

Clearing Your Record © 2018 Legal Services of New Jersey

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The information in this manual is accurate as of October 1, 2018. Please check our website, www.lsnjlaw.org, for updates or talk to a lawyer for up-to-date legal advice.

Clearing Your Record

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**A Six-Step Guide to
Expunging Criminal Records
in New Jersey**



Use LSNJ's Clearing Your Record Online to find out if you are eligible to expunge your record and fill out forms online.

Find it on our website, www.lsnjlaw.org.



**Written and Published by
Legal Services of New Jersey**

Waiting Periods

Type of Conviction	Time Passed	Statute
Indictable Conviction (and up to 3 Disorderly Persons)	*6 years	N.J.S.A. 2C:52-2
Indictable Conviction (and up to 3 Disorderly Persons)— <i>Public Interest</i>	At least 5 years	N.J.S.A. 2C:52-2(a) 2
Disorderly Persons (up to 4)	*5 years	N.J.S.A. 2C:52-3
Disorderly Persons (up to 4)— <i>Public Interest</i>	At least 3 years	N.J.S.A. 2C:52-3(b)2
Municipal Ordinance Violation	2 years	N.J.S.A. 2C:52-4
Individual Juvenile Delinquency Adjudications	Same as adult offenses	N.J.S.A. 2C:52-4.1(a)
Entire Juvenile Record	3 years	N.J.S.A. 2C:52-4.1(b)
Certain Drug Offenses for Young Offenders	1 year	N.J.S.A. 2C:52-5
Arrests Not Resulting in Conviction, Veterans Diversion Program	Immediately	N.J.S.A. 2C:52-6
Special Probation (Drug Court) or Court-ordered Rehabilitation	Immediately	N.J.S.A. 2C:35-14
Supervised Treatment Program, Conditional Discharge, and Conditional Dismissal or other diversion program	6 months	N.J.S.A. 2C:52-6

“Time Passed” is the time elapsed since most recent conviction, payment of fine, satisfactory completion of probation or parole, or release from incarceration, whichever is later.

*** Note:** The payment of fine requirement might be relaxed if you were in substantial compliance with a court-ordered payment plan or could not do so because of your financial condition.

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Preface

Legal Services of New Jersey (LSNJ) coordinates the statewide Legal Services system in New Jersey, providing free legal assistance to low-income people in civil matters. Part of Legal Services' mission is to make people more aware of their legal rights and provide helpful information if they choose to pursue a legal case on their own. Awareness may allow you to resolve some problems on your own, without the need for a lawyer, or to make better use of a lawyer if you have one.

About This Manual

This manual provides basic information about how to clear (expunge) a record of arrest or conviction. In the limited circumstances where expungement is possible, the process is relatively simple and in many instances can be managed without the help of a lawyer. Legal Services offices often do not provide representation in such cases because their scarce resources are needed in other areas. This manual is provided in place of a lawyer. It is intended to permit people to help themselves.

A Word of Caution About Using This Manual

This manual does not give advice about a particular legal problem that you may have, and it is not a substitute for seeing a lawyer when you need one. Talk to a lawyer if you think you need the help.

The information in this manual is accurate as of October 1, 2018, but laws often change. Please check our website, www.lsnjlaw.org, for updates to this manual, or talk to a lawyer for up-to-date legal advice.

Clearing Your Record Online



Visit **Clearing Your Record Online** on LSNJ's website, www.lsnjlaw.org. On the site, you can use the Clearing Your Record eligibility interview to find out if your New Jersey criminal record is expungeable. If you are eligible for expungement, you can create and print forms to submit to the court. **Clearing Your Record Online** also includes a series of instructional videos that explain the expungement process and other resources to help you with expungement.

If You Need a Lawyer

If you are a low-income New Jersey resident, you may be eligible for help from a Legal Services office in your area. You can find a list of regional Legal Services programs and telephone numbers on our website, www.lsnjlaw.org. You may also be eligible for free legal advice from LSNJLAWSM, Legal Services of New Jersey's statewide, toll-free legal hotline. You may apply online through the Hotline Web Intake form at www.lsnjlawhotline.org or call the hotline at 1-888-LSNJ-LAW (1-888-576-5529). Outside of New Jersey, please call (732) 572-9100 and ask to be transferred to the hotline. Hotline hours are Monday through Friday, 8 a.m. to 5:30 p.m. If you are eligible, we can help you through the expungement process. To find a private lawyer, call the lawyer referral service of your county bar association.

Acknowledgments

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Comments or Suggestions

We hope that this manual will be helpful to you. Please let us know if you have comments or suggestions that we might use in future editions. Email us at publications@lsnj.org or write to us at:

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October 2018*

Introduction

A record of arrest or conviction can haunt a person forever. It can create barriers to employment, housing and education, among other pursuits. Many people can solve this problem if they are eligible to clear (expunge) their criminal record.

New Jersey law provides a limited right to expungement. The primary purpose of New Jersey's expungement law is to provide a fresh start to those who have a few convictions. The law also provides for the expungement of dismissed cases, juvenile offenses, certain victims' convictions, and those who have successfully graduated from drug court. Some records, however, cannot be expunged, such as out-of-state arrests or convictions, most motor vehicle-related offenses, and very serious crimes.

The law carefully defines who is eligible to expunge a criminal record. In most cases, an eligible person must prepare a Petition for Expungement and file it in the Superior Court in the county where the arrest or prosecution took place.

A judge then decides whether to issue an Expungement Order. An Expungement Order means that, with some exceptions, the criminal proceedings never happened. It allows the person to apply for school, job, and housing opportunities truthfully without having to reveal that he or she was ever arrested or convicted.

Records Required to Be Kept Private

When an expungement is granted, law enforcement agencies are required by law to keep that person's records private. However, the law does allow expunged records to be used later in certain cases. Should the person ever again become involved in any criminal proceedings, the records can be used. This means that, if the person is arrested following expungement, his or her past records will be considered in deciding eligibility for supervisory treatment or diversion programs, setting bail, authorizing pre-trial release, preparation of pre-sentence reports, or for sentencing. If a crime victim files a claim with the Victims of Crime Compensation Office, the expunged records of the person convicted of the crime can be used in connection with the claim. If the criminal activity or arrest results in the person being incarcerated, the Department of Corrections is allowed to use the records in deciding how to classify and assign the prisoner within an institution. Also, following a conviction and a jail sentence, expunged records can be used in deciding eligibility for parole (early release). Further, even if you were granted an expungement, your record may still be kept in the Pretrial Intervention Registry

pursuant to *R. 3:28(e)*, and reports of your record may be filed as required under the Controlled Dangerous Substance Registry Act of 1970.

Also, if the expunged records are the subject of litigation or judicial proceedings, the court may allow these records to be inspected by appropriate parties.

Many people want to go through the expungement process so that they can have a clear record when they apply for jobs. After a record of arrest or conviction is expunged, it should not appear on a criminal background check. Further, it is unlawful for an employer to ask you about an "expunged" record. However, the law allows exceptions where expunged records may be considered, such as when a person applies for a job with a law enforcement agency. This includes jobs with state, county, and local corrections departments; prosecutors; courts; and police. This does not mean that those agencies will never employ people with records, but it does mean that those applying must still reveal the existence of an expunged record on a job application.

Agencies not associated with law enforcement that require information about a person's criminal record prior to expungement (such as the Real Estate Commission or the Department of Insurance) cannot be compelled to correct their records after an Expungement Order is granted. Such agencies are beyond the reach of expungement orders and may continue to publicize such information.

The expungement process is fairly simple. This manual will tell you the exact steps to follow. It has been prepared to help you expunge your record if you cannot afford a lawyer. If you can afford an attorney and decide that you want him or her to take you through this process, the information in this manual may help you to decide whether or not you are eligible for an expungement. You may also visit LSNJ's **Clearing Your Record Online** on our website, www.lsnjlaw.org, to find out if you are eligible to expunge your record and fill out forms online.

What is *N.J.S.A. 2C:52?*

The laws, also referred to as "statutes," made by the New Jersey Legislature are kept in a set of volumes, called *New Jersey Statutes Annotated* (*N.J.S.A.*). These books are numbered and have "titles." There are "chapters" in each book, and "articles" in each chapter. So *N.J.S.A. 2C:52-1* means that the law on expungement can be found in *N.J.S.A.*, title 2C, chapter 52, article 1.

Note: There are three volumes of *N.J.S.A.* books listed as Title 2C—Code of Criminal Justice. Besides the law on expungement, these books also contain most of New Jersey's laws dealing with arrests, crimes, and punishment. These laws are also available online on the New Jersey Legislature website, www.njleg.state.nj.us.

Step 1: Are You Eligible?

The answer to this basic question usually depends on the type and number of criminal records you have.* The type of records means whether a conviction was for an indictable offense (generally an offense punishable by six months of jail time or more), for a disorderly persons offense (generally an offense punishable by less than six months of jail time) (for the purposes of this manual, “disorderly persons” offenses refers to disorderly persons offenses and petty disorderly persons offenses), or for a violation of a municipal ordinance. Note that, even where an indictable offense carries a penalty of six months or more of jail time, a judge is permitted, in some cases, to sentence you to probation instead of time in prison. So, it is possible that you have an indictable offense, even if you only served probation.

If the conviction or guilty plea occurred in the Superior Court and the offense carries a degree (first, second, third or fourth), the offense was probably an indictable offense. If, on the other hand, the conviction or guilty plea occurred in a local municipal court, it was probably a disorderly persons offense or municipal ordinance violation.

Note: Title 39 motor vehicle-related violations are not eligible for expungement. This includes speeding and driving under the influence of alcohol or drugs.

Drug Court

If you successfully completed drug court or court ordered rehabilitation you may be eligible to expunge all of your arrests and convictions for any indictable or disorderly persons offenses if:

- You were not convicted of any indictable or disorderly persons offense during the term of special probation or since the date of discharge from special probation;
- You were never convicted of any "non-expungeable" offenses (see Convictions that Cannot be Expunged, below); and
- The court finds that the need for the availability of the records does not outweigh the desirability of freeing you from disabilities associated with the availability of your records.

*Only New Jersey convictions and arrests may be expunged in New Jersey. If you want to expunge a record from another state or a conviction or arrest for a federal offense, you must contact the court system in that state or the federal court system to determine whether you may expunge that record.

If you successfully graduated from drug court prior to April 18, 2016, you may use the forms included in this manual to expunge your record. If you successfully graduated from drug court on or after April 18, 2016, contact the court or the public defender for more information.

There is no filing fee for a drug court expungement.

Identity Theft and Human Trafficking

Individuals who were victims of identity theft and human trafficking may be eligible to expunge or delete certain arrests and convictions from their record. Such individuals should not file an expungement as set forth in this manual but must follow separate rules and procedures. Contact Legal Services of New Jersey for more information if you feel you may be entitled to this relief.

Expunging an Indictable Conviction

If you have a conviction for an expungeable indictable offense you may expunge that conviction if any of the following are true:

- You have only been convicted of one indictable offense and do not have any other "prior or subsequent" convictions for an indictable offense in New Jersey or any other state;
- You have been convicted of an indictable offense and have no more than three disorderly or petty disorderly persons offenses in New Jersey or any other state;
- You have been convicted of multiple indictable offenses or a combination of indictable and disorderly persons offenses, all of which are listed in a single judgment of conviction, and you do not have any other prior or subsequent indictable conviction or offense; or
- You have been convicted of multiple indictable offenses or a combination of indictable and disorderly persons offenses that were 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, regardless of the date of conviction or sentencing for each offense, and you do not have any other prior or subsequent indictable conviction or offense.

Except for the circumstances listed below, you must wait at least a period of six years from the date of the most recent conviction, payment of any fine, completion of probation or parole, or release from jail—whichever is later—to be eligible.

The court may consider the nature and circumstances of any subsequent disorderly persons conviction(s) and may deny your petition if it considers the subsequent conviction(s) as a continuation of the type of unlawful activity as in the indictable conviction.

If you are still on a court-ordered payment plan and it is not yet satisfied by reason other than willful noncompliance, and you have otherwise met the six year time requirement you may still be eligible to expunge, but the court will provide for the continued collection of the fine or entry of civil judgment for the outstanding amount.

Early Pathway Expungement of Indictable Convictions

The court may grant an expungement of an indictable offense even if less than six years have passed from date of the conviction, payment of fine, completion of probation or parole, or release from prison—whichever is later—if:

- Less than six years have passed since the payment of a fine (but the waiting requirement has otherwise been met), and the court finds that you substantially complied with a court-ordered payment plan, or could not do so because of compelling circumstances (this can include the amount of the fine or fines imposed, your age at the time of the offense, your financial condition, and other circumstances affecting your ability to pay); or
- At least five but less than six years have passed since the date of conviction, payment of fine, completion of probation or parole, or release from incarceration—whichever is later; you have had no further convictions for an indictable offense, disorderly persons or petty disorderly persons offense since the time of the most recent conviction, and the court finds that expungement is in the “public interest” giving due consideration to the nature of the offense and your character and conduct since the conviction.

Crimes That Occurred at the Same Time

In certain cases, the court may count convictions for conduct that occurred at the same time as one indictable or one disorderly persons offense. If your criminal record contains several convictions that occurred as part of a single uninterrupted criminal act, they may be considered one offense or conviction. However, if the crimes or offenses were committed on separate occasions, they will be counted as separate convictions.

Convictions That 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

- False swearing
- Conspiracies or attempt to commit such crimes.

Also, certain additional crimes, *if committed prior to September 1, 1979*, cannot be expunged:

- Manslaughter
- Treason
- Anarchy
- Rape or forcible sodomy
- Embracery
- Conspiracies or attempts to commit any of the foregoing; or aiding, assisting, or concealing persons accused of the foregoing crimes.

Controlled Dangerous Substances

Convictions for the sale or distribution of a controlled dangerous substance or possession with the intent to sell cannot be expunged, except in cases where the crimes involve:

- Marijuana, where the total quantity sold, distributed, or possessed with intent to sell was less than one ounce; or
- Hashish, where the total quantity sold, distributed, or possessed with intent to sell was less than 5 grams.

In addition, convictions for third or fourth degree crimes involving sale or distribution or possession with intent to sell a controlled dangerous substance may be expunged where the court finds expungement is in the public interest, considering the nature of the offense and the character and conduct of the petitioner since the conviction. In such cases, the court must also consider whether the need for availability of the records outweighs the desirability of granting the expungement.

There is no such restriction on the expungement of convictions for possession with the intent to distribute. The State can object to your expungement, however, if it believes that the crime actually involved a sale or an intended sale. In that case, the court may consider the circumstances of your offense—such as the presence of cash, weapons or paraphernalia common to drug sale operations—to determine the true nature of the offense. Therefore, you may be required to establish that your offense did not involve a sale or intended sale by

presenting evidence such as pre-sentence investigation reports, trial transcripts, testimony, or other proof from your criminal case.

Abuse of Public Office

Any indictable conviction for an offense committed by a person holding any public office in this state, or conspiracy or attempt to commit such an offense, cannot be expunged if the crime involved or touched such office, position, or employment.

Expunging a Disorderly Persons Conviction

If you have been convicted of one or more disorderly persons offenses, and have not been convicted of any indictable convictions, you may expunge those convictions if:

- You have only been convicted of no more than four disorderly persons offenses and do not have any other "prior or subsequent" convictions for a disorderly persons offense in New Jersey or any other state;
- You have been convicted of multiple disorderly persons offenses all of which were entered on the same day and you do not have any other prior or subsequent conviction for another offense; or
- You have been convicted of multiple disorderly persons offenses which were 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, regardless of the date of conviction or sentencing for each offense, and you do not have any other prior or subsequent conviction for another offense.

Before applying to expunge a record consisting of four or fewer disorderly or petty disorderly persons convictions, you must wait five years from the date of the most recent conviction, payment of fine, completion of probation or parole, or release from jail—whichever is later.

If you were convicted of up to three disorderly persons offenses, AND an indictable offense, refer to the section in this manual on expunging indictable convictions.

If you have been convicted of more than four disorderly persons offenses, or more than three disorderly or petty disorderly persons offenses AND one or more indictable offenses, you will not be eligible to expunge your conviction record.

Early Pathway Expungement of Disorderly Persons Convictions

The court may grant an expungement of a disorderly persons offense even if less than five years have passed per the above section where:

- Less than five years have passed since the payment of a fine (but the waiting requirement has otherwise been met), and the court finds that you substantially complied with a court-ordered payment plan, or could not do so because of compelling circumstances (this can include the amount of the fine imposed, your age at the time of the offense, your financial condition, and other circumstances affecting your ability to pay); or
- At least three years but less than five years have passed since the date of the most recent conviction, payment of fine, completion of probation or parole, or release from incarceration—whichever is later; you have had no convictions for an indictable offense, disorderly persons, or petty disorderly persons offense since the time of the most recent conviction, and the court finds that expungement is in the public interest giving due consideration to the nature of the offense and your character and conduct since the conviction.

Expunging a Municipal Ordinance Violation

Municipal courts also hear cases involving violations of municipal ordinances (town laws). Some examples of municipal ordinance violations include littering, obscenity, curfew violations, unleashed pets, and loud radios.

A record of municipal ordinance violations may be expunged unless the individual was convicted of a prior or subsequent indictable offense in New Jersey or any other state, or if convicted of a disorderly persons offense on more than two occasions. The waiting period is two years from the date of conviction, payment of fine, satisfactory completion of probation, or release from jail—whichever is later.

Young Drug Offenders Get Special Consideration for Certain Convictions

A person who was 21 or younger at the time of the offense of possessing a controlled dangerous substance, or of selling, distributing, or possessing marijuana or hashish with the intent to sell, may be eligible to apply for expungement one year after the conviction, termination of probation, or parole or discharge from custody, whichever is later, if:

- The conviction was for possession of a controlled dangerous substance; or

- The total amount of the marijuana sold, distributed, or possessed with intent to sell was less than one ounce; or
- The total amount of hashish sold, distributed, or possessed with intent to sell was 5 grams.

To be eligible, the following conditions must be met:

- You did not violate any conditions of your parole or probation after discharge;
- You were not convicted of any previous or subsequent indictable offense or drug offense; and
- You did not have an adult criminal matter dismissed after completion of a supervisory treatment or other diversion program.

Expunging a Juvenile Record

If you were adjudged a juvenile delinquent, you may expunge your record in one of two ways.

First, you may expunge your adjudications “as if” they were an adult record. For example, if you were charged with an indictable offense as a juvenile, you may expunge it if you meet the requirements of expunging an adult indictable conviction. This same rule would apply to disorderly persons offenses (See *Expunging a Disorderly Persons Offense*, above) and municipal ordinance violations (See *Expunging a Municipal Ordinance Violation*, above).

Second, and most important, you may expunge an entire record of juvenile delinquency adjudications if you meet the following conditions:

- Three years have elapsed since your final discharge from legal custody or supervision, or three years have elapsed after the entry of any other court order not involving custody or supervision (not counting periods of post-incarceration supervision);
- You have not been convicted of an indictable offense or a disorderly persons offense, or adjudged a delinquent, or in need of supervision, during the three years prior to the filing of your petition, and no proceeding or complaint is pending seeking such a conviction or adjudication, (again, not counting any period of post-incarceration supervision);
- You were never adjudged a juvenile delinquent for a non-expungeable offense (See *Convictions That Cannot Be Expunged*, above);
- You never had an adult conviction expunged; and

- You never had adult indictable charges dismissed following completion of a supervisory treatment or other diversion program.

If you were taken into custody as a juvenile and the matter did not lead to an adjudication of delinquency, you are eligible to expunge the matter “as if” you are expunging an adult arrest which did not lead to conviction (See *Expunging an Arrest Record*, below).

Expunging an Arrest Record

Many people believe that if they were arrested or taken into custody but not convicted (either because they were found not guilty or because the charges were dismissed), their record remains clean. However, this is not true. In fact, a record of an arrest may cause as many problems as a record of conviction. It is, therefore, as important to expunge an arrest record as it is to expunge the record of a conviction.

If you were arrested for any offense but not convicted (either found not guilty or the charges were dismissed), you are eligible for an expungement, with two exceptions. If the dismissal, acquittal, or discharge resulted from a plea bargaining agreement in which you agreed to a conviction on other charges, the conviction must be eligible for expungement in order to expunge the record of the dismissed charges *Example:* John was charged with harassment and simple assault, both disorderly persons offenses. In court, John agreed to plead guilty to the assault charge in exchange for the harassment charge being dropped. As a result, John was never convicted of harassment, but the arrest for harassment still exists. If the assault conviction is expungeable, he could also expunge the record of the arrest on the harassment charge.

If you were found not guilty by reason of insanity, expungement is not permitted at all. The expungement of arrests not leading to conviction are handled by the court under expedited procedures. If your case was dismissed by the Superior Court, the court will order the expungement of the arrest and disposition at the time of dismissal. If your case was dismissed by the municipal court, you must ask the court for an application to expunge your records at the time of the dismissal.

If your offense was dismissed based on successful participation in a Veterans Diversion Program, the county prosecutor may move on your behalf for the expungement of the arrest or charge and the diversion at the time of dismissal. If you are expunging arrests that did not lead to conviction prior to April 18, 2016,

or if you have a combination of arrests that did not lead to a conviction and other arrests and convictions, you may use the forms included in this manual.

There is no fee for only expunging arrests that did not lead to a conviction.

If your arrest records were not expunged through the court's application procedures, you may also file a petition using the process set forth in this manual, also without a filing fee. If you are seeking to expunge a conviction record as well as arrests that did not lead to conviction, you will be required to pay the filing fee.

Pretrial Intervention, Conditional Discharge, Conditional Dismissal, Veterans Diversion Program, Juvenile Diversion, and other Diversion Programs

If your charges were dismissed pursuant to a program of PTI, conditional discharge, conditional dismissal, veterans diversion, juvenile diversion or any other diversion program you will still have an arrest record that can be expunged like any other arrest record. (See *Expunging an Arrest Record*, above.)

If your charges were dismissed after you completed PTI, conditional dismissal, or conditional discharge, you will be barred from relief until six months after the order of dismissal. If your charges were dismissed after you completed a Veterans Diversion Program, and it was not expunged by the court at the time of dismissal, you may expunge your arrest record at any time.

Objections to your Expungement

The prosecutor or another party might object to your expungement if you do not meet the statutory guidelines for an expungement or if the need for the availability of your criminal record outweighs the desirability of expunging your record. If the court agrees, your expungement will be denied. If there is only a problem with the form of your application, you will be notified. In many cases, you will be given a chance to file an amended application with corrected or additional information.

Other Requirements Before You Can File a Petition for Expungement

You must not have any charges pending or otherwise still open when you file a Petition for Expungement, and you must certify to that on your Petition. Also, if you are seeking the expungement of an indictable conviction, or convictions for multiple disorderly or petty disorderly persons offenses entered the same day or which were 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, you must certify that you have never been granted an expungement of an indictable conviction or convictions for multiple disorderly or petty disorderly persons offenses entered the same day or which were 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 in New Jersey or in any other state. And finally, if your case has been dismissed as a result of completion of a supervisory treatment or other diversion program, you must indicate the nature of the original charge, the court of disposition, and the date of disposition.

Do You Have an Out-of-State Criminal Record?

New Jersey courts cannot expunge a criminal record from another state. Convictions from another state, however, are counted toward the number of convictions that are allowed for expungement of a criminal record under New Jersey law. For this reason, out-of-state convictions must be listed in your petition for expungement. The criminal record from another state will count as an indictable offense if the elements of the crime committed are similar to the elements of an indictable offense in New Jersey. Similarly, the out-of-state conviction will be treated as a disorderly persons charge if the elements of the charge are similar to the elements of a New Jersey disorderly persons charge.

Step 2: Locate Your Records

In order to prepare your expungement petition, you will need to gather the following information:

- The date of your arrest or complaint, or date you were taken into custody;
- The statute(s) and the offense(s) for which you were arrested and convicted (note that, if the offenses were reduced from the original charges, these will be different);
- The original indictment, summons(es), or complaint(s)/reference number(s);
- The date of the conviction or the date the charges were dismissed if you were found not guilty (also called “date of disposition”); and

- The court's disposition of the matter and the specific punishment imposed, if any, including the dates any fines were paid and when you completed probation or parole, if any imposed.

If you had an attorney when you were arrested and charged, check first to see if he or she has this information in your case file. If so, this can save you time.

If you must locate your records on your own for an indictable conviction or arrest, contact the Criminal Case Management Office in the county where the arrest or conviction occurred, and take some personal identification, such as a driver's license or a birth certificate. For juvenile records, you will need to contact the Family Court. You might also contact the county prosecutor and explain that you are interested in expunging your records and ask for the information listed above, or ask to look at your file if this is permitted. You may also be able to find information you need on disorderly persons offenses by contacting the clerk of the municipal court(s) in which you were prosecuted or the police department involved in your arrest(s).

If your case was heard in the Superior Court and a conviction was entered, much of the information you need will be contained in a document called a Judgment of Conviction or "JOC." In the Municipal Court, this document is called a "disposition."

Online Sources of Record Information

You may also be able to locate some of your records through online sources. The **Promis Gavel Criminal Records Database** (<https://portal.njcourts.gov/webe4/ExternalPGPA/>) contains detailed information, searchable by name, for indictable convictions in New Jersey. It does not contain juvenile records, disorderly persons offenses, municipal ordinance violations or arrests that did not lead to conviction. The **Municipal Courts Case Search** (<https://portal.njcourts.gov/webe5/MPAWeb/index.jsp>) contains information, searchable by name, complaint, or summons number, for municipal complaints only.

If you cannot get all of the information you need through these sources or if you are unsure whether you have collected all the necessary information for all of your arrests, you can request a copy of your criminal record from the New Jersey State Police. See instructions for obtaining your criminal history record on page 24. You can also find the instructions and the form you will need to fill out on the New Jersey State Police website, www.njsp.org/criminal-history-records/index.shtml.

Note: The State Police will only have a rap sheet if you were fingerprinted when you were arrested. If you were not fingerprinted, and only a complaint was signed against you when you were arrested, you will still have a record of the arrest to expunge at the police department, but you will not have a rap sheet within the Division of State Police, State Bureau of Investigation.

If you need to obtain records for out-of-state offenses, you may need to contact that particular jurisdiction or order a criminal history record from the Federal Bureau of Investigation (FBI). Contact the FBI for more information or visit www.fbi.gov.

Step 3: Complete the Forms

If you have access to a computer and printer, you can fill out the required forms on our website, www.lsnjlaw.org. Otherwise, you can print the forms and complete them by hand. The Petition for Expungement states that you are requesting an Expungement Order and states why you qualify. Print a copy of Form 1 in this guide, using multiple copies if you have more than three arrests, and fill in the blanks.

Fill in your name, mailing address, telephone number, and email address, if you have one, at the top left-hand side of the form. At the top right-hand side, enter the name of the county in which you will be filing the Petition for Expungement. You must file the petition in the county where the indictable conviction was entered. If you were not convicted of an indictable offense, you must file in the county of your most recent offense or arrest. Leave the space above “Reference No.” blank. The court clerk will give you a reference number and will fill in the blank. Check the appropriate box if you are filing a drug court expungement or you are expunging dismissed cases only. Where it states “In the Matter of the Expungement of the Criminal/Juvenile Records of _____,” enter your full name.

Then, where it states, “I, _____,” fill in your name, and where it states “residing at _____,” enter your current address. Enter your date of birth in paragraph 1. In paragraph 2, enter the date on which you were arrested or taken into custody and the town in which the arrest occurred. Then fill in the name of the offense you were charged with and give the New Jersey statute under which you were arrested. If you were charged with multiple offenses, list each offense separated by a semi-colon. Then list each corresponding statute in the space provided, also separated by a semi-colon.

Fill in the original indictment, summons, or complaint number(s) in paragraph 3.

If the charge against you was dismissed, fill in paragraph 4. (If the charge against you was not dismissed, cross out paragraph 4 and go to paragraph 5.) Fill in the date on which the charge was dismissed, the name of the charge that was dismissed, and the name of the court that dismissed the charge—for example, Superior Court of New Jersey, Ocean County, or Municipal Court of the Township of Edison. If you did not participate in PTI, a conditional discharge, conditional dismissal, or other diversion program, cross out “after PTI, conditional discharge, conditional dismissal, veterans diversion, juvenile diversion, or other diversion program was completed.”

If you were convicted or adjudicated delinquent of the charges, fill in paragraph 5. Fill in the date on which you were convicted or adjudicated delinquent, the name of the offense, and the statute. (Remember, this is the statute under which you were convicted or adjudicated delinquent, not necessarily the statute under which you were arrested.) You also must indicate what the sentence was. For example, the sentence could have been jail/prison time, a fine, restitution, probation or parole, or a combination of these. You should indicate the date on which you were released from prison, the date the fine was paid, and/or the date on which probation or parole was completed in the spaces provided.

If you are trying to expunge more than three adjudications, convictions, or arrests, you will need to fill out additional copies of Form 1. Remember, you must disclose all of your arrests and your juvenile record, if you have one, on your expungement petition.

Sign and print your name at the bottom of page 4 where indicated.

Note: Make sure that you fill in or cross out all of the blanks on Form 1, including your date of birth.

You must also complete the verification on page 5 of the petition, indicating that there are no disorderly persons, petty disorderly persons, or criminal charges pending against you. If you are seeking the expungement of an indictable conviction, or convictions for multiple disorderly persons offenses entered the same day or which were 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, you must certify that you have never been granted an expungement of an indictable conviction or convictions for multiple disorderly persons offenses entered the same day or which were 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 in New Jersey or in any other state. If you are not seeking expungement of an indictable conviction or convictions for multiple disorderly persons offenses entered the same day or which were 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, cross out paragraph 3 of the verification. The verification must be notarized.

If you are filing for an “early pathway” expungement, you must complete either the Certification in Further Support of Petitioner’s Expungement Application (Modified Payment of Fine) (Form 8), or the Certification in Further Support of Petitioner’s Expungement Application (Public Interest) (Form 9), whichever is applicable. Fill in your name and contact information the same as in your Petition for Expungement. Check the appropriate box depending on whether you were convicted of an indictable offense or a disorderly persons offense.

In the Certification in Further Support of Petitioner’s Expungement Application (Modified Payment of Fine), you must indicate the amount of your fines (paragraph 4); your age at the time of the offense(s) (paragraph 5); and describe your financial condition and any other circumstances affecting your ability to pay (paragraph 6). You can attach any relevant documents to the back of the Certification.

In Paragraph 4 of the Certification in Further Support or Petitioner’s Expungement Application (Public Interest), you must attach court documents related to your criminal conviction, including pre-sentence reports, judgments of conviction, and plea and sentencing transcripts, if they are available (paragraph 2). Also indicate why you want an expungement (paragraph 5); and list evidence of your positive and/or rehabilitated character and conduct since the conviction (paragraph 6) and then attach copies at the back of your Certification (Exhibit B).

Note: If you were convicted for the sale or distribution of CDS or possession with the intent to sell in the third or fourth degree, you must also complete the Certification in Further Support of Petitioner’s Expungement Application (Public Interest).

Next, fill out the Order for Hearing (Form 2). The Order for Hearing is used by the judge to schedule a hearing. The Superior Court judge assigned to your case is required to schedule a hearing between 35 and 60 days after he or she receives your petition. Fill in your name and address at the upper left-hand corner.

Indicate the county in which you will be filing your petition. Again, the clerk will fill in the reference number, so leave that space blank. Where it states “In the Matter of the Expungement of the Criminal/Juvenile Records of _____,” enter your name. Fill in your name in the first space after “This matter having been opened to the Court upon the annexed Petition of _____.” Also, fill in the blanks at the bottom of the page where it asks for the prosecutor of the county where you were arrested or taken into custody, the chief of the police department of the town where you were arrested or taken into custody, and the magistrate of the town municipal court where you were arrested or taken into custody. If you were incarcerated, fill in the name of the prison warden/administrator. If you were not incarcerated, you may leave this blank. The judge will sign the order, so leave the next space blank.

Fill out the Expungement Order (Form 3). At the top left-hand corner, enter your name and address, and at the top right-hand side, indicate the county in which you will be filing your petition. Leave the space above “Reference No.” blank.

Next, in the first line of the Expungement Order, after “Verified Petition of,” enter your name, then your address. Leave the next three spaces blank, and after “the Clerk(s) of the _____ Municipal Court(s)” and “Chief(s) of the _____ Police Department(s),” fill in the name of the town in which you were arrested. If you were arrested in more than one town, enter the names of all of the towns. Then, enter the county of the prosecutor(s) in the county or counties where you were arrested. Enter your name in the next blank. In the last spaces on the first page of Form 3, enter the dates you were arrested, the statute(s) under which you were arrested, and the original indictment/accusation/State Grand Jury/summons/warrant/complaint/reference number. Leave the signature line on the second page blank. The judge will sign the order.

If you are expunging more than three arrests or convictions, you must use additional Expungement Order forms (Form 3).

Step 4: File and Serve the Forms

Next, make three copies of your notarized Petition for Expungement (Form 1), Order for Hearing (Form 2), proposed Expungement Order (Form 3) and any accompanying certifications (Form 8, Form 9), if necessary. Deliver or mail the originals and two of the photocopies (keep one copy of each for your records), two self-addressed, stamped envelopes, and the cover letter (Form 4) to the

Criminal Case Management Office in the county where the arrest, custody, and/or prosecution occurred. See page 28 for a list of the county offices where forms should be mailed, along with telephone numbers.

There is a filing fee of \$75. (There is no fee for drug court expungements or if you are only expunging an arrest record for charges that were dismissed.) You should include a money order or certified check. Please see page 28 for the list of County Criminal Case Management Offices for the proper way to make out the check or money order.

If you are unable to pay the filing fee, you may apply to have the fee waived. You may request a fee waiver from the county court or locate the form on the NJ Courts website, www.njcourtsonline.com. Click on the *Self-Help Center* link at the top of the page; then click on *Forms and Instructions* under the *Using Self-Help Center* heading; then type “fee waiver” into the search box and click on *How to File for a Fee Waiver—All Courts*. You will have to fill in the required information and attach any requested documents. Sign and submit with your expungement application.

One copy of the Petition for Expungement, Order for Hearing, Proposed Expungement Order, and any accompanying certifications will be mailed back to you marked “Filed” and with a reference number. If you failed to include payment or a fee waiver request, your request will be returned as “Received, but not Filed.” The Order for Hearing will also state the time and the date for your hearing. Immediately after receiving the filed copies from the court, make enough copies so you may serve a copy on each required party.

After you receive a filed copy of your documents from the clerk, mail one copy of each, immediately, via certified mail, return receipt requested, to each of the following:

- The Attorney General
- The Superintendent of State Police, Expungement Unit
- The county prosecutor
- The magistrate or the court clerk of the municipal court if the matter was heard by a municipal court
- The chief of police or other head of the police department where the offense was committed or the arrest was made
- The chief law enforcement officer of any other New Jersey law enforcement agency that participated in the arrest

- The warden/administrator of any institution in which you were incarcerated, if applicable
- For State Grand Jury cases: Division of Criminal Justice, Attention: Records and Identification, 25 Market Street, P.O. Box 085, Trenton, New Jersey 08625
- For conditional discharge, conditional dismissal, and pretrial intervention, the county probation department.

You may use the cover letter (Form 5) when mailing to these agencies.

Mail the copies of these forms *right away*, as the statute mandates service or mailing *within five days* from the date of the order. Mail them at the post office, by certified mail, return receipt requested.

After you have received the certified mail return receipt cards back from the post office, contact the Criminal Case Management Office in the Superior Court, and ask the clerk whether the court requires that the proof of mailing be submitted at or prior to the hearing. If the proof of mailing is required to be submitted prior to the hearing, submit the certified mail receipts and the Proof of Notice (Form 6) pursuant to the clerk's instructions. If proof is required to be produced at the hearing, make sure that you take the green certified mail return receipt cards and the Proof of Notice to court with you on the day of the hearing.

The Proof of Notice should be filled out like the other forms, with your name and address at the left-hand corner, and the county in which you filed the action filled in on the right. Indicate the reference number in the space provided, and fill in your name in the space at "In the Matter of the Expungement of the Criminal/Juvenile Records of _____. In the spaces provided in the Proof of Notice, fill in the name of each agency to which you mailed a copy of your expungement documents.

Step 5: Go to the Hearing

Typically, you will not be required to appear in court for a hearing. If an appearance is not required, you must mail the green return receipt cards to the place where you filed your petition, at least one week before the scheduled hearing.)

If the court requires you to appear, however, you need to be prepared. Get to the court on your assigned hearing date about 15 minutes early. Take your expungement documents and the green return receipt cards to the hearing

(unless you previously filed them with the court) and, when you arrive, inform the court clerk that you are there. Any party objecting to the expungement will tell the judge the reason. The judge may ask you some questions and will decide whether to grant or deny you an expungement. If there is no opposition, the judge will, in most cases, grant your expungement.

If no parties object to the expungement, the court may grant the order without a hearing. If this happens, you will receive a signed and filed Expungement Order in the mail.

It's always a good practice to call the court the day before the hearing to confirm that it is still on the court's calendar.

Step 6: Serve the Expungement Order

Immediately after you receive a copy of the Expungement Order signed by the judge, mail one copy of the Expungement Order, by certified mail, return receipt requested, to each of the following:

- The Attorney General
- The Superintendent of State Police, Expungement Unit
- The county prosecutor
- The magistrate or the court clerk of the municipal court if the matter was heard by a municipal court
- The chief of police or other head of the police department where the offense was committed or the arrest was made
- The chief law enforcement officer of any other New Jersey law enforcement agency that participated in the arrest
- The records division of any institution in which you were incarcerated
- The identification bureau in the county where the arrest was made or where you were incarcerated (see page 31)
- The warden/administrator of any institution in which you were incarcerated

- For State Grand Jury cases: Division of Criminal Justice, Attention: Records and Identification, 25 Market Street, P.O. Box 085, Trenton, New Jersey 08625
- For conditional discharge, conditional dismissal, and pretrial intervention, the county probation department.

You may use the cover letter (Form 7) when mailing to these agencies.

Keep the mailing receipts and the green cards that are returned to you as proof that the documents were received. You are now entitled by law to answer any question on job applications, school applications, credit applications, military service applications, etc., as if the arrest and/or conviction never occurred. Remember, however, that if any law enforcement officer asks you about previous arrests or convictions, you must tell him or her that you have an expunged record, and you must tell him or her what the record was. Keep a copy of the Expungement Order in a safe place.

How to Get Your Criminal History Record from the New Jersey State Police

The Division of State Police, Criminal Information Unit (CIU) provides fingerprint-based criminal history background checks to anyone who requests a copy of his or her record. The New Jersey State Police use the live scan fingerprinting services provided by IdentoGO, a private company under contract with the state of New Jersey. In order to be fingerprinted for expungement purposes, you must contact IdentoGO to schedule a time and place to have your fingerprints recorded at one of their approved sites. The quickest and easiest way to schedule your appointment is via their website, <https://nj.ibtfingerprint.com>. If you do not have Internet access, call IdentoGO, toll-free, at 1-877-503-5981 (Monday through Friday, 8:00 a.m. to 5:00 p.m., and Saturday, 8:00 a.m. to 12:00 noon). A toll-free TTY telephone number, 1-800-673-0353, is available for hearing- impaired applicants with a modem-equipped telephone. Spanish-speaking operators are available upon request.

You must fill out New Jersey Universal Fingerprint Form IDG_NJAPP_110113, which you can download from the State Police website (Form A), www.njsp.org/info/pdf/20150129_universforma.pdf. Bring the form and proper identification with you to your scheduled fingerprint appointment. The ID must

be issued by a federal, state, county, or municipal body for identification purposes. It must include your photograph, name, home address, and date of birth. Acceptable identification includes a passport or a valid photo driver's license or photo ID issued by New Jersey's or any state's MVC or DMV. The home address you enter on the form should be the same as the home address printed on your identification. Make sure your address is complete and accurate so that the State Police can mail you the results of your criminal history background check.

The fee is \$40.70. You may pay by credit or debit card, or electronic debit check (e-check). Payment will be charged to your account when you schedule your appointment. Information about cancellations is printed on the form.

If you have any questions about the form, contact the New Jersey State Police, Criminal Information Unit, at (609) 882-2000, ext. 2918.

Conclusion

As a final reminder, make sure that you have completely followed all of the steps required in this guide. This is very important because, even though you may be eligible, if you have missed any of the required steps, your Petition for Expungement may be denied. In that case, you will have to start over.

We have tried to explain as simply as possible the steps to get your records expunged. Please contact us at publications@lsnj.org if you have any suggestions about how this guide can be improved. Additional resources for expungement are available on our website, www.lsnjlaw.org.

Common Frequently Asked Questions

Q: I already went through the IdentoGO fingerprint process with a previous employer. Do I need to go through the entire process again to get my records?

A: Yes. You must obtain a separate criminal record report, which will be used solely for expungement purposes.

Q: I have a conviction for a non-expungeable offense (for example, robbery) and an indictable offense. Can I expunge?

A: No. The non-expungeable conviction still would count as an indictable conviction. This means that you have *two* indictable convictions and cannot expunge either conviction.

Q: I have convictions for an indictable offense *and* three disorderly persons offenses. Can I expunge both?

A: Yes. As long as the indictable offense is not a non-expungeable offense and you have met the required waiting period, both your indictable conviction and disorderly persons convictions are expungeable in the same application.

Q: Will my out-of-state convictions affect whether I am eligible to expunge my record?

A: Yes. Therefore, you must fully disclose your criminal record in the expungement petition, including out-of-state arrests and convictions.

Q: Can I use my petition to expunge a conviction from another state?

A: No. You may only expunge your arrests and convictions in New Jersey. You must consult with an expert in that jurisdiction to determine whether expungement is available in that state.

Q: Years ago, I expunged three disorderly persons offenses from my record. Can I now expunge another disorderly persons conviction?

A: Yes. You are permitted to expunge up to four disorderly persons convictions from your record. You may do this in one or more petitions for expungement, provided you meet all other statutory requirements.

Q: I need to have my petition notarized. What should I do if I can't find a notary public?

A: Ask around. Someone you already know may be a notary public or may know how to locate one. Attorneys licensed to practice law in the State of New Jersey are also allowed to notarize documents.

Criminal Case Management Offices

All Counties—Filing fee: \$75, Payee: State of N.J. Treasurer

Atlantic County

Superior Court of Atlantic County
Expungement Clerk
4997 Unami Boulevard
Mays Landing, NJ 08330
(609) 625-7000

Bergen County

Criminal Case Management Office
Bergen County Justice Center
Room 119—Finance Division Mgr.
10 Main Street
Hackensack, NJ 07601-1699
(201) 527-2400

Burlington County

Burlington County Courthouse
Processing Office
49 Rancocas Road, 1st floor
Mount Holly, NJ 08060
(609) 518-2573

Camden County Hall of Justice

Expungement Section
101 South Fifth Street
Camden, NJ 08103
(856) 379-2200

Cape May County

Criminal Case Management
9 N. Main Street
Cape May Court House
NJ 08210
(609) 463-6550

Cumberland County

Criminal Case Manager
60 W. Broad Street
P.O. Box 757
Bridgeton, NJ 08302
(609) 453-4300

Essex County

Veterans Courthouse
Criminal Records Office
50 West Market Street, Room 1012
Newark, NJ 07102
(973) 693-6863

Gloucester County

Criminal Case Manager
Justice Complex, 1st Floor
70 Hunter Street
Woodbury, NJ 08096
(856) 686-7574

Hudson County

Criminal Records
Criminal Case Management
Administration Bldg.
595 Newark Ave., Rm 104
Jersey City 07306
(201) 217-5217

Hunterdon County

Criminal Division
Hunterdon Justice Center
65 Park Avenue
Flemington, NJ 08822
(908) 237-5840

Mercer County

Mercer County Superior Court
Criminal Records
Expungement Unit
209 South Broad St., Room 200
Trenton, NJ 08650
(609) 989-6613

Middlesex County

Middlesex County Court House
Criminal Records
56 Paterson Street,
P.O. Box 964
New Brunswick, NJ 08903-0964
(732) 519-3859

Monmouth County

Monmouth County Superior
Court Criminal Division
71 Monument Park,
P.O. Box 1271
Frechold, NJ 07728
(732) 677-4500

Morris County

Superior Court of New Jersey
Criminal Records Department
P.O. Box 910
Morristown, NJ 07963
(973) 326-6950

Ocean County

Ocean County Superior Court
Criminal Case Processing
120 Hooper Avenue
Toms River, NJ 08753
(732) 929-4780

Passaic County

Superior Court
Criminal Division
77 Hamilton Street, 2nd Floor
Paterson, NJ 07505
(973) 247-8402

Salem County

Criminal Division Manager
Fenwick Building
85 Market Street
Salem, NJ 08079
(856) 878-5050 ext.15851

Somerset County

20 North Bridge Street
P.O. Box 3000
Somerville, NJ 08876
(908) 231-7600 Ext. 7628

Sussex County

Sussex County Judicial Center
Criminal Division
43-47 High Street
Newton, NJ 07860
(973) 579-0933

Union County

Criminal Division
2 Broad Street
Elizabeth, NJ 07207
(908) 659-4660

Warren County

Criminal Case Management
Warren County Courthouse
413 2nd Street
P.O. Box 900
Belvidere, NJ 07823
(908) 475-6990

New Jersey County Prosecutors

Atlantic County

4997 Unami Blvd.,
Suite 2
P.O. Box 2002
Mays Landing, NJ 08330
Phone: (609) 909-7800
Fax: (609) 909-7802

Bergen County

2 Bergen County Plaza, 4th Floor
Hackensack, NJ 07601-7681
Phone: (201) 646-2300
Fax: (201) 646-3794

Burlington County

County Courts Facility
49 Rancocas Road
P.O. Box 6000
Mount Holly, NJ 08060
Phone: (609) 265-5035
Fax: (609) 265-5007

Camden County

25 North Fifth Street
Camden, NJ 08102-1231
Phone: (856) 225-8400
Fax: (856) 963-0080

Cape May County

Crest Haven Complex
4 Moore Road 110 Justice Way
Cape May Court House NJ 08210
Phone: (609) 465-1135
Fax: (609) 465-1347

Cumberland County

115 Vine Street
Bridgeton, NJ 08302
Phone: (856) 453-0486
Fax: (856) 451-1507

Essex County

Veterans Courthouse
50 West Market Street
Newark, NJ 07102
Phone: (973) 621-4700
Fax: (973) 621-4560

Gloucester County

70 Hunter Street
P.O. Box 623
Woodbury, NJ 08096
Phone: (856) 384-5500
Fax: (856) 384-8624

Hudson County

Administration Building
595 Newark Avenue, 6th Floor
Jersey City, NJ 07306
Phone: (201) 795-6400
Fax: (201) 795-3365

Hunterdon County

Justice Center
65 Park Avenue
P.O. Box 756
Flemington, NJ 08822-0756
Phone: (908) 788-1129
Fax: (908) 806-4618

Mercer County

240 West State Street
8th Floor
P.O. Box 8068
Trenton, NJ 08650-0068
Phone: (609) 989-6350
Fax: (609) 989-0161

Middlesex County

25 Kirkpatrick Street, 3rd Floor
New Brunswick, NJ 08901
Phone: (732) 745-3300
Fax: (732) 745-2791

Monmouth County

Prosecutor's Office
132 Jerseyville Ave
Freehold, NJ 07728
Phone: (732) 431-7160
Fax: (732) 409-3673

Morris County

Administration & Records
Building
10 Court Street
P.O. Box 900
Morristown, NJ 07963-0900
Phone: (973) 285-6200
Fax: (973) 285-6226

Ocean County

119 Hooper Avenue
P.O. Box 2191
Toms River, NJ 08754
Phone: (732) 929-2027
Fax: (732) 506-5088

Passaic County

Administration Building
401 Grand Street, 7th Floor
Paterson, NJ 07505
Phone: (973) 881-4800
Fax: (973) 225-0155

Salem County

87 Market Street,
P.O. Box 462
Salem, NJ 08079
Phone: (856) 935-7510 Ext. 8333
Fax: (856) 935-8737

Somerset County

40 North Bridge Street
P.O. Box 3000
Somerville, NJ 08876
Phone: (908) 231-7100
Fax: (908) 704-0056

Sussex County

19-21 High Street
Newton, NJ 07860
Phone: (973) 383-1570
Fax: (973) 383-4929

Union County

32 Rahway Avenue
Elizabeth, NJ 07202-2115
Phone: (908) 527-4500
Fax: (908) 289-1267

Warren County

Court House
413 Second Street
Belvidere, NJ 07823
Phone: (908) 475-6275

New Jersey Family Division Offices

For the current list of New Jersey Family Division offices, please go to the website of the New Jersey Judiciary, www.njcourts.gov.

[Click here for the direct link.](http://www.njcourts.gov)

County Identification Bureaus

Atlantic County

Atlantic County Sheriff's Office
4997 Unami Blvd.
Mays Landing, NJ 08330
Attention: I.D. Bureau

Bergen County

Bergen County Sheriff's Office
Justice Center, 10 Main Street
Hackensack, NJ 07601

Burlington County

Burlington County Sheriff's Office
49 Rancocas Road
Mount Holly, NJ 08060
Attention: Expungement

Camden County

Camden County Sheriff's Office P.O.
Box 769
Camden, NJ 08101
Attention: I.D. Bureau

Cape May County

Cape May County Sheriff's Office
4 Moore Road
Cape May Court House NJ 08210
Attention: I.D. Bureau

Cumberland County

Cumberland County Sheriff's Office
220 N. Laurel Street
Bridgeton, NJ 08302
Attention: I.D. Bureau

Essex County

Essex County Sheriff's Office
Veterans Courthouse
50 West Market Street
Newark, NJ 07102

Gloucester County

Administration Office
2 S. Broad Street
P.O. Box 376
Woodbury, NJ 08096

Hudson County

Hudson County Sheriff's Office
Administrative Building
595 Newark Avenue
Jersey City, NJ 07306
Attention: B.C.I.

Hunterdon County

Hunterdon County
Sheriff's Office P.O. Box
2900 Flemington, NJ 08822
Attention: I.D. Bureau

Mercer County

Mercer County Sheriff's Office
P.O. Box 8068
Trenton, NJ 08650

Middlesex County

Middlesex County Sheriff's Office
701 Livingston Avenue
New Brunswick, NJ 08901
Attention: Records

Monmouth County

Monmouth County Sheriff's Office
2500 Kozloski Road
Freehold, NJ 07728

Morris County

Morris County Sheriff's Office
Morris County Courthouse, 56
Washington Street
P.O. Box 900
Morristown, NJ 07963-900
Attention: C.I.D.

Ocean County

Ocean County Sheriff's Office
120 Hooper Avenue
Toms River, NJ 08753
Attention: I.D. Bureau

Passaic County

Passaic County Sheriff's Office
Criminal Identification Bureau
11 Sheriff's Plaza
Paterson, NJ 07501

Salem County

Salem County Sheriff's Office
Identification Bureau
94 Market Street
Salem, NJ 08079

Somerset County

Somerset County Sheriff's Office
20 Grove Street, P.O.
Box 3000
Somerville, NJ 08876
Attention: I.D. Bureau

Sussex County

Sussex County Sheriff's Office
39 High Street
Newton, NJ 07860
Attention: Records

Union County

Union County Sheriff's Office
10 Elizabethtown Plaza
Elizabeth, NJ 07207
Attention: I.D. Bureau

Warren County

Warren County Sheriff's Office
413 Second Street Courthouse
Belvidere, NJ 07823
Attention: Warrant Officer

Expungement Forms

Follow the instructions in this manual and complete these forms with information about your situation.

- **Form 1: Petition for Expungement.** This is the application to the court requesting that the court expunge your record.
- **Form 2: Order for Hearing.** This is the document on which the court will schedule a hearing of your case.
- **Form 3: Expungement Order.** This will be signed by the judge if your Petition for Expungement is granted.
- **Form 4: Cover Letter.** Send to the court when filing your papers.
- **Form 5: Cover Letter.** Send when giving notice of the hearing.
- **Form 6: Proof of Notice.** File with the court after notice is given.
- **Form 7: Cover Letter.** Send when giving notice that the expungement was granted.
- **Form 8: Certification in Further Support of Petitioner's Expungement Application (Modified Payment of Fine).** Use this document if you are filing to expunge an indictable conviction and have met the waiting period, except for the payment of fine.
- **Form 9: Certification in Further Support of Petitioner's Expungement Application (Public Interest).** Use this document if you are filing to expunge an indictable conviction before the usual waiting period.

(Your name)

(Mailing address)

(City) _____ State _____ ZIP Code _____

(Your phone number)

(E-mail Address)

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: CRIMINAL PART

COUNTY _____ (Where you are filing)

REFERENCE NO. (Clerk will fill in)

Appearing Pro Se

PETITION FOR EXPUNGEMENT

Check only if applies:

Drug Court Expungement (N.J.S.A. 2C:35-14m) No Fee Required

Expungement of Dismissed Cases Only (N.J.S.A. 2C:52-6) No Fee Required

Includes: Arrests not resulting in conviction or adjudication or charges dismissed after PTI, conditional discharge, conditional dismissal, Veterans Diversion program, or other diversion program.

IN THE MATTER OF THE EXPUNGEMENT OF THE CRIMINAL/JUVENILE
RECORDS OF

(Your name)

I, _____, residing at
(Your name)

, SAY:

(Your address)

1. My date of birth is _____, _____.
(Date) _____ (Year) _____

2. I was arrested/taken into custody on _____, _____, in
(Date) _____ (Year) _____
(Municipality), N.J., and charged with

_____ (Name of offense)

in violation of N.J.S.A. _____ (Statute)

3. The original Indictment/Accusation/State Grand Jury (SGJ) Summons/Warrant/Complaint/Docket number was _____.

4. On _____, _____, the charge of
(Date) (Year)

_____ was dismissed by _____
(Name of offense) (Name of court)

after PTI, conditional discharge, conditional dismissal, Veterans Diversion Program, juvenile diversion, or other diversion program was completed. (If you did not complete any such program, cross out “after PTI, conditional discharge, conditional dismissal, Veterans Diversion Program, juvenile diversion, or other diversion program was completed.” If you were convicted of the offense described above, cross out paragraph 4 completely.)

5. On _____, _____, I was convicted/adjudicated delinquent
(Date) (Year)

(If you were not convicted or adjudicated delinquent, cross out paragraph 5 completely. If you were not sentenced to jail/prison time, probation, or a fine, write n/a (not applicable) in the appropriate spaces.)

of the charge of _____, in violation of
(Name of offense)

N.J.S.A. _____, and was sentenced to _____.
(Statute) (Length of sentence)

I completed jail/prison time on _____, _____; probation on
(Date) (Year)
_____, _____; and I paid the fine on _____,
(Date)
_____.
(Year)

6. I was arrested/taken into custody on _____, _____, in
(Date) (Year)

_____, N.J., and charged with
(Municipality)

_____,
(Name of offense)
in violation of N.J.S.A. _____.
(Statute)

7. The original Indictment/Accusation/State Grand Jury (SGJ) Summons/Warrant/Complaint/Docket number was _____.

8. On _____, _____, the charge of
(Date) (Year)

_____ was dismissed by _____
(Name of offense) (Name of court)
after PTI, conditional discharge, conditional dismissal, Veterans Diversion Program, juvenile diversion, or other diversion program was completed. (If you did not complete any such program, cross out “after PTI, conditional discharge, conditional dismissal, Veterans Diversion Program, juvenile diversion, or other diversion program was completed.” If you were convicted of the offense described above, cross out paragraph 8 completely.)

9. On _____, _____, I was convicted/adjudicated delinquent
(Date) (Year)

(If you were not convicted or adjudicated delinquent, cross out paragraph 9 completely. If you were not sentenced to jail/prison time, probation, or a fine, write n/a (not applicable) in the appropriate spaces.)

of the charge of _____, in violation of
(Name of offense)

N.J.S.A. _____, and was sentenced to _____.
(Statute) (Length of sentence)

I completed jail/prison time on _____, _____; probation on _____
(Date) (Year) (Year)
_____, _____; and I paid the fine on _____,
(Date)
_____.
(Year)

10. I was arrested/taken into custody on _____, _____, in
(Date) (Year)

_____, N.J., and charged with
(Municipality)

_____,
(Name of offense)

in violation of N.J.S.A. _____.
(Statute)

11. The original Indictment/Accusation/State Grand Jury (SGJ) Summons/Warrant/
Complaint/Docket number was _____.

12. On _____, _____, the charge of
(Date) (Year)

_____ was dismissed by _____
(Name of offense) (Name of court)
after PTI, conditional discharge, conditional dismissal, Veterans Diversion Program, juvenile diversion, or other diversion program was completed. (If you did not complete any such program, cross out “after PTI, conditional discharge, conditional dismissal, Veterans Diversion Program, juvenile diversion, or other diversion program was completed.” If you were convicted of the offense described above, cross out paragraph 12 completely.)

13. On _____, _____, I was convicted/adjudicated delinquent
(Date) (Year)

(If you were not convicted or adjudicated delinquent, cross out paragraph 13 completely. If you were not sentenced to jail/prison time, probation, or a fine, write n/a (not applicable) in the appropriate spaces.)

of the charge of _____, in violation of
(Name of offense)

N.J.S.A. _____, and was sentenced to _____.
(Statute) (Length of sentence)

I completed jail/prison time on _____, _____; probation on
(Date) (Year)
_____, _____; and I paid the fine on _____,
(Date)
_____.
(Year)

If you have additional arrests, you must re-draft this entire petition and include those arrests in the same form as this petition.

14. I request that this Court grant me an Expungement Order as authorized by N.J.S.A.

2C:52-1 *et seq.*, directing the Clerk of the Court and all relevant criminal justice and law enforcement agencies of the State of New Jersey to expunge from their records all evidence of the arrest/conviction and all proceedings in this matter. I further request that this Court direct any New Jersey law enforcement agency that sent records of the arrest and proceedings to the Federal Bureau of Investigation or any other law enforcement agency outside of New Jersey, to inform the recipient and the agencies designated to retain control of expunged records and to take sufficient precautions to ensure that such records and information are not released.

Respectfully submitted,

Signed: _____
(Your signature)

(Your name printed)

VERIFICATION

_____, the Petitioner in this matter
(Your name)

being of full age, and being duly sworn according to law, upon my oath depose and say:

1. The statements I make in this Petition are true to the best of my knowledge.
2. There are no disorderly persons, petty disorderly persons, or indictable charges pending against me at this time.
3. I am seeking the expungement of an indictable conviction or convictions for multiple disorderly persons or petty disorderly persons convictions entered on the same day or which were 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, and I have never been granted an expungement of an indictable offense or convictions for multiple disorderly persons or petty disorderly persons convictions entered on the same day or which were 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 by any state or federal court. (If you are not seeking such expungement, cross out #3.)

Signed: _____
(Your signature before a notary)

(Your name printed)

Sworn to and subscribed before me this

_____ day of _____, _____
(Date on which notary witnesses your signature)

(Notary's signature)

(Your name)

(Your address)

(City)	State	ZIP Code
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(Your phone number)

(E-mail Address)

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: CRIMINAL PART

Appearing Pro Se

REFERENCE NO. _____
(Clerk will fill in)

**IN THE MATTER OF THE EXPUNGEMENT
OF THE CRIMINAL/JUVENILE RECORDS OF**

ORDER FOR HEARING

(Your name)

This matter having been opened to the Court upon the annexed Petition of

(Your name), and for good cause appearing;

IT IS ORDERED this _____ day of _____, _____, that a hearing
(Leave these spaces blank)

before this Court is set for the _____ day of _____, _____, at
(Leave these spaces blank)

_____ o'clock ____ .m. to determine whether an Order of Expungement shall be granted;
(Leave these spaces blank)

IT IS FURTHER ORDERED that Petitioner shall send by certified mail, copies of this Order and Petition to the following officials within five (5) days of this Order:

The Attorney General of New Jersey

The Superintendent of the New Jersey State Police, Expungement Unit

The Prosecutor of County

The Chief of the Police Department

The Judge of the _____ Municipal Court

The Warden/Admin of the _____ Jail/Prison/Juvenile Facility
(If you were incarcerated. Leave blank if not incarcerated.)

(For State Grand Jury cases)

Division of Criminal Justice, Attention: Records and Identification

The Honorable _____, J.S.C.
(DO NOT WRITE HERE)

(Your name)

(Your address)
(City) _____ State _____ ZIP Code _____

(Your phone number)

(E-mail Address)

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: CRIMINAL PART

COUNTY _____ (Where you are filing)

Appearing Pro Se

REFERENCE NO. (Clerk will fill in)

IN THE MATTER OF THE EXPUNGEMENT
OF THE CRIMINAL/JUVENILE RECORDS
OF

(Your name)

EXPUNGEMENT ORDER

This matter having been opened to the Court upon the Verified Petition of

_____, residing at _____
(Your name)
_____, and it appearing that
(Your address)

the requirements for expungement under N.J.S.A. 2C:52-11 having been satisfied;

IT IS ORDERED this _____ day of _____, _____, that the
(Leave these spaces blank)

Clerk of the Superior Court of New Jersey, the Clerk(s) of the _____
Municipal Court(s), the Chief(s) of the _____
(Municipality or municipalities)
Police Department(s), the Prosecutor(s) of
(Municipality or municipalities) _____ County, the Superintendent of the New
(County or counties)

Jersey State Police, and the Attorney General of New Jersey remove from their records all
information relating to _____'s
(Your name)

(1) _____ arrest on the charge of violating N.J.S.A. _____ under
(Date of arrest) (Statute)

(Original Indictment /Accusation/State Grand Jury/ Summons/ Warrant/Complaint/Docket Number)

(2) _____ arrest on the charge of violating N.J.S.A. _____ under
(Date of arrest) (Statute)

(Original Indictment /Accusation/State Grand Jury/ Summons/ Warrant/Complaint/Docket Number)

(3) _____ arrest on the charge of violating N.J.S.A. _____ under
(Date of arrest) (Statute)

(Original Indictment /Accusation/State Grand Jury/ Summons/ Warrant/Complaint/Docket Number)
and remove all records concerning the subsequent criminal proceedings regarding such charge(s),

including any conviction(s), if applicable, and place such information in the control of a person
within the office designated to retain control over expunged records.

IT IS FURTHER ORDERED that any of the above officers or agencies which sent
fingerprints and/or any records of the above arrest/conviction and proceedings to the Federal
Bureau of Investigation or any other office or agency shall notify same of this Order and that the
agencies designated to retain such records take sufficient precautions to insure that such records
and information are not released.

IT IS FURTHER ORDERED that this Order does not expunge the records contained in
the Controlled Dangerous Substances Registry created pursuant to P.L. 1970, c. 227 (C.26:2G-17
et seq.) or the registry created by the Administrative Office of the Courts pursuant to N.J.S.A.
2C:43-21.

IT IS FURTHER ORDERED that this Order does not expunge any records of
proceedings instituted in the Superior Court of New Jersey, Chancery Division, Family Part,
under the Prevention of Domestic Violence Act in accordance with the holding of *Matter of*
MDZ, 286 N.J. Super. 82, 86 (App. Div. 1995).

IT IS FURTHER ORDERED that any records, or the information therein, shall not be released except as provided under the provision of *N.J.S.A. 2C:52-1 et seq.*, and that the persons designated to retain control over expunged records take sufficient precautions to insure that such records and information are not released.

IT IS FURTHER ORDERED that in response to requests for information or records, the court office or law enforcement agency shall reply with respect to the arrest(s)/conviction(s), which is/are the subject of this Order, that there is no record.

IT IS FURTHER ORDERED that the arrest/conviction, which is the subject of this Order, shall be deemed not to have occurred, and the Petitioner may answer accordingly any question relating to this occurrence, except as provided by *N.J.S.A. 2C:52-27*.

The Honorable _____, J.S.C.
(DO NOT WRITE HERE)

Form 4: Cover Letter

(Date)

(Your name)

(Your address)

(City)	State	ZIP Code
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(Your phone number)

(E-mail Address)

Clerk, Superior Court of New Jersey

(County)

(Address)

(City)	State	ZIP Code)
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RE: IN THE MATTER OF THE EXPUNGEMENT OF THE CRIMINAL/JUVENILE RECORDS OF

(Your name)

Dear Sir/Madam:

Enclosed are an original and two copies of a Verified Expungement Petition, Order for Hearing, Proposed Final Order, and any necessary accompanying documents in this matter. Kindly file these papers, submit them to the appropriate Judge, and return two "Filed" copies.

Thank you.

Sincerely,

(Your signature)

Enclosures

Form 5: Cover Letter

(Your name)

(Your address)
(City) _____ State _____ ZIP Code _____

(Your phone number)

(E-mail Address)

Office of the Attorney General
Hughes Justice Complex
Post Office Box 080
Trenton, New Jersey 08625-0080

Superintendent, New Jersey State Police
Expungement Unit
Post Office Box 7068
West Trenton, New Jersey 08628

Judge, _____
(Name of Municipal court)

(Address)

Chief, _____
(Name of Police department)

(Address)

Prosecutor, _____
(County)

(Address)

(If applicable)
Warden/Administrator, _____
(Name of jail/prison)

(Address)

(For conditional discharge or pretrial intervention)
Chief Probation Officer, _____
(County)

(Address)

(For State Grand Jury cases)
Division of Criminal Justice
Attention: Records and Identification
25 Market Street
Post Office Box 085
Trenton, New Jersey 08625

RE: EXPUNGEMENT HEARING: _____, _____
(Date) _____ (Time)

Reference No. _____

Dear Sir/Madam:

Enclosed are copies of the Petition(s) for Expungement, Order for Hearing, and Proposed Final Order in this matter.

Sincerely,

(Your signature)

(Your name)		
(Your address)		
(City)	State	ZIP Code
(Your phone number)		
(E-mail Address)		

Appearing Pro Se

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: CRIMINAL PART

**IN THE MATTER OF THE EXPUNGEMENT
OF THE CRIMINAL/JUVENILE RECORDS
OF**

(Your name)

COUNTY **(Where you are filing)**

REFERENCE NO. (Fill in reference number)

PROOF OF NOTICE

On _____, I mailed a copy of the Petition for
(Date)
Expungement, Order for Hearing, Proposed Final Order and any accompanying documents via
certified mail, return receipt requested, to the following:

The Attorney General of New Jersey

The Superintendent of the New Jersey State Police, Expungement Unit

The Judge of the _____ Municipal Court

The Chief of the _____ Police Department

The Prosecutor of _____ County

(If applicable)

The Warden/Primum of the _____ Van Prison/Juvencine Facility

The

The _____ Probation Office

The Division of Criminal

The Division of Criminal Justice, Attention: Records and Identification

Enclosed are the certified mail receipts that were returned to me.

(Your signature)

(Date)

(Date)		
(Your name)		
(Your address)		
(City)	State	ZIP Code
(Your phone number)		
(E-mail Address)		

Office of the Attorney General
Hughes Justice Complex
Post Office Box 080
Trenton, NJ 08625

Superintendent, New Jersey State Police
Expungement Unit
Post Office Box 7068
West Trenton, NJ 08628

Judge, Municipal Court, _____

(Address)

County Identification Bureau

(Address)

RE: IN THE MATTER OF THE EXPUNGEMENT OF THE CRIMINAL/JUVENILE RECORDS OF

(Your name)

Reference No: _____
(Fill in reference number)

Dear Sir/Madam:

Enclosed is a copy of an Expungement Order. Please take the appropriate action to see that these records are expunged.

Sincerely,

(Your signature)

(Your name)

(Your address)

(City) _____ State _____ ZIP Code _____

(Your phone number)

(E-mail Address)

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: CRIMINAL PART

Appearing Pro Se

COUNTY _____ (Where you are filing)

REFERENCE NO. _____
(Clerk will fill in)

IN THE MATTER OF THE EXPUNGEMENT
OF THE CRIMINAL/JUVENILE RECORDS OF

(Your name)

**CERTIFICATION IN FURTHER
SUPPORT OF PETITIONER'S
EXPUNGEMENT APPLICATION
(MODIFIED PAYMENT OF FINE)**

I, _____, of full age, residing at _____
_____, New Jersey, submit this certification in further support of my
petition for expungement of my criminal records pursuant to N.J.S.A. 2C:52-2(1), despite the full
payment of my fine in less than:

- 6 years (indictable offense) 5 years (disorderly persons offense(s)
(no indictable offenses)

and under the Court's application of judicial discretion, and do hereby certify and say:

1. My date of birth is _____.
(Date)
2. Less than six/five years have expired from the satisfaction of my fine, but the time
requirement is otherwise satisfied.

3. I substantially complied with any payment plan ordered pursuant to *N.J.S.A. 2C:46-1 et seq.* or could not do so due to compelling circumstances affecting my ability to satisfy the fine.
4. As a result of my arrest/conviction record, I was required to pay _____ in fines.
5. I was _____ years old at the time of the offense(s).
6. In the determination of compelling circumstances, I understand that the Court may also consider, my financial condition and any other relevant circumstances regarding my ability to pay, listed here:

Income: _____

Assets: _____

Obligations: _____

Other circumstances affecting my ability to pay:

7. For these reasons, those set forth in my petition for expungement, and other good cause, I respectfully ask that the Court grant my expungement.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

(Print Your Name)

(Sign Your Name)

(Date)

(Your name)

(Your address)

(City) _____ State _____ ZIP Code _____

(Your phone number)

(E-mail Address)

Appearing Pro Se

**IN THE MATTER OF THE EXPUNGEMENT
OF THE CRIMINAL/JUVENILE RECORDS OF**

(Your name)

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: CRIMINAL PART**

COUNTY _____ (Where you are filing)

REFERENCE NO. _____
(Clerk will fill in)

**CERTIFICATION IN FURTHER
SUPPORT OF PETITIONER'S
EXPUNGEMENT APPLICATION
(PUBLIC INTEREST)**

I, _____, of full age, residing at _____
_____, New Jersey, submit this certification in further support of my
petition for expungement of my criminal records in the "public interest" and under the Court's
application of judicial discretion, and do hereby certify and say:

1. My date of birth is _____.
2. I attach a copy of the following documents for each offense, as required: pre-sentence report, judgment of conviction/disposition, plea and sentencing transcript, hereto as

Exhibit A.

3. At least:

five years (indictable offense) three years (disorderly persons offense(s))
(no indictable offenses)

have expired from the date of my conviction, payment of fine, satisfactory completion of probation or parole, or release from incarceration whichever is later.

Note: If you are only filing under the public interest because you were convicted of sale or distribution of CDS or possession with the intent to sell CDS in the third or fourth degree, cross out paragraphs 3 and 4.

4. I have not been convicted of a crime, disorderly person's offense or petty disorderly person's offense since the above-referenced conviction.
5. I want an expungement because _____.
6. In support of my application, I attach documents reflective of my positive and/or rehabilitated ***character and conduct since my conviction*** hereto as **Exhibit B*** and I list/describe them below:

(*Examples may include: high school diploma/ GED, college transcripts, resumes, vocational certifications / occupational licenses, volunteer or community activities, family/household responsibilities, awards, reference letters [professional], letters of character reference, etc.)

7. For these reasons, those set forth in my petition for expungement, and other good cause, I respectfully ask that the Court grant my expungement.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

(Print Your Name)

(Sign Your Name)

(Date)

EXHIBIT A

EXHIBIT B