

Expungement Process (Clearing a Criminal Record)

By: Bhavini Tara Shah, Esq.

March 14, 2013

New Jersey Expungement

An expungement is a process by which you can clear a criminal record in the State of New Jersey. This allows many people a fresh start if they have made a mistake in the past and have turned around their life and become productive citizens.

Why should someone get an expungement?

The expungement removes the obstacles which arrests or conviction can place on many jobs. Under most circumstances an expungement allows one to legally say the arrest or conviction never occurred. Many employers will routinely do background checks and investigation of a potential employee's criminal history and arrests. Convictions can keep someone from getting a job. Many professional licenses or schools will deny you the license or admission if you have an arrest or conviction. An expungement will help if you want to volunteer for sports or community organizations. An expungement will open doors that might otherwise be closed.

There are certain circumstances whereby an expungement will never be available. The crimes which cannot be expunged include murder, manslaughter, criminal homicide (except certain death by auto provisions), treason, anarchy, kidnapping, rape, forcible sodomy, terrorism, arson, and related offenses, jury tampering, criminal restraint, and false imprisonment unless the victim was the offender's minor child; perjury and false swearing, robbery, luring or enticing; human trafficking; most sexual crimes where the victim was an adult, and all sexual crimes with child victims, endangering the welfare of a child; allowing a child to engage in prohibited sexual acts; selling or manufacturing of child pornography; promoting child prostitution; producing or possessing chemical weapons, biological agents or nuclear or radiological devices. Conspiracy or attempt to commit any of these crimes or aiding, assisting, or concealing anyone accused of them also cannot be expunged. There are other exclusions by law.

All Expungement's require a waiting period for certain types of offenses before the record can be expunged. Below is a chart concerning the expungement of criminal records and the waiting period.

The following is a chart which provides general information regarding the limitations and waiting periods for the expungement of criminal records in New Jersey.

Indictable Criminal Offenses	One conviction may be expunged (plus up to two disorderly persons offenses)	10 year waiting period from date of completion of supervision
Disorderly Persons (including petty)	Up to two (2) convictions may be expunged provided petitioner has no criminal convictions	5 year waiting period from date of completion of supervision
Ordinance Violations	No limit provided petitioner has no criminal record and no more than two (2) disorderly convictions	2 year waiting period from the date of completion of supervision
Juvenile Delinquency Offenses	All records subject to expungement except those which would be ineligible if committed by an adult	5 year waiting period from the date of completion of supervision
Records of Young Drug Offenders	No limit if conviction is for possession or use of CDS	1 year waiting period from the date of completion of supervision
Arrests Not Resulting in a Conviction	No limit	6 month waiting period if dismissed as a result of a diversion program,, otherwise, there is no waiting period.

An expungement process can take anywhere between sixty (60) days to one-hundred and twenty (120) days and depending on the offense you cannot seek an expungement until after the latter of the conviction, final payment of fines, completion of probation or parole, or release from prison.

We can help you with the expungement process. Call us or e-mail an inquiry with details.

*** This document may not be reproduced without prior written authorization of Bhavini Tara Shah, Esq.*

Law Office of Bhavini Tara Shah, LLC.

1941 Oak Tree Road- Suite 204

Edison, New Jersey 08820

Phone: 732-906-1212 Fax: 732-906-1299

E-mail: BhaviniShah@BTSLaw.net