

# Clearing Your Record

# 123456

## 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.  
Find it on our website, [www.lsnjlaw.org](http://www.lsnjlaw.org).



Written and Published by  
Legal Services of New Jersey

# Waiting Periods

Type of Expungement	Time Passed	Statute
Clean Slate (entire record of arrest and convictions)	10 years	N.J.S.A. 2C:52-5.3
Indictable Conviction (and up to 3 Disorderly Persons)	*5 years	N.J.S.A. 2C:52-2
Indictable Conviction (and up to 3 Disorderly Persons)— <i>Compelling Circumstances</i>	At least 4 years	N.J.S.A. 2C:52-2(a)2
Disorderly Persons (up to 5)	*5 years	N.J.S.A. 2C:52-3
Disorderly Persons (up to 5)— <i>Compelling Circumstances</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
Certain Marijuana-Related Offenses	Immediately to 3 years	N.J.S.A. 2C:52-5.1
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. Further, if you still owe fines, the court may still grant your expungement provided you were on a court-ordered payment plan and not willfully noncompliant. In such case, the court may enter a civil judgment against you, collectable by the State Treasurer.

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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 juvenile or adult record. In many cases, the process is relatively simple and 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 help 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. If you need further assistance, we may be able to assist you or help you find representation.

The information in this manual is accurate as of September 2021, but laws often change. Please check our website, [www.lsnjlaw.org](http://www.lsnjlaw.org), for updates to this manual, or talk to a lawyer for up-to-date legal advice.



## Clearing Your Record Online

We encourage you to visit *Clearing Your Record Online* on LSNJ's website, [www.lsnjlaw.org](http://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 visit the New

Jersey Courts website to use their electronic filing system or use *Clearing Your Record Online* to create and print forms to submit to the court. If you are interested in using the court's electronic filing system there is information and resources available to you, including *LSNJ's Electronic Filing For Expungement: Pro Se Guide*. *Clearing Your Record Online* also includes a series of instructional videos that explain the expungement process and provide 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](http://www.lsnjlaw.org). You may also be eligible for free legal advice from LSNJLAW<sup>SM</sup>, Legal Services of New Jersey's statewide, toll-free legal hotline. You may apply online at [www.lsnjlawhotline.org](http://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 or help you find a pro bono lawyer. To find a private lawyer, you may also 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](mailto:publications@lsnj.org) or write to us at:

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# Introduction

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

New Jersey law provides the right for many people to expunge their records. The primary purpose of the expungement law is to provide opportunities for those who have had past juvenile or criminal justice involvement. Some records, such as out-of-state arrests or convictions, motor vehicle-related offenses, and very serious crimes, cannot be expunged.

The law carefully defines who is eligible to expunge their record. In most cases, an eligible person must initiate an application or a “petition” asking the court for an expungement. After the petition is reviewed by the prosecutor and other agencies, a judge then decides whether to issue an Expungement Order. Getting an Expungement Order means that, with some exceptions, the 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 and the courts 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 individual 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 law enforcement, corrections, or the courts. 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.

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

Most of New Jersey’s expungement laws can be found at N.J.S.A. 2C:52-1 through N.J.S.A. 2C:52-32.1. 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. Title 2C refers to the *Code of Criminal Justice*. Besides the law on expungement, Title 2C also contains most of New Jersey’s laws dealing with arrests, crimes, and punishment. New Jersey’s laws are available online on the New Jersey Legislature website, [www.njleg.state.nj.us](http://www.njleg.state.nj.us).

# Step 1: Are You Eligible?

## Traditional or Regular Expungement

For traditional or “regular” expungement, eligibility usually depends on the type and number of juvenile or 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. 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 were convicted of 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 and you were sentenced to pay a fine, it was probably a disorderly persons offense or municipal ordinance violation. Title 39 motor vehicle-related violations, however, are not eligible for expungement. This includes speeding and driving under the influence of alcohol or drugs.

## Expunging an Indictable Conviction

You can expunge an indictable conviction if:

- You have been convicted of an indictable offense and do not have any other subsequent convictions for an indictable offense; or
- You have been convicted of an indictable offense and have no more than three disorderly or petty disorderly persons convictions, and no subsequent indictable or disorderly persons convictions; or
- 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 subsequent convictions; 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 subsequent convictions.

Prior convictions will not bar your eligibility to expunge. If you have exceeded the number of convictions that may be expunged, you may be eligible to expunge the most recent.

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\* Only New Jersey matters 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.

## Offenses 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 for the purposes of expungement. However, if the crimes or offenses were committed on separate occasions, they will be counted as separate convictions.

## Crimes 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
- 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
- Terrorism
- Producing or possessing chemical weapons, biological agents, or nuclear or radiological devices; and
- 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.

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.

### **Controlled Dangerous Substances**

Convictions for the sale or distribution of a controlled dangerous substance or possession with the intent to sell cannot be expunged under a regular or traditional expungement, 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; or
- Any controlled dangerous substance provided that the conviction is of the third or fourth degree, where the court finds that compelling circumstances exist to grant the expungement.

Certain marijuana-related offenses may be eligible for expungement under automated or expedited expungement provisions, explained in later sections of this manual.

While there is no such restriction on the expungement of convictions for possession with the intent to distribute, the State can object to your expungement, 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.

Finally, if you were a state-licensed physician or podiatrist convicted of an offense involving drugs or alcohol or you were practicing medicine and surgery or podiatry without a license; or charged with destruction, falsification or alteration of records relating to medical care, you must notify the State Board of Medical Examiners when you file your application for expungement and provide the board with a copy of your petition. You must include a certification to the court that you met this requirement or your expungement may be denied and be subject to administrative discipline by the board.

### **Expunging a Disorderly Persons Conviction**

If you are not also seeking the expungement of an indictable conviction (see above section), you can also expunge disorderly persons convictions if:

- You were convicted of no more than five disorderly persons offenses and do not have any other subsequent convictions for a disorderly persons offense;
- You were convicted of multiple disorderly persons offenses, all of which were entered on the same day and you do not have any other subsequent conviction for another offense; or
- You were convicted of multiple 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 subsequent conviction for another offense.

Prior convictions will not bar your eligibility to expunge. If you have exceeded the number of convictions that may be expunged, you may be eligible to expunge the most recent.

### **Traditional or Regular Expungement Waiting Period**

Except for the circumstances listed below, you must wait five years from the date of the most recent conviction, payment of fine, completion of probation or parole, or release from incarceration—whichever is later—before applying to expunge your indictable or disorderly persons convictions.

### **Outstanding Fines**

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 five 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, payable to and collected by the State Treasurer, for the outstanding amount.

### **Early Pathway Expungement of Indictable Convictions**

The court may grant an expungement of an indictable offense even if less than five 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 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 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 four but less than five 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 offense since the time of the most recent conviction, and the court finds compelling circumstances exist to grant the expungement.

## **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, or disorderly persons offense since the time of the most recent conviction, and the court finds that compelling circumstances exist to grant the expungement.

## **Expungement Records of Young Drug Offenders**

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 less than 5 grams.

Certain marijuana-related offenses may be eligible for expungement under automated or expedited expungement provisions, explained in the next section of this manual.

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.

## **Automatic Expungement of Certain Marijuana-Related Cases**

The New Jersey Courts will automatically expunge certain marijuana-related indictable, disorderly persons and juvenile cases, including attempts and conspiracies.

- Distribution of less than one ounce of marijuana or less than 5 grams of hashish in violation of N.J.S.A. 2C:35-5(b)(12)
- Possession of more than 50 grams of marijuana or more than 5 grams of hashish in violation of N.J.S.A. 2C:35-10(a)(3)

- Possession of 50 grams or less of marijuana or 5 grams or less of hashish in violation of N.J.S.A. 2C:52:35-10(a) (4)

Also, if in connection with the above offenses:

- Possession of drug paraphernalia in violation of N.J.S.A. 2C:36-2
- Use or being under the influence of CDS in violation of N.J.S.A. 2C:35:10(b)
- Failure to make lawful disposition of CDS in violation of N.J.S.A. 2C:35-10(c)

Any such disorderly persons offenses subject to conditional discharge will also be expunged. Cases that include convictions for charges not listed above will not be expunged in this process. Any remaining sentence, ongoing supervision or unpaid court-ordered fine will be vacated. You may contact the court to find out if you have cases that have been automatically expunged. If you are otherwise eligible, you may still also file a petition for expedited or traditional expungement for these or other eligible offenses.

### **Expedited Expungement, Sealing, and Regrading of Certain Marijuana-Related Offenses**

Individuals with the following marijuana-related convictions are eligible for immediate relief after payment of fine, completion of probation or parole, or release from incarceration or legal custody or supervision:

- Distribution or possession or having under control with intent to distribute less than one ounce of marijuana or less than five grams of hashish in violation of N.J.S.A. 2C:35-5b(12) or such violation and a “school zone” or “public housing” violation under N.J.S.A. 2C:35-7a or N.J.S.A. 2C:35-7.1a (i.e., distributing, or possessing or having under control with intent to distribute, on or within 1,000 feet of any school property or within 500 feet of public housing facility, public park or public building); or
- Obtaining, possessing, using, being under the influence of, failing to make lawful disposition of marijuana or hashish in violation of N.J.S.A. 2C:35-10a(3), N.J.S.A. 2C:35-10a(4) or N.J.S.A. 2C:35-10b or N.J.S.A. 2C:35-10c; or
- A violation involving marijuana or hashish as above, and using or possessing with intent to use drug paraphernalia in violation of N.J.S.A. 2C:36-2.

Those who had such convictions prior to February 15, 2021 may petition for expungement, if necessary, but do not need to include the verification (found on page 5 of form 1 and described on page 14 under “Other Requirements Before You Can File a Petition for Expungement”) or an order for a hearing, nor does the petition need to be served on other parties. For those who have such convictions on or after February 15, 2021, the court will issue an “order of nondisclosure” covering relevant court, probation and law enforcement records and having similar effect as expungement.

For convictions for distribution of marijuana one ounce or more but less than five pounds or hashish over five grams but less than one pound in violation of N.J.S.A. 2C:35-5(11), an automatic order of nondisclosure will not be issued, however, will be expungeable after a three-year waiting period.

The new law also regrades the following marijuana-related criminal offenses as disorderly persons offenses for the purposes of expungement:

- Distribution or possession or having under control with intent to distribute one ounce or more but less than five pounds in violation of N.J.S.A. 2C:35-5(11); or less than one ounce in violation of N.J.S.A. 2C:35-5(12); or
- Violation of either and a “school zone” or “public housing” violation under N.J.S.A. 2C:35-7a or N.J.S.A. 2C:35-7.1; or
- Possession of more than 50 grams of marijuana or more than 5 grams of hashish in violation of N.J.S.A. 2C:35-10a(3).

Any conviction for possession, using, being under the influence, or failing to make lawful disposition of marijuana or hashish in violation of N.J.S.A. 2C:35-10 (simple possession); or use or possession with intent to use drug paraphernalia in violation of N.J.S.A. 2C:36-2 is “not a conviction” and presumed expungeable.

### **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.

You may expunge your municipal ordinance violations unless you were convicted of a prior or subsequent indictable offense, or convicted of a disorderly persons offense on more than two occasions. Prior expungement of an indictable conviction, however, will not prevent the expungement of a municipal ordinance violation. 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.

### **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 nonexpungeable 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) it will not show up on their record. 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 a dismissed case as it is to expunge a record of conviction.

If you were arrested for any offense but not convicted (either found not guilty, acquitted, 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 the matter was dismissed based on insanity or mental incapacity, expungement is not permitted at all.

The expungement of arrests not leading to conviction are now handled by the court under expedited procedures at the time of dismissal. If your case was dismissed by the Superior Court, the court will order the expungement of the arrest and disposition. If your case was dismissed by the municipal court, you should be provided with an application to expunge your records at the time of 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 eligible offenses and arrests that did not lead to a conviction and other arrests and convictions, you may still apply for an expungement.

## **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 eligible to expunge the arrest 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.

### **Clean Slate Expungement**

Under the “clean slate” provision, you may be eligible to expunge an entire record of arrests and convictions 10 years after your most recent conviction, payment of fine, satisfactory completion of probation or parole or release from prison, whichever comes later. If you have any convictions for offenses that cannot be expunged (see list of convictions that cannot be expunged) you will not be eligible for this relief. You will need to initiate an expungement petition for this relief until an automated clean slate process is made available.

You are eligible to file a petition for clean slate expungement even if you were granted a previous expungement.

Also, similar to traditional expungement, 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 five-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, payable to and collected by the state treasurer, for the outstanding amount.

After the court develops and implements an automated process for clean slate expungements, petitions will no longer be accepted.

### **Drug Court Expungement**

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 list of convictions that cannot be expunged, page 6-7); 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.

If you are convicted of a crime after you received a drug court expungement, your full record of arrests and convictions may be restored to public access and you will not be eligible for another expungement. If you need more help with a drug court expungement, you may contact the office of the public defender. They may be able to provide you with representation.

### **Identity Theft and Human Trafficking**

Individuals who were victims of identity theft and human trafficking may be eligible to expunge or vacate certain arrests and convictions from their record. You should not file a traditional or regular 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.

### **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 under traditional or regular expungement, you must certify that you have never been granted an expungement or similar relief regarding an indictable conviction in New Jersey or in any other state or federal court. If your case was 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. You must also state whether you legally changed your name, the date of judgment of name change, and your previous legal name. If applicable, provide a copy of the order for name change.

### **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.

### **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.

## 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.

One of the best and quickest ways to obtain a copy of your New Jersey criminal record is from the New Jersey State Police. See instructions for obtaining your criminal history record on page 16. 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](http://www.njsp.org/criminal-history-records). The State Police Record, however, will only contain information on cases for which 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 which you will need to expunge but it just won’t appear on the State Police record.

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/services/cjis/identity-history-summary-checks](http://www.fbi.gov/services/cjis/identity-history-summary-checks). You may also be able to obtain your FBI report from the State Police vendor mentioned above.

### 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 Court Case Search** (<https://portal.njcourts.gov/webe5/MPAWeb/index.jsp>) contains information, searchable by name, complaint, or summons number, for municipal complaints only.

You may also submit a records request through the New Jersey Courts, or 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.”

### How to Get a Copy of Your Criminal History Record

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 IDEMIA, a private company under contract with the state of New Jersey. In order to be fingerprinted for expungement purposes, you must contact IDEMIA to schedule a time and place to have your fingerprints recorded at an Identogo site. The quickest and easiest way to schedule your appointment is via their website, <https://uenroll.identogo.com>. If you do not have internet access, call IDEMIA, 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). Spanish-speaking operators are available upon request.

IDEMIA uses a six character service code to identify the agency and the reason for fingerprinting. The use of this service code ensures that you will be fingerprinted for the correct purpose and not accidentally or incorrectly processed for a service you don’t need. The service code for a personal records request for expungement is 2F1BJG. Information about codes for other purposes can be found on the NJ State Police website at [www.njsp.org/criminal-history-records](http://www.njsp.org/criminal-history-records).

You must bring the following to your appointment:

- **Identification.** Your 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 required fee.** The fee is \$44.13, which includes the \$14.13 vendor fee and sales tax. You may pay by credit card (Visa, MasterCard, American Express, or Discover), prepaid debit cards, or electronic check (ACH). Payment will be collected at the fingerprint site on the day of your scheduled appointment. Appointments must be canceled by 5:00 p.m. on the business day prior to your scheduled appointment. There may be an additional fee for out-of-state residents.

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

## Step 3: Complete the Forms

If you have an available computer and access to the internet, the easiest way to complete your expungement application is through the New Jersey Courts eCourts Expungement System, [www.njcourts.gov/selfhelp/expungement.html](http://www.njcourts.gov/selfhelp/expungement.html). The eCourts Expungement System will identify your records, create your petition, file it with the court, and automatically serve the necessary parties (which can otherwise be a costly and time-consuming process). You can see our guide here or visit the New Jersey Courts website for more information.

If you can't access the eCourts Expungement System, and you have access to a computer (and internet) and a printer, you can fill out the required forms through the *Clearing Your Record Online* application on our website, [www.lsnjlaw.org](http://www.lsnjlaw.org). Or 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 most recent 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 traditional or regular expungement, clean slate expungement, crime spree expungement, drug court expungement, early pathway or late payment of fine expungement or you are expunging dismissed cases only, or certain marijuana-related 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 or municipal ordinance 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, Ocean County Superior Court, or Trenton

Municipal Court. 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.” Indicate whether the dismissal was the result of a plea bargain.

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 convictions in New Jersey or any other jurisdiction, 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 applying for a traditional or regular expungement and seeking the expungement of an indictable conviction, you must certify that you have never been granted an expungement of an indictable conviction in New Jersey or in any other state or federal court. If you are not applying for a traditional or regular expungement and seeking expungement of an indictable conviction, cross out paragraph 3 of the verification.

If you legally changed your name, you must provide the date of judgment of name change, your previous legal name, and a copy of the order for name change. The verification must be notarized. If you are filing an “early pathway” expungement, you must complete either the Certification in Further Support of Petitioner’s Expungement Application (Late Payment of Fine) (Form 8), or the Certification in Further Support of Petitioner’s Expungement Application (Compelling Circumstances) (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 (Late 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 of Petitioner's Expungement Application (Compelling Circumstances), 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). These documents may not be required if you are filing the Certification for disorderly persons convictions. Also indicate why you want an expungement (paragraph 5); explain the particular circumstances of your case why the court should grant your expungement (paragraph 6); and list evidence of your positive and/or rehabilitated character and conduct since the conviction (paragraph 7) 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 (Compelling Circumstances).

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

If you completed your application through the New Jersey Courts eCourts Expungement System, your expungement application will be automatically filed and served on all parties. If not, you must 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. You will need to register and upload the completed forms through the New Jersey Court Judiciary Electronic Document Submission (JEDS) System at [www.njcourts.gov/selfhelp/jeds.html](http://www.njcourts.gov/selfhelp/jeds.html). If you do not have access to the JEDS system, you may still be able to file your papers with the court by delivering or mailing the original and two copies (keep one copy 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 26 for a list of the county offices where forms should be mailed, along with telephone numbers.

One copy of the Petition for Expungement, Order for Hearing, Proposed Expungement Order, and any accompanying certifications will be sent back to you through the JEDS system. If you did not submit your application through the JEDS system and you mailed your application to the court, your paperwork will be mailed back to you marked “Filed” and with a reference number. 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. If you submitted your expungement through the JEDS system or you mailed your paperwork to the court, you will need to serve the filed copies of your application manually, using the process below.

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 you filed through the eCourts Expungement System you will not have or need green cards.

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 (if any) 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

If you filed your application through the New Jersey Courts eCourts Expungement System, your Expungement Order will be automatically served on all parties. If you submitted your expungement through the JEDS system or you mailed your paperwork to the court, you will need to serve the filed copies of your Expungement Order manually. 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 30)
- 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 Pre-Trial 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.

## 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](mailto:publications@lsnj.org) if you have any suggestions about how this guide can be improved. If you need legal advice, you may apply for our services online at [www.lsnjlawhotline.org](http://www.lsnjlawhotline.org). Additional resources for expungement are available on our website, [www.lsnjlaw.org](http://www.lsnjlaw.org).

# Frequently Asked Questions

**Q: How do I know if my criminal records have been expunged?**

**A:** After your expungement has been granted and the parties have been served with the Expungement Order, you should receive a letter from the New Jersey State Police notifying you that your records have been expunged. It is also a good idea to check the available public records databases to see if your records have been removed.

**Q: If I have a marijuana-related case involving other convictions, will it be automatically expunged?**

**A:** If you have a case with non-marijuana related convictions, it will not be automatically expunged. However, you may still be eligible to file for an expungement.

**Q: I already went through the IDEMIA 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 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. Even though out-of-state convictions cannot be expunged by the New Jersey court, you must fully disclose your criminal record in the expungement petition, including out-of-state arrests and convictions.

**Q: Can I 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: I previously expunged a criminal conviction, will I still be eligible for a clean slate expungement?**

**A:** Yes, a previous expungement will not preclude you from being eligible for a clean slate expungement.

**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 five 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: What do I tell my employer if they ask me if I have an expunged record?**

**A:** Except for law enforcement, corrections or the judiciary, any expunged information may not be revealed and you have the right to tell your employer that you do not have a record. Remember, an expungement means that the arrest or conviction never occurred.

# Criminal Case Management Offices

## **Atlantic County**

Superior Court of Atlantic County  
Criminal Case Management  
Expungement Clerk  
4997 Unami Boulevard  
Mays Landing, NJ 08330  
(609) 402-0100, ext. 47293

## **Bergen County**

Criminal Case Management Office  
Expungement Clerk  
Bergen County Justice Center  
10 Main Street, Room 124  
Hackensack, NJ 07601-1699  
(201) 221-0700, ext. 25054 or 25055

## **Burlington County**

Courthouse Processing Office  
Expungement Clerk  
49 Rancocas Road, 1st floor  
Mount Holly, NJ 08060  
(609) 228- 9500, ext. 38293

## **Camden County**

Hall of Justice  
Expungement Section  
101 South Fifth Street  
Camden, NJ 08103  
(856) 379-2200, ext. 3339

## **Cape May County**

Criminal Case Management  
Expungement Clerk  
9 North Main Street  
Cape May Court House, NJ 08210  
(609) 402-0100, ext. 47426

## **Cumberland County**

Criminal Division  
Expungement Clerk  
60 West Broad Street  
P.O. Box 757  
Bridgeton, NJ 08302  
(856) 878-5050, ext. 15492

## **Essex County**

Veterans Courthouse  
Criminal Records Office  
Expungement Clerk  
50 West Market Street, Room 1012  
Newark, NJ 07102  
(973) 776-9300, ext. 56587 or 57328

## **Gloucester County**

Criminal Division  
Expungement Clerk  
Justice Complex  
70 Hunter Street  
Woodbury, NJ 08096  
(856) 878-5050, ext. 15392

## **Hudson County**

Criminal Case Management  
Expungement Clerk  
Administration Building  
595 Newark Avenue, Room 1041  
Jersey City, NJ 07306  
(201) 748-4400, ext. 60152

## **Hunterdon County**

Criminal Division  
Expungement Office  
Hunterdon Justice Center  
65 Park Avenue  
Flemington, NJ 08822  
(908) 824-9750, ext. 13077

## **Mercer County**

Criminal Courthouse  
Criminal Records Expungement Clerk  
400 South Warren Street, Room 109  
Trenton, NJ 08650  
(609) 571-4200, ext. 74048

## **Middlesex County**

Court House, Criminal Records  
Expungement Clerk  
56 Paterson Street  
P.O. Box 964  
New Brunswick, NJ 08903-0964  
(732) 645-4300, ext. 88155

## **Monmouth County**

Superior Court, Criminal Division  
Expungement Clerk  
71 Monument Park  
P.O. Box 1271  
Freehold, NJ 07728  
(732) 358-8700, ext. 87350

## **Morris County**

Superior Court of New Jersey  
Criminal Records Department  
Expungement Clerk  
P.O. Box 910  
Morristown, NJ 07963  
(862) 397-5700, ext. 75238

## **Ocean County**

Ocean County Superior Court  
Expungement Clerk  
120 Hooper Avenue  
Toms River, NJ 08753  
(732) 504-0700, ext. 64281

## **Passaic County**

Superior Court, Criminal Division  
Expungement Clerk  
77 Hamilton Street, 2nd Floor  
Paterson, NJ 07505  
(973) 653-2910, ext. 24398

## **Salem County**

Criminal Division  
Expungement Clerk  
92 Market Street  
Salem, NJ 08079  
(856) 878-5050, ext.15855

## **Somerset County**

Criminal Case Management  
Expungement Clerk  
20 North Bridge Street  
P.O. Box 3000  
Somerville, NJ 08876  
(908) 332-7700, ext. 13233

**Sussex County**

Judicial Center, Criminal Division  
Expungement Clerk  
43-47 High Street  
Newton, NJ 07860  
(862) 397-5700, ext. 75301

**Union County**

Criminal Division  
Expungement Clerk  
2 Broad Street  
Elizabeth, NJ 07207  
(908) 787-1650, ext. 21079

**Warren County**

Criminal Case Management  
Expungement Clerk  
413 Second Street  
P.O. Box 900  
Belvidere, NJ 07823  
(908) 750-8100, ext. 13379

# New Jersey County Prosecutors

## **Atlantic County**

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

## **Bergen County**

Justice Center  
2 Bergen County Plaza  
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**

200 Federal Street  
Camden, NJ 08094  
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) 453-7707

## **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**

209 South Broad Street, 3rd 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**

132 Jerseyville Avenue  
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  
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](http://www.njcourts.gov).

*Click here for the direct link.*

# County Identification Bureaus

## **Atlantic County**

Atlantic County Sheriff's Office  
4997 Unami Boulevard  
Mays Landing, NJ 08330  
Attention: ID Bureau

## **Bergen County**

Bureau of Criminal Identification  
Bergen County Sheriff's Office  
Justice Center  
160 South River 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: ID Bureau

## **Cape May County**

Cape May County Sheriff's Office  
4 Moore Road  
Cape May Court House, NJ 08210  
Attention: ID Bureau

## **Cumberland County**

Cumberland County Sheriff's Office  
220 North Laurel Street  
Bridgeton, NJ 08302  
Attention: ID Bureau

## **Essex County**

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

## **Gloucester County**

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

## **Hudson County**

Hudson County Sheriff's Office  
Hudson County Plaza  
257 Cornelison Avenue  
Jersey City, NJ 07302  
Attention: BCI

## **Hunterdon County**

Hunterdon County Sheriff's Office  
P.O. Box 2900  
Flemington, NJ 08822  
Attention: ID 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  
Criminal Identification Bureau  
50 East Main Street  
Freehold, NJ 07728

## **Morris County**

Morris County Sheriff's Office  
P.O. Box 900  
Morristown, NJ 07963-900  
Attention: CID

## **Ocean County**

Ocean County Sheriff's Office  
120 Hooper Avenue  
Toms River, NJ 08753  
Attention: ID 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: ID 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: ID 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 (Late 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 (Early Pathway)**. Use this document if you are filing to expunge an indictable conviction before the usual waiting period or if you are filing to expunge a conviction for third or fourth degree sale, distribution or possession with intent to sell CDS.

\_\_\_\_\_  
(Your name)

\_\_\_\_\_  
(Mailing address)

\_\_\_\_\_  
(City State ZIP Code)

\_\_\_\_\_  
(Your phone number)

\_\_\_\_\_  
(Email 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:**

- Traditional or Regular Expungement** (N.J.S.A. 2C:52-2, et seq.)
- Clean Slate Expungement** (N.J.S.A. 2C:52-5.3)
- Crime Spree Expungement** (N.J.S.A. 2C:52-2a or 52-3b)
- Drug Court Expungement** (N.J.S.A. 2C:35-14m)
- Early Pathway Expungement** (N.J.S.A. 2C:52-2a(1),(2) or N.J.S.A. 2C:52-3b(1),(2))
- Expungement of Dismissed Cases Only** (N.J.S.A. 2C:52-6)
- Expungement of Marijuana-Related Cases Only** (N.J.S.A. 2C:52-5.1)

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

\_\_\_\_\_, SAY:  
(Your address)

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

2. I was arrested/taken into custody on \_\_\_\_\_, \_\_\_\_\_, in

(Date)

(Year)

\_\_\_\_\_, N.J., and charged with \_\_\_\_\_

(Municipality)

(Name of offense)

(Name of offense continued)

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.")

Was the dismissal the result of a plea bargain? Yes No (circle one)

(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)

(Date)

(Year)

I currently owe fines in the amount of \_\_\_\_\_.

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.")

Was the dismissal the result of a plea bargain? Yes No (circle one)

(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)

\_\_\_\_\_, \_\_\_\_\_; and I paid the fine on \_\_\_\_\_,  
(Date) (Year) (Date)

\_\_\_\_\_. I currently owe fines in the amount of \_\_\_\_\_.  
(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 \_\_\_\_\_ was dismissed by \_\_\_\_\_

(Date) (Year) (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.")

Was the dismissal the result of a plea bargain? Yes No (circle one)

(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)

(Date)

(Year)

I currently owe fines in the amount of \_\_\_\_\_.

(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,

\_\_\_\_\_  
(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 pursuant to N.J.S.A. 2C:52-2 and I have never been granted an expungement of an indictable offense by any state or federal court. (If you are not seeking the expungement of an indictable conviction, cross out #3.)

4. I have an indictable charge that was dismissed because of acceptance into a supervisory treatment or other diversion program. The original charge was \_\_\_\_\_. The court of disposition was \_\_\_\_\_ and the date of disposition was \_\_\_\_\_. (If you do not have any dismissals of indictable charges, cross out #4.)

5. On \_\_\_\_\_ a judgment was entered for my legal name change. My previous legal name(s) was/were: \_\_\_\_\_. I am attaching a copy of the Order for my name change hereto. (If you did not legally change your name, cross out #5.)

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)

\_\_\_\_\_  
(Your phone number)

\_\_\_\_\_  
(Email Address)

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

\_\_\_\_\_  
COUNTY (Where you are filing)

REFERENCE NO. \_\_\_\_\_  
(Clerk will fill in)

**Appearing Pro Se**

**IN THE MATTER OF THE EXPUNGEMENT  
OF THE CRIMINAL/JUVENILE RECORDS OF**  
\_\_\_\_\_  
(Your name)

**ORDER FOR HEARING**

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

\_\_\_\_\_, and for good cause appearing;  
(Your name)

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)

\_\_\_\_\_  
(Email Address)

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

\_\_\_\_\_  
COUNTY (Where you are filing)

REFERENCE NO. \_\_\_\_\_  
(Clerk will fill in)

**Appearing Pro Se**

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 Jersey State Police,  
(County or counties)

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)  
\_\_\_\_\_; and  
(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 if monies are still owed at the time this expungement is ordered, pursuant to *N.J.S.A. 2C:52-15(b)*, the records of the Probation Division of the Superior Court related to any court-ordered financial assessment that remains due at the time the court grants an expungement or sealing of records shall be transferred to the New Jersey Department of Treasury for the collection and disbursement of future payments and satisfaction of judgments in accordance with *N.J.S.A. 2C:52-23.1*. Notwithstanding any provision in this law or any other law to the contrary, the court shall have sole authority to amend the judgment concerning the amount of any court-ordered financial assessment that remains due at the time the court grants an expungement or sealing of records. The State Treasurer shall thereafter administer such judgments without the disclosure of any information related to the underlying nature of the assessments.

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

---

(Your name)

---

(Your address)

---

(City                      State                      ZIP Code)

---

(Your phone number)

---

(Email Address)

Clerk, Superior Court of New Jersey

---

(County)

---

(Address)

---

(City                      State                      ZIP Code)

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)

\_\_\_\_\_  
 (Email 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)

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)

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

\_\_\_\_\_  
(Your name)

\_\_\_\_\_  
(Your address)

\_\_\_\_\_  
(City State ZIP Code)

\_\_\_\_\_  
(Your phone number)

\_\_\_\_\_  
(Email Address)

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: CRIMINAL PART

**Appearing Pro Se**

\_\_\_\_\_  
COUNTY (Where you are filing)

<p>IN THE MATTER OF THE EXPUNGEMENT OF THE CRIMINAL/JUVENILE RECORDS OF</p> <p>_____ (Your name)</p>
--

\_\_\_\_\_  
REFERENCE NO. (Fill in 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/Admin of the \_\_\_\_\_ Jail/Prison/Juvenile Facility

(For conditional discharge and pretrial intervention)

The \_\_\_\_\_ Probation Office

(For State Grand Jury cases)

The Division of Criminal Justice, Attention: Records and Identification

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

\_\_\_\_\_  
(Your signature) \_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Your name)

\_\_\_\_\_  
(Your address)

\_\_\_\_\_  
(City State ZIP Code)

\_\_\_\_\_  
(Your phone number)

\_\_\_\_\_  
(Email 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, Municipal Court \_\_\_\_\_,

\_\_\_\_\_  
(Address)

County Identification Bureau

\_\_\_\_\_  
(Address)

(For pretrial intervention and conditional discharge)

County Probation Office

\_\_\_\_\_  
(Address)

Chief of Police, \_\_\_\_\_

\_\_\_\_\_  
(Address)

Prosecutor, \_\_\_\_\_

\_\_\_\_\_  
(Address)

(If applicable)

Warden/Administrator, \_\_\_\_\_

\_\_\_\_\_  
(Name of jail or prison)

\_\_\_\_\_  
(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: 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)

\_\_\_\_\_  
(Email Address)

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

**Appearing Pro Se**

\_\_\_\_\_  
COUNTY (Where you are filing)

IN THE MATTER OF THE  
EXPUNGEMENT OF THE  
CRIMINAL/JUVENILE RECORDS OF  
\_\_\_\_\_  
(Your name)

\_\_\_\_\_  
REFERENCE NO. (Clerk will fill in)

**CERTIFICATION IN FURTHER  
SUPPORT OF PETITIONER'S  
EXPUNGEMENT APPLICATION  
(LATE 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 it being less than five years since the full payment of my fine and under the Court's application of judicial discretion, and do hereby certify and say:

1. My date of birth is \_\_\_\_\_.  
(Date)

2. I am listing the following document(s) in support of my application,

\_\_\_\_\_, and attaching them hereto at Exhibit A.

3. Although it has not been five years since the satisfaction of my fine, the other statutory waiting requirements for expungement have been met.

4. I substantially complied with any payment plan ordered pursuant to *N.J.S.A. 2C:46-1 et seq.* or I could not do so due to compelling circumstances affecting my ability to satisfy the fine.

5. As a result of my arrest/conviction record, I was required to pay \_\_\_\_\_ in fines.

6. I was \_\_\_\_\_ years old at the time of the offense(s).

7. 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: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

8. 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

\_\_\_\_\_  
(Your name)

\_\_\_\_\_  
(Your address)

\_\_\_\_\_  
(City                      State                      ZIP Code)

\_\_\_\_\_  
(Your phone number)

\_\_\_\_\_  
(Email 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  
(COMPELLING CIRCUMSTANCES)**

I, \_\_\_\_\_, of full age, residing at \_\_\_\_\_

\_\_\_\_\_, New Jersey, submit this certification in further support of my petition for expungement of my criminal records 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, if required: pre-sentence report, judgment of conviction/disposition, plea and sentencing transcript, hereto as

**Exhibit A.**

3. At least:

four 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 with this Certification 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. This court should grant my expungement because \_\_\_\_\_.

7. In support of my application, I attach documents which show my compelling circumstances as to why my expungement should be granted 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.)

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8. 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**