

Clean Slate Expungement under N.J.S.A. 2C:52-5.3

(For one or more Felony, Disorderly Persons, Petty Disorderly Persons convictions or a combination of them)

- Having a previous felony conviction expunged is NOT a bar under this section.
- File in Superior Court of the county where the most recent conviction (whether for felony or Disorderly Person or Petty Disorderly Person) was adjudged.
- No expungement applications can be filed under this section after the establishment of the “automated clean slate” process under 2C:52-5.4 AND when the automated process is established, any petitions pending pursuant to this provision shall be rendered moot and shall be withdrawn or dismissed.
- The automated process shall restore a person’s record if he/she is subsequently convicted of a non-expungeable felony.

Eligibility Requirements

1. Applicant is not otherwise eligible for expungement under any other section of Chapter 52 of Title 2C.
2. Applicant CANNOT have a NON-EXPUNGEABLE conviction as defined in 2C:52-2(b) or (c.) See separate summary.
3. 10 years passed since most recent conviction, payment of any court-ordered financial assessment*, satisfactory completion of probation or parole, or release from incarceration, whichever is later.
 - If, at the time of application, a court-ordered financial assessment subject to collection under the comprehensive enforcement program (C. 2B:19-1 et al.) is not yet satisfied due to reasons other than willful noncompliance, but the time requirement of 10 years is otherwise satisfied, the Court shall grant the expungement and enter a civil judgment for the unpaid portion of the COFA...

*Court ordered financial assessment means and includes any fine, fee, penalty, restitution, and other form of financial assessment imposed by the court as part of the sentence for the conviction(s) that are the subject of the application, for which restitution takes precedence ...

OBTAINING YOUR CRIMINAL RECORD

There are two different agencies that take your fingerprints in order for you to receive a Criminal Case History that matches your fingerprints. You must make an appointment and pay in advance for each one.

- **One is IDENTOGO**, whose nearest location to our Office is 532 Raymond Boulevard, Raymond Plaza in Newark, but you can go to any location you wish. They send your prints to the NJ State Police and then you receive a report in the mail for your New Jersey cases that you were fingerprinted for. They charge \$42.80. Their telephone number is 1-877-503-5981. The website is: <https://uenroll.identogo.com/workflows/2F1BJG>
The Service Code is 2F1BJG and the Contributor Case Number is PRR.

If you don't receive your report within 10 working days of your scan, you should contact N.J.State Police Criminal Information Unit at 609-882-2000, ext. 2918 or CIU@gw.njsp.org.

- **The other agency is FIELDPPRINT**, whose nearest location to our Office is 56 Ferry Street in Newark, but you can go to any location you wish. They send your fingerprints to the FBI and several days later, a copy of your **nationwide** criminal history of cases you were fingerprinted for will be available in pdf form in an on-line portal. They charge \$50. Toll-free phone: (877) 614-4364. The website is:
https://fieldprintusa.com/FBISubPage_2col.aspx?ChannelID=266
- **This is the link to the New Jersey Municipal Court database, which contains case information for cases heard in the local town courts:**
<https://portal.njcourts.gov/webe5/MPAWeb/jsp/inquiry/case/CaseList.faces>
- **This is the link to the portion of the New Jersey Superior Court database which contains case information for criminal (felony) convictions:**
<https://portal.njcourts.gov/webe4/ExternalPGPA/index.jsp>
- **This is the link to the NJ Courts website to obtain the JOC or Probation completion letter (or other documents):**
<https://www.njcourts.gov/courts/superior/copiesrecords.html?lang=eng>
You can download the request form there and there are instructions on how to submit it through the JEDS website.

NON-EXPUNGEABLE CONVICTIONS, N.J. S.A. 2C:52-2(b) and (c)

1. Convictions for the following felonies specified in the current N.J. Criminal Code, and conspiracies or attempts to commit them, CANNOT be expunged:

- Criminal homicide (except death by auto as specified in N.J.S.A. 2C:11-5 and strict liability vehicular homicide as specified in N.J.S.A. 2C:11-5.3)
- Kidnapping
- Human trafficking
- Luring or enticing
- Sexual assault or aggravated sexual assault
- Aggravated criminal sexual contact
- Criminal sexual contact (if the victim is a minor)
- Criminal restraint or false imprisonment (if the victim is a minor and the offender is not the parent of the victim)
- Robbery
- Arson and related offenses
- Terrorism
- Producing or possessing chemical weapons, biological agents, or nuclear or radiological devices
- Endangering the welfare of a child by engaging in sexual conduct that would impair or debauch the morals of the child, or causing the child other harm
- Photographing or filming a child in a prohibited sexual act or for portrayal in a sexually suggestive manner.
- Causing or permitting a child to engage in a prohibited sexual act or the simulation of an act, or to be portrayed in a sexually suggestive manner
- Distributing, possessing with the intent to distribute, or using a file-sharing program to store items depicting the sexual exploitation or abuse of a child
- Possessing or viewing items depicting the sexual exploitation or abuse of a child
- Leader of a child pornography network
- Knowingly promoting the prostitution of the actor's child
- Perjury or False swearing

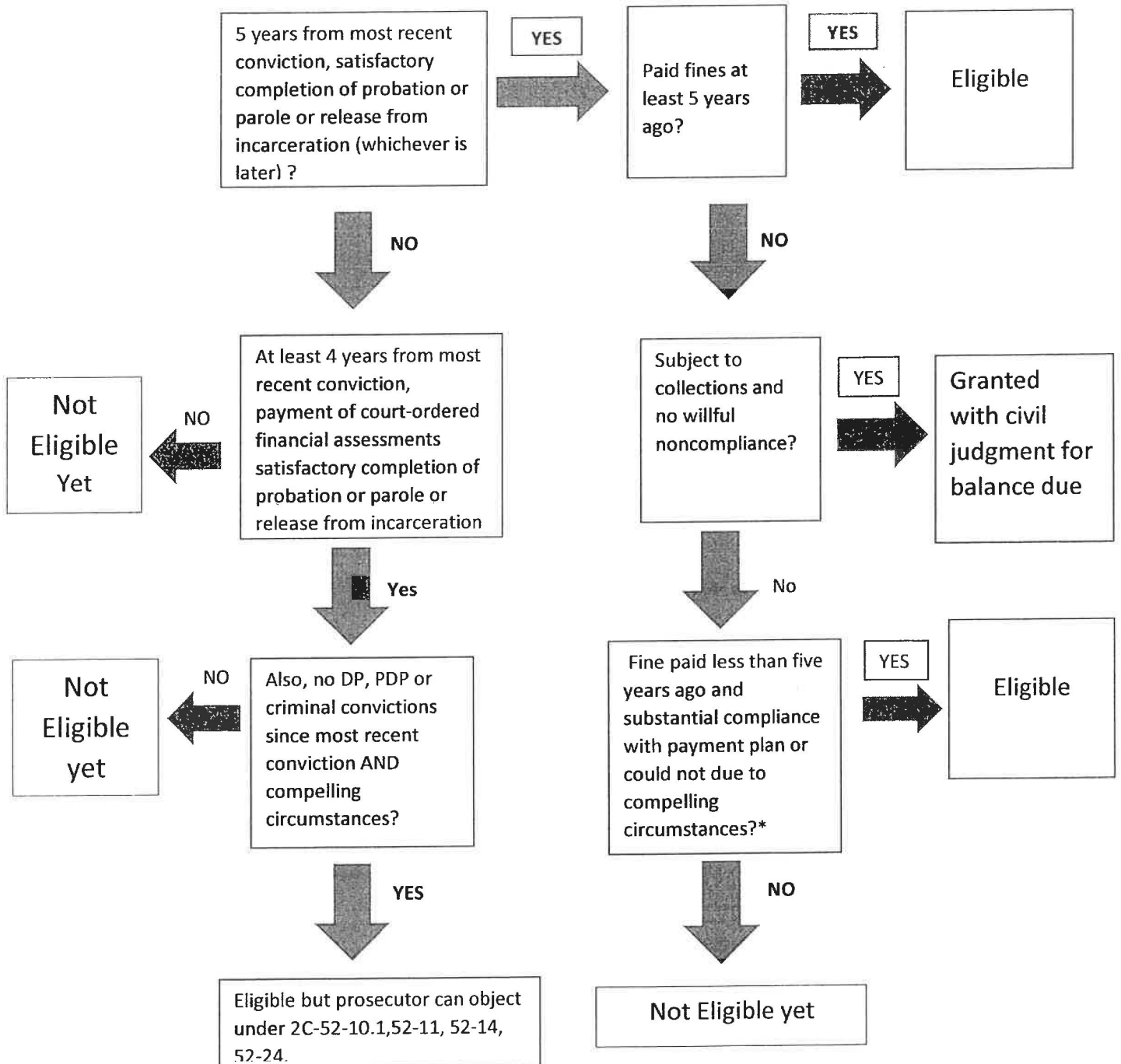
2. Convictions for the following felonies, repealed by the current N.J. Criminal Code, and conspiracies or attempts to commit any of these, or aiding, assisting, or concealing persons accused of these felonies cannot be expunged:

- Murder
- Manslaughter
- Treason
- Anarchy
- Kidnapping
- Rape
- Forcible sodomy
- Arson
- Perjury
- False Swearing
- Robbery
- Embracery

3. Any felony conviction by a person holding any public office, position or employment, elective or appointive, under the State or any agency or political subdivision thereof and any conspiracy or attempt to commit such felony, if the felony involved or touched such office, position, or employment cannot be expunged.

4. Any first or second degree felony conviction for sale, distribution or possession with intent to sell CDS cannot be expunged.

**Waiting Periods For Felony or Combination of Felony and Disorderly Persons/ Petty
Disorderly Persons Convictions Under N.J. S.A. 2C:52-2**



Compelling Circumstances- A court may consider the amount of any court-ordered financial assessment imposed, the person's age at the time of the offense or offenses, the person's financial condition and other relevant circumstances regarding the person's ability to pay.

Eligibility For Disorderly Persons and Petty D.P. Convictions
Pursuant to NJSA 2C:52-3
(If Felony conviction anywhere, Go To N.J.S.A. 2C: 52-2)

First thing, be sure to re-classify all Marijuana convictions and paraphernalia convictions that involve hypodermic syringe/needle (see outlines on separate pages)!

If any of the following three scenarios apply, you are eligible to expunge, so long as you have not had a previous felony conviction expunged:

1. Up to 5 DP/PDP's convictions on same or separate occasions in NJ AND no subsequent DP/PDP in another jurisdiction or here.

- Prior DP/PDP conviction does not bar later 5, but not eligible itself.

2. Multiple DP, PDP convictions or combination thereof (no limit!) **entered same day** AND no subsequent conviction for another offense in NJ or other jurisdiction.

- Prior DP/PDP conviction entered on a different day does not bar the later ones entered the same day but is not eligible itself.

3. Multiple DP, PDP convictions or combination of DP/PDP convictions that's part of a **crime spree** ***(no limit!)** AND no subsequent conviction for an offense in NJ or other jurisdiction.

- Prior DP/PDP conviction that is not part of the crime spree does not bar the later ones in the crime spree but is not eligible itself.

IF NONE OF THE ABOVE SCENARIOS APPLY, LOOK AT CLEAN SLATE,
N.J.S.A. 2C:52-5.3

*Crime spree is defined as offenses or combination of offenses that are "interdependent or closely related in circumstances and were committed as part of a sequence of events that took place within a comparatively short period of time..."

COMPELLING CIRCUMSTANCES EXPUNGEMENTS
FORMERLY CALLED “PUBLIC INTEREST” EXPUNGEMENTS

TO EXPUNGE CONVICTIONS FOR:

- **THIRD OR FOURTH DEGREE SALE, DISTRIBUTION OR POSSESSION WITH INTENT TO SELL CONTROLLED DANGEROUS SUBSTANCE (NOT MARIJUANA);**
- **DISORDERLY PERSON/PDP CONVICTION(S) AFTER THREE YEARS;**
- **FELONY OR COMBINATION OF FELONY/DP/PDP CONVICTION (S) AFTER FOUR YEARS}**

These types of expungements are different from other expungements because expungement is discretionary with the Court, so you will need to convince the court that “compelling circumstances exist to grant the expungement.”

Provide information that will enable the Court to know you as an individual and not as simply a case file. You can use documents to demonstrate your good character, accomplishments/rehabilitation, and need for expungement such as:

- ✓ GED Certificate, college diploma, grade transcripts
- ✓ CDS Rehab Certificate
- ✓ Letters of Recommendation from relatives, ministers, community leaders, neighbors, friends, government officials, law enforcement officers, your child’s teachers, other employees at your child’s school, people you have helped or have assisted in any way, etc.
- ✓ Letters denying you housing because of your record
- ✓ Letters denying you public assistance because of your record (E.g., welfare, food stamps, Medicaid, etc...)
- ✓ Letters rejecting you from employment or advances in employment due to your record
- ✓ Letters rejecting you from obtaining a professional license(e.g. SORA) due to your record
- ✓ Letters promising employment if you expunge your record
- ✓ Documents showing compliance with child support obligations
- ✓ Letter showing early release from probation or parole
- ✓ Documentation of volunteer work in various community activities or working on charitable or service projects
- ✓ The court may also consider whether a petitioner has engaged in activities such as job training or further education, compliance with other legal obligations (such as child support and motor vehicle fines), and maintaining family and community ties.

Your Petition should include your personal statement as to how you are now a different person than at the time of the crime, obstacles you’ve overcome, doors that have been closed to you because of your record, your need for expungement. Include any positive information such as your family status as a provider or care-giver. List all others (such as spouse, children, elderly parents) who will also benefit from your receiving the expungement and being able to obtain employment. Also, if you are on public assistance, include the fact that you want an expungement so you can support yourself and your family without having to rely upon public assistance.

Re-classification of Felony Convictions Involving Marijuana To DP Convictions

1. 2C:35-5(b)(11)

- Conviction for distribution or Possession with intent to distribute- one ounce or more, but less than 5lbs)
- 3rd degree

OR

2. 2C:35-5(b)(12) *

- Conviction for distribution or Possession with intent to distribute -less than one ounce.
- 4th degree

3. Violation of 1 or 2 above

- Plus violation of 2C:35-7 (Distributing or possessing with intent to distribute in school zone)

OR

4. Violation of 1 or 2 above

Plus violation of 2C:35-7.1 (distributing or possessing with intent to distribute in public housing, etc. zone)

OR

5. 2C:35-10(a) (3)

Possession of more than 50 grams of marijuana

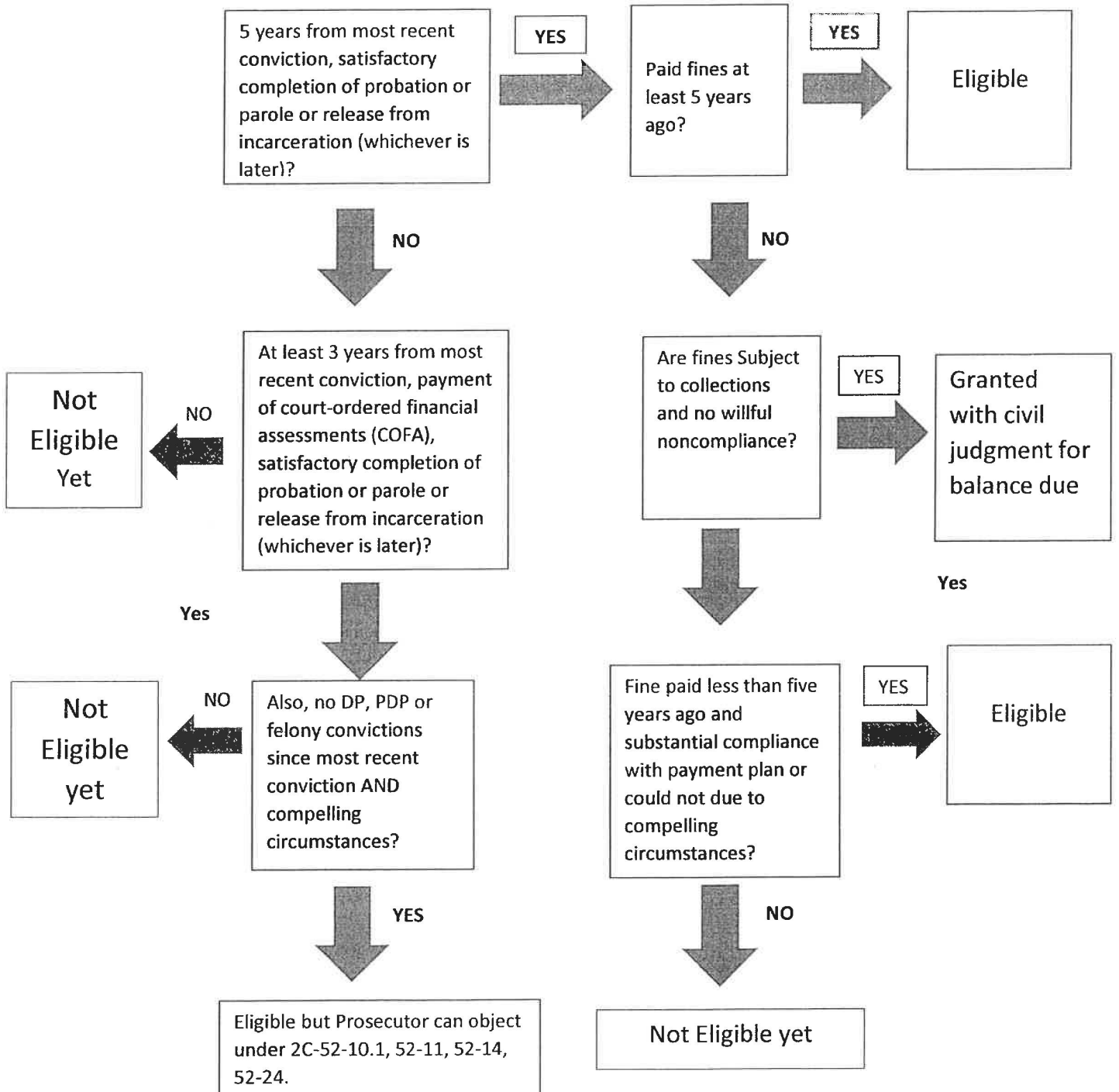
- 4th degree

OR

6. Equivalent felony in another jurisdiction

*This offense was deemed non-prosecutable under NJSA 2C:35-23.1(a) and is among those ordered expunged by the NJ Supreme Court, so this offense should probably not even be considered as a DP, but rather, as a dismissal.

**Waiting Periods For Disorderly Persons offenses and Petty Disorderly
Persons offenses Pursuant to NJSA 2C:52-3**



EXPUNGEMENT OF JUVENILE ADJUDICATIONS (CONVICTIONS)
UNDER NJSA 2C:52-4.1

Entire record of Juvenile Delinquency adjudications (convictions) can be expunged if:

- THREE years have passed since the end of legal custody or supervision or any other court order not involving custody or supervision (used to be FIVE years), AND
- Not convicted of a crime, Disorderly Person or Petty Disorderly Person offense or adjudged a delinquent or in need of supervision in the THREE years before filing the Expungement petition (used to be FIVE years) AND
- Never adjudicated delinquent for a non-expungeable offense AND
- Never had an adult conviction expunged AND
- Never had criminal (felony) charges dismissed after supervisory treatment (eg PTI)

**Eligibility For Felony or Combination of Felony and Disorderly Persons/ Petty DP
Convictions Under NJSA 2C:52-2
(If just DP/PDP conviction(s), go to NJSA 2C:52-3)**

FIRST THING, be sure to re-classify all marijuana convictions and paraphernalia convictions that involve hypodermic syringe/needle (see outlines on separate pages)!

If any of the following four scenarios apply, you are eligible to expunge, so long as you have not had a previous felony conviction expunged:

- 1a.) One felony* conviction in NJ and no subsequent felony conviction anywhere.
 - b.) Prior Felony conviction does not bar the later felony conviction but is not eligible itself.
- 2a.) One felony conviction and up to 3 DP/PDP convictions in NJ and no subsequent felony, DP/PDP conviction in NJ or other jurisdiction.
 - b.) Prior felony, DP/PDP conviction does not bar the later one felony conviction and up to 3 DP/PDP convictions but is not eligible itself.
- 3a.) Multiple felony, DP/PDP convictions listed in single Judgement of Conviction (no limit) and no subsequent conviction for another felony/offense in NJ or other jurisdiction.
 - b.) Prior conviction for another felony/DP/PDP not in the single JOC does not bar the convictions in the single JOC but is not eligible itself.
- 4a.) Multiple felony/combination of felony and DP/PDP's that are part of a crime spree** (no limit) and no subsequent conviction for another felony/ offense in NJ or other jurisdiction.
 - b.) Prior conviction for another felony /DP/PDP that's not part of the crime spree doesn't bar convictions in the crime spree but is not eligible itself.

IF NONE OF THE ABOVE SCENARIOS APPLY, LOOK AT CLEAN SLATE, N.J.S.A. 2C:52-5.3

*Pursuant to In the Matter of the Expungement Petition of J.S., 223 N.J. 54, 73(2015), a single {felony} involves a "single, uninterrupted criminal event or incident. "

**Crime spree is defined as offenses or combination of offenses that are "interdependent or closely related in circumstances and were committed as part of a sequence of events that took place within a comparatively short period of time..."

**Re-classification of Disorderly Persons/Petty D.P. Convictions
Involving Marijuana to Non-Convictions (Dismissals)**

1. Conviction for possession of less than 50 grams of Marijuana 2C:35-10(a) (4)

OR

2. Conviction for using or being under influence 2C:35-10(b)

3. Conviction for failure to turn over Controlled Danger Substances

- 2C:35-10 (C)

OR

4. Violation of 1, 2, or 3 above

AND

Using or possessing with intent to use paraphernalia with marijuana 2C:36-2

OR

5. Equivalent offense in another jurisdiction

**Re-classification of Felony and D.P. Narcotics Paraphernalia
Convictions Involving Hypodermic Syringe or Needle**

1. D.P. Conviction for using or possessing with intent to use drug paraphernalia which is a hypodermic syringe or needle in violation of 2C:36-2

OR

2. D.P. Conviction for possession with intent to use or to distribute a hypodermic syringe or needle in violation of 2C:36-6

OR

3. Conviction for equivalent offense in another jurisdiction

Violation of 1, 2, or 3 is not to be considered a conviction in this State or any other jurisdiction.

4. Felony Conviction for distribution or possession with intent to distribute drug paraphernalia which is a hypodermic syringe or needle, in violation of 2C:36-3, or the equivalent crime in another jurisdiction, is not to be considered a felony conviction, within this State or any other jurisdiction, but a Disorderly Person's conviction.

YOUNG DRUG OFFENDERS 2C:52-5

Use this Statute For Non-Marijuana and Non-Hypodermic Syringe/Needle Paraphernalia DP drug offenses, or felony ie straight possession, 2C:35-10 (a), (1), (2)

Eligible for expungement 1 year after conviction, termination of probation or parole or discharge from custody whichever is later, IF:

1. 21 years or younger at the time of offense

AND, prior to hearing has:

2. Not violated any probation conditions or parole, even after discharge

AND

3. Not been convicted of any previous or subsequent felony or any previous or subsequent violation (Even P/DP) of Chapter 35 or 36(which concern drug offenses).

AND

4. Not had prior or subsequent felony dismissed because of acceptance into a supervisory treatment or other diversion program.

Note: Statute does not apply to any person who has been convicted of the sale or distribution or possession with the intent to sell any controlled dangerous substance.

But, remember: There are now other, more liberal, revisions re Marijuana expungements, including sale, distribution and possession with intent to sell AND re expungements for drug paraphernalia that involve hypodermic syringe/needle.