

Step 1: Regular Expungement

Up to **1 indictable conviction**, plus **3 DPs/3 petty DPs**
 File in county of indictable conviction
5-year waiting period, reduced to 4 years with compelling circumstances

If **NO** indictable convictions, up to **5 DPs/5 petty DPs**
 File in county of most recent DP
5-year waiting period, reduced to 3 years with compelling circumstances

If: **(1) NO** indictable convictions **AND (2) no more than 2 DPs/2 petty DPs,**
THEN, unlimited # of ordinances
 File in county of ordinances
2-year waiting period

Any number of dismissals (barred convictions don't matter for purposes of expunging a dismissal)
No waiting period, except:
 *If dismissed pursuant to PTI or juvenile deferred disposition, waiting period of 6 months.

Complete juvenile record can be expunged.
3-year waiting period, and no new offenses during the 3-year period

(1) Person was 21 or younger at time of offense, and (2) only has 1 conviction for possession or use of CDS
1-year waiting period

- **Cannot** proceed if there are pending charges.
- **Must be 1st expungement, except** prior expungements do not matter for dismissals and ordinances.
- **Still owing fines or having made the final payment less than 5 years ago is okay, but cannot get early pathway.**
- **Waiting period starts on conviction date or when prison parole/probation is completed, whichever is later.**
- **Cannot expunge barred convictions:**
 - Criminal homicide, N.J.S.A. 2C:11-1, except these two can be expunged:
 - death by auto, N.J.S.A. 2C:11-5,
 - strict liability vehicular homicide, N.J.S.A. 2C:11-5.3,
 - Robbery, N.J.S.A. 2C:15-1
 - All endangering the welfare of a child offenses, including non-sexual harm, N.J.S.A. 2C:24-4
 - Kidnapping or human trafficking; luring or enticing, N.J.S.A. 2C:13-1, N.J.S.A. 2C:13-6, N.J.S.A. 2C:13-8
 - Sexual assault, aggravated sexual assault, aggravated criminal sexual contact, N.J.S.A. 2C:14-2
 - Criminal sexual contact if victim is a minor, N.J.S.A. 2C:14-3b; aggravated is always barred, N.J.S.A. 2C:14-3a
 - Criminal restraint or false imprisonment if victim is a minor and offender is not the parent of the victim, N.J.S.A. 2C:13-2, N.J.S.A. 2C:13-3
 - Arson and related offenses, N.J.S.A. 2C:17-1
 - Leader of a child pornography network, N.J.S.A. 2C:24-4.1
 - Perjury and false swearing, N.J.S.A. 2C:28-1, N.J.S.A. 2C:28-2
 - Promoting child prostitution, N.J.S.A. 2C:34-1b(4)
 - Terrorism, producing or possessing chemical weapons, biological agents, or nuclear or radiological devices, N.J.S.A. 2C:28-2, N.J.S.A. 2C:28-3
 - Any of the following committed before September 1, 1979: manslaughter, treason, anarchy, rape or forcible sodomy, embracery
 - Sale or distribution of CDS or possession with intent to sell cannot be expunged, except where crimes relate to: (1) marijuana, amount was 25 grams or less, or (2) hashish, amount was 5 grams or less, OR (3) 3rd, 4th, degree drug sale, distribution, possession with intent to sell, where court finds "compelling circumstances"
 - Any crime committed by person holding any public office, or conspiracy or attempt to commit such crime
 - Conspiracies or attempts and to commit any barred offense in this list

For These Purposes, the Following Marijuana Offenses are Considered DPs:

- N.J.S.A. 2C:35-5b(11)
- N.J.S.A. 2C:35-5b(12)
- N.J.S.A. 2C:35-7
- N.J.S.A. 2C:35-7.1
- N.J.S.A. 2C:35-10a(3)

For These Purposes, the Following Marijuana Offenses are Not Considered convictions:

- N.J.S.A. 2C:35-10a(4)
- N.J.S.A. 2C:35-10b or c
- N.J.S.A. 2C:36-2

Can always combine dismissals and juvenile expungements with other types in one petition. However, if more than 2 dps cannot combine ordinances. Must then remove ordinances from order and file separate petition.

If ineligible for regular expungement, try clean slate expungement (Step 2).

- Multiple convictions in one indictment/warrant/summons only count as one conviction for expungement purposes

Step 2: Clean Slate Expungement

Only applies when individual is ineligible for regular expungement.

Complete record is expunged.

- Prior expungement does not matter

File in county of most recent indictable conviction

10-year waiting period.

- Waiting period starts on conviction date or when prison/parole/probation is completed, whichever is later

- **Any barred convictions are dealbreakers: cannot get a clean slate expungement if record contains a barred conviction. See list on previous page.**

****Include ordinances and juvenile offenses on clean slate petition. Prosecutor may object, but see State v. R. O.-S., 474 N.J. Super. 87 (Super. Ct. 2021) (approved for publication on December 12, 2022).**

Step 3: Marijuana Expungement Pursuant To N.J.S.A. 2C:52-5.1

Marijuana/hashish conviction for:

- N.J.S.A. 2C:35-5b(12) (distribution, etc.); or
- N.J.S.A. 2C:35-7a (school zone); or
- N.J.S.A. 2C:35-7.1a (public housing)

No waiting period

Marijuana/hashish conviction for:

- N.J.S.A. 2C:35-10a(3);
- N.J.S.A. 2C:35-10a(4);
- N.J.S.A. 2C:35-10b; or
- N.J.S.A. 2C:35-10c

No waiting period

Marijuana/hashish conviction for:

- one of the above and using or possessing with intent to distribute drug paraphernalia N.J.S.A. 2C:36-2

No waiting period

Marijuana/hashish conviction for:

- N.J.S.A. 2C:35-5b(11)

3-year waiting period.

Step 4: Marijuana Decriminalization Expungement Pursuant To N.J.S.A. 2C:52-6.1

Conviction for:

- N.J.S.A. 2C:35-5b(12);
- N.J.S.A. 2C:35-10a(3);
- N.J.S.A. 2C:35-10a(4)

Marijuana or hashish violations of:

- N.J.S.A. 2C:36-2;
- N.J.S.A. 2C:35-10b;
- N.J.S.A. 2C:35-10c

No waiting period.

*Out-of-state convictions/DP offenses - Cannot be expunged, but they count towards the numerical limits for regular expungements.

*New law 2022 - A person can expunge convictions for possession with intent to use drug paraphernalia pursuant to N.J.S.2C:36-2, when same is a hypodermic syringe or needle; possession with the intent to distribute drug paraphernalia pursuant to N.J.S.2C:36-3, when same is a hypodermic syringe or needle; or possession or distribution of hypodermic syringe or needle pursuant to N.J.S.2C:36-6 regardless of any past expungements.

*New law 2024 - 1. A person can file in the county where they reside or the county where any conviction in the petition was disposed for both regular and clean slate expungements.
2. All ordinance cases can be included on a clean slate petition.
3. Clarifies that a clean slate petition can be filed within less than 10 years from the final payment of any fines, if the 10-year requirement is otherwise met.
4. Clarifies that a person can supply any relevant information in support of compelling circumstances, but cannot be required to produce transcripts or presentence reports.