  
41 sentence of imprisonment upon the revocation of probation, the  
42 term of imprisonment served hereunder shall be credited toward  
43 service of such subsequent sentence. A term of imprisonment  
44 imposed under this section shall be governed by the "Parole Act of  
45 1979," P.L.1979, c.441 (C.30:4-123.45 et al.).

46 Whenever a person is serving a term of parole as a result of a  
47 sentence of incarceration imposed as a condition of probation,  
48 supervision over that person shall be maintained pursuant to the  
49 provisions of the law governing parole. Upon termination of the

1 period of parole supervision provided by law, the county probation  
2 department shall assume responsibility for supervision of the person  
3 under sentence of probation. Nothing contained in this section shall  
4 prevent the sentencing court from at any time proceeding under the  
5 provisions of this chapter against any person for a violation of  
6 probation.

7 f. The defendant shall be given a copy of the terms of his  
8 probation or suspension of sentence and any requirements imposed  
9 pursuant to this section, stated with sufficient specificity to enable  
10 him to guide himself accordingly. The defendant shall  
11 acknowledge, in writing, his receipt of these documents and his  
12 consent to their terms.

13 g. Of the moneys collected under the provisions of subsection  
14 d. of this section, \$15.00 of each monthly fee collected before  
15 January 1, 1995 shall be deposited in the temporary reserve fund  
16 created by section 25 of P.L.1993, c.275, and \$10.00 of each shall  
17 be deposited into a "Community Service Supervision Fund" which  
18 shall be established by each county. The moneys in the  
19 "Community Service Supervision Fund" shall be expended only in  
20 accordance with the provisions of State law as shall be enacted to  
21 provide for expenditures from this fund for the purpose of  
22 supervising and monitoring probationers performing community  
23 service to ensure, by whatever means necessary and appropriate,  
24 that probationers are performing the community service ordered by  
25 the court and that the performance is in the manner and under the  
26 terms ordered by the court.<sup>1</sup>

27 (cf: P.L.2007, c.219, s.4)

28

29 <sup>1</sup>12. N.J.S.2C:45-3 is amended to read as follows:

30 2C:45-3. a. At any time before the discharge of the defendant or  
31 the termination of the period of suspension or probation:

32 (1) The court may summon the defendant to appear before it or  
33 may issue a warrant for his arrest;

34 (2) A probation officer or peace officer, upon request of the  
35 chief probation officer or otherwise having probable cause to  
36 believe that the defendant has failed to comply with a requirement  
37 imposed as a condition of the order or that he has committed  
38 another offense, may arrest him without a warrant;

39 (3) The court, if there is probable cause to believe that the  
40 defendant has committed another offense or if he has been held to  
41 answer therefor, may commit him without bail, pending a  
42 determination of the charge by the court having jurisdiction  
43 thereof;

44 (4) The court, if satisfied that the defendant has inexcusably  
45 failed to comply with a substantial requirement imposed as a  
46 condition of the order or if he has been convicted of another  
47 offense, may revoke the suspension or probation and sentence or  
48 resentence the defendant, as provided in this section. No revocation

1 of suspension or probation shall be based on: (a) failure to pay a  
 2 fine or make restitution, unless the failure was willful; <sup>2</sup>or<sup>2</sup> (b) <sup>2</sup>[an  
 3 unlawful act subject only to a civil penalty for]<sup>2</sup> manufacturing,  
 4 distributing, or dispensing, or possessing or having under control  
 5 with intent to manufacture, distribute, or dispense, marijuana or  
 6 hashish in violation of paragraph (12) of subsection b. of  
 7 N.J.S.2C:35-5, or <sup>2</sup>[possessing any amount]<sup>2</sup> possession<sup>2</sup> of  
 8 marijuana or hashish <sup>2</sup>[that does not violate]<sup>2</sup> in violation of<sup>2</sup>  
 9 paragraph (3) of subsection a. of N.J.S.2C:35-10 <sup>2</sup>[; or (c) the  
 10 presence of any cannabinoid metabolites in any bodily fluids,  
 11 detected as a result of the administration of a drug test or any other  
 12 means]<sup>2</sup>.

13 b. When the court revokes a suspension or probation, it may  
 14 impose on the defendant any sentence that might have been  
 15 imposed originally for the offense of which he was convicted.

16 c. The commencement of a probation revocation proceeding  
 17 shall toll the probationary period until termination of such  
 18 proceedings. In the event that the court does not find a violation of  
 19 probation, this subsection shall not operate to toll the probationary  
 20 period.<sup>1</sup>

21 (cf: P.L.1981, c.290, s.41)

22  
 23 <sup>1</sup>13. Section 15 of P.L.1979, c.441 (C.30:4-123.59) is amended  
 24 to read as follows:

25 15. a. Each adult parolee shall at all times remain in the legal  
 26 custody of the Commissioner of Corrections and under the  
 27 supervision of the State Parole Board, except that the Commissioner  
 28 of Corrections, after providing notice to the Attorney General, may  
 29 consent to the supervision of a parolee by the federal government  
 30 pursuant to the Witness Security Reform Act, Pub.L.98-473 (18  
 31 U.S.C. s.3521 et seq.). An adult parolee, except those under the  
 32 Witness Security Reform Act, shall remain under the supervision of  
 33 the State Parole Board and in the legal custody of the Department of  
 34 Corrections in accordance with the policies and rules of the board.

35 b. (1) (a) Each parolee shall agree, as evidenced by his  
 36 signature to abide by specific conditions of parole established by  
 37 the appropriate board panel which shall be enumerated in writing in  
 38 a certificate of parole and shall be given to the parolee upon release.  
 39 Such conditions shall include, among other things, a requirement  
 40 that the parolee conduct himself in society in compliance with all  
 41 laws and refrain from committing any crime, a requirement that the  
 42 parolee will not own or possess any firearm as defined in subsection  
 43 f. of N.J.S.2C:39-1 or any other weapon enumerated in subsection r.  
 44 of N.J.S.2C:39-1, a requirement that the parolee refrain from the  
 45 <sup>2</sup>unlawful<sup>2</sup> use, <sup>2</sup>or <sup>2</sup>the<sup>2</sup> possession or distribution of a controlled  
 46 dangerous substance, controlled substance analog or imitation  
 47 controlled dangerous substance as defined in N.J.S.2C:35-2 and  
 48 N.J.S.2C:35-11, other than <sup>2</sup>[the use of marijuana or hashish, the]<sup>2</sup>

1 possession <sup>2</sup>[of any amount]<sup>2</sup> of marijuana or hashish <sup>2</sup>[that does  
2 not violate] in violation of<sup>2</sup> paragraph (3) of subsection a. of  
3 N.J.S.2C:35-10, and distribution <sup>2</sup>[that is an unlawful act subject  
4 only to a civil penalty pursuant to] of marijuana or hashish in  
5 violation of<sup>2</sup> paragraph (12) of subsection b. of N.J.S.2C:35-5, a  
6 requirement that the parolee obtain permission from his parole  
7 officer for any change in his residence, and a requirement that the  
8 parolee report at reasonable intervals to an assigned parole officer.  
9 In addition, based on prior history of the parolee or information  
10 provided by a victim or a member of the family of a murder victim,  
11 the member or board panel certifying parole release pursuant to  
12 section 11 of P.L.1979, c.441 (C.30:4-123.55) may impose any  
13 other specific conditions of parole deemed reasonable in order to  
14 reduce the likelihood of recurrence of criminal or delinquent  
15 behavior, including a requirement that the parolee comply with the  
16 Internet access conditions set forth in paragraph (2) of this  
17 subsection. Such special conditions may include, among other  
18 things, a requirement that the parolee make full or partial  
19 restitution, the amount of which restitution shall be set by the  
20 sentencing court upon request of the board. In addition, the member  
21 or board panel certifying parole release may, giving due regard to a  
22 victim's request, impose a special condition that the parolee have no  
23 contact with the victim, which special condition may include, but  
24 need not be limited to, restraining the parolee from entering the  
25 victim's residence, place of employment, business or school, and  
26 from harassing or stalking the victim or victim's relatives in any  
27 way. Further, the member, board panel or board certifying parole  
28 release may impose a special condition that the person shall not  
29 own or possess an animal for an unlawful purpose or to interfere in  
30 the performance of duties by a parole officer.

31 (b) The member or board panel certifying parole release shall  
32 not impose on any parolee any condition that would prohibit or  
33 restrict <sup>2</sup>[(i) the commission of an unlawful act subject only to a  
34 civil penalty for]<sup>2</sup> manufacturing, distributing, or dispensing, or  
35 possessing or having under control with intent to manufacture,  
36 distribute, or dispense, marijuana or hashish in violation of  
37 paragraph (12) of subsection b. of N.J.S.2C:35-5, or <sup>2</sup>[possessing  
38 any amount] possession<sup>2</sup> of marijuana or hashish <sup>2</sup>[that does not  
39 violate] in violation of<sup>2</sup> paragraph (3) of subsection a. of  
40 N.J.S.2C:35-10 <sup>2</sup>]; or (ii) the presence of any cannabinoid  
41 metabolites in any bodily fluids of the person]<sup>2</sup>.

42 (2) In addition, the member or board panel certifying parole  
43 release may impose on any person who has been convicted for the  
44 commission of a sex offense as defined in subsection b. of section 2  
45 of P.L.1994, c.133 (C.2C:7-2), and who is required to register as  
46 provided in subsections c. and d. of section 2 of P.L.1994, c.133

- 1 (C.2C:7-2), or who has been convicted for a violation of  
2 N.J.S.2C:34-3 any of the following Internet access conditions:
- 3 (a) Prohibit the person from accessing or using a computer or  
4 any other device with Internet capability without the prior written  
5 approval of the court, except the person may use a computer or any  
6 other device with Internet capability in connection with that  
7 person's employment or search for employment with the prior  
8 approval of the person's parole officer;
- 9 (b) Require the person to submit to periodic unannounced  
10 examinations of the person's computer or any other device with  
11 Internet capability by a parole officer, law enforcement officer or  
12 assigned computer or information technology specialist, including  
13 the retrieval and copying of all data from the computer or device  
14 and any internal or external peripherals and removal of such  
15 information, equipment or device to conduct a more thorough  
16 inspection;
- 17 (c) Require the person to submit to the installation on the  
18 person's computer or device with Internet capability, at the person's  
19 expense, one or more hardware or software systems to monitor the  
20 Internet use; and
- 21 (d) Require the person to submit to any other appropriate  
22 restrictions concerning the person's use or access of a computer or  
23 any other device with Internet capability.
- 24 c. The appropriate board panel may in writing relieve a parolee  
25 of any parole conditions, and may permit a parolee to reside outside  
26 the State pursuant to the provisions of the Uniform Act for Out-of-  
27 State Parolee Supervision (N.J.S.2A:168-14 et seq.) and, with the  
28 consent of the Commissioner of the Department of Corrections after  
29 providing notice to the Attorney General, the federal Witness  
30 Security Reform Act, if satisfied that the change will not result in a  
31 substantial likelihood that the parolee will commit an offense which  
32 would be a crime under the laws of this State. The appropriate  
33 board panel may revoke permission, except in the case of a parolee  
34 under the Witness Security Reform Act, or reinstate relieved parole  
35 conditions for any period of time during which a parolee is under its  
36 jurisdiction.
- 37 d. The appropriate board panel may parole an inmate to any  
38 residential facility funded in whole or in part by the State if the  
39 inmate would not otherwise be released pursuant to section 9 of  
40 P.L.1979, c.441 (C.30:4-123.53) without such placement. But if the  
41 residential facility provides treatment for mental illness or mental  
42 retardation, the board panel only may parole the inmate to the  
43 facility pursuant to the laws and admissions policies that otherwise  
44 govern the admission of persons to that facility, and the facility  
45 shall have the authority to discharge the inmate according to the  
46 laws and policies that otherwise govern the discharge of persons  
47 from the facility, on 10 days' prior notice to the board panel. The  
48 board panel shall acknowledge receipt of this notice in writing prior

1 to the discharge. Upon receipt of the notice the board panel shall  
2 resume jurisdiction over the inmate.

3 e. Parole officers shall provide assistance to the parolee in  
4 obtaining employment, education, or vocational training or in  
5 meeting other obligations to assure the parolee's compliance with  
6 meeting legal requirements related to sex offender notification,  
7 address changes and participation in rehabilitation programs as  
8 directed by the assigned parole officer.

9 f. (Deleted by amendment, P.L.2019, c.363)

10 g. If the board has granted parole to any inmate from a State  
11 correctional facility and the court has imposed a fine on the inmate,  
12 the appropriate board panel shall release the inmate on condition  
13 that the parolee make specified fine payments to the State Parole  
14 Board. For violation of these conditions, or for violation of a  
15 special condition requiring restitution, parole may be revoked only  
16 for refusal or failure to make a good faith effort to make the  
17 payment.

18 h. Upon collection of the fine the Department of Corrections  
19 shall forward it to the State Treasury.<sup>1</sup>

20 (cf: P.L.2019, c.363, s.12)

21

22 <sup>1</sup>14. Section 16 of P.L.1979, c.441 (C.30:4-123.60) is amended  
23 to read as follows:

24 16. a. Any parolee who violates a condition of parole may be  
25 subject to an order pursuant to section 17 of P.L.1979, c.441  
26 (C.30:4-123.61) providing for one or more of the following:

27 (1) ~~That~~ that he be required to conform to one or more  
28 additional conditions of parole;

29 (2) ~~That~~ that he forfeit all or a part of commutation time  
30 credits granted pursuant to R.S.30:4-140.

31 An order as described in this subsection shall not be based on <sup>2</sup>[:  
32 an unlawful act subject only to a civil penalty for]<sup>2</sup> manufacturing,  
33 distributing, or dispensing, or possessing or having under control  
34 with intent to manufacture, distribute, or dispense, marijuana or  
35 hashish in violation of paragraph (12) of subsection b. of  
36 N.J.S.2C:35-5, or <sup>2</sup>[possessing any amount] possession<sup>2</sup> of  
37 marijuana or hashish <sup>2</sup>[that does not violate] in violation of<sup>2</sup>  
38 paragraph (3) of subsection a. of N.J.S.2C:35-10 <sup>2</sup>[: or the presence  
39 of any cannabinoid metabolites in any bodily fluids, detected as a  
40 result of the administration of a drug test or any other means]<sup>2</sup>.

41 b. (1) Any parolee who has seriously or persistently violated  
42 the conditions of his parole, may have his parole revoked and may  
43 be returned to custody pursuant to sections 18 and 19 of P.L.1979,  
44 c.441 (C.30:4-123.62 and 30:4-123.63). The board shall be notified  
45 immediately upon the arrest or indictment of a parolee or upon the  
46 filing of charges that the parolee committed an act which, if  
47 committed by an adult, would constitute a crime. The board shall  
48 not revoke parole on the basis of new charges which have not

1 resulted in a disposition at the trial level except that upon  
 2 application by the prosecuting authority or the Director of the State  
 3 Parole Board's Division of Parole or his designee, the chairman of  
 4 the board or his designee may at any time detain the parolee and  
 5 commence revocation proceedings pursuant to sections 18 and 19 of  
 6 P.L.1979, c.441 (C.30:4-123.62 and 30:4-123.63) when the  
 7 chairman determines that the new charges against the parolee are of  
 8 a serious nature and it appears that the parolee otherwise poses a  
 9 danger to the public safety. In such cases, a parolee shall be  
 10 informed that, if he testifies at the revocation proceedings, his  
 11 testimony and the evidence derived therefrom shall not be used  
 12 against him in a subsequent criminal prosecution.

13 (2) An action to revoke parole as described in this subsection  
 14 shall not be based on <sup>2</sup>[(a) an unlawful act subject only to a civil  
 15 penalty for]<sup>2</sup> manufacturing, distributing, or dispensing, or  
 16 possessing or having under control with intent to manufacture,  
 17 distribute, or dispense, marijuana or hashish in violation of  
 18 paragraph (12) of subsection b. of N.J.S.2C:35-5, or <sup>2</sup>[possessing  
 19 any amount] possession<sup>2</sup> of marijuana or hashish <sup>2</sup>[that does not  
 20 violate] in violation of<sup>2</sup> paragraph (3) of subsection a. of  
 21 N.J.S.2C:35-10 <sup>2</sup>]; or

22 (b) the presence of any cannabinoid metabolites in any bodily  
 23 fluids, detected as a result of the administration of a drug test or any  
 24 other means]<sup>2</sup>.

25 c. The parole of any parolee who is convicted of a crime  
 26 committed while on parole shall be revoked and the parolee shall be  
 27 returned to custody unless the parolee demonstrates, by clear and  
 28 convincing evidence at a hearing pursuant to section 19 of  
 29 P.L.1979, c.441 (C.30:4-123.63), that good cause exists why the  
 30 parolee should not be returned to confinement.<sup>1</sup>

31 (cf: P.L.2019, c.363, s.13)

32

33 <sup>1</sup>[7.] 15.<sup>1</sup> (New section) a. An employer shall not be permitted  
 34 to <sup>2</sup>[consider] <sup>2</sup> when making an employment decision, <sup>2</sup>rely  
 35 solely on, or<sup>2</sup> require any applicant to disclose or reveal, or take any  
 36 adverse action against any applicant for employment <sup>2</sup>solely<sup>2</sup> on the  
 37 basis of, any arrest, charge, conviction, or adjudication of  
 38 delinquency, <sup>2</sup>[or civil penalty or community service imposed in  
 39 lieu of a civil penalty if the act was an unlawful act and not a crime  
 40 or offense,]<sup>2</sup> for manufacturing, distributing, or dispensing, or  
 41 possessing or having under control with intent to manufacture,  
 42 distribute, or dispense, marijuana or hashish in violation of  
 43 paragraph (11) of subsection b. of N.J.S.2C:35-5, or a lesser amount  
 44 of marijuana or hashish in violation of paragraph (12) of subsection  
 45 b. of that section, or a violation of either of those paragraphs and a  
 46 violation of subsection a. of section 1 of P.L.1987, c.101 (C.2C:35-  
 47 7) or subsection a. of section 1 of P.L.1997, c.327 (C.2C:35-7.1) for

1 distributing, dispensing, or possessing with intent to distribute or  
2 dispense, on or within 1,000 feet of any school property, or on or  
3 within 500 feet of the real property comprising a public housing  
4 facility, public park, or public building, or obtaining, possessing,  
5 using, being under the influence of, or failing to make lawful  
6 disposition of marijuana or hashish in violation of paragraph (3) or  
7 (4) of subsection a., or subsection b., or subsection c. of  
8 N.J.S.2C:35-10, or a violation involving marijuana or hashish as  
9 described herein and a violation of N.J.S.2C:36-2 for using or  
10 possessing with intent to use drug paraphernalia with that marijuana  
11 or hashish, or an arrest, charge, conviction, or adjudication of  
12 delinquency under the laws of another state or of the United States  
13 of a crime <sup>2</sup>[,] or<sup>2</sup> offense, <sup>2</sup>[or other unlawful act,]<sup>2</sup> which, if  
14 committed in this State, would be a violation of any of the  
15 aforementioned crimes <sup>2</sup>[,] or<sup>2</sup> offenses, <sup>2</sup>[or unlawful acts,]<sup>2</sup>  
16 regardless of when any such arrest, charge, conviction, or  
17 adjudication of delinquency <sup>2</sup>[, or imposition of a civil penalty or  
18 community service,]<sup>2</sup> occurred, unless the employment sought or  
19 being considered is for a position in law enforcement, corrections,  
20 the judiciary, homeland security, or emergency management.

21 b. Any employer who commits an act in violation of this section  
22 shall be liable for a civil penalty in an amount not to exceed \$1,000  
23 for the first violation, \$5,000 for the second violation, and \$10,000  
24 for each subsequent violation, which shall be collectible by the  
25 Commissioner of Labor and Workforce Development in a summary  
26 proceeding pursuant to the "Penalty Enforcement Law of 1999,"  
27 P.L.1999, c.274 (C.2A:58-10 et seq.). The penalties set forth in this  
28 subsection shall be the sole remedy provided for violations of this  
29 section.

30 c. Nothing set forth in this section shall be construed as  
31 creating or establishing a standard of care or duty for employers  
32 with respect to any other law. Evidence that an employer has  
33 violated, or is alleged to have violated, the provisions of this  
34 section, shall not be admissible in any legal proceeding with respect  
35 to any law or claim other than a proceeding to enforce the  
36 provisions of this section. Nothing set forth in this section shall be  
37 construed as creating, establishing, or authorizing a private cause of  
38 action by an aggrieved person against an employer who has  
39 violated, or is alleged to have violated, the provisions of this  
40 section.

41

42 <sup>1</sup>[8] 16.<sup>1</sup> (New section) a. A person that makes a mortgage  
43 loan in this State shall not discriminate against an applicant in  
44 accepting an application, granting, withholding, extending,  
45 modifying or renewing, or in the fixing of the rates, terms,  
46 conditions, or provisions of any mortgage loan based on an  
47 applicant's arrest, charge, conviction, or adjudication of  
48 delinquency, <sup>2</sup>[or civil penalty or community service imposed in



1 lieu of a civil penalty if the act was an unlawful act and not a crime  
2 or offense,<sup>2</sup> for manufacturing, distributing, or dispensing, or  
3 possessing or having under control with intent to manufacture,  
4 distribute, or dispense, marijuana or hashish in violation of  
5 paragraph (11) of subsection b. of N.J.S.2C:35-5, or a lesser amount  
6 of marijuana or hashish in violation of paragraph (12) of subsection  
7 b. of that section, or a violation of either of those paragraphs and a  
8 violation of subsection a. of section 1 of P.L.1987, c.101 (C.2C:35-  
9 7) or subsection a. of section 1 of P.L.1997, c.327 (C.2C:35-7.1) for  
10 distributing, dispensing, or possessing with intent to distribute or  
11 dispense, on or within 1,000 feet of any school property, or on or  
12 within 500 feet of the real property comprising a public housing  
13 facility, public park, or public building, or obtaining, possessing,  
14 using, being under the influence of, or failing to make lawful  
15 disposition of marijuana or hashish in violation of paragraph (3) or  
16 (4) of subsection a., or subsection b., or subsection c. of  
17 N.J.S.2C:35-10, or a violation involving marijuana or hashish as  
18 described herein and a violation of N.J.S.2C:36-2 for using or  
19 possessing with intent to use drug paraphernalia with that marijuana  
20 or hashish, or an arrest, charge, conviction, or adjudication of  
21 delinquency under the laws of another state or of the United States  
22 of a crime <sup>2</sup>[.] or<sup>2</sup> offense, <sup>2</sup>[or other unlawful act,]<sup>2</sup> which, if  
23 committed in this State, would be a violation of any of the  
24 aforementioned crimes <sup>2</sup>[.] or<sup>2</sup> offenses, <sup>2</sup>[or unlawful acts,]<sup>2</sup>  
25 regardless of when any such arrest, charge, conviction, or  
26 adjudication of delinquency <sup>2</sup>[, or imposition of a civil penalty or  
27 community service,]<sup>2</sup> occurred.

28 b. Any applicant who has been discriminated against as a result  
29 of a violation of this section may bring an action in New Jersey in a  
30 court of competent jurisdiction. Upon finding that a person is in  
31 violation of this section, the court may award actual damages,  
32 reasonable attorneys' fees, and court costs.

33 c. The Commissioner of Banking and Insurance shall have the  
34 power to:

35 (1) Make such investigations into any matter pertaining to this  
36 section, including the power to hold hearings and issue subpoenas  
37 to compel the attendance of witnesses and the production of  
38 evidence. In case of a failure of any person to comply with any  
39 subpoena, the Superior Court may issue an order requiring the  
40 attendance of such person and the giving of testimony or production  
41 of evidence. Any person failing to obey the court's order may be  
42 punished for contempt.

43 (2) Order a person found to be in violation of this section to  
44 cease its unlawful practices, subject to review, hearing, and relief in  
45 the Superior Court. A person that continues to violate the  
46 provisions of this act after having been ordered by the  
47 commissioner to cease such practices shall be liable to a penalty of  
48 \$10,000 for each offense instead of the penalty for a continuous

1 violation set forth in section 10 of P.L.1977, c.1 (C.17:16F-  
2 10). This penalty may be collected in a summary proceeding  
3 pursuant to the "Penalty Enforcement Law of 1999," P.L.1999,  
4 c.274 (C.2A:58-10 et seq.). Except as set forth herein, the penalty  
5 provided by this section shall be in addition to and not in lieu of any  
6 other provision of law applicable upon a person's failure to comply  
7 with an order of the commissioner.  
8

9 <sup>1</sup>[9.] 17.<sup>1</sup> (New section) a. A person alleging discrimination in  
10 public or private housing, real property, or a place of public  
11 accommodation, based on a prior arrest, charge, conviction, or  
12 adjudication of delinquency, <sup>2</sup>[or civil penalty or community  
13 service imposed in lieu of a civil penalty if the act was an unlawful  
14 act and not a crime or offense,]<sup>2</sup> for manufacturing, distributing, or  
15 dispensing, or possessing or having under control with intent to  
16 manufacture, distribute, or dispense, marijuana or hashish in  
17 violation of paragraph (11) of subsection b. of N.J.S.2C:35-5, or a  
18 lesser amount of marijuana or hashish in violation of paragraph (12)  
19 of subsection b. of that section, or a violation of either of those  
20 paragraphs and a violation of subsection a. of section 1 of P.L.1987,  
21 c.101 (C.2C:35-7) or subsection a. of section 1 of P.L.1997, c.327  
22 (C.2C:35-7.1) for distributing, dispensing, or possessing with intent  
23 to distribute or dispense, on or within 1,000 feet of any school  
24 property, or on or within 500 feet of the real property comprising a  
25 public housing facility, public park, or public building, or obtaining,  
26 possessing, using, being under the influence of, or failing to make  
27 lawful disposition of marijuana or hashish in violation of paragraph  
28 (3) or (4) of subsection a., or subsection b., or subsection c. of  
29 N.J.S.2C:35-10, or a violation involving marijuana or hashish as  
30 described herein and a violation of N.J.S.2C:36-2 for using or  
31 possessing with intent to use drug paraphernalia with that marijuana  
32 or hashish, or an arrest, charge, conviction, or adjudication of  
33 delinquency under the laws of another state or of the United States  
34 of a crime <sup>2</sup>[.] or<sup>2</sup> offense <sup>2</sup>[, or other unlawful act,]<sup>2</sup> which, if  
35 committed in this State, would be a violation of any of the  
36 aforementioned crimes <sup>2</sup>[.] or<sup>2</sup> offenses <sup>2</sup>[, or unlawful acts]<sup>2</sup>,  
37 regardless of when any such arrest, charge, conviction, or  
38 adjudication of delinquency <sup>2</sup>[, or imposition of a civil penalty or  
39 community service,]<sup>2</sup> occurred, may institute a civil action in the  
40 Superior Court for relief. All remedies available in common law  
41 tort actions shall be available to a prevailing plaintiff. The court  
42 may also order any or all of the following relief:

43 (1) an assessment of a civil fine of not less than \$1,000 and not  
44 more than \$2,000 for the first violation of any of the provisions of  
45 this section, and not more than \$5,000 for each subsequent  
46 violation;

47 (2) an injunction to restrain the continued violation of  
48 subsection a. of this section;

- 1 (3) if the discrimination impacted the person's employment, and  
2 if applicable:
- 3 (a) reinstatement of the person to the same position of  
4 employment or to a position equivalent to that which the person  
5 held prior to unlawful discharge or retaliatory action;
- 6 (b) reinstatement of full fringe benefits and seniority rights; and  
7 (c) compensation for any lost wages, benefits and other  
8 remuneration; and
- 9 (4) payment of reasonable costs and attorney's fees.
- 10 b. An action brought under this section shall be commenced  
11 within one year of the date of the alleged violation.
- 12 c. The private cause of action provided for in this section shall  
13 be the sole remedy for a violation of this section.
- 14

15 **'[10.] 18.<sup>1</sup>** Section 1 of P.L.1995, c.23 (C.47:1A-1.1) is  
16 amended to read as follows:

17 1. As used in P.L.1963, c.73 (C.47:1A-1 et seq.) as amended  
18 and supplemented:

19 "Biotechnology" means any technique that uses living  
20 organisms, or parts of living organisms, to make or modify  
21 products, to improve plants or animals, or to develop micro-  
22 organisms for specific uses; including the industrial use of  
23 recombinant DNA, cell fusion, and novel bioprocessing techniques.

24 "Custodian of a government record" or "custodian" means in the  
25 case of a municipality, the municipal clerk and in the case of any  
26 other public agency, the officer officially designated by formal  
27 action of that agency's director or governing body, as the case may  
28 be.

29 "Government record" or "record" means any paper, written or  
30 printed book, document, drawing, map, plan, photograph,  
31 microfilm, data processed or image processed document,  
32 information stored or maintained electronically or by sound-  
33 recording or in a similar device, or any copy thereof, that has been  
34 made, maintained or kept on file in the course of his or its official  
35 business by any officer, commission, agency or authority of the  
36 State or of any political subdivision thereof, including subordinate  
37 boards thereof, or that has been received in the course of his or its  
38 official business by any such officer, commission, agency, or  
39 authority of the State or of any political subdivision thereof,  
40 including subordinate boards thereof. The terms shall not include  
41 inter-agency or intra-agency advisory, consultative, or deliberative  
42 material.

43 A government record shall not include the following information  
44 which is deemed to be confidential for the purposes of P.L.1963,  
45 c.73 (C.47:1A-1 et seq.) as amended and supplemented:

46 information received by a member of the Legislature from a  
47 constituent or information held by a member of the Legislature  
48 concerning a constituent, including but not limited to information in

1 written form or contained in any e-mail or computer data base, or in  
2 any telephone record whatsoever, unless it is information the  
3 constituent is required by law to transmit;  
4 any memorandum, correspondence, notes, report or other  
5 communication prepared by, or for, the specific use of a member of  
6 the Legislature in the course of the member's official duties, except  
7 that this provision shall not apply to an otherwise publicly-  
8 accessible report which is required by law to be submitted to the  
9 Legislature or its members;  
10 any copy, reproduction or facsimile of any photograph, negative  
11 or print, including instant photographs and videotapes of the body,  
12 or any portion of the body, of a deceased person, taken by or for the  
13 medical examiner at the scene of death or in the course of a post  
14 mortem examination or autopsy made by or caused to be made by  
15 the medical examiner except:  
16 when used in a criminal action or proceeding in this State which  
17 relates to the death of that person,  
18 for the use as a court of this State permits, by order after good  
19 cause has been shown and after written notification of the request  
20 for the court order has been served at least five days before the  
21 order is made upon the county prosecutor for the county in which  
22 the post mortem examination or autopsy occurred,  
23 for use in the field of forensic pathology or for use in medical or  
24 scientific education or research, or  
25 for use by any law enforcement agency in this State or any other  
26 state or federal law enforcement agency;  
27 criminal investigatory records;  
28 the portion of any criminal record concerning a person's  
29 detection, apprehension, arrest, detention, trial or disposition for  
30 unlawful <sup>1</sup>[distribution of] manufacturing, distributing, or  
31 dispensing<sup>1</sup>, or possessing or having under control with intent to  
32 <sup>1</sup>manufacture,<sup>1</sup> distribute,<sup>1</sup> or dispense,<sup>1</sup> marijuana or hashish in  
33 violation of paragraph (11) of subsection b. of N.J.S.2C:35-5, or a  
34 lesser amount of marijuana or hashish in violation of paragraph (12)  
35 of subsection b. of that section, or a violation of either of those  
36 paragraphs and a violation of subsection a. of section 1 of P.L.1987,  
37 c.101 (C.2C:35-7) or subsection a. of section 1 of P.L.1997, c.327  
38 (C.2C:35-7.1) for distributing, <sup>1</sup>dispensing,<sup>1</sup> or possessing <sup>1</sup>,<sup>1</sup> or  
39 having under control with intent to distribute <sup>1</sup>or dispense<sup>1</sup>, on or  
40 within 1,000 feet of any school property, or on or within 500 feet of  
41 the real property comprising a public housing facility, public park,  
42 or public building, or for obtaining, possessing, using, being under  
43 the influence of, or failing to make lawful disposition of marijuana  
44 or hashish in violation of paragraph (3) or (4) of subsection a., or  
45 subsection b., or subsection c. of N.J.S.2C:35-10, or for a violation  
46 of any of those provisions and a violation of N.J.S.2C:36-2 for  
47 using or possessing with intent to use drug paraphernalia with  
48 <sup>1</sup>[the] that<sup>1</sup> marijuana or hashish;

1       <sup>2</sup>On and after the effective date of P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_)  
2 (pending before the Legislature as this bill), any record concerning  
3 a person's commission of an unlawful act of manufacturing,  
4 distributing, or dispensing, or possessing or having under control  
5 with intent to manufacture, distribute, or dispense, marijuana or  
6 hashish in violation of paragraph (12) of subsection b. of  
7 N.J.S.2C:35-5, <sup>1</sup>[or possessing marijuana or hashish in violation of  
8 paragraph (4) of subsection a. of N.J.S.2C:35-10,]<sup>1</sup> for which a  
9 civil penalty was imposed;]<sup>2</sup>

10       victims' records, except that a victim of a crime shall have access  
11 to the victim's own records;

12       any written request by a crime victim for a record to which the  
13 victim is entitled to access as provided in this section, including,  
14 but not limited to, any law enforcement agency report, domestic  
15 violence offense report, and temporary or permanent restraining  
16 order;

17       personal firearms records, except for use by any person  
18 authorized by law to have access to these records or for use by any  
19 government agency, including any court or law enforcement  
20 agency, for purposes of the administration of justice;

21       personal identifying information received by the Division of Fish  
22 and Wildlife in the Department of Environmental Protection in  
23 connection with the issuance of any license authorizing hunting  
24 with a firearm. For the purposes of this paragraph, personal  
25 identifying information shall include, but not be limited to, identity,  
26 name, address, social security number, telephone number, fax  
27 number, driver's license number, email address, or social media  
28 address of any applicant or licensee;

29       trade secrets and proprietary commercial or financial information  
30 obtained from any source. For the purposes of this paragraph, trade  
31 secrets shall include data processing software obtained by a public  
32 body under a licensing agreement which prohibits its disclosure;

33       any record within the attorney-client privilege. This paragraph  
34 shall not be construed as exempting from access attorney or  
35 consultant bills or invoices except that such bills or invoices may be  
36 redacted to remove any information protected by the attorney-client  
37 privilege;

38       administrative or technical information regarding computer  
39 hardware, software and networks which, if disclosed, would  
40 jeopardize computer security;

41       emergency or security information or procedures for any  
42 buildings or facility which, if disclosed, would jeopardize security  
43 of the building or facility or persons therein;

44       security measures and surveillance techniques which, if  
45 disclosed, would create a risk to the safety of persons, property,  
46 electronic data or software;

47       information which, if disclosed, would give an advantage to  
48 competitors or bidders;

- 1 information generated by or on behalf of public employers or
- 2 public employees in connection with any sexual harassment
- 3 complaint filed with a public employer or with any grievance filed
- 4 by or against an individual or in connection with collective
- 5 negotiations, including documents and statements of strategy or
- 6 negotiating position;
- 7 information which is a communication between a public agency
- 8 and its insurance carrier, administrative service organization or risk
- 9 management office;
- 10 information which is to be kept confidential pursuant to court
- 11 order;
- 12 any copy of form DD-214, NGB-22, or that form, issued by the
- 13 United States Government, or any other certificate of honorable
- 14 discharge, or copy thereof, from active service or the reserves of a
- 15 branch of the Armed Forces of the United States, or from service in
- 16 the organized militia of the State, that has been filed by an
- 17 individual with a public agency, except that a veteran or the
- 18 veteran's spouse or surviving spouse shall have access to the
- 19 veteran's own records;
- 20 any copy of an oath of allegiance, oath of office or any
- 21 affirmation taken upon assuming the duties of any public office, or
- 22 that oath or affirmation, taken by a current or former officer or
- 23 employee in any public office or position in this State or in any
- 24 county or municipality of this State, including members of the
- 25 Legislative Branch, Executive Branch, Judicial Branch, and all law
- 26 enforcement entities, except that the full name, title, and oath date
- 27 of that person contained therein shall not be deemed confidential;
- 28 that portion of any document which discloses the social security
- 29 number, credit card number, unlisted telephone number or driver
- 30 license number of any person; except for use by any government
- 31 agency, including any court or law enforcement agency, in carrying
- 32 out its functions, or any private person or entity acting on behalf
- 33 thereof, or any private person or entity seeking to enforce payment
- 34 of court-ordered child support; except with respect to the disclosure
- 35 of driver information by the New Jersey Motor Vehicle
- 36 Commission as permitted by section 2 of P.L.1997, c.188 (C.39:2-
- 37 3.4); and except that a social security number contained in a record
- 38 required by law to be made, maintained or kept on file by a public
- 39 agency shall be disclosed when access to the document or
- 40 disclosure of that information is not otherwise prohibited by State
- 41 or federal law, regulation or order or by State statute, resolution of
- 42 either or both houses of the Legislature, Executive Order of the
- 43 Governor, rule of court or regulation promulgated under the
- 44 authority of any statute or executive order of the Governor;
- 45 a list of persons identifying themselves as being in need of
- 46 special assistance in the event of an emergency maintained by a
- 47 municipality for public safety purposes pursuant to section 1 of
- 48 P.L.2017, c.266 (C.40:48-2.67); and

1 a list of persons identifying themselves as being in need of  
2 special assistance in the event of an emergency maintained by a  
3 county for public safety purposes pursuant to section 6 of P.L.2011,  
4 c.178 (C.App.A:9-43.13).

5 A government record shall not include, with regard to any public  
6 institution of higher education, the following information which is  
7 deemed to be privileged and confidential:

8 pedagogical, scholarly and/or academic research records and/or  
9 the specific details of any research project conducted under the  
10 auspices of a public higher education institution in New Jersey,  
11 including, but not limited to research, development information,  
12 testing procedures, or information regarding test participants,  
13 related to the development or testing of any pharmaceutical or  
14 pharmaceutical delivery system, except that a custodian may not  
15 deny inspection of a government record or part thereof that gives  
16 the name, title, expenditures, source and amounts of funding and  
17 date when the final project summary of any research will be  
18 available;

19 test questions, scoring keys and other examination data  
20 pertaining to the administration of an examination for employment  
21 or academic examination;

22 records of pursuit of charitable contributions or records  
23 containing the identity of a donor of a gift if the donor requires non-  
24 disclosure of the donor's identity as a condition of making the gift  
25 provided that the donor has not received any benefits of or from the  
26 institution of higher education in connection with such gift other  
27 than a request for memorialization or dedication;

28 valuable or rare collections of books and/or documents obtained  
29 by gift, grant, bequest or devise conditioned upon limited public  
30 access;

31 information contained on individual admission applications; and  
32 information concerning student records or grievance or  
33 disciplinary proceedings against a student to the extent disclosure  
34 would reveal the identity of the student.

35 "Personal firearms record" means any information contained in a  
36 background investigation conducted by the chief of police, the  
37 county prosecutor, or the Superintendent of State Police, of any  
38 applicant for a permit to purchase a handgun, firearms identification  
39 card license, or firearms registration; any application for a permit to  
40 purchase a handgun, firearms identification card license, or firearms  
41 registration; any document reflecting the issuance or denial of a  
42 permit to purchase a handgun, firearms identification card license,  
43 or firearms registration; and any permit to purchase a handgun,  
44 firearms identification card license, or any firearms license,  
45 certification, certificate, form of register, or registration statement.  
46 For the purposes of this paragraph, information contained in a  
47 background investigation shall include, but not be limited to,  
48 identity, name, address, social security number, phone number, fax

1 number, driver's license number, email address, social media  
2 address of any applicant, licensee, registrant or permit holder.

3 "Public agency" or "agency" means any of the principal  
4 departments in the Executive Branch of State Government, and any  
5 division, board, bureau, office, commission or other instrumentality  
6 within or created by such department; the Legislature of the State  
7 and any office, board, bureau or commission within or created by  
8 the Legislative Branch; and any independent State authority,  
9 commission, instrumentality or agency. The terms also mean any  
10 political subdivision of the State or combination of political  
11 subdivisions, and any division, board, bureau, office, commission or  
12 other instrumentality within or created by a political subdivision of  
13 the State or combination of political subdivisions, and any  
14 independent authority, commission, instrumentality or agency  
15 created by a political subdivision or combination of political  
16 subdivisions.

17 "Law enforcement agency" means a public agency, or part  
18 thereof, determined by the Attorney General to have law  
19 enforcement responsibilities.

20 "Constituent" means any State resident or other person  
21 communicating with a member of the Legislature.

22 "Member of the Legislature" means any person elected or  
23 selected to serve in the New Jersey Senate or General Assembly.

24 "Criminal investigatory record" means a record which is not  
25 required by law to be made, maintained or kept on file that is held  
26 by a law enforcement agency which pertains to any criminal  
27 investigation or related civil enforcement proceeding.

28 "Victim's record" means an individually-identifiable file or  
29 document held by a victims' rights agency which pertains directly to  
30 a victim of a crime except that a victim of a crime shall have access  
31 to the victim's own records.

32 "Victim of a crime" means a person who has suffered personal or  
33 psychological injury or death or incurs loss of or injury to personal  
34 or real property as a result of a crime, or if such a person is  
35 deceased or incapacitated, a member of that person's immediate  
36 family.

37 "Victims' rights agency" means a public agency, or part thereof,  
38 the primary responsibility of which is providing services, including  
39 but not limited to food, shelter, or clothing, medical, psychiatric,  
40 psychological or legal services or referrals, information and referral  
41 services, counseling and support services, or financial services to  
42 victims of crimes, including victims of sexual assault, domestic  
43 violence, violent crime, child endangerment, child abuse or child  
44 neglect, and the Victims of Crime Compensation Board, established  
45 pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and continued as  
46 the Victims of Crime Compensation Office pursuant to P.L.2007,  
47 c.95 (C.52:4B-3.2 et al.) and Reorganization Plan No. 001-2008.

48 (cf: P.L.2019, c.255, s.4)



1       <sup>2</sup>[<sup>1</sup>19. N.J.S.2C:52-30 is amended to read as follows:

2       2C:52-30. Except as otherwise provided in this chapter, **[any]**

3       a. Any person who reveals to another the existence of an arrest,  
4 conviction, unlawful act violation, or related legal proceeding with  
5 knowledge that the records and information pertaining thereto have  
6 been expunged or sealed is a disorderly person. Notwithstanding  
7 the provisions of [section] N.J.S.2C:43-3, the maximum fine which  
8 can be imposed for violation of this section is [\$200.00] \$2,000.

9       b. (1) Any person or entity regularly engaged in the business  
10 of collecting, assembling, evaluating or disseminating persons'  
11 records of occurrences or related legal proceedings described in  
12 subsection a. of this section for a fee shall regularly update the  
13 records to ensure accuracy, promptly delete a record that has been  
14 expunged or sealed, provide clients with the date collected and  
15 explain to clients that records are valid only as of the date collected.

16       (2) Any person or entity regularly engaged in the business of  
17 collecting, assembling, evaluating or disseminating records of  
18 occurrences or related legal proceedings described in subsection a.  
19 of this section for a fee, which disseminates a record that has been  
20 expunged or sealed and knows or should have known at the time of  
21 dissemination that the record has been expunged or sealed is liable  
22 to the person who is the subject of the record for damages totaling  
23 \$5,000 or the actual damages caused by the violation, whichever is  
24 greater, plus costs and attorney fees.<sup>1</sup>

25 (cf: N.J.S.2C:52-30)]<sup>2</sup>

26  
27       <sup>2</sup>[<sup>1</sup>20.] <sup>2</sup>19.<sup>2</sup> (New section) The Administrative Director of the  
28 Courts shall maintain and provide information to any person upon  
29 request about the expungement process and legal services programs  
30 Statewide and in each county which may be available to assist the  
31 person with an expedited expungement pursuant to section 5 of  
32 P.L.2019, c.269 (C.2C:52-5.1) or a “clean slate” expungement  
33 pursuant to section 7 of P.L.2019, c.269 (C.2C:52-5.3).<sup>1</sup>

34  
35       <sup>2</sup>[<sup>1</sup>21.] <sup>2</sup>20.<sup>2</sup> (New section) a. (1) The Administrative Director  
36 of the Courts shall develop and maintain a multilingual public  
37 awareness campaign to promote awareness of the expungement  
38 process, including an expedited expungement pursuant to section 5  
39 of P.L.2019, c.269 (C.2C:52-5.1) or a “clean slate” expungement  
40 pursuant to section 7 of P.L.2019, c.269 (C.2C:52-5.3), and the  
41 expungement e-filing system established pursuant to section 11 of  
42 P.L.2019, c.269 (C.2C:52-10.1), as well as information on State,  
43 local, non-profit and other private job training programs in  
44 consultation with the Department of Labor and Workforce  
45 Development, with a focus on assisting those persons eligible for  
46 the expedited expungement of their records pursuant to section 5 of  
47 P.L.2019, c.269 (C.2C:52-5.1) or a “clean slate” expungement

1 pursuant to section 7 of P.L.2019, c.269 (C.2C:52-5.3),  
2 respectively.

3 (2) The public awareness campaign shall, at a minimum, utilize  
4 electronic and print media, and shall make available electronically  
5 on an Internet website a petition form and a list of the supporting  
6 information necessary for an expungement, including an expedited  
7 or “clean slate” expungement pursuant to section 5 of  
8 P.L.2019, c.269 (C.2C:52-5.1) or section 7 of P.L.2019, c.269  
9 (C.2C:52-5.3), respectively, using the expungement e-filing system  
10 once established pursuant to section 11 of P.L.2019, c.269  
11 (C.2C:52-10.1).

12 (3) The petition and supporting information shall, at a minimum,  
13 be made available in English and Spanish.

14 b. The Administrative Director of the Courts shall include in  
15 the annual report on the activities of the Administrative Office of  
16 the Courts, prepared pursuant to N.J.S.2A:12-5, information about  
17 the activities and accomplishments of the public awareness  
18 campaign developed and maintained pursuant to subsection a. of  
19 this section, beginning no later than one year after the effective date  
20 of P.L. , c. (C. ) (pending before the Legislature as this  
21 bill).<sup>1</sup>

22  
23 <sup>1</sup>[11.] <sup>2</sup>[22. <sup>1</sup>] 21.<sup>2</sup> <sup>3</sup>[This] Sections 1 through 5 of this<sup>3</sup> act  
24 shall take effect <sup>1</sup>[on the 90th day following enactment, except that  
25 the Attorney General, Administrative Director of the Courts, and  
26 the Supreme Court may take any anticipatory action as may be  
27 necessary to effectuate the provisions of this act] <sup>2</sup>[immediately<sup>1</sup>]  
28 <sup>3</sup>[on the 120th day following enactment<sup>2</sup>] immediately, and the  
29 remaining sections of this act shall take effect on the same date as  
30 the date that actions occur on matters based on provisions in any  
31 sections in P.L. , c. (C. ) (pending before the Legislature as  
32 Second Reprint of Assembly Bill No. 21), in which those actions  
33 are to occur on the first day of the fifth month next following the  
34 date of enactment of that act<sup>3</sup> .

35  
36  
37  
38  
39 Provides for certain criminal and civil justice reforms,  
40 particularly addressing legal consequences associated with certain  
41 marijuana and hashish offenses as well as raising awareness of  
42 available expungement relief.