

DISORDERLY PERSONS OFFENSES

Crimes in the State of New Jersey are separated into two main groups: “indictables”, commonly known as “felonies”; and “disorderly persons offenses”, commonly known as “misdemeanors.” Disorderly persons-level offenses are further divided into two sub-categories: “disorderly persons” and “petty disorderly persons”-level offenses. Both of these type offenses are handled at the municipal court level.

Technically, these level offenses are not considered “crimes” for the purposes of a criminal record. If you do end up with a conviction for a disorderly persons or petty disorderly persons level offense, and if you are asked on a job interview, application, etc., if you have been convicted of a crime, you can truthfully answer “YES.” However, a record of the conviction DOES appear on a criminal background check.

Occasionally, an indictable matter will be brought before the “zone” prosecutor at the county prosecutor’s office. This “zone” prosecutor makes the decision as to whether a particular case will be handled at the Superior Court level by the county prosecutor’s office, or if the case will be “municipally remanded”, i.e. sent back to the town where the charge originated. A municipal remand is good for a defendant because in order for this to happen, the county prosecutor MUST downgrade the charge from an indictable to a disorderly persons or petty disorderly persons level offense. This mean lower fines and less jail time exposure for the defendant!

Disorderly persons offenses are punishable by up to 180 days in the county jail and a fine of up to \$1000.00. Petty disorderly persons offenses expose a defendant to up to 30 days in the county jail and up to \$500.00 in fines. Other sentences can be handed down by the municipal court judge, including probation.

If a defendant has a disorderly persons level drug offense, i.e. possession of marijuana in an amount less than 50 grams (NJSA 2C:35-10(a)(4)), and has not previously been convicted of a drug offense, they may be eligible for the Conditional Discharge Program. This is a “diversionary” program for first time drug offenders in New Jersey. Essentially, a Conditional Discharge is a 12 month probationary term. So long as the defendant does not get any NEW CRIMINAL charges during that time, and does not violate the terms of the probation, e.g. testing positive for drugs, the original charges will be dismissed.

Furthermore, all disorderly persons, petty disorderly persons and enrollments in the Conditional Discharge Program can be expunged (removed) from one’s record eventually. Disorderly persons and petty disorderly persons offenses can be expunged FIVE YEARS after the end of sentence; a Conditional Discharge can be expunged SIX MONTHS after successful completion of the program.

If you have been arrested for a criminal offense, it is important to consult with a New Jersey attorney **IMMEDIATELY**. That is why I am available 24 hours a day to speak with you. I handle criminal matters in Essex, Hudson, Morris, Middlesex and Union Counties.