

New NJ Law Aims to Protect Expunged Cannabis Records

New Jersey Lawmakers Unanimously Approve Bill to Protect Expunged Cannabis Records from Background Checks

In a significant move toward criminal justice reform, the **New Jersey General Assembly** has unanimously passed **Bill A3881**, aimed at protecting individuals with expunged criminal records, including marijuana-related offenses, from facing discrimination during background checks. The bill was approved in late September and represents a key step toward ensuring that outdated information does not hinder people seeking employment, housing, or education.

New Bill Aims to Prevent Discrimination

Bill A3881, sponsored by Assembly members **Annette Quijano (D)** and **Ellen J. Park (D)**, seeks to address long-standing inequalities rooted in the War on Drugs, particularly offenses related to marijuana. The proposed legislation prohibits the dissemination of criminal history information that has been expunged, ensuring that individuals are not judged by offenses that have been legally erased.

If enacted, the **State Bureau of Identification (SBI)** would be required to verify and process expungement orders before sharing any criminal history information. This would include updating records to reflect the latest expungements, preventing the spread of outdated or incomplete information.

“The bill addresses a core issue of fairness and allows individuals to move forward without the continued stigma of past offenses,” said Assemblywoman Quijano. “This law will help ensure people aren’t penalized for records that should no longer exist.”

NJ Legislators Highlight Fairness and Inclusion

Both sponsors of the bill emphasized the importance of fairness and inclusion in their push for the legislation. Quijano, in a press release, stated, “This unanimous vote underscores the importance of protecting privacy and ensuring fairness in our justice system. Expungements are intended to provide individuals with a second chance, and this legislation ensures that they are not burdened by their past when it has been legally erased.”

Assemblywoman Park echoed similar sentiments, highlighting the importance of removing barriers for individuals with expunged records. “By removing the barriers associated with a criminal record, people gain greater access to job opportunities, housing, and education, allowing them to move forward without the weight of past mistakes.”

The bill is seen as a step toward rectifying the disproportionate impacts of the War on Drugs, particularly for those with marijuana-related convictions, and aligning New Jersey’s policies with modern views on cannabis legalization and justice reform.

Nearly 20,000 Expungements Still Pending as Senate Yet to Pass Bill

Although the bill has made substantial progress in the Assembly, it still faces hurdles before becoming law. A significant backlog of expungement cases in New Jersey remains a concern. According to an **April 2024 report** by state Attorney General **Matthew J. Platkin**, nearly **20,000 expungement cases** were still pending as of March 2024. This backlog has already led to legal action, resulting in a **class action lawsuit** and a **Consent Order** in June to expedite the processing of expungement orders.

The Assembly's passage of the bill comes as a positive step, but the legislation must now move through New Jersey's Senate, where the companion bill, **S2513**, is currently pending. Sponsored by **State Senator Brian Stack (D)**, S2513 similarly aims to curb the improper dissemination of criminal records and streamline the expungement process.

The Senate will need to review and approve the bill before it can be sent to Governor **Phil Murphy** for final approval. Advocates hope that the Senate will act swiftly, given the pressing need to protect individuals with expunged records and to alleviate the backlog of cases awaiting expungement.

Looking Forward

The passage of Bill A3881 in the Assembly reflects a growing recognition of the harms caused by outdated criminal justice practices, particularly those related to cannabis offenses. With the state moving toward more equitable policies in light of cannabis legalization, the bill serves as a reminder of the importance of comprehensive reforms that offer real opportunities for individuals to rebuild their lives.

As the Senate takes up the measure, proponents are optimistic that the bill's unanimous support in the Assembly will carry weight in further discussions. If signed into law, Bill A3881 would ensure that expunged records no longer pose a barrier to housing, education, and employment, giving New Jersey residents a fairer shot at success.

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