

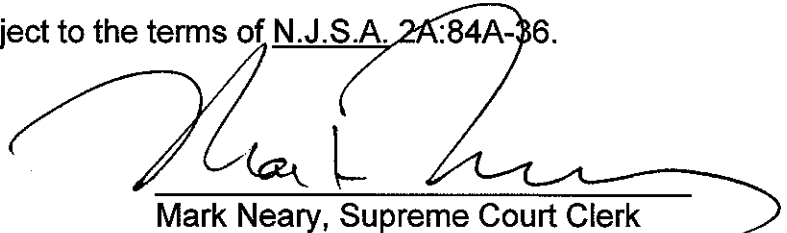
NOTICE TO THE BAR

AMENDMENTS TO THE NEW JERSEY EVIDENCE RULE 609-- IMPEACHMENT BY EVIDENCE OF CONVICTION OF CRIME (TO BE EFFECTIVE JULY 1, 2014)

Pursuant to N.J.S.A. 2A:84A-35, attached is the Supreme Court's Order of September 16, 2013 adopting amendments to N.J.R.E. 609 of the New Jersey Rules of Evidence as recommended by the Supreme Court Committee on the Rules of Evidence. The amendments relate to impeachment by evidence of conviction of crime. In addition to amending the current text of the rule, the amendments also adopt a new paragraph regarding use of evidence of prior convictions ten or more years old. The Committee addressed this topic as requested by the Supreme Court in State v. Harris, 209 N.J. 431, 445 (2012).

The amendment proposal was presented and discussed at a Judicial Conference on September 3, 2013 in accordance with the requirements of N.J.S.A. 2A:84A-34. The proposal, as recommended by the Supreme Court Committee on the Rules of Evidence, was previously announced by public notice dated July 26, 2013.

The Court's Order notes that the effective date of the amendments is July 1, 2014. The action of the Court is subject to the terms of N.J.S.A. 2A:84A-36.




Mark Neary, Supreme Court Clerk

Dated: September 16, 2013

SUPREME COURT OF NEW JERSEY

It is ORDERED that, pursuant to N.J.S.A. 2A:84-33 through 2A:84A-36, the attached amendments to **N.J.R.E. 609** of the New Jersey Rules of Evidence are adopted to be effective July 1, 2014.

For the Court,

A handwritten signature in black ink, appearing to read "Stuart Rosen", written in a cursive style.

Chief Justice

Dated: September 16, 2013

N.J.R.E. 609. Impeachment by Evidence of Conviction of Crime

(a) In General

(1) For the purpose of affecting the credibility of any witness, the witness's conviction of a crime, subject to Rule 403, must [shall] be admitted unless excluded by the judge pursuant to Section (b) of this rule [as remote or for other causes].

(2) Such conviction may be proved by examination, production of the record thereof, or by other competent evidence [.] , except in a criminal case, when the defendant is the witness, and

(i) the prior conviction is the same or similar to one of the offenses charged, or

(ii) the court determines that admitting the nature of the offense poses a risk of undue prejudice to a defendant,

the State may only introduce evidence of the defendant's prior convictions limited to the degree of the crimes, the dates of the convictions, and the sentences imposed, excluding any evidence of the specific crimes of which defendant was convicted, unless the defendant waives any objection to the non-sanitized form of the evidence.

(b) Use of Prior Conviction Evidence After Ten Years

(1) If, on the date the trial begins, more than ten years have passed since the witness's conviction for a crime or release from confinement for it, whichever is later, then evidence of the conviction is admissible only if the court determines that its probative value outweighs its prejudicial effect, with the proponent of that evidence having the burden of proof.

(2) In determining whether the evidence of a conviction is admissible under Section (b)(1) of this rule, the court may consider:

(i) whether there are intervening convictions for crimes or offenses, and if so, the number, nature, and seriousness of those crimes or offenses,

(ii)whether the conviction involved a crime of dishonesty, lack of veracity or fraud.

(iii)how remote the conviction is in time,

(iv)the seriousness of the crime.

Note: Adopted September 15, 1992 to be effective July 1, 1993; text amended and designated as paragraph (a), paragraph (a) caption added, new paragraph (b) caption and text added September 16, 2013 to be effective July 1, 2014.