

GLENN A. GRANT, J.A.D.
Acting Administrative Director of the Courts

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TO: Assignment Judges
Criminal Presiding Judges **Directive #02-16**

FROM: Glenn A. Grant, J.A.D. 

SUBJ: Protocol for "Drug Court Expungements" (N.J.S.A. 2C:35-14(m))
and Expungements of Arrests Not Resulting in Conviction
(N.J.S.A. 2C:52-6)

DATE: May 23, 2016

This Directive promulgates the protocol to implement recent amendments to N.J.S.A. 2C:35-14 and N.J.S.A. 2C:52-6 pursuant to L. 2015, c. 261, effective April 18, 2016. These procedures address two types of expungements: (1) a "Drug Court Expungement" of all records and information relating to all prior arrests, detentions, convictions, and proceedings for Title 2C offenses upon successful discharge from a term of special probation (N.J.S.A. 2C:35-14(m)); and (2) an expungement of all records and information of an arrest or charge not resulting in conviction (N.J.S.A. 2C:52-6).

I. **"Drug Court Expungement" (N.J.S.A. 2C:35-14(m))**

A. **Graduation from Drug Court on or after April 18, 2016**

The new law provides that the Superior Court may order the expungement of all records and information relating to all prior arrests, detentions, convictions, and proceedings for any Title 2C offense upon a person's successful discharge from a term of special probation, regardless of whether the person was sentenced to special probation under N.J.S.A. 2C:35-14, N.J.S.A. 2C:35-14.2, or N.J.S.A. 2C:45-1, if the person satisfactorily completed a substance abuse treatment program as ordered by the court and was not convicted of any crime, or adjudged a disorderly person or petty disorderly person, during the term of special probation. See N.J.S.A. 2C:35-14m(1). "Successful discharge" has been determined to be graduation from Drug Court. Therefore, persons who did not graduate from Drug Court are not eligible for a "drug court expungement."

To be considered for an expungement upon graduation from Drug Court on or after April 18, 2016, the individual or his/her counsel should bring this matter to the attention of the Drug Court judge prior to graduation. The regular procedural requirements for expungements in N.J.S.A. 2C:52-7 through N.J.S.A. 2C:52-14 do not apply to this "drug court expungement" (i.e., verified petition, service, denial), and no fee

will be charged. The Expungement Order (Form C) in the pro se expungement packet entitled "How to Expunge Your Criminal and/or Juvenile Record" can be used for this purpose. The pro se packet is available on the Judiciary's website at http://www.judiciary.state.nj.us/prose/10557_expunge_kit.pdf.

The prosecutor is required to notify the court of any disqualifying convictions or any other factors related to public safety that should be considered by the court when deciding whether to grant a "drug court expungement." See N.J.S.A. 2C:35-14m(2). The court shall grant the expungement unless it finds that the need for the availability of the records outweighs the desirability of having the person freed from any disabilities associated with their availability, or it finds that the person is otherwise ineligible for expungement because the person's records include a conviction for an offense barred from expungement under N.J.S.A. 2C:52-2(b) or (c). If granted, the signed Order should be assigned an expungement reference number by Criminal Division staff.

The law requires that a copy of the "drug court expungement" order must be provided by the Superior Court to the prosecutor, the person, and, to the Public Defender, if the person was represented by that Office. Thereafter, the person, or the Public Defender, if applicable, must promptly distribute copies of the expungement order to the appropriate agencies who have custody and control of the records specified in the order. See N.J.S.A. 2C:35-15m(3).

Additionally, if the person whose records are expunged, pursuant to N.J.S.A. 2C:52-14m(1), is subsequently convicted of any crime following discharge from special probation, the full record of arrests and convictions may be restored to public access, and the person is thereafter barred from any future expungement. See N.J.S.A. 2C:35-15m(4).

B. Graduation from Drug Court prior to April 18, 2016

Persons whose graduation from Drug Court occurred prior to April 18, 2016 may apply for an expungement of all records and information relating to all arrests, detentions, convictions, and proceedings for any Title 2C offense that existed at that time. See N.J.S.A. 2C:35-14m(5). Individuals who did not graduate from Drug Court are not eligible for a "drug court expungement." Additionally, persons who have been convicted of any offense barred from expungement under N.J.S.A. 2C:52-2(b) or (c), or who have been convicted of any crime or offense since the successful discharge shall not be eligible to apply for this type of expungement. Further, applications for this expungement will not be considered until any pending charges are disposed.

To apply, the person must present the duly verified petition, as provided in N.J.S.A. 2C:52-7, in the Superior Court in the county where he or she was sentenced to special probation. There will be no fee required for filing the expungement petition. Information on filing an expungement petition is contained in the pro se expungement packet.

The law further provides that the procedures governing expungement petitions under N.J.S.A. 2C:52-1 et seq. are applicable, except that the requirements related to the expiration of time periods under N.J.S.A. 2C:52-2 through 2C:52-4.1 do not apply. In addition, the prosecutor is required to notify the court of any disqualifying convictions or any other factors related to public safety that should be considered by the court when deciding whether to grant a "drug court expungement."

The court shall consider the person's verified petition and may order the expungement of all records and information relating to all arrests, detentions, convictions, and proceedings that existed at the time of the Drug Court graduation as appropriate. Additionally, the court shall grant the relief requested unless it finds that the need for the availability of the records outweighs the desirability of having the person freed from any disabilities associated with their availability, or it finds that the person is otherwise ineligible for expungement.

II. Expungement of Arrests Not Resulting in Conviction (N.J.S.A. 2C:52-6)

The new law, effective April 18, 2016, also sets forth procedures to expunge all records and information of an arrest or charge when a person has been arrested or held to answer for a crime, disorderly persons offense, petty disorderly persons offense, or municipal ordinance violation, where the proceedings were dismissed, the person was acquitted, or the person was discharged without a conviction or finding of guilt in Municipal Court or Superior Court. Regardless of whether the proceedings were in Municipal Court or Superior Court, no fee will be charged for these expungements on or after April 18, 2016.

An expungement under this amendment to the statute *shall not* be ordered where the dismissal, acquittal, or discharge resulted from a plea bargain agreement involving the conviction for other charges. This bar does not apply once the conviction is itself expunged. See N.J.S.A. 2C:52-6a(3).

It should be noted that the law did not amend the expungement procedures for persons who have had charges dismissed pursuant to the Pretrial Intervention (PTI) program, a conditional discharge (N.J.S.A. 2C:36A-1), or Conditional Dismissal program (N.J.S.A. 2C:43-13.1 et al.). Such petitions shall be barred from expungement until six months after entry of the order of dismissal. There will be no fee for these expungements. See N.J.S.A. 2C:52-6c.

A. Dismissal, Acquittal, or Discharge without a Conviction or Finding of Guilt on or after April 18, 2016

1. Municipal Court Proceedings

Where the proceedings were dismissed, the person was acquitted, or the person was discharged without a conviction or finding of guilt on or after April 18, 2016 in Municipal Court, that court must provide the person, upon request, with appropriate

documentation to be transmitted to the Superior Court to request an expungement. See N.J.S.A. 2C:52-6a(1). The instructions and forms for applicants seeking an expungement of proceedings in Municipal Court are set forth in my memorandum to Municipal Court Judges, Directors, and Administrators dated May 23, 2016, which is appended to this directive.

Upon receipt of the Application and accompanying Expungement Order, Criminal Division staff will assign an expungement reference number to the Order and calendar the matter within 14 days for signature of the ex parte order by the Superior Court judge designated to handle expungements.

2. Superior Court Proceedings

Where the proceedings were dismissed, the person was acquitted, or the person was discharged without a conviction or finding of guilt on or after April 18, 2016 in the Superior Court, that court must, upon application by the person, order the expungement of all records relating to the arrest or charge at the time of the dismissal, acquittal, or discharge. See N.J.S.A. 2C:52-6a.

The provisions of N.J.S.A. 2C:52-7 through N.J.S.A. 2C:52-14 (i.e., verified petition, service, and denial) do not apply. The form Expungement Order (Form C) in the pro se expungement packet should be utilized. This order should be made readily available in the Criminal Division to ensure that defense counsel or the person can submit it at the time of the dismissal, acquittal, or discharge without a conviction or finding of guilt. Once the judge who presided over the proceedings has signed the order, it should be assigned an expungement reference number by Criminal Division staff.

3. Approval of the Expungement

If granted, a copy of the signed Expungement Order shall be forwarded by the Superior Court to the prosecutor and, if applicable, to the appropriate Municipal Court. The prosecutor must promptly distribute copies of the Expungement Order to the appropriate law enforcement agencies and correctional institutions who have custody and control of the records specified in the order. See N.J.S.A. 2C:52-6a(4).

B. Dismissal, Acquittal, or Discharge without a Conviction or Finding of Guilt prior to April 18, 2016

A person who did not apply for the expungement of an arrest or charge not resulting in a conviction, at the time of the dismissal, acquittal, or discharge, may present, at any time following the disposition of the proceedings, a duly verified petition as provided in N.J.S.A. 2C:52-7, in the Superior Court in the county in which the disposition occurred. These applications should be assigned to the Superior Court judge designated to handle expungements. Information on filing an expungement petition is included in the pro se expungement packet.

Necessary changes to the pro se expungement packet will be forthcoming. Any question or comments regarding this directive may be directed to the Criminal Practice Division at 609-292-4638.

Attachment

cc: Chief Justice Stuart Rabner
Criminal Division Judges
Municipal Presiding Judges
Steven D. Bonville, Chief of Staff
AOC Directors and Assistant Directors
Trial Court Administrators
Melaney S. Payne, Special Assistant
Ann Marie Fleury, Special Assistant
Criminal Division Managers
Municipal Division Managers
Sue Callaghan, Chief, Criminal Practice
Donna Plaza, Chief, Criminal Practice
Julie Higgs, Chief, Municipal Court Services
Maria Pogue, Assistant Chief, Criminal Practice
Luanh L. D'Mello, Municipal Court Services

GLENN A. GRANT, J.A.D.
Acting Administrative Director of the Courts

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**To: Municipal Court Judges
Municipal Court Directors
Municipal Court Administrators**

From: Glenn A. Grant, J.A.D. 

**Subj: Municipal Courts – Expedited Expungement of Arrest or Charge
Records – Amendment to N.J.S.A. 2C:52-6 – Instructions and Forms**

Date: May 23, 2016

Effective April 18, 2016, the New Jersey legislature amended N.J.S.A. 2C:52-6 to provide for the expedited expungement, without the assessment of a fee, of all information relating to an arrest or charge for a disorderly persons offense, petty disorderly persons offense, or ordinance violation where that charge has been resolved by way of a dismissal, acquittal, or discharged without a finding of guilt. Notably, this relief is not available where the disposition resulted from a plea bargaining agreement involving the conviction of other charges. The statute provides that the municipal court shall provide a person, upon request and at the time of dismissal, with appropriate documentation that must also then be transmitted to the Superior Court pursuant to procedures developed by the Administrative Office of the Courts. Those procedures are set forth in the attached "Instructions and Forms for Expungement of Arrest or Charge Records."

That set of instructions and forms consists of the following three documents: (a) a cover page of Instructions, which direct the applicant and the court through the three-step expungement request process; (2) the Application for Expungement of Arrest or Charge Records ("Application"), to be used by the municipal court to determine whether the charges are eligible for expungement; and (3) the Order for Expungement of Arrest or Charge Records ("Order"), which is the official document to effectuate the expungement.

The Instructions indicate that expungement under the statute is available only where a charge has been disposed of by way of dismissal, acquittal, or discharge without a conviction or finding of guilt and that was not otherwise the result of a plea bargaining agreement. Likewise, the Instructions indicate that the form is only to be provided upon request and at the time of disposition. For those reasons, the statute does not extend to matters resolved through conditional discharge, pursuant to N.J.S.A. 2C:36A-1, or conditional dismissal, pursuant to N.J.S.A. 2C:43-13.1.

The process to be followed by the Applicant will be discussed first, then the process for the court.

Applicant Process

The Applicant must first complete the Application. This requires the Applicant to provide certain identifying information, such as his or her name, date of birth, and address, and to identify the arrests/charges to be expunged. Proper identification of those charges requires the provision of the date of the arrest/custody, the statute or ordinance the Applicant was charged with violating, and the complaint number. If an Applicant does not know some or any of this information, the Instructions detail two methods of acquisition.

The Applicant may request a MACS printout of the disposition of the charge from the municipal court where those proceedings were resolved. In the event a printout is obtained, the Applicant is instructed to attach it to the Application upon submission. As will be discussed below, court staff will be tasked with attaching disposition printouts regardless of whether an Applicant requests them. Alternatively, the Applicant may search for the complaint number using the Municipal Court Case Search on the NJMCDirect website. Finally, the Applicant must also sign the "Relief Sought" section of the form, which indicates that the Applicant is seeking the expungement of information relating to the identified charges.

The second step for the Applicant is to complete the Order for Expungement of Arrest or Charge Records. Completion of the Order is detailed in step-by-step instructions listed on the Instructions page. The Applicant must once more provide identifying information and identify the date of the arrest/custody, the statute or ordinance the Applicant was charged with violating, and the complaint number of those charges for which expungement is sought. The charge information will be identical to what the Applicant filled out on the Application.

The third step is for the Applicant to submit the Forms for Expungement of Arrest or Charge Records to the municipal court where those proceedings were adjudicated. Submitted documents must include the completed Application, any available disposition printouts, and the completed Order. The time period within which the Applicant must submit the completed documents is in the discretion of the municipal court.

Court Process

Prior to print out and dissemination, municipal court staff must complete the following fillable portions of the form: identify the sitting County/Vicinage Criminal Division in Step 2 of the Instructions; and provide the address and telephone contact information for that County/Vicinage Criminal Division, also in Step 2.

Upon receipt of the completed Forms, the Municipal Court Judge must verify that the charges are eligible for expungement under the statute. This will require confirmation

that the charges identified in the Application were not disposed of by way of a plea agreement. To do so, municipal court staff must attach the disposition printout of each identified charge to the Application before submitting to the Municipal Court Judge for review. In the event there is any defect in the Application, in form or substance, the Applicant is to be notified by municipal court staff. The method of such notification is left to the discretion of each municipal court.

If the Application is approved by the Municipal Court Judge, the Municipal Court Judge must memorialize that approval by dating and signing the "For Municipal Court Use Only" box at the bottom of the Application. The signed Application, disposition printouts, and Order must be forwarded by municipal court staff to the County/Vicinity Criminal Division. Requiring transmittal by the court ensures that an Applicant cannot simply write in additional charges for expungement following the Municipal Court's review. Further, the attachment of the disposition print out decreases the length of the form by providing as much clarity as possible to the County/Vicinity Criminal Division for their own verification process.

Once the forms are reviewed, they are to be submitted to a Superior Court Judge. The statute places the responsibility on the prosecutor to promptly distribute copies of the expungement order to appropriate law enforcement and correctional institutions. Therefore, upon approval of the expungement, the Superior Court will forward the signed Application and executed Order to the appropriate prosecutor. A copy of the signed Application and executed Order will also be provided to the municipal court and the Applicant. Consistent with normal procedure, the Municipal Court should immediately process the expungement upon receipt of an executed Order

Of note is that there is no fee for requesting an expungement utilizing the Instructions and Forms for Expungement of Arrest or Charge Records. Further, the forms apply only to requests made at the time of disposition (except as set forth in the following paragraph). This is consistent with the legislation. A person who did not apply for the expedited expungement at the time of disposition may present at any time thereafter a duly verified petition for expungement in the normal course as provided in N.J.S.A. 2C:52-7 to the Superior Court in the county in which the disposition occurred. All questions regarding a petition for expungement under N.J.S.A. 2C:52-7 should be directed to the sitting County/Vicinity Criminal Division.

The effective date of the statute predates by several weeks the promulgation of the Instructions and Forms for Expungement of Arrest or Charge Records. For that reason, and in the interest of justice, persons with an eligible dismissal/acquittal/discharge that occurred between the legislation's April 18, 2016 effective date and the promulgation date of these forms will be able to use the forms to seek an expungement. For eligible dismissals/acquittals/discharges that occur after the promulgation date, potential Applicants will be required to request the forms at the time of disposition.

Please direct all questions regarding the procedures addressed in this memo to Assistant Director Steven A. Somogyi by email at steven.somogyi@njcourts.gov or by phone at 609-984-8241.

Subj: Expedited Expungement of Arrest/Charge Records

Date: May 23, 2016

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Attachments

**c: Chief Justice Stuart Rabner
Assignment Judges
Criminal Presiding Judges
Municipal Court Presiding Judges
Steven D. Bonville, Chief of Staff
AOC Directors and Assistant Directors
Melaney S. Payne, Special Assistant
Ann Marie Fleury, Special Assistant
Trial Court Administrators
Sue Callaghan, Chief
Julie Higgs, Chief
Daniel Smith, Chief
Criminal Division Managers
Municipal Division Managers**



Instructions and Forms for Expungement of Arrest or Charge Records

N.J.S.A. 2C:52-6



These forms are **ONLY** provided upon request and at the time of disposition to persons seeking the expungement of arrest or charge records relating to a disorderly persons offense, petty disorderly persons offense, or municipal ordinance violation, where those proceedings were dismissed, the person was acquitted, or the person was discharged without a conviction or finding of guilt. **These forms are not to be used to expunge arrest or charge records where the dismissal, acquittal, or discharge resulted from a plea bargaining agreement involving the conviction of other charges.** The process requires the completion of the following three steps.

Step 1: Complete the *Application for Expungement of Arrest or Charge Records*

The Application is used by the Municipal Court to determine whether the Applicant is eligible for an expungement of the arrest(s) or charge(s). The Applicant must complete sections A, B, and C of the form. Section A requires the personal information of the Applicant. Section B requires the identification of the arrest or charges that the Applicant seeks to have expunged. The Applicant must provide the date of the arrest, the statute or ordinance the Applicant was charged with violating, and the complaint number. If the Applicant does not have some or any of this information, the Applicant can obtain a printout of the case disposition from staff of the municipal court where those proceedings were dismissed, the Applicant was acquitted, or the Applicant was discharged without a conviction or finding of guilt. If a printout is obtained, the Applicant should attach it to the Application. The Applicant may alternatively search for the complaint number by accessing the Municipal Court Case Search via the NJMCDirect website, <http://www.njmcdirect.com>. Section C requires the Applicant to date and sign the request for expungement.

Step 2: Complete the *Order for Expungement of Arrest or Charge Records*

The Order is the official document that will be reviewed and, if granted, signed by the Superior Court Judge. The Instructions for Completion of the Order are listed below. **All questions regarding the completion of the Order should be directed to the _____ County Criminal Division at _____, contact information _____.**

1. At the top left-hand corner, fill in full name and address.
2. Do not fill in the box marked "For Superior Court Use Only." This will be completed by the Criminal Case Management Office.
3. In the box where it states, "In the Matter of the Expungement of the Arrest/Charge Records of _____," print full name.
4. In the first sentence of the Expungement Order, print full name, date of birth and your State Bureau of Identification (SBI) number, if available, where it is indicated.
5. Leave the next three spaces blank where it states "IT IS ORDERED this ___ day of _____, _____." They will be filled in by the court.
6. After "all information relating to," fill in full name.
7. On lines 1-5, provide the date of the arrest or issuance of the complaint, the statute or ordinance charged with violating, and the complaint number. This information should be identical to that contained in Section B of the Application for Expungement of Arrest or Charge Records. If more than five rows are needed, attach a separate sheet of paper with the additional information.
8. Leave the signature line on the next page blank. This is where the judge will sign the order.

Step 3: Submit the *Forms for Expungement of Arrest or Charge Records* to the Municipal Court

Upon completion of the Application and Order, the Applicant must submit the completed Forms via either hand delivery or mail to the municipal court where those proceedings were dismissed, the Applicant was acquitted, or the Applicant was discharged without a conviction or finding of guilt. The Application will then be reviewed by a Municipal Court Judge. If approved, the Municipal Court Judge will sign the Application and forward the signed Application and Order to the Applicant and the County Criminal Division for submission to the Superior Court Judge. In the event the Application is improperly or incompletely filled out, the Applicant will be notified by municipal court staff. After review by a Superior Court Judge, and if granted, a copy of the signed Application and executed Order for Expungement will be forwarded to the appropriate prosecutor and Municipal Court for the expungement of applicable records. A copy of the signed Application and executed Order will also be forwarded to the Applicant.



Application for Expungement of Arrest or Charge Records
N.J.S.A. 2C:52-6



A. Applicant Information

Name: Last		First	Middle
Date of Birth	State Bureau of Identification Number (SBI), if available	Telephone Number	
Home Address: Street			
City		State	Zip Code

B. Arrest/Charge(s) to be Expunged

- (1) (date) _____ arrest on/issuance of (complaint number) _____ on the charge of violating *N.J.S.A./Ordinance* _____;
- (2) (date) _____ arrest on/issuance of (complaint number) _____ on the charge of violating *N.J.S.A./Ordinance* _____;
- (3) (date) _____ arrest on/issuance of (complaint number) _____ on the charge of violating *N.J.S.A./Ordinance* _____;
- (4) (date) _____ arrest on/issuance of (complaint number) _____ on the charge of violating *N.J.S.A./Ordinance* _____;
- (5) (date) _____ arrest on/issuance of (complaint number) _____ on the charge of violating *N.J.S.A./Ordinance* _____;

If more than five rows are required, please check the box and attach a separate sheet of paper with the additional information.

C. Relief Sought

I am requesting that the Superior Court grant me an Expungement Order as authorized by *N.J.S.A. 2C:52-6*, directing the Municipal Court Administrator, Clerk of the Court, and all relevant criminal/juvenile justice and law enforcement services of the State of New Jersey to expunge from their records all evidence of the arrest or charge, and all proceedings in this matter, and further directing any New Jersey law enforcement agency which sent records of the arrest or charge and proceedings to the Federal Bureau of Investigation or any other law enforcement agency outside of New Jersey to inform the recipient and the agencies designated to retain control of expunged records to take sufficient precautions to ensure that such records and information are not released.

Date

Signature

If a printout of the complaint disposition has not been attached by the Applicant, all dispositions referenced above must be printed and attached by municipal court staff prior to review by the Municipal Court Judge.

For Municipal Court Use Only

The offense(s) listed in the above Application was/were dismissed, acquitted, or discharged without a conviction or a finding of guilt and was/were not the result of a plea bargaining agreement involving the conviction of other charges.

Date

Municipal Court Judge's Signature

Order for Expungement of Arrest or Charge Records

(your name) _____
(your address) _____
(city, state, zip code) _____

Appearing Pro Se

In the Matter of the Expungement of the Arrest/Charge
Records of

_____ (your name)

For Superior Court Use Only

Superior Court of New Jersey

Law Division

County _____

Expungement

Reference Number: _____

Calendar Date: _____

Civil Action Expungement Order

This matter having been opened to the Court upon the above Application of
(your name) _____ whose date of birth is (date) _____, and
State Bureau of Identification (SBI) number, if available, is (SBI number, if available) _____, and it
appearing that the requirements for Expungement under *N.J.S.A. 2C:52-6* have been satisfied;

It Is Ordered this _____ day of _____, _____, that the

The Attorney General of New Jersey,
The Superintendent of the New Jersey State Police, Expungement Unit,
The County Prosecutor,
The Municipal Court Administrator,
Chief(s) of the Police Department(s),
The Warden of the Jail,
The Superintendent of Juvenile Detention Facility, and

The Deputy Clerk of the Superior Court of New Jersey, Criminal Division, receiving this Order must remove from their records all information relating to

- _____ 's
- (1) (date) _____ arrest on/issuance of (complaint number) _____ on the charge of violating
N.J.S.A./Ordinance _____;
 - (2) (date) _____ arrest on/issuance of (complaint number) _____ on the charge of violating
N.J.S.A./Ordinance _____;
 - (3) (date) _____ arrest on/issuance of (complaint number) _____ on the charge of violating
N.J.S.A./Ordinance _____;
 - (4) (date) _____ arrest on/issuance of (complaint number) _____ on the charge of violating
N.J.S.A./Ordinance _____;
 - (5) (date) _____ arrest on/issuance of (complaint number) _____ on the charge of violating
N.J.S.A./Ordinance _____;

and remove all records concerning the subsequent proceedings regarding such charge(s), and place such information in the control of a person within the office designated to retain control over expunged records;

IT IS FURTHER ORDERED that any of the recipient officers or agencies which sent fingerprints and/or any records of the above arrest(s)/charge(s) and proceedings to the Federal Bureau of Investigation or any other office or agency shall notify same of this Order and that the agencies designated to retain such records take sufficient precautions to insure that such records and information are not released;

IT IS FURTHER ORDERED that any records, or the information therein, shall not be released except as provided under the provision of *N.J.S.A. 2C:52-1*, et seq. and that the persons designated to retain control over expunged records take sufficient precautions to insure that such records and information are not released;

IT IS FURTHER ORDERED that in response to requests for information or records, the court office or law enforcement agency shall reply with respect to the arrest/charge, which is the subject of this Order, that there is no record;

IT IS FURTHER ORDERED that the arrest/charge, which is the subject of this Order, shall be deemed not to have occurred, and the person subject to this order may answer accordingly any question relating to this occurrence pursuant to *N.J.S.A. 2C:52-27*;

IT IS FURTHER ORDERED that this Order does not expunge the records contained in the Controlled Dangerous Substance Registry created pursuant to *P.L. 1970, c. 227 (C.26:2G-17 et seq.)* or the registry created by the Administrative Office of the Courts pursuant to *N.J.S.A. 2C:43-21*.

IT IS FURTHER ORDERED that a copy of this Application and Order shall be forwarded to the appropriate court and prosecutor; and

IT IS FURTHER ORDERED that the **receiving prosecutor shall promptly identify and distribute copies of this Order** to appropriate clerks of courts, law enforcement agencies, and correctional institutions who have custody and control of the records, including those identified in this Order, so that they may comply with this Order and the requirements of *N.J.S.A. 2C:52-15*.

Date

Judge, Superior Court of New Jersey

Copy of Application
and Order only to:
Municipal Court
County Prosecutor
Person subject to this
Order