

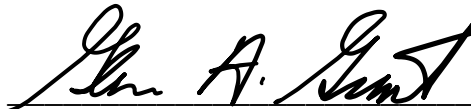
NOTICE TO THE BAR

PUBLIC ACCESS TO COURT RECORDS – CONFIDENTIALITY AND SEALING OF RECORDS OF CONVICTIONS AND ADJUDICATIONS OF DELINQUENCY FOR OFFENSES INVOLVING MARIJUANA AND HASHISH

The Supreme Court has amended Rule 1:38-3 (“Court Records Excluded from Public Access” and Rule 1:38-11 (“Sealing of Court Records”) to conform to N.J.S.A. 2C:52-5.2, which requires sealing of records for convictions or adjudications of delinquency of certain offenses that involve marijuana or hashish. The Court’s February 5, 2021 Order is attached.

Consistent with the effective date of N.J.S.A. 2C:52-5.2 as extended by Executive Order 178, the amendments will become effective February 15, 2021.

Questions on this notice may be directed to Superior Court Clerk Michelle M. Smith at (609) 815-2900 x54200 or Michelle.Smith@njcourts.gov.



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

Acting Administrative Director of the Courts

Dated: February 5, 2021

SUPREME COURT OF NEW JERSEY

It is ORDERED that the attached amendments to Rule 1:38-3 (“Court Records Excluded from Public Access”) and Rule 1:38-11 (“Sealing of Court Records”) of the Rules Governing the Courts of the State of New Jersey are adopted to be effective February 15, 2021.

For the Court,



Chief Justice

Dated: February 5, 2021

1:38-3. Court Records Excluded from Public Access

The following court records are excluded from public access:

(a) – (b) no change.

(c) Records of Criminal and Municipal Court Proceedings.

(1) – (13) no change.

(14) Records created or maintained by the Pretrial Services Program;

(15) Records of convictions for offenses involving marijuana or hashish sealed pursuant to N.J.S.A. 2C:52-5.2.

(d) Records of Family Part Proceedings.

(1) – (17) no change.

(18) Records related to applications for Special Immigrant Juvenile Status

(SIJS) predicate orders;

(19) Records of adjudications of delinquency for offenses involving marijuana or hashish sealed pursuant to N.J.S.A. 2C:52-5.2.

(e) – (f) no change.

Note: New Rule 1:38-3 adopted July 16, 2009 to be effective September 1, 2009; subparagraph (b)(1) amended December 9, 2009 to be effective immediately; paragraphs (e) and (f) amended January 5, 2010 to be effective immediately; subparagraph (c)(11) amended, subparagraph (c)(12) adopted, and subparagraph (d)(10) amended February 16, 2010 to be effective immediately; subparagraph (d)(1) amended June 23, 2010 to be effective July 1, 2010; paragraph (e) amended October 26, 2010 to be effective immediately; paragraph (e) amended February 28, 2013 to be effective immediately; subparagraph (d)(12) amended July 9, 2013 to be effective September 1, 2013; subparagraphs (f)(2) and (f)(5) amended, and new subparagraph (f)(9) added December 9, 2014 to be effective immediately; subparagraph (d)(2) amended July 27, 2015 to be effective September 1, 2015; subparagraph (b)(1) amended May 30, 2017 to be effective immediately; paragraph (a) and subparagraphs (d)(1) and (d)(13) amended July 28, 2017 to be effective September 1, 2017, subparagraphs (c)(1), (d)(1), (d)(2), (d)(5), (d)(6), (d)(9), and (f)(6)

amended May 15, 2018 to be effective immediately; new subparagraph (c)(13) adopted July 27, 2018 to be effective September 1, 2018; new subparagraph (c)(14) adopted and subparagraph (f)(5) amended September 12, 2018 to be effective immediately; new subparagraph (d)(18) adopted July 29, 2019 to be effective September 1, 2019; new subparagraphs (c)(15) and (d)(19) adopted February 5, 2021 to be effective February 15, 2021.

1:38-11. Sealing of Court Records

(a) – (b) no change.

(c) Exceptions. The provisions of this rule do not apply to:

(1) [a] Actions required to be sealed pursuant to the New Jersey False Claims Act (N.J.S.A. 2A:32C-5(c) and 2A:32C-5(f)); or

(2) Records for convictions or adjudications of delinquency for offenses involving marijuana or hashish required to be sealed pursuant to N.J.S.A. 2C:52-5.2.

(d) – (e) no change.

Note: New Rule 1:38-11 adopted July 16, 2009 to be effective September 1, 2009; new paragraph (c) adopted January 5, 2010 to be effective immediately; new paragraph (d) adopted June 23, 2010 to be effective July 1, 2010; paragraph (c) amended December 8, 2010 to be effective immediately; paragraphs (a) and (b) amended, and new paragraph (e) adopted July 27, 2018 to be effective September 1, 2018; new caption to paragraph (c) adopted, paragraph (c) text renumbered as subparagraph (c)(1) and new subparagraph (c)(2) adopted February 5, 2021 to be effective February 15, 2021.