



CLEAN UP YOUR CRIMINAL RECORD!

If you have been previously convicted of a crime, you may be eligible for an **ONLINE EXPUNGEMENT** of one or more of your convictions IF:

1. At least **FIVE YEARS** have passed since your last conviction & completion of your sentence (including incarceration, probation/parole & payment of fines)¹
2. You have no pending criminal charges against you, AND
3. You have not had any previous expungements.

How many convictions can be expunged?

INDICTABLE CONVICTIONS (1st, 2nd, 3rd, or 4th degree felonies): In general, you can expunge only one indictable conviction and it must be your most recent conviction. However, if multiple recent convictions were part of one indictment, were contained in one Judgment of Conviction, or were considered part of a “crime spree”, these convictions may be expunged together.

DISORDERLY PERSONS (“DP”) CONVICTIONS: Generally, you can expunge your three most recent DP convictions. If you have no indictable convictions on your record, you can expunge your five most recent DP convictions and unlimited municipal ordinance violations (if you have 2 or less DP convictions). Any arrests that did not result in a conviction are eligible for immediate expungement.

What type of convictions CANNOT be expunged? (See N.J.S.A. 2C:52-2B for full list)

- Most criminal homicides
- Kidnapping/human trafficking
- Arson & related offenses
- Robbery
- Perjury/false swearing
- Criminal restraint
- Most sex offenses, especially if they are child-related
- Sale, distribution, or possession with intent to distribute CDS
- Terrorism-related crimes
- Public office crimes
- Traffic offenses/DUI
- Restraining orders from Family Court
- Conspiracy or attempt to commit any of the above crimes

Special expungements

“CLEAN SLATE” EXPUNGEMENTS: If more than 10 years have passed since your last conviction and you’ve never been convicted of a non-expungable offense, you can petition to have ALL of your criminal convictions expunged. You may be eligible for “clean slate” even if you have prior expungements.

3rd or 4th DEGREE CDS DISTRIBUTION: If a court finds “compelling circumstances” demonstrating rehabilitation, these CDS convictions may be expunged even though they are distribution-related.

MARIJUANA OFFENSES: Most indictable marijuana convictions (even if distribution-related) are now treated as DP convictions for expungement purposes and are eligible for immediate expungement.

PRETRIAL INTERVENTION/CONDITIONAL DISMISSALS: May be expunged after six (6) months.

¹ If a court finds that “compelling circumstances” exist, this 5-year waiting period can be reduced to 4 years for an indictable offense and 3 years for a DP offense. Exceptions may also be made for incomplete payment of fines if an inability to pay can be demonstrated.

WHAT IS AN EXPUNGEMENT?

An expungement is the removal, sealing, impounding, or isolation of all records on file within any court, detention or correctional facility, law enforcement or criminal justice agency. A court-ordered expungement can remove the following information from most public records:

- your arrest,
- all court proceedings related to your case,
- your criminal or juvenile conviction, and
- the outcome of your case, including your sentence.

Once your record is expunged in New Jersey, the arrest or conviction is “deemed not to have occurred.” (N.J.S.A. 2C:52-27). **Under most circumstances, you can legally deny that the expunged conviction ever existed.** The records will also not be revealed through background checks conducted through the New Jersey State Police or the FBI.

WHAT ARE THE BENEFITS OF AN EXPUNGEMENT?

- Increased employment opportunities,
- Increased access to financial aid, loans, and insurance,
- Improved housing options,
- Qualification for some professional licenses, and
- Increased eligibility on firearms permit applications.

Please note that expungement will not prevent the court from accessing your expunged record if you are arrested for a subsequent offense. Expungement will also not conceal your criminal history for immigration purposes or for purposes of employment in law enforcement, the military, the Department of Corrections, or the judiciary.

HOW TO FILE AN ONLINE EXPUNGEMENT PETITION

(As a “self-represented litigant”, also known as “pro se”)

1. Create a free account with the New Jersey e-Courts Expungement System at <https://www.njcourts.gov/selfhelp/expungement.html> and follow the step-by-step User Guide to file your expungement petition. The system will allow you to select the convictions you would like expunged and will automatically generate a proposed expungement order.
2. You will receive email notifications about the progress of your petition.
3. You will ordinarily not be required to come to court to finalize a statutorily eligible expungement. However, a court appearance may be required if an objection is filed by the prosecutor.
4. If your expungement is granted, formal notice of the expungement will be automatically sent to the relevant authorities.

If the Prosecutor’s Office objects to your expungement petition, the New Jersey Office of the Public Defender will fight the objection for you!

If you need assistance, please call Legal Services of New Jersey at 1-888-576-5529 or visit their website at <https://www.lsnjlaw.org/Pages/Expunge.aspx>

