

P.L.2017, CHAPTER 244, *approved December 20, 2017*

Senate, No. 3307 (*First Reprint*)

1 AN ACT revising procedures for expunging criminal and other  
2 records and information, amending various parts of the statutory  
3 law and supplementing chapter 52 of Title 2C of the New Jersey  
4 Statutes.

5

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

8

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

10 2C:52-2. Indictable Offenses.

11 a. In all cases, except as herein provided, **[wherein]** a person  
12 may present an expungement application to the Superior Court  
13 pursuant to this section if:

14 the person has been convicted of <sup>1</sup>**[a]** one<sup>1</sup> crime under the laws  
15 of this State **[and who has not]** <sup>1</sup>, and does not otherwise have any  
16 prior or subsequent conviction for another crime, whether within  
17 this State or any other jurisdiction;<sup>1</sup> or

18 <sup>1</sup>**[a combination]** the person has been convicted<sup>1</sup> of one crime  
19 and less than four disorderly persons or petty disorderly persons  
20 offenses under the laws of this State <sup>1</sup>**[which were not closely**  
21 related in circumstances or in time, provided that the person has],  
22 and does<sup>1</sup> not otherwise <sup>1</sup>**[been convicted of]** have<sup>1</sup> any prior or  
23 subsequent <sup>1</sup>conviction for another<sup>1</sup> crime, or any prior or  
24 subsequent <sup>1</sup>conviction for another<sup>1</sup> disorderly persons or petty  
25 disorderly persons offense <sup>1</sup>**[or offenses]**<sup>1</sup> such that the total  
26 number of convictions for disorderly persons and petty disorderly  
27 persons offenses would exceed three, whether any such crime or  
28 offense conviction was within this State or any other jurisdiction **[,**  
29 and has not been convicted of a disorderly persons or petty  
30 disorderly persons offense on more than two occasions]; or

31 <sup>1</sup>the person has been convicted of multiple crimes or a  
32 combination of one or more crimes and one or more disorderly  
33 persons or petty disorderly persons offenses under the laws of this  
34 State, all of which are listed in a single judgment of conviction, and  
35 does not otherwise have any prior or subsequent conviction for  
36 another crime or offense in addition to those convictions included in  
37 the expungement application, whether any such conviction was  
38 within this State or any other jurisdiction; or<sup>1</sup>

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 June 29, 2017.

1        the person has been convicted of <sup>1</sup>**["more than one crime under**  
2 the laws of this State,] multiple crimes<sup>1</sup> or a combination of one or  
3 more crimes and <sup>1</sup>one or more<sup>1</sup> disorderly persons or petty  
4 disorderly persons offenses under the laws of this State, which  
5 crimes or combination of crimes and offenses were <sup>1</sup>interdependent  
6 or<sup>1</sup> closely related in circumstances <sup>1</sup>**["or in]** and were committed  
7 as part of a sequence of events that took place within a  
8 comparatively short period of<sup>1</sup> time, <sup>1</sup>regardless of the date of  
9 conviction or sentencing for each individual crime or offense,<sup>1</sup> and  
10 the person <sup>1</sup>**["has]** does<sup>1</sup> not otherwise <sup>1</sup>**["been convicted of]** have<sup>1</sup>  
11 any prior or subsequent <sup>1</sup>conviction for another<sup>1</sup> crime or offense  
12 in addition to those convictions included in the expungement  
13 application<sup>1</sup> , whether <sup>1</sup>any such conviction was<sup>1</sup> within this State  
14 or any other jurisdiction.

15        The person, if eligible, may **[,]** present the expungement  
16 application after the expiration of a period of **[10]** six years from  
17 the date of his most recent conviction, payment of fine, satisfactory  
18 completion of probation or parole, or release from incarceration  
19 **["for that crime or for any disorderly persons or petty disorderly**  
20 **persons offense],** whichever is later **[,]** present an**].** <sup>1</sup>The term  
21 "fine" as used herein and throughout this section means and  
22 includes any fine, restitution, and other court-ordered financial  
23 assessment imposed by the court as part of the sentence for the  
24 conviction, for which payment of restitution takes precedence in  
25 accordance with chapter 46 of Title 2C of the New Jersey Statutes.<sup>1</sup>  
26 The person shall submit the expungement application to the  
27 Superior Court in the county in which the conviction for the crime  
28 was adjudged, which contains a separate, duly verified petition as  
29 provided in N.J.S.2C:52-7 for **["the criminal]** each conviction  
30 sought to be expunged, [and may also contain additional duly  
31 verified petitions for no more than two convictions for any  
32 disorderly persons or petty disorderly persons offenses,] praying  
33 that the conviction, or convictions if applicable, and all records and  
34 information pertaining thereto be expunged. The petition for each  
35 conviction appended to an application shall comply with the  
36 requirements set forth in N.J.S.2C:52-1 et seq.

37        Notwithstanding the provisions <sup>1</sup>**["of the preceding paragraph, a**  
38 **petition]** concerning the six-year time requirement, if a fine which  
39 is currently subject to collection under the comprehensive  
40 enforcement program established pursuant to P.L.1995, c.9  
41 (C.2B:19-1 et al.) is not yet satisfied due to reasons other than  
42 willful noncompliance, but the time requirement of six years is  
43 otherwise satisfied, the person may submit the expungement  
44 application and the court may grant an expungement, provided,  
45 however, that if expungement is granted under this paragraph, the  
46 court shall provide for the continued collection of any outstanding  
47 amount owed that is necessary to satisfy the fine or the entry of

1 civil judgment for the outstanding amount in accordance with  
 2 section 8 of P.L. , c. (C. ) (pending before the Legislature as  
 3 this bill).

4 Additionally, an application<sup>1</sup> may be filed and presented, and the  
 5 court may grant an expungement pursuant to this section, although  
 6 less than **[10]** six years **[has]** have expired in accordance with the  
 7 'time' requirements <sup>1</sup>**[of the preceding paragraph]**<sup>1</sup> **[where]** when  
 8 the court finds:

9 (1) 'the fine is satisfied but' less than **[10]** six years **[has]** have  
 10 expired from the 'date of' satisfaction <sup>1</sup>**[of a fine]**<sup>1</sup>, <sup>1</sup>**[but]** and<sup>1</sup> the  
 11 **[ten-year]** time requirement of six years is otherwise satisfied, and  
 12 the court finds that the person substantially complied with any  
 13 payment plan ordered pursuant to N.J.S.2C:46-1 et seq., or could  
 14 not do so due to compelling circumstances affecting his ability to  
 15 satisfy the fine <sup>1</sup>**[, provided that appropriate arrangements are in**  
 16 **place for the person to satisfy any outstanding obligation to pay**  
 17 **restitution to a victim]**<sup>1</sup>; or

18 (2) <sup>1</sup>**[less than six years have expired from the satisfaction of a**  
 19 **fine, but]**<sup>1</sup> at least five 'but less than six' years **[has]** have expired  
 20 from the date of **[his]** the most recent conviction, **[payment of**  
 21 **fine,]** 'payment of fine,' satisfactory completion of probation or  
 22 parole, or release from incarceration, whichever is later <sup>1</sup>**[, and the**  
 23 **court finds that the person substantially complied with any payment**  
 24 **plan ordered pursuant to N.J.S.2C:46-1 et seq., or could not do so**  
 25 **due to compelling circumstances affecting his ability to satisfy the**  
 26 **fine, provided that appropriate arrangements are in place for the**  
 27 **person to satisfy any outstanding obligation to pay restitution to a**  
 28 **victim]**<sup>1</sup>; <sup>1</sup>and<sup>1</sup>

29 the person has not been otherwise convicted of a crime,  
 30 disorderly persons offense, or petty disorderly persons offense since  
 31 the time of the most recent conviction; and the court finds in its  
 32 discretion that expungement is in the public interest, giving due  
 33 consideration to the nature of the offense or offenses, and the  
 34 applicant's character and conduct since the conviction or  
 35 convictions.

36 <sup>1</sup>**[If the person qualifies for expungement under this subsection,**  
 37 **but there remains an outstanding balance of restitution, a fine, or**  
 38 **other court-ordered financial assessment ordered by the court as**  
 39 **part of the sentence for a criminal conviction, the court shall**  
 40 **provide for the continued collection of any outstanding restitution**  
 41 **and may order the continued collection of other financial**  
 42 **assessments in accordance with section 8 of P.L. , c. (C. )**  
 43 **(pending before the Legislature as this bill).]**<sup>1</sup>

44 In determining whether compelling circumstances exist for the  
 45 purposes of **[paragraph]** <sup>1</sup>**[paragraphs]** paragraph<sup>1</sup> (1) <sup>1</sup>**[or (2)]**<sup>1</sup>  
 46 of this subsection, a court may consider the amount of the fine or  
 47 fines imposed, the person's age at the time of the offense or

1 offenses, the person's financial condition and other relevant  
2 circumstances regarding the person's ability to pay.

3 **【Although subsequent convictions for no more than two**  
4 **disorderly or petty disorderly persons offenses shall not be an**  
5 **absolute bar to relief, the nature of those conviction or convictions**  
6 **and the circumstances surrounding them shall be considered by the**  
7 **court and may be a basis for denial of relief if they or either of them**  
8 **constitute a continuation of the type of unlawful activity embodied**  
9 **in the criminal conviction for which expungement is sought.】**

10 b. Records of conviction pursuant to statutes repealed by this  
11 Code for the crimes of murder, manslaughter, treason, anarchy,  
12 kidnapping, rape, forcible sodomy, arson, perjury, false swearing,  
13 robbery, embracery, or a conspiracy or any attempt to commit any  
14 of the foregoing, or aiding, assisting or concealing persons accused  
15 of the foregoing crimes, shall not be expunged.

16 Records of conviction for the following crimes specified in the  
17 New Jersey Code of Criminal Justice shall not be subject to  
18 expungement: N.J.S.2C:11-1 et seq. (Criminal Homicide), except  
19 death by auto as specified in N.J.S.2C:11-5; N.J.S.2C:13-1  
20 (Kidnapping); section 1 of P.L.1993, c.291 (C.2C:13-6) (Luring or  
21 Enticing); section 1 of P.L.2005, c.77 (C.2C:13-8) (Human  
22 Trafficking); N.J.S.2C:14-2 (Sexual Assault or Aggravated Sexual  
23 Assault); subsection a. of N.J.S.2C:14-3 (Aggravated Criminal  
24 Sexual Contact); if the victim is a minor, subsection b. of  
25 N.J.S.2C:14-3 (Criminal Sexual Contact); if the victim is a minor  
26 and the offender is not the parent of the victim, N.J.S.2C:13-2  
27 (Criminal Restraint) or N.J.S.2C:13-3 (False Imprisonment);  
28 N.J.S.2C:15-1 (Robbery); N.J.S.2C:17-1 (Arson and Related  
29 Offenses); subsection a. of N.J.S.2C:24-4 (Endangering the welfare  
30 of a child by engaging in sexual conduct which would impair or  
31 debauch the morals of the child, or causing the child other harm);  
32 paragraph (4) of subsection b. of N.J.S.2C:24-4 (Photographing or  
33 filming a child in a prohibited sexual act); paragraph (3) of  
34 subsection b. of N.J.S.2C:24-4 (Causing or permitting a child to  
35 engage in a prohibited sexual act); subparagraph (a) of paragraph  
36 (5) of subsection b. of N.J.S.2C:24-4 (Distributing, possessing with  
37 intent to distribute or using a file-sharing program to store items  
38 depicting the sexual exploitation or abuse of a child); subparagraph  
39 (b) of paragraph (5) of subsection b. of N.J.S.2C:24-4 (Possessing  
40 or viewing items depicting the sexual exploitation or abuse of a  
41 child); N.J.S.2C:28-1 (Perjury); N.J.S.2C:28-2 (False Swearing);  
42 paragraph (4) of subsection b. of N.J.S.2C:34-1 (Knowingly  
43 promoting the prostitution of the actor's child); section 2 of  
44 P.L.2002, c.26 (C.2C:38-2) (Terrorism); subsection a. of section 3  
45 of P.L.2002, c.26 (C.2C:38-3) (Producing or Possessing Chemical  
46 Weapons, Biological Agents or Nuclear or Radiological Devices);  
47 and conspiracies or attempts to commit such crimes.

48 Records of conviction for any crime committed by a person  
49 holding any public office, position or employment, elective or

1 appointive, under the government of this State or any agency or  
2 political subdivision thereof and any conspiracy or attempt to  
3 commit such a crime shall not be subject to expungement if the  
4 crime involved or touched such office, position or employment.

5 c. In the case of conviction for the sale or distribution of a  
6 controlled dangerous substance or possession thereof with intent to  
7 sell, expungement shall be denied except where the crimes involve:

8 (1) Marijuana, where the total quantity sold, distributed or  
9 possessed with intent to sell was **[25 grams or]** less than one ounce;

10 (2) Hashish, where the total quantity sold, distributed or  
11 possessed with intent to sell was **[five grams or]** less than five  
12 grams; or

13 (3) Any controlled dangerous substance provided that the  
14 conviction is of the third or fourth degree, where the court finds that  
15 expungement is consistent with the public interest, giving due  
16 consideration to the nature of the offense and the petitioner's  
17 character and conduct since conviction.

18 d. In the case of a State licensed physician or podiatrist  
19 convicted of an offense involving drugs or alcohol or pursuant to  
20 section 14 or 15 of P.L.1989, c.300 (C.2C:21-20 or 2C:21-4.1), the  
21 court shall notify the State Board of Medical Examiners upon  
22 receipt of a petition for expungement of the conviction and records  
23 and information pertaining thereto.

24 (cf: P.L.2015, c.261, s.2)

25

26 2. N.J.S.2C:52-3 is amended to read as follows:

27 2C:52-3. Disorderly persons offenses and petty disorderly  
28 persons offenses.

29 a. Any person who has been convicted of **[a]** one or more  
30 disorderly persons **[offense]** or petty disorderly persons **[offense]**  
31 offenses under the laws of this State who has not been convicted of  
32 any **[prior or subsequent]** crime, whether within this State or any  
33 other jurisdiction, may present an expungement application to the  
34 Superior Court pursuant to this section. Any person who has been  
35 convicted of **[a]** one or more disorderly persons **[offense]** or petty  
36 disorderly persons **[offense]** offenses under the laws of this State  
37 who has also been convicted of **[a prior or subsequent crime]** one  
38 or more crimes shall not be eligible to apply for an expungement  
39 pursuant to this section, but may present an expungement  
40 application to the Superior Court pursuant to N.J.S.2C:52-2.

41 b. Any person who has been convicted of **[a]** one or more  
42 disorderly persons **[offense]** or petty disorderly persons **[offense]**  
43 offenses under the laws of this State who has not been convicted of  
44 any **[prior or subsequent]** crime, whether within this State or any  
45 other jurisdiction, **[or who has not been convicted of a disorderly**  
46 persons or petty disorderly persons offense on more than two other

1 occasions,] may present an expungement application to the  
2 Superior Court pursuant to this section if:

3 the person has been convicted <sup>1</sup>, under the laws of this State, <sup>1</sup> on  
4 'the same or' separate occasions of no more than four disorderly  
5 persons offenses, no more than four petty disorderly persons  
6 offenses, or a combination of no more than four disorderly persons  
7 and petty disorderly persons offenses, <sup>1</sup>【provided that】 and <sup>1</sup> the  
8 person <sup>1</sup>【has】 does <sup>1</sup> not otherwise <sup>1</sup>【been convicted of any  
9 additional】 have any <sup>1</sup> prior or subsequent <sup>1</sup>【offenses】 conviction  
10 for a disorderly persons or petty disorderly persons offense <sup>1</sup> ,  
11 whether within this State or any other jurisdiction, such that the  
12 total number of convictions for disorderly persons and petty  
13 disorderly persons offenses would exceed four; or

14 <sup>1</sup>the person has been convicted of multiple disorderly persons  
15 offenses or multiple petty disorderly persons offenses under the  
16 laws of this State, or a combination of multiple disorderly persons  
17 and petty disorderly persons offenses under the laws of this State,  
18 which convictions were entered on the same day, and does not  
19 otherwise have any prior or subsequent conviction for another  
20 offense in addition to those convictions included in the  
21 expungement application, whether any such conviction was within  
22 this State or any other jurisdiction; or <sup>1</sup>

23 the person has been convicted of multiple disorderly persons  
24 offenses or multiple petty disorderly persons offenses under the  
25 laws of this State, or a combination of multiple disorderly persons  
26 and petty disorderly persons offenses under the laws of this State,  
27 which offenses or combination of offenses were <sup>1</sup>interdependent or <sup>1</sup>  
28 closely related in circumstances <sup>1</sup>【or in】 and were committed as  
29 part of a sequence of events that took place within a comparatively  
30 short period of <sup>1</sup> time, <sup>1</sup>regardless of the date of conviction or  
31 sentencing for each individual offense, <sup>1</sup> and the person <sup>1</sup>【has】  
32 does <sup>1</sup> not otherwise <sup>1</sup>【been convicted of】 have <sup>1</sup> any prior or  
33 subsequent <sup>1</sup>conviction for another <sup>1</sup> offense <sup>1</sup>in addition to those  
34 convictions included in the expungement application <sup>1</sup> , whether  
35 within this State or any other jurisdiction.

36 The person, if eligible, may **【,】** present the expungement  
37 application after the expiration of a period of five years from the  
38 date of his most recent conviction, payment of fine, satisfactory  
39 completion of probation or release from incarceration **【for any**  
40 disorderly persons or petty disorderly persons offense】, whichever  
41 is later **【, present an】**. <sup>1</sup>The term “fine” as used herein and  
42 throughout this section means and includes any fine, restitution, and  
43 other court-ordered financial assessment imposed by the court as  
44 part of the sentence for the conviction, for which payment of  
45 restitution takes precedence in accordance with chapter 46 of Title  
46 2C of the New Jersey Statutes. <sup>1</sup> The person shall submit the  
47 expungement application to the Superior Court in the county in

1 which the most recent conviction for **the most recent** a disorderly  
2 persons or petty disorderly persons offense was adjudged, which  
3 contains a separate, duly verified petition as provided in  
4 N.J.S.2C:52-7 for **the disorderly persons or petty disorderly**  
5 **persons** each conviction sought to be expunged, **and which may**  
6 also contain additional duly verified petitions for no more than two  
7 other convictions for disorderly persons or petty disorderly persons  
8 offenses, **praying that the conviction, or convictions if applicable,**  
9 and all records and information pertaining thereto be expunged.  
10 The petition for each conviction appended to an application shall  
11 comply with the requirements of N.J.S.2C:52-1 et seq.

12 Notwithstanding the provisions of the <sup>1</sup>**preceding paragraph, a**  
13 **petition** five-year time requirement, an application<sup>1</sup> may be filed  
14 and presented, and the court may grant an expungement pursuant to  
15 this section, when the court finds:

16 (1) <sup>1</sup>the fine is satisfied but<sup>1</sup> less than five years **has** have  
17 expired from the <sup>1</sup>date of<sup>1</sup> satisfaction <sup>1</sup>**of a fine**<sup>1</sup>, <sup>1</sup>**but** and<sup>1</sup> the  
18 five-year time requirement is otherwise satisfied, and the court finds  
19 that the person substantially complied with any payment plan  
20 ordered pursuant to N.J.S.2C:46-1 et seq., or could not do so due to  
21 compelling circumstances affecting his ability to satisfy the fine <sup>1</sup>**,**  
22 provided that appropriate arrangements are in place for the person  
23 to satisfy any outstanding obligation to pay restitution to a victim<sup>1</sup>;  
24 or

25 (2) <sup>1</sup>**less than five years have expired from the satisfaction of a**  
26 **fine, but**<sup>1</sup> at least three <sup>1</sup>but less than five<sup>1</sup> years have expired from  
27 the date of **his** the most recent conviction, **payment of fine,**  
28 <sup>1</sup>payment of fine,<sup>1</sup> satisfactory completion of probation or parole, or  
29 release from incarceration, whichever is later <sup>1</sup>**,** and the court finds  
30 that the person substantially complied with any payment plan  
31 ordered pursuant to N.J.S.2C:46-1 et seq., or could not do so due to  
32 compelling circumstances affecting his ability to satisfy the fine,  
33 provided that appropriate arrangements are in place for the person  
34 to satisfy any outstanding obligation to pay restitution to a victim<sup>1</sup>;  
35 <sup>1</sup>and<sup>1</sup>

36 the person has not been otherwise convicted of a crime,  
37 disorderly persons offense, or petty disorderly persons offense since  
38 the time of the most recent conviction; and the court finds in its  
39 discretion that expungement is in the public interest, giving due  
40 consideration to the nature of the offense or offenses, and the  
41 applicant's character and conduct since the conviction or  
42 convictions.

43 In determining whether compelling circumstances exist for the  
44 purposes of **paragraph** <sup>1</sup>**paragraphs** paragraph<sup>1</sup> (1) <sup>1</sup>**or (2)**<sup>1</sup> of  
45 this subsection, a court may consider the amount of the fine or fines  
46 imposed, the person's age at the time of the offense or offenses, the

1 person's financial condition and other relevant circumstances  
2 regarding the person's ability to pay.

3 (cf: P.L.2015, c.261, s.3)

4

5 3. N.J.S.2C:52-5 is amended to read as follows:

6 2C:52-5. Expungement of Records of Young Drug Offenders.  
7 Notwithstanding the provisions of **[sections]** N.J.S.2C:52-2 and  
8 N.J.S.2C:52-3, after a period of not less than one year following  
9 conviction, termination of probation or parole or discharge from  
10 custody, whichever is later, any person convicted of an offense  
11 under chapters 35 or 36 of this title for the possession or use of a  
12 controlled dangerous substance, convicted of violating P.L. 1955, c.  
13 277, s. 3 (C. 2A:170-77.5), or convicted of violating P.L. 1962, c.  
14 113, s. 1 (C. 2A:170-77.8), and who at the time of the offense was  
15 21 years of age or younger, may apply to the Superior Court in the  
16 county wherein the matter was disposed of for the expungement of  
17 such person's conviction and all records pertaining thereto. The  
18 relief of expungement under this section shall be granted only if  
19 said person has not, prior to the time of hearing, violated any of the  
20 conditions of his probation or parole, albeit subsequent to discharge  
21 from probation or parole, has not been convicted of any previous or  
22 subsequent criminal act or any subsequent or previous violation of  
23 chapters 35 or 36 of this title or of P.L. 1955, c. 277, s. 3 (C.  
24 2A:170-77.5) or of P.L. 1962, c. 113, s. 1 (C. 2A:170-77.8), or who  
25 has not had a prior or subsequent criminal matter dismissed because  
26 of acceptance into a supervisory treatment or other diversion  
27 program.

28 This section shall not apply to any person who has been  
29 convicted of the sale or distribution of a controlled dangerous  
30 substance or possession with the intent to sell any controlled  
31 dangerous substance except:

32 (1) Marihuana, where the total sold, distributed or possessed  
33 with intent to sell was **[25 grams or]** less than one ounce, or

34 (2) Hashish, where the total amount sold, distributed or  
35 possessed with intent to sell was **[5 grams or]** less than five grams.

36 (cf: P.L.1987, c.106, s.16)

37

38 4. N.J.S.2C:52-8 is amended to read as follows:

39 2C:52-8. Statements to accompany petition. There shall be  
40 attached to a petition for expungement:

41 a. A statement with the affidavit or verification that there are no  
42 disorderly persons, petty disorderly persons or criminal charges  
43 pending against the petitioner at the time of filing of the petition for  
44 expungement.

45 b. In those instances where the petitioner is seeking the  
46 expungement of a criminal conviction, or the expungement of  
47 convictions pursuant to N.J.S.2C:52-3 for multiple disorderly  
48 persons or petty disorderly persons offenses <sup>1</sup>, all of which were



1 entered the same day, or<sup>1</sup> which were <sup>1</sup>interdependent or<sup>1</sup> closely  
2 related in circumstances <sup>1</sup>【or in】 and were committed as part of a  
3 sequence of events that took place within a comparatively short  
4 period of<sup>1</sup> time. a statement with affidavit or verification that he has  
5 never been granted expungement, sealing or similar relief regarding  
6 a criminal conviction or convictions for multiple disorderly persons  
7 or petty disorderly persons offenses <sup>1</sup>, all of which were entered the  
8 same day, or<sup>1</sup> which were <sup>1</sup>interdependent or<sup>1</sup> closely related in  
9 circumstances <sup>1</sup>【or in】 and were committed as part of a sequence of  
10 events that took place within a comparatively short period of<sup>1</sup> time  
11 by any court in this State or other state or by any Federal court.  
12 "Sealing" refers to the relief previously granted pursuant to  
13 P.L.1973, c.191 (C.2A:85-15 et seq.).

14 c. In those instances where a person has received a dismissal of  
15 a criminal charge because of acceptance into a supervisory  
16 treatment or any other diversion program, a statement with affidavit  
17 or verification setting forth the nature of the original charge, the  
18 court of disposition and date of disposition.  
19 (cf: N.J.S.2C:52-8)

20

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

22 2C:52-14. A petition for expungement filed pursuant to this  
23 chapter shall be denied when:

24 a. Any statutory prerequisite, including any provision of this  
25 chapter, is not fulfilled or there is any other statutory basis for  
26 denying relief.

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

37 c. In connection with a petition under **【section】** N.J.S.2C:52-6,  
38 the acquittal, discharge or dismissal of charges resulted from a plea  
39 bargaining agreement involving the conviction of other charges.  
40 This bar, however, shall not apply once the conviction is itself  
41 expunged.

42 d. The arrest or conviction sought to be expunged is, at the  
43 time of hearing, the subject matter of civil litigation between the  
44 petitioner or his legal representative and the State, any  
45 governmental entity thereof or any State agency and the  
46 representatives or employees of any such body.

47 e. A person has had a previous criminal conviction expunged  
48 regardless of the lapse of time between the prior expungement, or

1 sealing under prior law, and the present petition. This provision  
2 shall not apply:

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

5 (2) When the person is seeking the expungement of records  
6 pursuant to **[section]** N.J.S.2C:52-6.

7 f. **[The person seeking the relief of expungement of a**  
8 **conviction for a disorderly persons, petty disorderly persons, or**  
9 **criminal offense has prior to or subsequent to said conviction been**  
10 **granted the dismissal of criminal charges following completion of a**  
11 **supervisory treatment or other diversion program.]** (Deleted by  
12 amendment, P.L. , c. ) (pending before the Legislature as this  
13 bill)

14 (cf: P.L.2009, c.188, s.3)

15

16 6. N.J.S.2C:52-15 is amended to read as follows:

17 2C:52-15. **[If]** a. Except as provided in subsection b. of this  
18 section, if an order of expungement of records of arrest or  
19 conviction under this chapter is granted by the court, all the records  
20 specified in said order shall be removed from the files of the  
21 agencies which have been noticed of the pendency of petitioner's  
22 motion and which are, by the provisions of this chapter, entitled to  
23 notice, and shall be placed in the control of a person who has been  
24 designated by the head of each such agency which, at the time of  
25 the hearing, possesses said records. That designated person shall,  
26 except as otherwise provided in this chapter, **[insure]** ensure that  
27 such records or the information contained therein are not released  
28 for any reason and are not utilized or referred to for any purpose.  
29 In response to requests for information or records of the person who  
30 was arrested or convicted, all noticed officers, departments and  
31 agencies shall reply, with respect to the arrest, conviction or related  
32 proceedings which are the subject of the order, that there is no  
33 record information.

34 b. Records of the Probation Division of the Superior Court  
35 related to restitution, a fine, or other court-ordered financial  
36 assessment that remains due at the time the court grants an  
37 expungement may be retained as confidential, restricted-access  
38 records in the Judiciary's automated system to facilitate the  
39 collection and distribution of any outstanding assessments by the  
40 comprehensive enforcement program established pursuant to  
41 P.L.1995, c.9 (C.2B:19-1 et al.) as ordered by the court. The  
42 Administrative Director of the Courts shall ensure that such records  
43 are not released to the public. Such records shall be removed from  
44 the Judiciary's automated system upon satisfaction of court-ordered  
45 financial assessments or by order of the court.

46 (cf: N.J.S.2C:52-15)

47

48 7. N.J.S.2C:52-18 is amended to read as follows:

1 2C:52-18. Information contained in expunged records may be  
2 supplied to the Violent Crimes Compensation **Board** Office, in  
3 conjunction with any claim which has been filed with said **board**  
4 office <sup>1</sup>], or to the Administrative Office of the Courts in  
5 conjunction with the obligation to pay restitution to a victim<sup>1</sup>.  
6 (cf: N.J.S.2C:52-18)  
7

8 8. <sup>1</sup>a.<sup>1</sup> (New Section) Notwithstanding any provision in this  
9 act to the contrary, expunged records may be used by the  
10 comprehensive enforcement program established pursuant to  
11 P.L.1995, c.9 (C.2B:19-1 et al.) to collect restitution, fines and  
12 other court-ordered financial assessments that remain due at the  
13 time an expungement is granted by the court. Information  
14 regarding the nature of such financial assessments or their  
15 derivation from expunged criminal convictions shall not be  
16 disclosed to the public. Any record of a civil judgment for the  
17 unpaid portion of court-ordered financial obligations that may be  
18 docketed after the court has granted an expungement of the  
19 underlying criminal conviction shall be entered in the name of the  
20 Treasurer, State of New Jersey. The State Treasurer shall thereafter  
21 administer such judgments in cooperation with the comprehensive  
22 enforcement program without disclosure of any information related  
23 to the underlying criminal nature of the assessments.

24 <sup>1</sup>b. The court, after providing appropriate due process, may  
25 nullify an expungement granted to a person pursuant to subsection  
26 a. of N.J.S.2C:52-2 if the person willfully fails to comply with an  
27 established payment plan or otherwise cooperate with the  
28 comprehensive enforcement program to facilitate the collection of  
29 any outstanding restitution, fines, and other court-ordered  
30 assessments, provided that prior to nullifying the expungement the  
31 person shall be afforded an opportunity to comply with or  
32 restructure the payment plan, or otherwise cooperate to facilitate the  
33 collection of outstanding restitution, fines, and other court-ordered  
34 assessments. In the event of nullification, the court may restore the  
35 previous expungement granted if the person complies with the  
36 payment plan or otherwise cooperates to facilitate the collection of  
37 any outstanding restitution, fines, and other court-ordered  
38 assessments.<sup>1</sup>  
39

40 9. This act shall take effect on the first day of the <sup>1</sup>**third**  
41 tenth<sup>1</sup> month next following enactment.  
42  
43  
44

45  
46 \_\_\_\_\_  
47 Revises procedures for expunging criminal and other records and  
information, including shortening of certain waiting periods for

**S3307 [1R]**

12

- 1 expungement eligibility and increasing number of convictions
- 2 which may be expunged.