

# ASSEMBLY, No. 1542

## STATE OF NEW JERSEY 212th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

**Sponsored by:**

**Assemblyman ALFRED E. STEELE**

**District 35 (Bergen and Passaic)**

**SYNOPSIS**

Provides for a seven year time period for expungement of certain records.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



A1542 STEELE

2

1 AN ACT concerning expungement and amending N.J.S. 2C:52-2.

2

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

5

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

7 2C:52-2. Indictable Offenses. a. In all cases, except as herein  
8 provided, wherein a person has been convicted of a crime under the  
9 laws of this State and who has not been convicted of any prior or  
10 subsequent crime, whether within this State or any other  
11 jurisdiction, and has not been adjudged a disorderly person or petty  
12 disorderly person on more than two occasions may, after the  
13 expiration of a period of [10] seven years from the date of his  
14 conviction, payment of fine, satisfactory completion of probation or  
15 parole, or release from incarceration, whichever is later, present a  
16 duly verified petition as provided in section 2C:52-7 to the Superior  
17 Court in the county in which the conviction was entered praying  
18 that such conviction and all records and information pertaining  
19 thereto be expunged.

20 Although subsequent convictions for no more than two  
21 disorderly or petty disorderly offenses shall not be an absolute bar  
22 to relief, the nature of those conviction or convictions and the  
23 circumstances surrounding them shall be considered by the court  
24 and may be a basis for denial of relief if they or either of them  
25 constitute a continuation of the type of unlawful activity embodied  
26 in the criminal conviction for which expungement is sought.

27 b. Records of conviction pursuant to statutes repealed by this  
28 Code for the crimes of murder, manslaughter, treason, anarchy,  
29 kidnapping, rape, forcible sodomy, arson, perjury, false swearing,  
30 robbery, embracery, or a conspiracy or any attempt to commit any  
31 of the foregoing, or aiding, assisting or concealing persons accused  
32 of the foregoing crimes, shall not be expunged.

33 Records of conviction for the following crimes specified in the  
34 New Jersey Code of Criminal Justice shall not be subject to  
35 expungement: Section 2C:11-1 et seq. (Criminal Homicide), except  
36 death by auto as specified in section 2C:11-5; section 2C:13-1  
37 (Kidnapping); section 2C:13-6 (Luring or Enticing); section 2C:14-  
38 2 (Aggravated Sexual Assault); section 2C:14-3a (Aggravated  
39 Criminal Sexual Contact); if the victim is a minor, section 2C:14-3b  
40 (Criminal Sexual Contact); if the victim is a minor and the offender  
41 is not the parent of the victim, section 2C:13-2 (Criminal Restraint)  
42 or section 2C:13-3 (False Imprisonment); section 2C:15-1  
43 (Robbery); section 2C:17-1 (Arson and Related Offenses); section  
44 2C:24-4a. (Endangering the welfare of a child by engaging in  
45 sexual conduct which would impair or debauch the morals of the

**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 child); section 2C:24-4b(4) (Endangering the welfare of a child);  
2 section 2C:28-1 (Perjury); section 2C:28-2 (False Swearing) and  
3 conspiracies or attempts to commit such crimes.

4 Records of conviction for any crime committed by a person  
5 holding any public office, position or employment, elective or  
6 appointive, under the government of this State or any agency or  
7 political subdivision thereof and any conspiracy or attempt to  
8 commit such a crime shall not be subject to expungement if the  
9 crime involved or touched such office, position or employment.

10 c. In the case of conviction for the sale or distribution of a  
11 controlled dangerous substance or possession thereof with intent to  
12 sell, expungement shall be denied except where the crimes relate to:

13 (1) Marijuana, where the total quantity sold, distributed or  
14 possessed with intent to sell was 25 grams or less, or

15 (2) Hashish, where the total quantity sold, distributed or  
16 possessed with intent to sell was five grams or less.

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

23 (cf: P.L. 1994,c.133,s.6).

24

25 2. This act shall take effect immediately.

26

27

28

STATEMENT

29

30 This bill would decrease the amount of years which must elapse  
31 since a conviction for a person to be eligible to petition the court for  
32 an expungement of the record.

33 Under the current provisions of N.J.S.A.2C:52-2 any person  
34 may file a petition to have his records expunged after 10 years from  
35 the date of his conviction. This bill would amend this section to  
36 provide that a petition for expungement of a conviction may be filed  
37 after seven years from the date of conviction.