

NOTICE TO THE BAR

TECHNICAL REVISIONS TO THE RULES OF EVIDENCE **AMENDMENTS THAT BECOME EFFECTIVE JULY 1, 2020**

The Supreme Court by Order dated September 16, 2019 adopted a series of Amendments to the Rules of Evidence, with those amendments to become effective July 1, 2020, subject to the provisions of N.J.S.A. 2A:84A-36. This notice sets forth technical revisions to certain of those amendments, with these revisions also to be effective July 1, 2020. The revisions are as follows:

- (1) Throughout – All instances of “NJRE” in the amendments should be replaced with “N.J.R.E.”
- (2) N.J.R.E. 101 source note – Correct the new language in the source note to read as follows: “caption revised, former paragraph (a)(1) redesignated as (a)(2), former paragraph (a)(2) amended and redesignated as (a)(1) and (a)(3), former paragraphs (a)(3) and (a)(4) amended and redesignated as (a)(4) and (a)(5), former paragraph (a)(5) redesignated as (a)(6), paragraph (b)(1) amended, and new paragraphs (b)(4) and (b)(5) adopted September 16, 2019 to be effective July 1, 2020.”
- (3) N.J.R.E. 104(c) – Add “in Criminal Cases” to the caption, so that the caption reads “Preliminary Hearing on Admissibility of Defendant’s Statements in Criminal Cases.”
- (4) N.J.R.E. 104 source note – Change “caption and text amended” to “captions and text amended”.
- (5) N.J.R.E. 201(c) – Delete the newly added word “or” at the end of this section to comport with the comparable federal rule; and replace the semicolon with a period.
- (6) N.J.R.E. 201(e) – Retain the word “matter” rather than changing it to “fact to be”.
- (7) N.J.R.E. 303 – The caption was amended from “Presumptions Against the Accused in Criminal Cases” to “Presumptions Against a Defendant in Criminal Proceedings”. Accordingly, add at the beginning of the new language in the source note “caption amended,”.
- (8) N.J.R.E. 404 – Existing paragraph (c) (“Character and Character Trait in Issue”) was erroneously renumbered as (b)(3); change it back to (c).
- (9) N.J.R.E. 409(a) – The first line of text (“Except as otherwise provided in this rule, evidence of:”) should be on the same line as and immediately follow the caption (“(a) Prohibited Uses”).

(10) N.J.R.E. 530 – The introductory text “[N.J.S.A. 2A:84A-29 provides:]” should have been shown as bracketed since it is being deleted. Also, the identification letter of each of the sub-subparagraphs in subparagraphs (c)(1), (c)(2), (c)(3), and (c)(6) should be in parentheses, e.g., “(A)”. Also, the first word in each of subparagraphs (c)(3)(A), (c)(3)(B), (c)(6)(A), and (c)(6)(B) should be lowercase.

(11) N.J.R.E. 601 – Underscore the word “any” for emphasis.

(12) N.J.R.E. 609(a)(2)(B) – The beginning of this subparagraph should have been shown as “[in] In a criminal...” Additionally, the portion of the subparagraph that begins with “the [State] prosecution may only introduce” through the end of the subparagraph should be a non-indented paragraph since it refers to both (i) and (ii).

(13) N.J.R.E. 609(b) – The comma after the word “motive” is new and thus should have been underscored to so indicate.

(14) N.J.R.E. 611(a) – The new semicolons at the end of subparagraphs (a)(1) and (a)(2) should have been shown as replacing commas.

(15) N.J.R.E. 611 source note – Change “caption and text amended” to “captions and text amended”.

(16) N.J.R.E. 613 source note – Change “caption and text amended” to “captions and text amended”.

(17) N.J.R.E. 705 source note – The source note should read as follows: “Note: Adopted September 15, 1992 to be effective July 1, 1993; amended September 15, 2004 to be effective July 1, 2005; amended September 16, 2019 to be effective July 1, 2020.”

(18) N.J.R.E. 801(a) – The commas after the initial instance of “assertion” and after the word “conduct” are both new and thus should have been underscored to so indicate. Also, the words “it is” were deleted and thus should have been included in brackets to so indicate.

(19) N.J.R.E. 801(c) – At the end of subparagraph (c)(1) the new semicolon should have been shown as replacing a comma. Also, at the end of subparagraph (c)(2), the words “in the statement” are being added, not deleted, and thus should have been underscored rather than bracketed.

(20) N.J.R.E. 803(b) – In subparagraph (b)(2), change the second instance of “party” to “party-opponent”.

(21) N.J.R.E. 803(c) – In subparagraph (c)(4), “(B)” should have been included before the word “describes”. Also, in subparagraph (c)(11), there should have been an underscored comma after the new word “ancestry”. Also, in subparagraph (c)(14)(A),

“by each person by who[m it] purports to have signed it [been executed,]” should instead have read “by each person who [by whom it] purports to have signed it [been executed,]”. Also, in subparagraph (c)(18)(A), “called to the attention of the expert of cross-examination” should have read “called to the attention of the expert on cross-examination”.

(22) N.J.R.E. 804(a) – In subparagraph (a)(4), “because of physical or mental illness or infirmity, or other cause” should have read “because of death, physical or mental illness or infirmity, or other cause”.

(23) N.J.R.E. 902(f) – The language “purporting to be newspaper[s] or periodical[s]” should have read “purporting to be a newspaper or periodical [newspapers or periodicals]”.

(24) N.J.R.E. 902(i) – The language “signature[s thereon] on it” should have read “signatures [thereon] on it”. Also, “documents [relating thereto] related to the extent” should have read “related documents [relating thereto] to the extent”.

(25) N.J.R.E. 902 source note – Change “caption and text amended” to “captions and text amended” and “caption amended” to “captions amended”.

(26) N.J.R.E. Article X caption should have double underscored “RECORDINGS” as added language.

(27) N.J.R.E. 1001 – The amendments shown for paragraphs (c) and (d) were adopted in the previous cycle and became effective July 1, 2018. Thus, “no change” should have been shown for those two paragraphs. The new language in the source note should thus read “paragraph (b) amended September 16, 2019 to be effective July 1, 2020” rather than “paragraphs (b), (c), and (d) amended September 16, 2019 to be effective July 1, 2020”.

(28) N.J.R.E. 1005 – The new semicolon at the end of paragraph (a) should have been shown as replacing a comma. In the last paragraph, the words “no such” should have been underscored as new text. Also in that paragraph, “to prove of the contents” should have read “to prove [of the] contents”.

(29) N.J.R.E. 1008 – The paragraph letter (a) should have been underscored since it was new/relocated.



Hon. Glenn A. Grant, J.A.D.
Acting Administrative Director
of the Courts

Dated: June 10, 2020