

ASSESSING MY CRIMINAL RECORD EXPUNGEMENT ELIGIBILITY

1. Is there a pending or opening criminal matter?

- **YES** -- Client is not currently eligible for expungement and may have to wait until a final disposition is reached on the pending matter. Review "APPEARS TO BE INELIGIBLE" section on back.
- **NO** -- Client may be eligible. Proceed to Question #2.

2. Are there only federal or out-of-state convictions?

- **YES (no NJ convictions)** -- Client cannot expunge any federal conviction (there is no federal expungement statute) and should consult with an out-of-state attorney to expunge out-of-state matters. If convictions are only federal or out-of-state (no NJ convictions), review "APPEARS TO BE INELIGIBLE" section on back.
- **NO (also NJ convictions)** -- Client may be eligible to expunge the convictions that are NJ convictions. However, the federal and out-of-state convictions will be used when determining whether any New Jersey matters can be expunged. Proceed to Question #3.

3. Does the client have indictable crime (felony) convictions ONLY in any jurisdiction?

Note: You want to look at final convictions, not original charges, which may start as an indictable offense but get plead down.

➤ **IF YES** -- Are any convictions for a barred offense?

➤ **IF NO** -- Client may be eligible. Proceed to Question #4.

NO -- Client may be eligible. Proceed to Question #4.

YES -- Barred offenses cannot be expunged. These offenses are generally violent crimes against other people such as homicide, robbery and endangering the welfare of a child. For a full listing, please see N.J.S.A. 2C:52-2 and the "APPEARS TO BE INELIGIBLE" section on back.

4. How many indictable crime (felony) convictions does the client have?

➤ **IF MORE THAN 1** -- Are they from different dates, arising from different arrests?

➤ **IF ONLY 1** -- Has it been 5 years from date of conviction, time served, payment of fine, and end of probation or parole, whichever is latest?

IF YES -- Client may qualify for Clean Slate Expungement. Proceed to Question # 7.

IF NO -- Client may be eligible under a "one-night spree" exception if client has complied with the required waiting period. See "IF ONLY 1" Question.

YES -- Client may qualify for lowered time period if there are compelling reasons.

IF NO -- Has it been at least 4 years?

NO -- Has it been 5 years since completion of sentence except for fine payment? If the client substantially complied with payment or could not do so for compelling reasons, they may be eligible. Otherwise, they may be eligible for Clean Slate Expungement. Proceed to Question #7.

IF YES -- Client may be eligible. Proceed to "APPEARS TO BE ELIGIBLE."

5. Does the client have disorderly persons (misdemeanor) convictions ONLY?

➤ **IF MORE THAN 5** -- Client may qualify for Clean Slate Expungement. Proceed to #7.

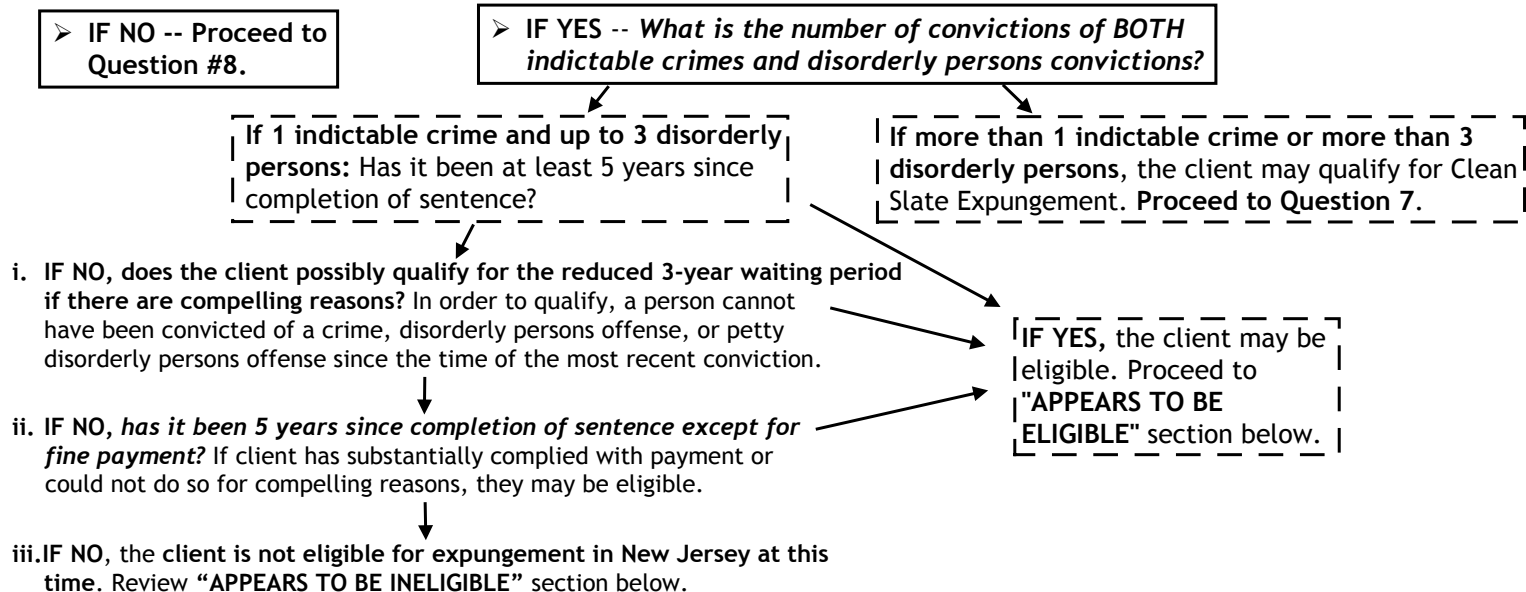
➤ **IF 5 OR FEWER** -- How long has it been since date of conviction, time served, payment of fine, and end of probation or parole, whichever is latest?

If more than 5 years -- Client may be eligible for expungement in New Jersey.

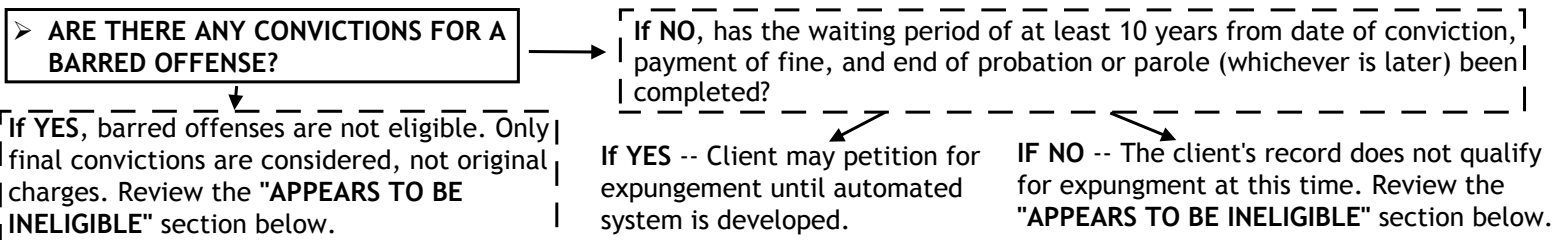
If less than 5 years but more than 3 years -- Client may qualify for a reduced 3-year waiting period if there are compelling reasons.

If less than 3 years -- Client is not eligible for expungement at this time.

6. **Does the client have BOTH indictable crime and disorderly persons convictions?**



7. **Does the client qualify for a Clean Slate Expungement?**



8. **Does the client have dismissed or not guilty charges ONLY?** Client may seek expungement of those immediately. VLJ can generally assist with expungement dismissals if doing so will result in a clean record. **Proceed to Question 9.**

9. **Does the client have a PTI dismissal or conditional discharges?** Client may seek expungement of diversionary program 6 months after successful completion of the program. **Proceed to Question #10.**

10. **Does the client have a violation of a municipal ordinance?** They may seek expungement of their violation 2 years after sentence completion as long as they do not have an indictable offense conviction and only up to 2 disorderly persons convictions. **Proceed to Question #11.**

11. **Does the client have a juvenile record?** IF YES -- Contrary to popular belief, juvenile records are not automatically sealed, and can be expunged under certain circumstances. **Review the "APPEARS TO BE ELIGIBLE" section below.**

APPEARS TO BE ELIGIBLE

The client can:

1. Apply for free legal services with VLJ immediately following this seminar.
2. If they financially qualify, they can meet with a volunteer attorney during our legal clinic for advice and brief services. Or if they do not financially qualify, they may be eligible for other free or reduced legal services. Please see separate handout for more details on other organizations.
3. If they are then deemed eligible for expungement, VLJ will attempt to place their case with a volunteer attorney for full representation following the clinic. Please note: a full copy of their criminal case history (CCH) report may be required for full representation and a fingerprint fee applies.
4. If they wish to file for expungement on their own, without an attorney, they should see the pro se packet materials.

APPEARS TO BE INELIGIBLE

The client can:

1. Get involved with advocacy efforts. The expungement law is changing thanks to people like the client sharing their stories with lawmakers. The client should not lose hope!
2. Think about why they sought expungement relief. The VLJ can assist them with referrals to community-based organizations that may assist with other services such as employment, housing, etc.
3. Strategize with VLJ ways to achieve goals without an expungement, i.e. work/job readiness programs, employment programs offered through city, homeless prevention programs, etc. VLJ can give the client relevant brochures.