

ASSEMBLY, No. 779

STATE OF NEW JERSEY

212th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

Sponsored by:

Assemblyman WILFREDO CARABALLO

District 29 (Essex and Union)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Co-Sponsored by:

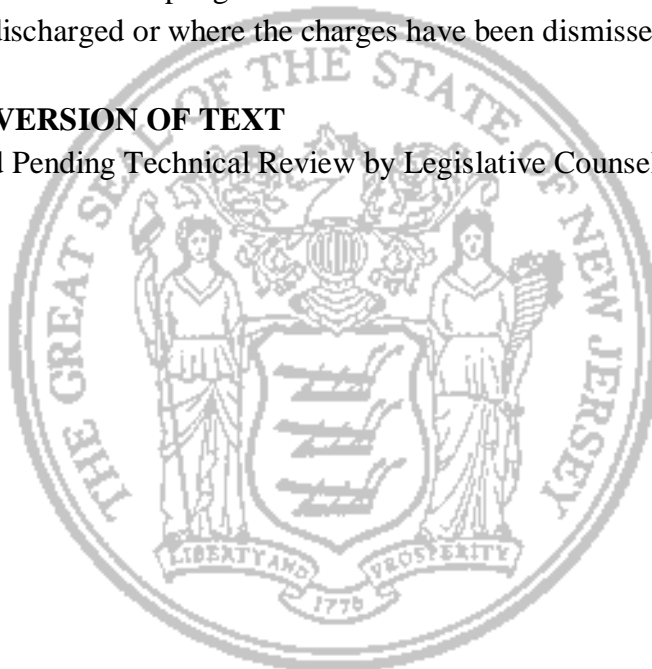
**Assemblywoman Quigley, Assemblymen Van Drew, McKeon,
Assemblywoman Watson Coleman, Assemblymen Hackett, Cohen, Fisher,
Assemblywoman Cruz-Perez, Assemblymen Greenwald, Green, Payne and
Prieto**

SYNOPSIS

Permits immediate expungement of court records where the person is acquitted or discharged or where the charges have been dismissed.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 5/12/2006)

1 AN ACT concerning expungement and amending N.J.S.2C:52-6.

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:52-6 is amended to read as follows:

7 2C:52-6. a. In all cases, except as herein provided, wherein a
8 person has been arrested or held to answer for a crime, disorderly
9 persons offense, petty disorderly persons offense or municipal
10 ordinance violation under the laws of this State or of any
11 governmental entity thereof and against whom proceedings were
12 dismissed, or who was acquitted, or who was discharged without a
13 conviction or finding of guilt~~[,]~~: (1) the court may, upon motion of
14 the defense, at the time of dismissal, acquittal or discharge, order
15 the expungement of all records and information relating to the
16 arrest. All relevant criminal justice and law enforcement agencies
17 required to be notified pursuant to N.J.S.2C:52-10 shall be
18 immediately notified of the expungement order; or (2) the person
19 may at any time following the disposition of proceedings, present a
20 duly verified petition as provided in section 2C:52-7 to the Superior
21 Court in the county in which the disposition occurred praying that
22 records of such arrest and all records and information pertaining
23 thereto be expunged.

24 b. Any person who has had charges dismissed against him
25 pursuant to ~~【P.L.1970, c.226, s.27 (C.24:21-27)】~~ N.J.S.2C:36A-1
26 or pursuant to a program of supervisory treatment, shall be barred
27 from the relief provided in this section until 6 months after the entry
28 of the order of dismissal.

29 c. Any person who has been arrested or held to answer for a
30 crime shall be barred from the relief provided in this section where
31 the dismissal, discharge, or acquittal resulted from a determination
32 that the person was insane or lacked the mental capacity to commit
33 the crime charged.

34 (cf: P.L.1979, c.178, s.113).

35

36 2. This act shall take effect immediately.

37

38

39

STATEMENT

40

41 Under the current provisions of N.J.S.2C:52-6, any individual at
42 any time following the disposition of a proceeding may file a
43 petition to have his records expunged when the proceedings have
44 been dismissed, when the person has been acquitted or when the
45 person's case has been discharged without a conviction or a finding

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.

A779 CARABALLO, JOHNSON

3

1 of guilt. This bill enhances this section by also authorizing the court
2 to order the expungement of records in cases where a person is
3 acquitted or discharged, or where charges are dismissed. The court
4 would be required to notify all relevant criminal justice and law
5 enforcement agencies of the expungement order.