

## **What Offenses Can Be Expunged?**

- ❖ Some indictable crimes if there is only one conviction.
- ❖ Disorderly Persons or Petty Disorderly Persons Convictions unless there has been a subsequent conviction of a crime or more than two Disorderly or Petty Disorderly Persons Offenses.
- ❖ Municipal Ordinances unless you have been convicted of a crime or more than two Disorderly or Petty Disorderly Persons Offenses.
- ❖ Some drug offense convictions for young offenders if offender is 21 or younger at the time of conviction.
- ❖ Arrests not resulting in a conviction.

## **What Offenses Cannot Be Expunged?**

Convictions for the following crimes:

- ❖ Criminal Homicide (except death by auto)
- ❖ Kidnapping
- ❖ Luring or Enticing
- ❖ Aggravated Sexual Assault
- ❖ Aggravated Criminal Sexual Contact if victim is a minor
- ❖ Criminal Sexual Contact if victim is a minor and offender is not a parent of the victim.
- ❖ Criminal Restraint
- ❖ False Imprisonment
- ❖ Robbery
- ❖ Possession with Intent to Distribute CDS if it is a 1<sup>st</sup> or 2<sup>nd</sup> degree offense
- ❖ Possession with Intent to Distribute CDS if it was a 3<sup>rd</sup> or 4<sup>th</sup> degree offense and the expungement would be inconsistent with the public interest because of the petitioner's character and conduct since the conviction

- ❖ Arson
- ❖ Endangering the Welfare of a Child
- ❖ False Swearing
- ❖ Perjury
- ❖ Conspiracy or attempts to commit any of the above crimes
- ❖ Any crime committed by a public office holder if crime touched upon office
- ❖ Motor Vehicle Violations including DWI, Possession of CDS in a Motor Vehicle, Driving on the revoked list and Driving without Insurance
- ❖ A second Disorderly Persons conviction
- ❖ Human Trafficking
- ❖ Causing or Permitting a Child to Engage in a Prohibited Sexual Act
- ❖ Selling or Manufacturing Child Pornography
- ❖ Knowingly Promoting the Prostitution of the Actor's Child
- ❖ Terrorism
- ❖ Producing or Possessing Chemical Weapons, Biological Agents or Nuclear or Radiological Devices
- ❖ A young drug offender who has violated probation or parole or has had a prior or subsequent diversion

### **How Long Must I Wait for an Expungement?**

- ❖ **Indictable Offense:** There is a 10 year wait from the end of successful completion of probation or parole before an indictable crime can be expunged. The following exceptions exist:
  - If five years after the successful completion of probation the court finds in its discretion that the expungement is in the public interest, giving due consideration to the nature of the offense, the applicant's character and conduct since conviction.

- If after 10 years a fine is still outstanding but the petitioner has substantially complied with any payment plan ordered or could not do so because of compelling circumstances.
- ❖ **Disorderly Persons:** Five years from end of successful completion of probation or parole
- ❖ **Municipal Ordinance:** Two years
- ❖ **Drug Offenses for youth:** one year
- ❖ **Arrests Not Resulting in Conviction:** Immediately
- ❖ **Dismissals after Successful Completion of PTI or Conditional Discharge:** Six months