

**ASSEMBLY COMMITTEE SUBSTITUTE FOR  
ASSEMBLY BILL NOS. 206, 471, 1663, 2879, 3060, and 3108  
(Third Reprint)**

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Committee Substitute for Assembly Bill Nos. 206, 471, 1663, 2879, 3060, and 3108 (Third Reprint) with my recommendations for reconsideration.

Helping non-violent offenders reclaim their lives and become productive members of society has long been a personal focus of mine and a pillar of my Administration. Since becoming Governor, we have reformed outdated, ineffective approaches to non-violent offenses and instituted programs designed to make a real difference in helping people reclaim their lives. From expanding drug courts and the lifesaving Narcan program statewide, to integrating job training and services to ex-offenders re-entering society, to preventing employers from asking about a prospective employee's criminal history on an initial job application, to expanding access to college degrees within correctional facilities, these efforts and others are already bearing much fruit. For instance, New Jersey is one of the only states in the nation to have seen a drop in both repeat offenses and incarceration. Fewer non-violent offenders are being housed in correctional facilities at taxpayer expense and more are being treated and educated in successful programs. But more than just a statistical success, our hard work is having a real impact in the lives of countless individuals and their families, providing them with the tools they need to re-emerge in society as productive citizens.

This bill promises to build upon these accomplishments and continue my commitment to helping New Jerseyans afflicted by

drug addiction turn their lives around. It proposes another step towards expanding the benefits of the Drug Court Program by allowing citizens who have successfully completed the program to expunge their entire record. I believe this proposal might incentivize greater participation in the Drug Court Program and help give non-violent offenders a fresh start, with better employment prospects and educational opportunities.

Moreover, the bill aims to make the expungement process more efficient. It would create an automatic expungement for arrest records that do not result in conviction other than through a plea agreement. This would cut costs and eliminate unnecessary hardships for innocent people with an arrest record. Additionally, the bill would streamline the process for an eligible person seeking to expunge multiple offenses through one application. A more efficient process will also reduce delays and costs.

Nevertheless, while I support breaking down barriers to employment and education for non-violent ex-offenders, I cannot endorse a bill that compromises public safety. As written, this bill would cut in half the presumptive waiting period to expunge indictable offenses, often felonies, from ten years to five years, and eliminate an important safeguard which allows a judge to consider whether granting an expungement is in the public's interest. The current public interest exception to the presumptive waiting period is an effective and efficient way to help ex-offenders combat the collateral consequences of their offenses, while also ensuring that public safety is not compromised. Therefore, I propose retaining current law regarding the public interest exception, and leave to courts the

decision to determine whether an expungement after five years is in the public interest on a case-by-case basis.

In addition, because the public interest exception has been successfully applied by courts when considering the expungement of indictable convictions, I recommend extending a similar exception to those seeking to expunge a disorderly persons offense or a petty disorderly persons offense. Specifically, I suggest creating an exception to the five-year waiting period that would mirror the public interest exception for indictable offenses, allowing the Superior Court to grant an expungement of a disorderly persons or petty disorderly persons offense after three years if the petitioner meets all other criteria and the expungement is in the public interest.

Accordingly, I herewith return Assembly Committee Substitute for Assembly Bill Nos. 206, 471, 1663, 2879, 3060, and 3108 (Third Reprint) and recommend that it be amended as follows:

<u>Page 11, Section 2, Line 37:</u>	Delete "five" and insert "10"
<u>Page 12, Section 2, Line 14:</u>	Delete "when" and insert "although less than 10 years has expired in accordance with the requirements of the preceding paragraph where"
<u>Page 12, Section 2, Line 14:</u>	After "finds" insert ":"
<u>Page 12, Section 2, Line 15:</u>	Before "less" insert "(1)"
<u>Page 12, Section 2, Line 15:</u>	Delete "five" and insert "10"
<u>Page 12, Section 2, Line 16:</u>	Delete "five-year" and insert "ten-year"
<u>Page 12, Section 2, Line 20:</u>	After "fine" insert "; or (2) at least five years has expired from the date of his conviction, payment of fine, satisfactory completion of probation or parole, or release from incarceration, whichever is later; the person has not been convicted of a crime, disorderly persons offense, or petty disorderly persons offense since the time of the

conviction; and the court finds in its discretion that expungement is in the public interest, giving due consideration to the nature of the offense, and the applicant's character and conduct since conviction"

Page 12, Section 2, Line 31:

After "purposes of" insert "paragraph (1) of"

Page 14, Section 3, Line 38:

Delete "three" and insert "five"

Page 15, Section 3, Line 11:

After "finds" and insert ": (1)"

Page 15, Section 3, Line 12:

Delete "three years" and insert "five years"

Page 15, Section 3, Line 12:

Delete "three-" and insert "five-"

Page 15, Section 3, Line 16:

After "fine" insert "; or (2) at least three years have expired from the date of his conviction, payment of fine, satisfactory completion of probation or parole, or release from incarceration, whichever is later; the person has not been convicted of a crime, disorderly persons offense, or petty disorderly persons offense since the time of the conviction; and the court finds in its discretion that expungement is in the public interest, giving due consideration to the nature of the offense, and the applicant's character and conduct since conviction"

Page 15, Section 3, Line 18:

After "purposes of" insert "paragraph (1) of"

Respectfully,

[seal]

/s/ Chris Christie

Governor

Attest:

/s/ Thomas P. Scrivo

Chief Counsel to the Governor