

NOTICE TO THE BAR

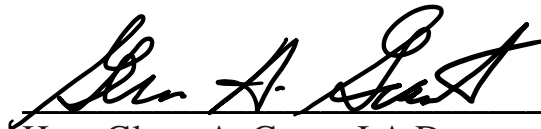
EXPUNGEMENTS – RELAXATION OF PART III RULES OF COURT TO CONFORM TO LEGISLATION AND SUPPORT 2021 LAUNCH OF eCOURTS EXPUNGEMENT SYSTEM

The Supreme Court has relaxed and supplemented the Part III Rules of Court in preparation for the 2021 rollout of the eCourts Expungement System. The Court's December 8, 2020 Order is attached.

N.J.S.A. 2C:52-10.1 requires the Administrative Office of the Courts to develop and maintain a system for petitioners to electronically file expungement applications. In accordance with that legislation, the Judiciary has developed and is in the process of pilot testing the eCourts Expungement System, which provides a vehicle for (i) the electronic filing of expungement petitions, (ii) the electronic transmittal via eCourts to the county prosecutor and other law enforcement authorities, (iii) submission within 60 days of a response by the county prosecutor, and (iv) the electronic dissemination of the expungement order. It also will provide for (v) automatic transmittal of any objection by the county prosecutor to the Office of the Public Defender. The Court in its December 8, 2020 Order relaxed and supplemented the Part III Rules of Court in order to establish those provisions and to add a 30-day timeframe for the petitioner or counsel to reply to any objection by the county prosecutor.

Statewide rollout of the eCourts Expungement System is on track for early 2021. Details will be posted on the New Jersey Courts website (njcourts.gov).

Questions about the Court's December 8, 2020 Order or the eCourts Expungement System may be directed to Assistant Director for Criminal Practice Sue Callaghan at (609) 815-2900 x55301.

A handwritten signature in black ink, appearing to read "Glenn A. Grant", is written over a horizontal line.

Hon. Glenn A. Grant, J.A.D.

Acting Administrative Director of the Courts

Dated: December 9, 2020

SUPREME COURT OF NEW JERSEY

IT IS ORDERED, pursuant to N.J. Const. (1947), Art. VI, sec. 2, par. 3, that the Part III Rules Governing the Courts of the State of New Jersey are supplemented and relaxed in support of the Judiciary's eCourts Expungement System, to be implemented as set forth below, as follows:

1. Petitioners shall apply for expungements electronically via the eCourts Expungement System, consistent with the requirements of N.J.S.A. 2C:52-10.1 ("System to Electronically File Expungement Applications").
2. Notices of the expungement petition shall be transmitted via the eCourts Expungement System to the county prosecutor and other law enforcement authorities, if applicable, consistent with N.J.S.A. 2C:52-10.1(a)(2).
3. Within 60 days of notice of the petition, as required by N.J.S.A. 2C:52-10.1(b), the county prosecutor shall submit a response via the eCourts Expungement System, which response shall indicate whether that office does or does not object to the petition, and setting forth the reasons for any objection.

4. Notice of any objection submitted by the county prosecutor shall be electronically transmitted via the eCourts Expungement System to the petitioner and to the Office of the Public Defender.
5. Within 30 days of notice of any objection by the county prosecutor, the Petitioner or counsel on their behalf may submit a reply via the eCourts Expungement System.
6. Copies of an expungement order shall be available via the eCourts Expungement System to the person who is the subject of the expungement petition, counsel for the petitioner, and applicable law enforcement and criminal justice agencies.
7. The provisions of this order shall be effective pursuant to a timetable to be established by the Administrative Director of the Courts and shall remain in effect pending adoption of conforming rule amendments.

For the Court,

A handwritten signature in blue ink, appearing to read "Stuart R. Palmer".

Chief Justice

Dated: December 8, 2020