

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3881

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 20, 2024

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 3881.

As amended and reported, this bill provides that when an order of expungement has been issued by the court but has not yet been processed, the State Bureau of Identification in the Division of State Police (SBI) is required to promptly respond to a request for criminal history background information. The response may not contain any: (1) criminal history record background information; (2) reference to such information; or (3) reference to the existence of the expungement order itself. Further, as amended, the SBI would not be required to create a record in their system if the records for which there is an order are not present in the SBI system.

Under current law, an order of expungement is issued by the Superior Court upon successful application by an eligible person, and the SBI is authorized to disseminate criminal history record background information upon request. However, the statute is silent with regard to updating records to reflect expungement orders that have not yet been processed.

This bill specifies that, prior to disseminating background information, the SBI is required to determine whether the person to whom the background information pertains has an unprocessed order of expungement. As amended, the bill applies to expungement orders granted by the Superior Court pursuant to N.J.S.2C:52-1 et seq. or a recovery court pursuant to N.J.S.2C:35-14.

This bill ensures that when there is a backlog of unprocessed expungement requests, the SBI does not provide incorrect background information, which may preclude an otherwise eligible person from employment, licensing, a volunteer position, renting housing, or any other purpose for which criminal history record background information is sought.

COMMITTEE AMENDMENTS

The committee amended the bill to provide that:

(1) in addition to applying to expungement orders issued by the Superior Court, the bill applies to expungement orders issued by a recovery court pursuant to N.J.S.2C:35-14;

(2) in the case of unprocessed expungement orders, the SBI is required to promptly respond to a request for criminal history record background information. The SBI is prohibited from disclosing in the response any criminal history background information, reference to such information, or reference to the existence of an unprocessed expungement order; and

(3) the New Jersey State Police are not required to create a new record in their system if the order of expungement is for a record that is not yet in the system.