

# New Jersey



|                      |           |
|----------------------|-----------|
| <b>OVERALL SCORE</b> | <b>59</b> |
| <b>Ranking</b>       | <b>14</b> |

- Nexus to Trafficking**  
The nexus or connection to trafficking the survivor must prove in New Jersey is currently “as a result” of trafficking. This is less restrictive than other states and more survivors will be able to access relief in New Jersey.
- Official Documentation**  
Official documentation from any state or government agency, or documentation that falls within another set of specific categories creates a presumption that the survivor is eligible for criminal record relief in New Jersey. Official documentation should never be required for criminal record relief; however, if a survivor can provide official documentation, the presumption should prevent them from having to share their experience repeatedly in different settings which can be emotionally difficult and cause additional trauma.
- Offenses Covered**  
The current offenses covered in New Jersey are inadequate because relief only applies to a narrow subset of offenses, yet the range of offenses for which survivors are arrested and prosecuted is broader.
- Time Limits and Wait Times**  
New Jersey provides leniency regarding time limits by allowing survivors to apply in a “reasonable time” after their trafficking has ended. This could be improved to have no time limit at all for survivors so there is no confusion on when a survivor should, or has to, apply for relief.

| PROPOSED CATEGORIES                                | AWARDED POINTS |
|--|----------------|
| <b>Range of Relief</b>                             | 8              |
| <b>Arrests and Adjudications Relief</b>            | 10             |
| <b>Offenses Covered</b>                            | 5              |
| <b>Judicial Discretion</b>                         | 5              |
| <b>Nexus to Trafficking</b>                        | 10             |
| <b>Time Limits and Wait Times</b>                  | 4              |
| <b>Hearing Requirement</b>                         | 5              |
| <b>Burden of Proof</b>                             | 5              |
| <b>Official Documentation</b>                      | 5              |
| <b>Confidentiality</b>                             | 0              |
| <b>Additional Restrictive Conditions on Relief</b> | 2              |
| <b>TOTAL</b>                                       | <b>59</b>      |

Visit [polarisproject.org/RecordRelief](https://polarisproject.org/RecordRelief) to learn about criminal record relief and how to raise your state’s grade.

# Scoring System:

**Guidelines:** Grades and rankings are determined by comparing elements of existing criminal record relief statutes against an ideal statute, as defined by Polaris and the Survivor Reentry Project. Laws are scored out of a maximum 100 points. This project looks solely at criminal record relief statutes **specifically intended for victims of human trafficking arrested or prosecuted as adults**. Accordingly, states that only offer relief to survivors with arrests from when they were juveniles do not earn credit in this report. These states scored a "0." Additionally, the research team prioritized the inclusion of specific and clear language within each criminal record relief statute, rather than having to rely on, locate, or incorporate other state law sanctions. This means a state that, for example, has strong confidentiality language in another section of law, but does not mention confidentiality protections in the trafficking-specific statute will not get points for confidentiality in this analysis. States with zeros - that is, states with no law for adult trafficking survivors in place - did not receive letter grades.

| Range of Relief      |  | Time Limitations and Wait Times             |   |
|----------------------|--|---|---|
| 0                    | No statute specific to victims of human trafficking.   | 0   | Statute provides an explicit statute of limitations running from the end of the trafficking situation, or requires the survivor to wait an explicit amount of time since the last conviction to apply for relief. |
| 4                    | Statute only provides partial relief (e.g. some combination of sealing or expungement).                                      | 4   | Statute provides leniency regarding time limits (such as allowing survivors to apply in a "reasonable time" after trafficking has ended).   |
| 8                    | Statute provides vacatur of convictions.   | 8   | Statute provides no time limit, restriction, or wait time.  |
| 10                   | Statute provides vacatur of convictions based on a substantive defect or on the merits.                                      | Official Documentation                      |   |
| Nexus to Trafficking |  | 0   | Official documentation does not create presumption of eligibility.  |
| 2                    | Survivors must prove that offenses were committed "while under duress."  | 5   | Official documentation creates a presumption of eligibility.  |
| 4                    | Survivor must prove that offenses were committed "as a direct result" of the trafficking.                                    | Additional Restrictive Conditions on Relief |   |
| 6                    | Survivor must prove that offenses were committed "while they were a victim" of trafficking.                                  | 0   | Statute places explicit additional restrictive conditions on survivors being able to apply for relief.  |
| 8                    | Survivor must prove that offenses were "proximately caused" by the trafficking.  | 2   | Statute places no explicit additional restrictive conditions on survivors being able to apply for relief.   |
| 10                   | Survivor must prove that crimes were committed "as a result" of the trafficking.   | Arrests and Adjudication Relief             |   |
| Confidentiality      |  | 0   | No statute specific to victims of human trafficking.  |
| 0                    | There is no provision in the statute that protects confidentiality or allows for filing documents under seal.                | 5   | Statute applies only to convictions (formal adjudications of guilt).  |
| 5                    | There is an express provision in the statute that protects confidentiality or allows for filing documents under seal.        | 10  | Statute comprehensively includes arrests, non-prosecuted cases, adjudications, and/or other records that are not exclusive to convictions.  |
| Burden of Proof      |  | Level of Judicial Discretion Permitted      |   |
| 0                    | Statute silent on standard of proof.   | 0   | Statute does not allow any judicial discretion.   |
| 2                    | Clear and convincing evidence.   | 5   | Statute allows the court to grant relief in spite of prosecutor's objection as long as prosecutors had notice of the request for relief.  |
| 5                    | Preponderance of the evidence.   | 10  | Statute allows the court to grant relief in spite of prosecutor's objection as long as prosecutors had notice and to "take such additional action as is appropriate in the circumstances."                        |
| Offenses Covered     |  | Hearing Requirement                         |   |
| 5                    | Only prostitution-related or sex-related crimes are eligible for relief.   | 0   | Hearing required in all instances and survivor must appear.   |
| 8                    | Only prostitution and specifically-enumerated misdemeanor offenses are eligible for relief.                                  | 1   | Hearing required in all instances, but survivor can appear by alternate methods (e.g. telephone, video, written statements).  |
| 12                   | All misdemeanor offenses are eligible for relief.  | 2   | Hearing required only if opposition and survivor must appear in person.   |
| 17                   | All misdemeanor and nonviolent felony offenses are eligible for relief.  | 3   | Hearing required only if opposition, but survivor can appear by telephone, video, or other alternate methods.   |
| 23                   | All misdemeanor offenses, non-violent felonies, and specifically-enumerated violent felony offenses are eligible for relief. | 4   | Hearing required only if opposition but survivor can waive right to be present.   |
| 30                   | All offenses are eligible for relief.  | 5   | No hearing required.  |