

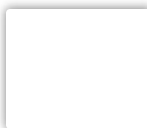
Bill A3881

Session 2024 - 2025



[Third Reprint]
ASSEMBLY, No. 3881
STATE OF NEW JERSEY
221st LEGISLATURE

INTRODUCED FEBRUARY 27, 2024



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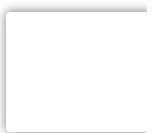
Assemblywomen Pintor Marin, Lopez and Bagolie

SYNOPSIS

Requires State Police to establish online portal allowing persons to obtain status of expungement orders.

CURRENT VERSION OF TEXT

As amended on March 20, 2025 by the General Assembly pursuant to the Governor's recommendations.



AN ACT concerning criminal history background information and expungements and ³[amending P.L.1985, ¹[c.169] c.69¹] supplementing chapter 52 of Title 2C of the New Jersey Statutes³.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

³[1. Section 2 of P.L.1985, ¹[c.169] c.69¹ (C.53:1-20.6) is amended to read as follows:

2. a. The Superintendent of State Police, with the approval of the Attorney General, shall, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and regulations authorizing the dissemination, by the State Bureau of Identification, of criminal history record background information requested by State, county and local government agencies, including the Division of State Police, in noncriminal matters, or requested by individuals, nongovernmental entities or other governmental entities whose access to such criminal history record background information is not prohibited by law. A fee not to exceed \$30 shall be imposed for processing fingerprint identification checks; a fee not to exceed \$18 shall be imposed for processing criminal history name search identification checks. These fees shall be in addition to any other fees required by law. In addition to any fee specified herein, a nonrefundable fee, the amount of which shall be determined by the Superintendent of State Police, with the approval of the Attorney General, shall be collected to cover the cost of securing and processing a federal criminal records check for each applicant.

b. State, county and local government agencies, including the Division of State Police, and nongovernmental entities are authorized to impose and collect the processing fee established pursuant to subsection a. of this section from the person for whom the criminal history record background check is being processed or from the party requesting the criminal history record background check. The Superintendent of State Police shall provide this processing service without the collection of fees from the applicants in processing background checks of prospective resource family parents or members of their immediate families. In such cases, the Department of Children and Families shall be responsible for paying the fees imposed pursuant to subsection a. of this section. Nothing in this section shall prohibit the Superintendent of State Police, with the approval of the Attorney General, from providing this processing service without the collection of fees from the applicant in other circumstances which in his sole discretion he deems appropriate, if the applicants would not receive a wage or salary for the time and services they provide to an organization or who are considered volunteers. In those circumstances where the Superintendent of State Police, with the approval of the Attorney General, determines to provide this processing service without the collection of fees to the individual applicants, the superintendent may assess the fees for providing this service on behalf of the applicants to any department of State, county or municipal government which is responsible for operating or overseeing that volunteer program. The agencies shall transfer all moneys collected for the processing fee to the Division of State Police.

c. Upon receipt of a request for criminal history record background information, the State Bureau of Identification shall verify whether the person to whom the background information pertains has been granted an order of expungement by ²[the Superior Court ^{1,1} pursuant to N.J.S.2C:52-1 et seq. ¹or subsection m. of N.J.S.2C:35-14,¹] law² which has not yet been processed by the State Bureau of Identification. In the case of an unprocessed order of expungement, the State Bureau of Identification ²shall² ¹[update its records to reflect the expungement prior to disseminating criminal history record background information pursuant to subsection a. of this section] promptly respond to the request for criminal history record background information pursuant to subsection a. of this section, except that the response shall not contain any criminal history record background information, nor any reference to such information, when that information has been ordered to be expunged by the unprocessed order of expungement. Additionally, the response shall not contain any reference to the existence of the expungement order itself. Nothing in this subsection shall be construed to require the State Bureau of Identification to create an additional record for any case or incident for which there is an order of expungement if the records subject to the order of expungement are not present in the State Bureau of Identification's records or system¹ .
(cf: P.L.2006, c.47, s.200)]³

³1. a. The Division of State Police shall establish or continue to maintain, and update, as appropriate, an online portal, in the form of an Internet website, that, free of charge, allows a person who has been granted an order of expungement to ascertain the status of the electronic processing of that order by the State Bureau of Identification.

b. (1) The Division of State Police shall annually submit to the Governor and Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1) a report summarizing the number of expungement orders received year-to-date starting January 1 of the year being reported by expungement type, the number of expungement orders received each month by expungement type, the number of expungement orders processed year-to-date, and relevant processing timeframes.

(2) The report shall be based on the calendar year.

(3) The report shall be published on the official website of the Division of State Police in the Department of Law and Public Safety.³

2. This act shall take effect immediately.

