

# SENATE, No. 800

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## STATE OF NEW JERSEY 219th LEGISLATURE

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PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Senator SANDRA B. CUNNINGHAM**

**District 31 (Hudson)**

**Senator TROY SINGLETON**

**District 7 (Burlington)**

**SYNOPSIS**

Bars the denial of expungement application in certain instances.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 2/10/2020)**

1   **AN ACT** concerning expungement in certain instances and amending  
2       N.J.S.2C:52-14.

3

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

6

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

8       2C:52-14. A petition for expungement filed pursuant to this  
9 chapter shall be denied when:

10      a. Any statutory prerequisite, including any provision of this  
11 chapter, is not fulfilled or there is any other statutory basis for  
12 denying relief.

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

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

28      d. The arrest or conviction sought to be expunged is, at the  
29 time of hearing, the subject matter of civil litigation between the  
30 petitioner or his legal representative and the State, any  
31 governmental entity thereof or any State agency and the  
32 representatives or employees of any such body. This subsection  
33 shall not apply when the person is seeking the expungement of  
34 records pursuant to N.J.S.2C:52-6.

35      e. A person has had a previous criminal conviction expunged  
36 regardless of the lapse of time between the prior expungement, or  
37 sealing under prior law, and the present petition. This provision  
38 shall not apply:

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

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

43      f. (Deleted by amendment, P.L.2017, c.244)  
44 (cf:P.L.2017, c.244, s.5)

45

46       2. This act shall take effect immediately.

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 STATEMENT

2  
3 The statutory grounds for denial of an application for  
4 expungement are enumerated in N.J.S.2C:52-14. Subsection d. of  
5 N.J.S.2C:52-14 directs that a petition for expungement shall be  
6 denied when the arrest or conviction sought to be expunged is, at  
7 the time of hearing, the subject matter of civil litigation between the  
8 petitioner or his legal representative and the State, any  
9 governmental entity thereof or any State agency and the  
10 representatives or employees of any such body.

11 This bill amends subsection d. of N.J.S.2C:52-14 to bar the  
12 denial of relief in cases that qualify for relief under N.J.S.2C:52-6.  
13 N.J.S.2C:52-6 is concerned with an arrest or charge that does not  
14 result in a conviction, and permits a person against whom charges  
15 are dismissed to apply for an expungement.

16 In dismissal-based expungement cases, the ability to obtain an  
17 expungement does not need to be impacted by whether or not a civil  
18 action is pending, since the ability to file for an expungement is  
19 expressly permitted at the time of the dismissal of charges, and  
20 access to expunged records remains available even after an  
21 expungement is granted, for good cause shown.