

NOTICE TO THE BAR
AMENDMENTS TO NEW JERSEY RULES OF EVIDENCE 803(c)(25)
and 804(b)(3) – EFFECTIVE JULY 1, 2024

As set forth in a Notice to the Bar dated September 15, 2023, the Supreme Court by order also dated September 15, 2023 amended New Jersey Rules of Evidence (N.J.R.E.) 803(c)(25) and 804(b)(3) (Hearsay – Statement Against Interest), subject to the provisions of N.J.S.A. 2A:84A-36. There having been no legislative action with regard to these amendments to the Rules of Evidence as provided for by N.J.S.A. 2A:84-36, the amendments as set forth in the Court's September 15, 2023 order thus became effective on July 1, 2024.

The Supreme Court amended N.J.R.E. 803(c)(25) and N.J.R.E. 804(b)(3) to require that statement against interest hearsay is admissible into evidence only when the declarant (the person who made the statement) is unavailable to testify. N.J.R.E. 803(c)(25) previously provided that this type of hearsay is admissible in evidence even when the declarant is available to testify but is not called to do so. The amendments bring New Jersey into line with the federal government and the overwhelming majority of other states and was accomplished by relocating this hearsay exception from New Jersey Rule of Evidence 803(c)(25) to New Jersey Rule of Evidence 804(b)(3).

/s/ Glenn A. Grant.

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

Dated: July 1, 2024