

New Jersey



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The letter grades reflect Polaris' evaluation of existing laws designed to provide survivors of human trafficking with a realistic pathway to clear their criminal records. For more information on the criteria graded, please read [here](#) and examples of model legislation for each criteria can be found [here](#). If you have any questions or issues, please contact policy@polarisproject.org.

GOOD FOR SURVIVORS:

Legal Effect:

In New Jersey, the law returns the survivor to pre-record status. This means that for all practical purposes, once the process is complete, it is as if the offense never happened. For example, a statute receiving the highest ranking indicates that the conviction is vacated "on the merits" - meaning the charges never should have been brought in the first place. The highest-ranking statutes also include the automatic destruction of the records so they cannot be used against the survivor in the future.

Arrests and Adjudication Relief:

New Jersey allows trafficking survivors to clear their criminal record of non-prosecuted cases, arrests, adjudications, convictions, any information related to an arrest, and incident reports.

Alternate Hearing Methods Allowed:

It can be financially draining and endanger the safety of survivors to travel to a location where they may have been trafficked and where their trafficker may be located. Therefore, New Jersey allows survivors who are required to attend a hearing to appear by alternate methods such as telephone, video, written statements, or by attorney substitute. This is both safer and helpful for survivors who may not live in the state where their criminal record is located.

Trafficking Nexus:

The nexus or connection to trafficking the survivor must prove in New York is currently "as a result" of trafficking. This is less restrictive than other states and allows for more survivors to access relief.

NEEDS IMPROVEMENT:

Survivor Must Notify Victim When Applying for Relief:

The statute requires a survivor to notify any victims of the original offense before applying for relief. In some cases, the victims of the original offense can submit impact statements that may impact the ability of the survivor to receive criminal record relief. This is problematic because the victim may not be aware of the survivor's victimization, or they may have been connected to the victimization as a trafficker or buyer. In these scenarios, notifying the victim may put the trafficking survivor at risk. Further, notifying a victim and allowing them to submit a statement puts the blame on the survivor for an offense they committed under coercion, force, or threat.

Judicial Discretion:

New Jersey is either silent on the issue of judicial discretion or the statute states that the court "may" grant a petition for relief upon making the necessary findings. Ideally, the court "shall" or "must" grant the petition if the survivor meets certain requirements. Therefore, the survivor is guaranteed specific action based on their eligibility.



Statute: [N.J. Stat. Ann. § 2C:44-1.1](#)