

## Expungements

### What Is an Expungement?

Under N.J.S. 2C:52-1, expungements are the extraction and isolation of all records on file within any court, detention or correctional facility, law enforcement or criminal justice agency concerning a person's arrest, detention, trial or disposition of an offense.

Expunged records also include complaints, warrants, arrests, commitments, processing records, fingerprints, photographs, index cards, "rap sheets" and judicial docket records.

Under N.J.S. 2C:52-27, if an order of expungement is granted, the arrest, conviction and any proceedings related thereto are deemed not to have occurred, and the petitioner may answer any questions relating to their occurrence accordingly.

### Who Is Eligible for an Expungement?

Records of most indictable convictions, disorderly persons offenses, arrests not resulting in convictions, young drug offenders, and violations of municipal ordinances are eligible for a Petition for Expungement.

### Are there limits for Eligibility for an Expungement?

There are limits and other factors in determining a person's eligibility for expungement. These limits and factors can vary based upon the offense committed and can be found in the New Jersey Expungement Statutes. A brief flow chart has been created below to provide a general overview.

### What Records are NOT Eligible for Expungement?

Records of more serious criminal offenses such as kidnapping, robbery, and homicide are not eligible for expungement.

What is the Early Pathway?

In 2010, the Expungement statute was amended to permit an “early pathway” to expungement in certain cases. In *re Kollman*, 210 N.J. 557, 571 (2012), the New Jersey Supreme Court summarized the “early pathway” to expungement as three prongs:

Passage of five years;

No additional convictions; and

Expungement is in the public interest.”

The New Jersey Supreme Court placed the burden on the petitioner to show that an expungement is in the “public interest”. *Id.* at 563.

How is an Expungement Obtained?

Under N.J.S. 2C:52-10, a Petition for Expungement must be filed in the Superior Court in the county where the arrest or prosecution occurred. A judge will decide whether to grant an order for expungement. The process usually begins with the Petitioner forwarding finger prints and a request for a criminal background check to the New Jersey State Police.

Currently, finger prints can be arranged through [www.bioapplicant.com/nj](http://www.bioapplicant.com/nj) 24 hours per day, 7 days per week. To obtain a finger print form, click on the following link [Fingerprint Form](#)