



**ANNUAL
REPORT
2024**

New Jersey Law Revision Commission

THIRTY-EIGHTH ANNUAL REPORT

153 Halsey Street 7th Fl., Newark, NJ 07102

Ph: 973-648-4575

Website: www.njlrc.org

THIRTY-EIGHTH ANNUAL REPORT

2024





Please address comments and questions regarding this Report to:

Laura C. Tharney, Executive Director
New Jersey Law Revision Commission
153 Halsey Street, 7th Floor
Box 47016
Newark, New Jersey 07102
Tel: 973-648-4575
Fax: 973-648-3123
Email: lct@njlrc.org
Web: www.njlrc.org

This Report is prepared for submission to the Legislature pursuant to N.J.S. 1:12A-9.

The Report can also be found on the website of the NJLRC at: <https://www.njlrc.org/annual-reports>

* The above photo of the Gibraltar Building located at 153 Halsey St. is provided by <http://www.tysto.com/articles04/q2/jersey.shtml>. Cover photo and photo appearing on pages 19, 31, 39, 44, and 58 are included pursuant to a licensing agreement with Shutterstock Inc. Any photos of the Commissioners and their representatives are included with the permission of the law firms and law schools with which each is associated. The remaining photos are included pursuant to a licensing agreement with Can Stock Photo, Inc.

The New Jersey Law Revision Commission

Vision:

To enhance New Jersey's long tradition of law revision and to support the Legislature in its efforts to improve the law in response to the existing and emerging needs of New Jersey citizens.

Mission:

To work with the Legislature toward the clarification and simplification of New Jersey's law, its better adaption to present social needs, and the better administration of justice. To carry on a continuous review and revision of New Jersey's body of statutes, and engage in scholarly legal research and work, to enhance the quality of our recommendations to the Legislature and to facilitate the implementation of those recommendations.



Clarify



Simplify



Remedy

Statement of the Executive Director

As the Executive Director of the New Jersey Law Revision Commission, I am pleased to present the 2024 Annual Report of the Commission for the consideration of the Legislature.

I'll begin this year by sharing that in 2024, 21 bills based in whole or in part on the work of the Commission were introduced in the Legislature. Two of those bills, based on the Final Report of the Commission pertaining to "personal conveyances," were enacted as P.L.2024, c.11 to modify N.J.S. 39:4-92.4. The goal of those bills was to clarify the term "pedestrian" and define "personal conveyance" to eliminate potential ambiguities, educate vehicle operators about their responsibilities, and provide those enforcing the statute with guidance to facilitate uniform enforcement of the law.

I was encouraged to see that in 2024, as in recent years, there was robust support in the Legislature for the Commission's work. Seventy-three members (just over 60%) of the Legislature supported the work of the Commission in 2024 – by sponsoring, co-sponsoring, or voting to release bills based on the Commission's work after considering them in committee. We appreciate the legislative attention to the work that we do, and we contacted all of those Legislators individually to thank them. A list of the bills, and the Legislators who supported them, also appears on our website, and on pages 9 – 12 of this Annual Report.

In 2024, as a part of our ongoing efforts to consider a wide range of potential sources for Commission projects, the Commission began regularly reviewing reports issued by other State entities that might include recommendations for statutory change. Commission Staff now reviews reports of New Jersey's Office of the State Auditor, the New Jersey Office of the State Comptroller, and New Jersey's State Commission of Investigation, to bring matters to the attention of the Commission, and the Legislature, as appropriate.

We also continued our efforts to increase public participation in our process, and we updated our website to make it easier for members of the public to submit questions or requests for Commission consideration. The website updates have already resulted in new projects being undertaken by the Commission in response to requests from members of the public.

Consistent with the Commission's mandate, in 2024 Commission Staff participated in: an informal presentation for the Office of Legislative Services to introduce new OLS staff members to the work of the Commission; programs in association with New Jersey's law schools; a Speaker Series presentation at the New Jersey Institute of Technology; and also published a journal article highlighting some of the work of the Commission. We hope that these activities will help increase awareness of the Commission's work, so members of the public know that we encourage them to add their voices to our discussions of a wide range of important issues.

I offer my thanks for the attention paid to the work of the Commission by Legislators, Legislative Staff, and the Office of Legislative Services. I also appreciate the generosity of the individuals from government entities, the legal profession, the academic community, the private sector, and other members of the public, who provided comments and suggestions on Commission projects throughout the year. It is our hope that the quality of the Commission's work reflects the breadth and the caliber of these contributions.

Finally, my thanks to our Commissioners, my colleagues, and the students who worked with us as paid legislative law clerks, credit-earning externs, interns, and also for pro bono credit. I look forward to an enjoyable and productive 2025, and to engaging with individuals throughout the State who share our goal of improving the laws that govern us all.

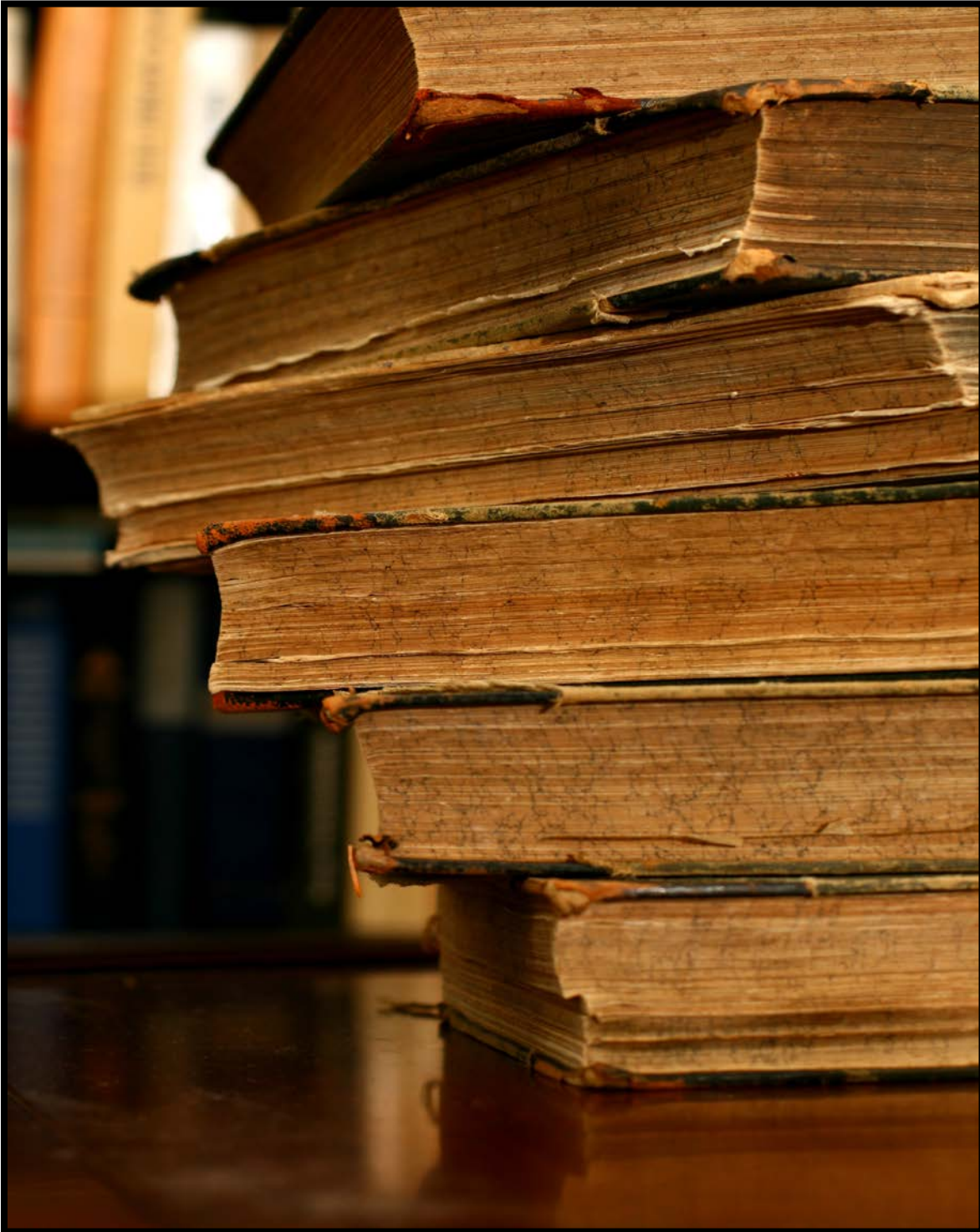
Laura C. Tharney
Executive Director
New Jersey Law Revision Commission

Table of Contents

The Table of Contents contains clickable links that will take you directly to the corresponding section of the Report. Click on the desired section to navigate.

	Page
1. Overview of the Work of the NJLRC in 2024	8
2. Enacted Reports and NJLRC Case and Journal References	22
3. History and Purpose of the Commission	36
4. Final Reports and Recommendations	39
5. Tentative Reports	44
6. Work in Progress	50
7. Concluded or No Action Recommended	60
8. Current and Historic Commissioners and the Staff of NJLRC	65
9. Looking Ahead to the Work of the NJLRC in 2025	76

1. OVERVIEW OF THE WORK OF THE NJLRC IN 2024



1. Overview of the Work of the NJLRC in 2024

General Overview:

The New Jersey Law Revision Commission is an independent legislative commission. It serves the citizens of New Jersey and all branches of the State government by identifying areas of New Jersey law that can be improved by changes to New Jersey's statutes. The independence of the Commission reflects the wisdom of the Legislature in creating an entity that focuses exclusively on the goals of improving New Jersey's law, and identifying ways to adapt the law, to better meet the changing needs of New Jersey's citizens.

The projects on which the Commission works in any given year vary in size. Some recommend a change to a single subsection of a statute; others propose the revision of an entire title or changes to multiple titles. In recent years, approximately one-third of the projects on which the NJLRC worked resulted from consideration of the work of the Uniform Law Commission, about one-third from the NJLRC's monitoring of New Jersey case law, and about one-third from recommendations by members of the public.

After a potential project has been identified, Commission Staff researches the area of the law and seeks input from those who are impacted by the law, as well as individuals who have expertise in the area under consideration. The goal of the NJLRC is to prepare and submit to the Legislature high-quality proposals for revision that include consensus drafting whenever possible, and identify any areas in which consensus could not be achieved. The Commission Reports provide the Legislature with a record of the outstanding issues and identify policy choices that may warrant consideration during the Legislative process. The Reports also identify the recommendations made by commenters during the process, and the reasons for the drafting choices made by the Commission.

Bills Introduced Based on NJLRC Work

The following bills introduced this legislative session were based in whole or in part on the work of the NJLRC, or pertain to subject areas in which the NJLRC provided information and support to the Legislature:

- **[S349](#)** – (Sen Diegnan, Sen Zwicker, Sen Holzapfel, Sen Pou) Concerns motor vehicles overtaking certain pedestrians and persons operating bicycles and personal conveyances (*enacted, see p. 20*)
- **[S879](#)** – (Sen Bucco) Expands definition of victim of domestic violence
- **[S2852](#)** – (Sen Greenstein, Sen Moriarty, Sen Johnson, Sen Mukherji) Concerns eligibility for unemployment benefits (when offer of employment rescinded)
- **[S2887](#)** – (Sen Greenstein) Provides certain workers with maximum workers' compensation benefits regardless of outside employment
- **[S3404](#)** – (Sen Burzichelli, Sen Diegnan) Eliminates salary reference for retired members of PERS returning to employment in teaching staff positions
- **[S3405](#)** – (Sen Burzichelli) Concerns assessment of farmland for property tax purposes
- **[A653](#)** – (Asm S Kean) Establishes time periods for adverse possession of certain property
- **[A1490](#)** – (Asm Karabinchak, Asm Stanley, Asw Swain, Asw Speight) Concerns motor vehicles overtaking certain pedestrians and persons operating bicycles and personal conveyances (*enacted, see p. 20*)

- [**A1875**](#) (Asm Conaway, Asm Tully, Asw Speight) Consolidates and makes technical updates to certain definitions used in Title 26 of the Revised Statutes
- [**A2770**](#) – (Asm Greenwald, Asw Park) Requires municipality to return to taxpayer property taxes paid in error due to assessor’s or owner’s mistake
- [**A2771**](#) – (Asm Greenwald) Provides certain workers with maximum workers’ compensation benefits regardless of outside employment
- [**A2772**](#) – (Asm Greenwald, Asw Murphy, Asm Atkins, Asw Quijano, Asw Lopez, Asm Sampson) Concerns eligibility for unemployment benefits (when offer of employment rescinded)
- [**A3239**](#) – (Asw Dunn) Expands definition of victim of domestic violence
- [**A4462**](#) (Asm Stanley, Asm Miller) Eliminates salary reference for retired members of PERS returning to employment in teaching staff positions
- [**A4465**](#) – (Asw Simmons, Asm Freiman, Asw Katz) Concerns assessment of farmland for property tax purposes
- [**A4467**](#) – (Asm Rodriguez) Codifies and expands “rescue doctrine” to permit recovery of damages by certain rescuers
- [**A4468**](#) – (Asm Venezia, Asw Lopez, Asm Wimberly) Replaces certain fixed interest rate award in eminent domain cases with interest rate based on just compensation awards
- [**A4470**](#) – (Asm Atkins, Asw Lopez, Asm Wimberly, Asm Kennedy) Amends rent receivership statute to provide that court shall appoint receiver under certain conditions; establishes mandatory appointment requirement
- [**A4472**](#) – (Asw Quijano, Asm Marengo) Allows written palimony agreements to be entered into without advice of counsel
- [**A4473**](#) – (Asm Hutchinson, Asm Stanley, Asw Speight, Asw McCann Stamato) Eliminates statute of limitations on income tax assessments that arise out of erroneous refunds induced by fraud
- [**A4507**](#) – (Asm Marengo, Asw Morales, Asw Speight) Changes term “inmate” to “incarcerated person”

The NJLRC would like to thank the sponsors of the bills, and other Legislators who assisted with the progress of the bills, for their willingness to bring these important issues to the attention of their colleagues in the Legislature:

Assemblyman John Allen

Assemblyman Reginald W. Atkins

Assemblyman Robert Auth

Assemblyman John V. Azzariti, Jr.

Assemblywoman Rosaura Bagolie

Assemblyman David Bailey

Assemblyman Christian E. Barranco

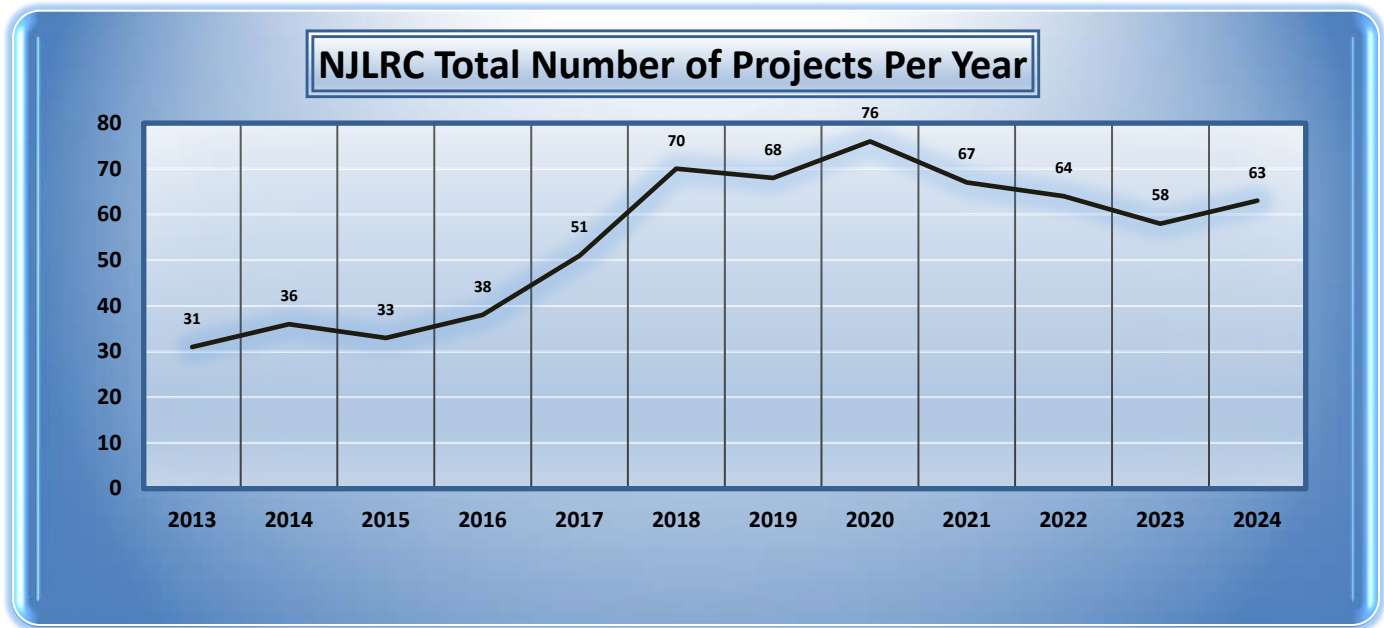
Assemblyman Brian Bergen

Assemblyman Clinton Calabrese

Assemblywoman Linda S. Carter

Assemblyman Robert D. Clifton
Assemblyman Herb Conaway, Jr.
Assemblyman Christopher P. DePhillips
Assemblywoman Margie Donlon
Assemblywoman Michelle Drulis
Assemblywoman Aura K. Dunn
Assemblywoman Dawn Fantasia
Assemblywoman Victoria A. Flynn
Assemblyman Roy Freiman
Assemblyman Louis D. Greenwald
Assemblywoman Shama A. Haider
Assemblyman Dan Hutchison
Assemblyman Michael Inganamort
Assemblyman Robert J. Karabinchak
Assemblywoman Andrea Katz
Assemblyman Sean T. Kean
Assemblyman James J. Kennedy
Assemblywoman Yvonne Lopez
Assemblyman Julio Marengo
Assemblywoman Barbara McCann Stamato
Assemblywoman Tenille R. McCoy
Assemblyman Gregory P. McGuckin
Assemblyman Cody D. Miller
Assemblyman William F. Moen
Assemblywoman Carmen Theresa Morales
Assemblywoman Nancy F. Munoz
Assemblywoman Carol A. Murphy
Assemblyman Gregory E. Myhre
Assemblywoman Ellen J. Park
Assemblywoman Luanne M. Peterpaul
Assemblyman Erik Peterson
Assemblywoman Annette Quijano
Assemblyman Gabriel Rodriguez

Assemblyman Brian E. Rumpf
Assemblyman William B. Sampson, IV
Assemblyman Alex Sauickie
Assemblyman Gary S. Schaer
Assemblyman Alexander Schnall
Assemblywoman Heather Simmons
Assemblyman Erik K. Simonsen
Assemblyman William W. Spearman
Assemblywoman Shanique Speight
Assemblyman Sterley S. Stanley
Assemblywoman Lisa Swain
Assemblywoman Claire S. Swift
Assemblyman Chris Tully
Assemblyman Michael Venezia
Assemblyman Anthony S. Verrelli
Assemblyman Jay Webber
Assemblyman Benjie E. Wimberly
Senator Anthony M. Bucco
Senator John J. Burzichelli
Senator Patrick J. Diegnan, Jr.
Senator Linda R. Greenstein
Senator James W. Holzapfel
Senator Gordon M. Johnson
Senator Joseph A. Lagana
Senator Paul D. Moriarty
Senator Raj Mukherji
Senator Vincent J. Polistina
Senator Nellie Pou
Senator Britnee N. Timberlake
Senator Andrew Zwicker



The NJLRC Would Like to Thank:

In addition to the individuals named elsewhere in this Annual Report, the Commission extends its thanks to the following individuals and organizations for their valuable suggestions, input, and support for the work of the NJLRC in 2024. The NJLRC benefits tremendously from the willingness of individuals and groups to contribute their time, experience, and expertise to assist the Commission.

The NJLRC apologizes for any inadvertent omissions from the following list:

Nicole Adams, Deputy Attorney General, Section Chief, Community Affairs, State and Elections Section, New Jersey Office of Attorney General

Administrative Office of the Courts, New Jersey

John Albright, New Jersey Office of the Public Defender - Office of Parental Representation

Kelsey Allen, Law Librarian, New Jersey State Library

Mona Alpert

American Bar Association

The American Law Institute

David B. Amerikaner, Special Counsel, Duane Morris, LLP

Anthony M. Anastasio, President, New Jersey Civil Justice Institute

Peter Andreyev, New Jersey State Patrolmen's Benevolent Association

Daniel Antonelli, Esq., Partner, Antonelli Kantor Rivera, P.C.

Carl G. Archer, Esq., Vice-Chair, NJSBA Elder and Disability Law Committee

Martin Aron, Esq., President, Academy of New Jersey Management Attorneys

Jacqueline Augustine, Esq., Legislative Liaison, New Jersey Admin. Office of the Courts

Alexis M. Bailey, Vice President of Government Affairs, NJBIA

Julius Bailey, New Jersey Senate Majority Office

Sharon A. Balsamo, Esq., Assistant Executive Director / General Counsel, New Jersey State Bar Association

Greg Baltz, Esq., Assistant Professor of Law and Co-Director of the Housing Justice and Tenant Solidarity Clinic, Rutgers Law School

Kareen Bar-Akiva, JD, Assistant Division Director, Office of Policy and Legal Affairs, New Jersey Division of Family Development

Beth L. Barnhard, Esq., Stark & Stark

Lindsay Beaver, Legislative Counsel, Uniform Law Commission

Lauren Bonfiglio, Deputy Attorney General

Galen W. Booth, Esq., Law Office of Galen W. Booth

Lori Borgen, Esq., Director of the Externships and Pro Bono Service Program, Seton Hall University School of Law

John J. Burns, Esq., Senior Legislative Counsel, New Jersey School Boards Association

Sheila Caldwell, BSN, RN, CSN, FNASN

Maria F. Capra, Recruiting Coordinator, Seton Hall University School of Law

David S. Carton, Esq., Mandelbaum Salsburg P.C.

Lisa Chapland, Senior Managing Director of Government Affairs, New Jersey State Bar Association

Jenny-Brooke Condon, Professor, Seton Hall University School of Law

Amy Conrad, Government Affairs Manager, New Jersey State Bar Association

Constitutional Officers Association of New Jersey

County Prosecutor's Association of New Jersey

Louis Crescitelli, Chief of Staff to Assemblyman Wirths (former)

Philip Crowley, Esq., Crowley Law LLC

Richard Cushing, Esq., President, NJ Inst. of Local Gov't Attorneys, Gebhardt & Kiefer, P.C.

Linda Czipo, Executive Director, Center for Non-Profits

Alex R. Daniel, Esq., Counsel, New Jersey Civil Justice Institute

Michael J. Darcy, CAE, Executive Director, New Jersey State League of Municipalities

Joseph DeCeglie, JDIT Consulting

Anthony F. DellaPelle, Esq., McKirdy, Riskin, Olson, and DellaPelle, P.C.

Claudia Demitro, Deputy Director, and Assistant Attorney General, Division of Criminal Justice, N.J. Office of the Attorney General

Department of the Treasury, New Jersey

Lisette Diaz, Esq., Seton Hall University School of Law

Division of Commercial Recording, New Jersey

Jim Dolan, New Jersey State Police

Joseph M. Donegan, Esq., Scarinci Hollenbeck, LLC, Uniform Law Commissioner for New Jersey

Tiffany Drennon, New Jersey State Registrar

Rosie Driscoll, Director of Policy, Legislative Services, and Constituent Relations, New Jersey Department of Health

Fletcher C. Duddy, Assistant Public Defender, New Jersey Office of the Public Defender

Mark H. Duffy, Executive Director, Assembly Republican Office

Michael Egenton, Executive Vice President, New Jersey Chamber of Commerce

Barry Evenchick, Esq., Walder, Hayden, and Brogan, P.A., Uniform Law Commissioner for New Jersey

Katie Eyer, Professor, Rutgers Law School

Raymond Fallon

Mahlon L. Fast, J.S.C. (Ret)

Jack C. Feinstein, Clinical Professor Emeritus, Rutgers Law School

Todd Feldman, Editorial Coordinator, The American Law Institute

James Ferguson, New Jersey Motor Vehicle Commission

Stephan B. Finkel, Assistant Attorney General

Jill Friedman, Associate Dean, Pro Bono & Public Interest, Rutgers Law School

Richard Friedman, Esq., Zazzali, Fagella, Nowak, Kleinbaum & Friedman, Counsel to New Jersey Education Association

Casey Gillece, Legislative Counsel, Uniform Law Commission

Patricia M. Giordano, Esq., President, New Jersey Association for Justice

Dominic L. Giova, Assistant Section Chief, Community Affairs, State, and Elections, New Jersey Office of Attorney General

James B. Graziano, Acting Director, Division of Alcoholic Beverage Control

Susan C. Green, First Assistant Deputy, Office of the Public Defender, Appellate Section

Bruce E. Gudin, Partner, Ehrlich Petriello Gudin Plaza & Reed, P.C.

David Guinan, New Jersey State Police, Unit Head, Safe Corridor Unit

Craig S. Gumpel, Esq., Law Offices of Craig S. Gumpel LLC, Counsel to New Jersey Firefighters Mutual Benevolent Association

Debra E. Guston, Esq., Guston & Guston, L.L.P.

Seth Hahn, Executive Director, Assembly Majority Office

Stacy Hawkins, Vice-Dean and Professor, Rutgers Law School

Robert Heym, Reference Law Librarian, New Jersey State Law Library

Laura C. Hoffman, Assistant Professor of Law, Faculty Researcher, Seton Hall University School of Law

Timothy Howes Esq., Partner, Howes & Howes

Gerard Hughes, Director, Department of Human Services

Jim Hunt, New Jersey Bike/Walk Coalition

Heather Husted, Electronic Resources Librarian, New Jersey State Library

Sandra James, Senior Paralegal, Maynard Law Office, LLC

Jeff Jenei, Manager, Youth Justice Facility Monitoring Unit, PREA Coordinator, N.J. Juvenile Justice Commission

Kimberly E. Jenkins, J.D., Director, Office of Legal and Regulatory Compliance, New Jersey Department of Health

Christopher Jensen, Government News Network/GovNet

Andrea N. Johnson, Esq., Legislative Liaison – New Jersey Judiciary, Office of Professional and Governmental Services, Administrative Office of the Courts

Andrea Katz, Esq., Chief of Staff, New Jersey Department of Human Services

Kevin B. Kelly, Esq., Seton Hall University School of Law

Robert E. Kelly, Deputy Attorney General, Division of Law, Treasury – Finance and Benefits

Jessica Lewis Kelly, Esq., Civil Practice Division, Administrative Office of the Courts

Jennifer Keyes-Maloney, Executive Director, New Jersey Association of State Colleges and Universities

Nicholas J. Kikis, Vice President, Legislative & Regulatory Affairs, New Jersey Apartment Association

Jennifer Killough-Herrera, Esq., Director, Office of Controversies and Disputes, Dept. of Education

Paul L. Kleinbaum, Esq., Zazzali, Fagella, Nowak, Kleinbaum & Friedman, Counsel to New Jersey State Policemen's Benevolent Association

Andrew Kondor, Esq., Regulatory Officer, Department of Community Affairs

Joseph E. Krakora, Public Defender, Office of the Public Defender

Robynne Kratchman, ABD, CCC-SLP, Acting Immediate Past President, New Jersey Speech-Language-Hearing Association

Charles Kratovil, Journalist Founder and Editor of New Brunswick Today

Gary R. LaSpisa, Vice President, Insurance Council of New Jersey

Cynthia Lambert, New Jersey State Library

Jacy L. Lance, Director of Public Affairs, Porzio Governmental Affairs, LLC

Dr. Jennifer LeBaron, Ph.D., Executive Director, New Jersey Juvenile Justice Commission

Alison L. Lefkowitz, Assistant Professor and Director of Law, Technology and Culture Program, New Jersey Institute of Technology

Legal Services of New Jersey

Eugene Lepore, New Jersey Senate Majority Office

Penney Lewis, Commissioner for Criminal Law, Law Commission of England & Wales

William Lim, Esq., Deputy Counsel, New Jersey State Legislature, Office of Legislative Services, Central Management Unit, Judiciary Section

Joy L. Lindo, Esq., General Counsel, New Jersey Hospital Association

Eugene G. Liss, Esq., General Counsel to the Newark Teachers Union Local 481

Jennifer Lochel, Section Chief, Department of Children and Families-Central, Office of the Attorney General

Jeanne LoCicero, Legal Director, American Civil Liberties Union

David J. Lorette, First Assistant Legislative Counsel, Office of Legislative Services

Stephanie Lutz, Deputy Public Defender, Special Litigation Unit, New Jersey Office of the Public Defender

Timothy P. Lydon, Executive Director, Senate Majority Office

Richard Maxwell, Executive Director, New Jersey Police Traffic Officers Association

James H. Maynard, Esq., Maynard Law Office, LLC

Mark McCaslin, Fiscal Officer, Office of Legislative Services, Administrative Unit

Andrea McChristian, New Jersey Institute for Social Justice

Briana L. McKenna, Center for Social Justice

Maureen McMahan, Executive Director, Office of Legislative Services

Mary M. McManus-Smith, Esq., Chief Counsel for Family Law and Director of Litigation, Legal Services of New Jersey

David McMillin, Esq., Legal Services of New Jersey

Carol McWilliams, Government Relations, New Jersey Education Association

Mercer County Clerk's Office

Deborah Mercer, New Jersey Collections Librarian, New Jersey State Library

T. Gary Mitchell, Assistant Deputy Public Defender, Office of Parental Representation

Victor Monterrosa, Jr., Esq., Managing Director, Housing Justice and Tenant Solidarity Clinic, Rutgers Law School

Todd W. Moore, Section Chief, Commerce, Labor, and Industry Section, Office of Legislative Services

Morris County Clerk's Office

Andrew J. Musick, Senior Advisor, Legislative Affairs, NJM Insurance Group

Deirdre M. Naughton, Esq., Director, Office of Professional & Governmental Services, Administrative Office of the Courts

New Jersey Department of Corrections

New Jersey Department of Transportation

New Jersey Motor Vehicle Commission

New Jersey Police Traffic Officers Association

New Jersey State Bar Association

New Jersey State Library

Richard Nolan, Esq., Partner, McCarter & English, LLP

Aileen M. O'Driscoll, Esq., Managing Attorney, New Jersey Education Association

Thomas Olson, Esq., McKirdy, Riskin, Olson & DellaPelle, P.C.

David W. Opderbeck, Seton Hall University Law School

Benjamin Orzeske, Legislative Counsel, Uniform Law Commission

Clinton Page, Director of Legal Affairs, New Jersey Department of Children and Families

Mary Frances Palisano, Director, Commercial & Criminal Litigation

Angela F. Pastor, Esq., Pastor and Pastor, LLC

Melanie Payne, Esq., Criminal Practice Division, Administrative Office of the Courts

Giancarlo Piccinini, Center for Social Justice

Ronald Pierce, New Jersey Institute of Social Justice

Meredith Pindar, Director, Office of Legal Affairs, New Jersey Department of Children and Families

Tracey Pino Murphy, Principal Counsel, Office of Legislative Services

Wayne Positan, Esq., Lum, Drasco & Positan LLC

Jonathan Pushman, Director Governmental Relations, New Jersey School Boards Association

Melissa H. Raksa, Assistant Attorney General in Charge, Appellate Practice Group

Christina Renna, President, Chamber of Commerce of Southern New Jersey

Sarah E. Ricks, Distinguished Clinical Professor of Law, Rutgers Law School

Kenneth Ritchie, Reference Law Librarian, New Jersey State Library

Honorable Roberto A. Rivera-Soto, former Associate Justice of the New Jersey Supreme Court, now Senior Counsel, Ballard Spahr

Michael Rizol, Jr., Director, New Jersey Division of Highway Traffic Safety

Ruth Anne Robbins, Professor of Law, Rutgers Law School

Raquel Romero, Law Office of Raquel Romero

Akil Roper, Senior Vice President, Chief Counsel, Legal Services of New Jersey

Carolyn I. Roscoe Wright, Principal Counsel, Office of Legislative Services, on behalf of the New Jersey Criminal Sentencing & Disposition Commission

Kayla Elizabeth Rowe, Esq., Rowe Law

Anthony Russo, President, Commerce and Industry Association of New Jersey

Joseph J. Russo, Deputy Public Defender, Appellate Section

Scott D. Salmon, Esq., Partner, Jardim, Meisner and Susser PC

Maura Sanders, Practice Section Chief Counsel for Housing, Health and Public Entitlements, Legal Services of New Jersey

John J. Sarno, President, Employer's Association of New Jersey

Terricita Sass, Ph.D., Executive Vice President & Chief of Staff | Office of the President - Stockton University

Meridith L. Schalick, JD, MS, Assoc. Professor of Law, Dir. Expungement Law Project, Rutgers Law School.

Kevin M. Schatz, Sr. Deputy Attorney General, Chief, Enforcement Bureau

Eliyahu S. Scheiman, Esq., Porzio, Bromberg & Newman, P.C.

Nicholas F. Schock, Ed.D., Special State Investigator / Acting County Lieutenant, Gloucester County Prosecutor's Office, Professional Standards Unit; President – New Jersey Police Traffic Officer's Association

Alan H. Schorr, Leg. Liaison, National Employment Lawyers' Association

Colleen Schulz-Eskow, New Jersey Department of Education

Jennifer Sellitti, Public Defender, Office of the Public Defenders

Mark S. Setaro, Esq., Weber Gallagher

Mallory Shanahan, Deputy Attorney General, Division of Criminal Justice

Jacqueline Shanes, Esq., Partner, McCarter & English, LLP

Jeffrey Shapiro, Esq., Lowenstein Sandler, LLP

Matthew Shapiro, President, New Jersey Tenants Association

Jordan T. Shedlock, New Jersey Office of Legislative Services Library

Michele Siekerka, President, New Jersey Business and Industry Association

Mitchell Sklar, Executive Director, New Jersey State Association of Chiefs of Police

Steve Slimowicz, State Coordinator, NJ Drunk Driving Enforcement Fund

Demerst B. Smit, Legislative Consultant, International Window Film Association

Gary R. La Spisa, II, Vice President, Insurance Council of New Jersey

State of New Jersey, Department of Law and Public Safety - Office of the Attorney General

Jacquelyn Suarez, Esq., Legislative Liaison, New Jersey Department of Community Affairs

Martha Sullivan, Ref., Health & Serials Librarian, N.J. State Library

Annmarie Taggart, Acting Director, Division of Criminal Justice

Kate Tasch, Administrative Practice Officer, Regulatory and Legislative Affairs, New Jersey Motor Vehicle Commission

M. Scott Tashjy, Esq., The Tashjy Law Firm, LLC

Teri Taylor, Reference Services, New Jersey State Library

Gwen Tolbert, Manager of Recruitment, Center for Career Development, Rutgers Law School

Uniform Law Commission

Robyn A. Veasey, Deputy Public Defender, Office of Parental Representation

Frank Viscomi, Esq., Civil Trial Bar Section, New Jersey State Bar Association

Keith Waldman, Esq., Chair, New Jersey State Bar Association's Labor and Employment Law Section

Kae M. Warnock, Policy Specialist, Legislative Management, National Conference of State Legislatures

Joseph Weiss, Transportation Safety Analyst, New Jersey Division of Highway Traffic Safety

Michael J. Weiss, Esq., The Law Offices of Michael J. Weiss

Harvey Weissbard, of Counsel, Genova Burns (Ret.)

Allen A. Weston, Director, New Jersey Association of Counties

Wendy S. Whitbeck, Principal Counsel, Senate Law & Public Safety Committee Aide, Office of Legislative Services

Shirley B. Whitenack, Esq., Partner at Schenck Price Smith & King, LLP

Amber Widgery, Esq., National Conference of State Legislatures

Faith Wilson, Government Affairs Assistant, NJSBA

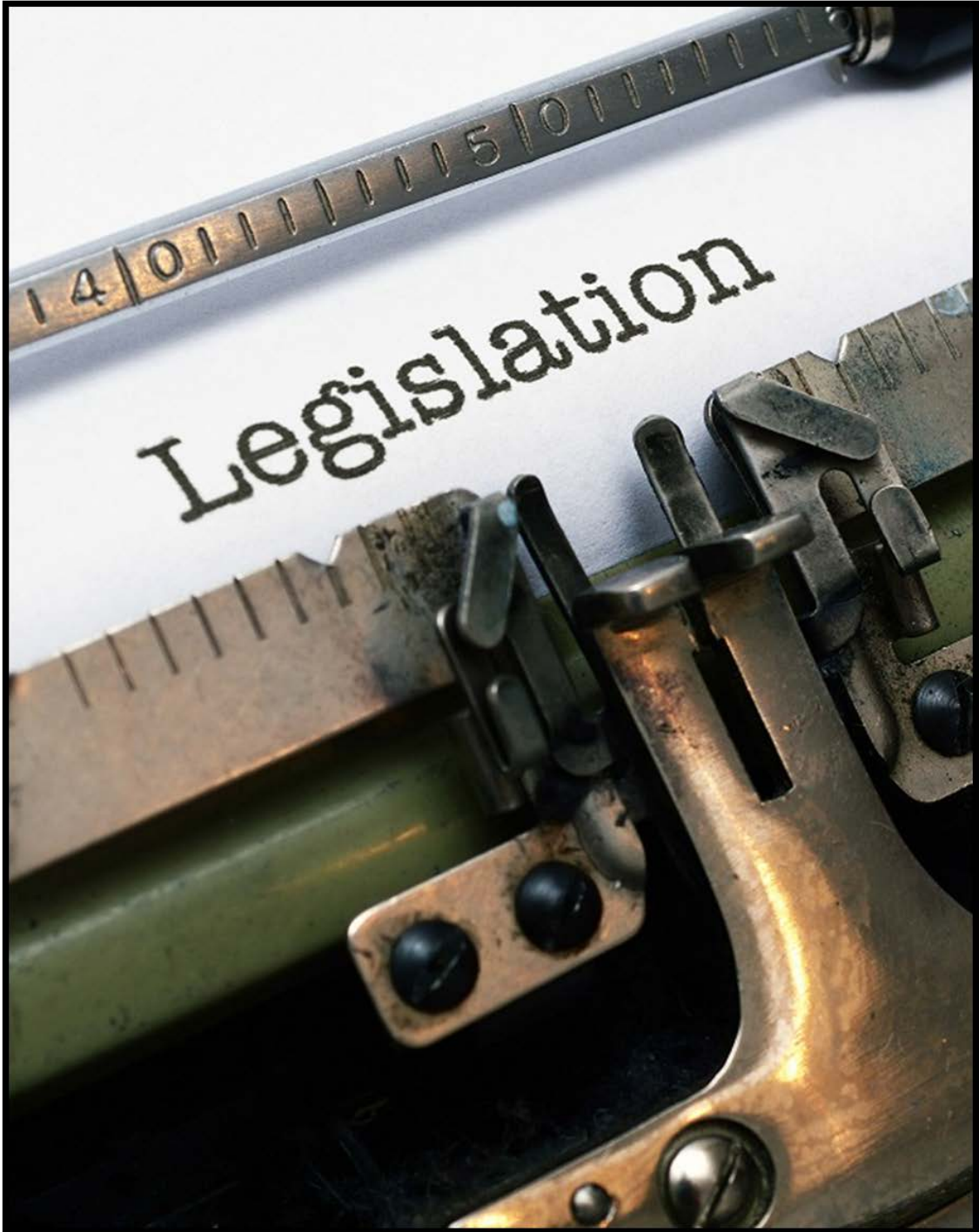
Leslie Witko, Reference Law Librarian, New Jersey State Law Library

Claire Wolfe, Program Manager at NCCHC Resources, Inc.

William M. Yarzab, Street Smart Coordinator, North Jersey Transportation Planning Authority



2. ENACTED REPORTS AND NJLRC CASE AND JOURNAL REFERENCES



2. Enacted Reports and NJLRC Case and Other References; Institutional Collaborations

Since the NJLRC began work in 1987, the New Jersey Legislature has enacted 60 bills based on 79 of the 251 Final Reports and Recommendations released by the Commission. The Commission's work also resulted in a change to the Court Rules in 2014. The projects that have been enacted (or otherwise implemented) to this time are:

2024

- *Personal Conveyance* (P.L.2024, c.11) – The Report of the Commission recommended changes to modify the language of N.J.S. 39:4-92.4 to clarify the definition of the term “pedestrian” and define the term “personal conveyance” to eliminate potential ambiguities, educate vehicle operators about their responsibilities, and provide those enforcing the statute with guidance to facilitate uniform enforcement of the law.

2023

- *Equitable Distribution After Death of Party to Action* (P.L.2023, c.238) – The Report of the Commission recommended changes to the equitable distribution statute (N.J.S. 2A:34-23), the elective spousal share statute (N.J.S. 3B:8-1), and the statute pertaining to intestacy (N.J.S. 3B:5-3), to close the statutory gap between New Jersey divorce/dissolution laws and probate laws. Without a change in the law, a surviving spouse/partner could be left without a remedy if one party to a divorce or dissolution proceeding died prior to the entry of a final judgment in the action.

2021

- *Revised Uniform Law on Notarial Acts* (L.2021, c.179) – The Commission's Report recommended changes to the New Jersey Notaries Public Act to enhance the integrity of the notarial practice in New Jersey. The Report recommended changes to the law to harmonize the treatment of tangible and electronic records, and to provide standards for obtaining a commission, notarization, and record-keeping. The Report also recommended changing the law to provide that the State Treasurer may deny an application and decline to renew, suspend, revoke, or limit the commission of a notary public for an act or omission demonstrating a lack of honesty, integrity, competence, or reliability.
- *Uniform Voidable Transactions Act* (L.2021, c.92) – The Report of the Commission recommended changes to New Jersey's Uniform Fraudulent Transfer Act, recommending that the Act be renamed to more accurately reflect the nature of the transactions to which it applies, and modifying the definition of insolvency to be more consistent with the United States Bankruptcy Code and the Uniform Commercial Code. The Report also recommended the establishment of a preponderance of evidence standard for the Act and making changes to provide simple and predictable guidance on conflict/choice of law issues.

In addition to the two Reports mentioned above, the Legislature also considered the Commission's Report recommending a change to New Jersey law based on the Uniform Common Interest Ownership Act and tailored to reflect conditions specific to New Jersey. The Report proposed a new chapter of the law pertaining to common

interest communities. New Jersey's existing law in this area does not provide a comprehensive approach to these communities, and it is outdated and fragmented. The bills based on the work of the Commission (A4265/S2261) passed both houses of the Legislature but were the subject of an absolute veto by the Governor.

2019

- *Sexual Assault* (L.2019, c.474) – The Report of the Commission recommended changes to the statute concerning sexual assault to better reflect the modern reality of New Jersey's sexual offense prosecutions by making the statutory text consistent with the decisions of New Jersey's courts, and with the instructions delivered to jurors during criminal proceedings. The Report proposed the removal of the outdated "physical force" requirement, incorporated the current standards regarding the capability of understanding and exercising the right to refuse, and other changes to reflect decisions of the New Jersey Supreme Court.

Enactment Reflecting Work of the Commission: Drunk Driving Penalties, Expanded Use of Ignition Interlock Devices (P.L.2019, c.248) – A Commission Report released in 2012 recommended modifications to the penalties associated with driving under the influence of alcohol based on research done in this area regarding the effectiveness of ignition interlock devices for all offenders, including those convicted of a first offense. Although the earlier Commission Report is not identical to the law as enacted, the Commission was pleased to see that some of the information contained in that Report may have been of use to the sponsors of the most recent legislation.

2017

- *Bulk Sale Notification Requirements* (L.2017, c.307) -- The Commission's Report recommended changes to clarify that when more than one individual, trust, or estate jointly own real property, including a home, non-commercial dwelling unit, or seasonal rental, the sale of such property is exempt from the bulk sale notification requirements as it would be if a single individual, trust, or estate owned it.
- *Millers of Grain* (L.2017, c.227) – Derived from a more expansive Final Report of the Commission issued in 2012 and largely enacted in 2014, the portion of the Report enacted in 2017 recommended repeal of the law regulating charges that could be assessed by a miller for grinding grain.
- *Overseas Residents Absentee Voting Law* (L.2017, c.39) – The Report recommended revision of Overseas Residents Absentee Voting Law to recognize the rights of overseas citizens who were not previously covered by existing New Jersey law, to clarify the existing law, and to make certain technical changes to the law.
- *Pejorative Terms 2017* (L.2017, c.131) – The Report recommended changes to eliminate demeaning, disparaging, and archaic terminology used when referring to persons with a physical or sensory disability or a substance use disorder. The Report was consistent with the Legislative goal expressed in P.L. 2010, c.50 to ensure that the statutes and regulations of the State do not contain language that is outdated and disrespectful to persons with a disability and it expands the scope of prior NJLRC Reports (two earlier Reports were released dealing with this terminology as it related to persons with developmental, cognitive or psychiatric disabilities (in 2008, and

in 2011 - the latter Report was the basis of A-3357/S-2224, which received bipartisan support, passed both houses of the Legislature unanimously, and was signed into law by the Governor)).

- *Uniform Fiduciary Access to Digital Assets Act* (L.2017, c.237) – Although the Commission did not issue a Final Report concerning this Act, Commission Staff had the opportunity to work with Legislators, Legislative Staff, Staff members from the Office of Legislative Services, and Staff members from the Uniform Law Commission in order to review and revise the Act for enactment in New Jersey.
- *Uniform Foreign Country Money-Judgment Recognition Act* (L.2017, c.365) – This, too, was an area of the law on which the Commission did not issue a Final Report but engaged in work and provided support for the bills underlying the Act.

2016

- *Uniform Interstate Family Support Act* (L.2016, c.1.) – The Report recommended enactment of the latest version of the Uniform Interstate Family Support Act with some minor modifications to reflect New Jersey-specific practice. The latest version of the Act changes state law to allow enforcement of foreign support orders.

2015

- *New Jersey Uniform Trust Code* (L.2015, c.276) – The Report proposed the creation of a comprehensive set of statutory provisions in an area of the law now largely governed by case law.
- *Recording of Mortgages* (L.2015, c.225) – The Report recommended changes to the law regarding the duty to prepare a document showing that a mortgage has been satisfied and clarify that the record mortgagee must sign the satisfaction of mortgage, in order to make the chain of title clear. The Report also proposed language to address fraud by persons claiming to be servicers of a mortgage.

2014

- *New Jersey Declaration of Death Act* (L.2013, c.185) – The Report proposed removal of the statutory authority of the Department of Health and the State Board of Medical Examiners over medical standards governing declarations of death on the basis of neurological criteria.
- *New Jersey Family Collaborative Law Act* (L.2014, c.69) – The Report recommended enactment of new statutory language designed to create a consistent framework for the use of the collaborative process in family law matters that is intended to provide important consumer protections and an enforceable privilege between parties and non-attorney collaborative professionals during the negotiation process.

- *General Repealer (Anachronistic Statutes)* (L.2014, c.69) – The Report recommended repeal of assorted anachronistic or invalid statutes including: some that are invalid because they have been found unconstitutional or have been superseded; some that may be legally enforceable but which have ceased to have any operative effect with the passage of time; some that are anachronistic because they relate to offices or institutions which no longer exist; some that are anachronistic because they deal with problems which were important at one time but which have ceased to be relevant to modern society; and others that deal with problems that still have relevance but which do so in a way that has become unacceptable.
- *Uniform Interstate Depositions and Discovery Act* (R. 4:11-4 and R. 4:11-5) – The Report recommended adoption of the UIDDA in New Jersey, with modifications to accommodate New Jersey practice but, although the Commission ordinarily makes recommendations to the Legislature, the better course of action in this case was a revision to the Court Rules to provide a simple and convenient process for issuing and enforcing deposition subpoenas.

2013

- *Pejorative Terms* (L.2013, c.103) – The Report proposed elimination of demeaning, disrespectful, and archaic terminology used in the New Jersey statutes when referring to persons with developmental, cognitive, or psychiatric disabilities.
- *Uniform Commercial Code – Article 1 – General Provisions* (L.2013, c.65) – The Report proposed updates to Article 1 of the Uniform Commercial Code that contains definitions and general provisions which, in the absence of conflicting provisions, apply as default rules covering transactions and matters otherwise covered under a different article of the UCC.
- *Uniform Commercial Code – Article 4A – Funds Transfers* (L.2013, c.65) – The Report proposed updating Article 4A of the Uniform Commercial Code to address what would otherwise have been a gap in the law since 4A does not cover a fund transfer governed by federal Electronic Funds Transfer Act (EFTA). Among the changes brought about by the Dodd-Frank Act, the Wall Street Reform and Consumer Protection Act, is an amendment to the EFTA so that the law will govern “remittance transfers” (the electronic transfer of funds to a person located in a foreign country requested by a consumer and initiated by a person or financial institution that provides remittance transfers for consumers in the normal course of its business), whether or not those remittance transfers are also “electronic fund transfers” as defined in EFTA. When the federal law changed in February 2013, without the modification to Article 4A, a fund transfer initiated by a remittance transfer would have been entirely outside the coverage of Article 4A, even if the remittance transfer is not an electronic fund transfer and would not have been covered by either law.
- *Uniform Commercial Code – Article 7 – Documents of Title* (L.2013, c.65) – The Report proposed modifications to Article 7 of the Uniform Commercial Code to accomplish two primary objectives: (1) allowance of electronic documents of title, and (2) introduction of provisions to reflect trends at the state, federal, and international levels.
- *Uniform Commercial Code – Article 9 – Secured Transactions* (L.2013, c.65) – The Report proposed changes to Article 9 of the Uniform Commercial Code, which governs security agreements when the property is not real estate. These arrangements are the basis of an important part of commercial finance, and many involve

interstate transactions, so it is important that the state laws governing them are as nearly uniform as possible. The most significant change proposed concerns specification of the name of debtors who are natural persons.

2012

- *New Jersey Adult Guardianship and Protective Proceedings Jurisdiction Act* (L. 2012, c.36) – The Report proposed enactment of a Uniform Law Commission Act, revised for use in New Jersey, to provide a uniform mechanism for addressing multi-jurisdictional adult guardianship issues that have become time-consuming and costly for courts and families.
- *Revised Uniform Limited Liability Company Act* (L. 2012, c.50) – The Report proposed enactment of a revised Uniform Law Commission Act that permits the formation of limited liability companies, which provide the owners with the advantages of both corporate-type limited liability and partnership tax treatment.

2011

- *Married Women's Property* (L.2011, c.115) – The Report proposed the elimination from the statutes of laws enacted between the mid-19th century and the early 20th century to alter the old common law rules that limited a married woman's legal capacity and power to own and control property. While these laws served a purpose when enacted, they came to be viewed as demeaning relics.
- *New Jersey Trade Secrets Act* (L. 2011, c.161) – The Report proposed the enactment of a Uniform Law Commission Act that codifies the basic principles of common law trade secret protection, preserving the essential distinctions from patent law and the remedies for trade secret misappropriation as developed in case law.
- *Title Recordation* (L.2011, c.217) – The Report recommended the revision of the statutes pertaining to the recording of title documents following the enactment of the federal Electronic Signatures in Global and National Commerce Act (E-sign), 15 U.S.C. §7001 *et seq.*, and New Jersey's enactment of the Uniform Electronic Transactions Act (UETA), L.2001, c.116; it required the acceptance of electronic alternatives to paper documents.

Historical Enactments:

The remaining projects enacted since the Commission began work are:

- Anatomical Gift Act (L.2001, c.87)
- Cemeteries (L.2003, c.261)
- (Uniform) Child Custody Jurisdiction and Enforcement Act (L.2004, c.147)
- Civil Penalty Enforcement Act (L.1999, c.274)
- Construction Lien Law (L.2010, c.119)
- Court Names (L.1991, c.119)

- Court Organization (L.1991, c.119)
- Criminal Law, Titles 2A and 24 (L.1999, c.90)
- (Uniform) Electronic Transactions Act (L.2001, c.116)
- Evidence (L.1999, c.319)
- (Uniform) Foreign-Money Claims Act (L.1993, c.317)
- Intestate Succession (L.2001, c.109)
- Juries (L.1995, c.44)
- Lost or Abandoned Property (L.1999, c.331)
- Material Witness (L.1994, c.126)
- (Uniform) Mediation Act (L.2004, c.157)
- Municipal Courts (L.1993, c.293)
- Parentage Act (L.1991, c.22)
- Probate Code (L.2001, c.109)
- (Uniform) Prudent Management of Institutional Funds Act (L.2009, c.64)
- Recordation of Title Documents (L.1991, c.308)
- Repealers (L.1991, c.59, 93, 121, 148)
- Replevin (L.1995, c.263)
- School Background Checks (L.2007, c.82)
- Service of Process (L.1999, c.319)
- Statute of Frauds (L.1995, c.36)
- Surrogates (L.1999, c.70)
- Tax Court (L.1993, c.403)
- Title 45 – Professions (L.1999, c.403)
- Uniform Commercial Code Article 2A – Leases (L.1994, c.114)
- Uniform Commercial Code Article 3 – Negotiable Instruments (L.1995, c.28)
- Uniform Commercial Code Article 4 – Bank Deposits (L.1995, c.28)
- Uniform Commercial Code Article 4A – Funds Transfers (L.1994, c.114)
- Uniform Commercial Code Article 5 – Letters of Credit (L.1997, c.114)
- Uniform Commercial Code Article 8 – Investment Securities (L.1997, c.252)
- Uniform Commercial Code Article 9 – Secured Transactions (L.2001, c.117)

New Jersey Cases that Mention the NJLRC:

The following is a list of 34 New Jersey cases in which the work of the New Jersey Law Revision Commission is mentioned:

- *P.T. Jibsail Family Limited Partnership*, 2024 WL 20442359 (App. Div. 2024)
- *State v. Silver*, 2023 WL 7807426 (App. Div. 2023)
- *Smith v. Vieceli*, 2021 WL 866998 (App. Div. 2021)
- *Catalina Marketing Corp. v. Hudyman*, 459 N.J. Super. 613 (App. Div. 2019)
- *SDK Troy Towers, LLC v. Troy Towers, Inc.*, 2019 WL 612670 (App. Div. 2019)
- *Residential Mortgage Loan Trust 2013-TT2 by U.S. Bank National Association v. Morgan Stanley Mortgage Capital, Inc.*, 457 N.J. Super. 237 (App. Div. 2018)
- *Diamond Beach, LLC v. March Associates, Inc.*, 2018 WL 6729724 (App. Div. 2018)
- *NRG REMA LLC v. Creative Env'tl. Sols. Corp.*, 454 N.J. Super. 578, 583 (App. Div. 2018)
- *Gately v. Hamilton Memorial Home, Inc.*, 442 N.J. Super. 542 (App. Div. 2015)
- *State v. Tate*, 220 N.J. 393 (2015)
- *Booker v. Rice*, 431 N.J. Super. 548 (App. Div. 2013)
- *In re T.J.S.*, 419 N.J. Super. 46 (App. Div. 2011)
- *Pear Street, LLC*, 2011 WL 9102 (App. Div. 2011)
- *Haven Savings Bank v. Zanolini*, 416 N.J. Super. 151 (App. Div. 2010)
- *Marino v. Marino*, 200 N.J. 315 (2009)
- *Tashjian v. Trapini*, 2009 WL 2176723 (App. Div. 2009)
- *New Jersey Div. of Youth and Family Services v. A.P.*, 408 N.J. Super. 252 (App. Div. 2009)
- *State v. Broom-Smith*, 406 N.J. Super. 228 (App. Div. 2009)
- *Seaboard Towers Development Co., LLC v. AC Holding Corp., II*, 2008 WL 2340016 (App. Div. 2008)
- *Patel v. 323 Cent. Ave. Corp.*, 2008 WL 724052 (App. Div. 2008)
- *Alampi v. Pegasus Group, L.L.C.*, 2008 WL 140952 (App. Div. 2008)
- *Michael J. Wright Const. Co., Inc. v. Kara Homes, Inc.*, 396 B.R. 131 (D.N.J. 2008)
- *Loder v. Neppel*, 2007 WL 4118319 (App. Div. 2007)
- *Semenecz v. Borough of Hasbrouck Heights*, 2006 WL 2819813 (Law Div. 2006)
- *Warren County Bar Ass'n v. Board of Chosen Freeholders of County of Warren*, 386 N.J. Super. 194 (App. Div. 2006)
- *Gebro-Hammer Associates, Inc. v. Sebbag*, 385 N.J. Super. 291 (App. Div. 2006)
- *L'Esperance v. Devaney*, 2005 WL 3092849 (App. Div. 2005)

- *Morton v. 4 Orchard Land Trust*, 180 N.J. 118 (2004)
- *Morton v. 4 Orchard Land Trust*, 362 N.J. Super. 190 (App. Div. 2003)
- *Board of Chosen Freeholders of County of Morris v. State*, 159 N.J. 565 (1999)
- *James Const. Co., Inc. v. Director, Div. of Taxation*, 18 N.J. Tax 224 (1999)
- *Prant v. Sterling*, 332 N.J. Super. 369 (Ch. Div. 1999)
- *Wingate v. Estate of Ryan*, 149 N.J. 227 (1997)
- *State v. Storm*, 141 N.J. 245 (1995)

Journal Articles and Scholarly Reference Materials that Mention the NJLRC:

The following is a list of 87 Journal articles and other scholarly reference materials in which the New Jersey Law Revision Commission is mentioned:

- Jeremiah S. Buckley, Margo H.K. Tank, and R. David Whitakeru, *THE LAW OF ELECTRONIC SIGNATURES AND RECORDS*, § 3.1 (2024)
- Richard S. Schmechel, *Reviving Criminal Code Reform*, 74 AM. U. L. REV 179 (2024)
- Jonathan P. Friedland, *STRATEGIC ALTERNATIVES FOR AND AGAINST DISTRESSED BUSINESSES*, § 66.2 (*New Jersey*) *Receivership process*, Chapter 66. New Jersey Contributed by William M. O'Connor, Vivian M. Arias, and Stuart J. Glick (2024)
- Samuel M. Silver, *In Vino Veritas: An Examination of New Jersey's Intoxication Defense*, 48 SETON HALL LEGIS. J. Vol. 48: Iss. 3 Article 5 (2024) [Article](#)
- David A. Hoffman, *Defeating the Empire of Forms*, 109 VA. L. REV 1367 (2023)
- Laura C. Tharney, Samuel M. Silver & Whitney G. Schlimbach, *Addressing Ambiguities in one of Life's Two Certainties: The New Jersey Law Revision Commission's Examination of Selected Tax Statutes*, 47 SETON HALL LEGIS. J. Vol. 47: Iss. 1 Article 1 (2023) [Article](#)
- Matthew Digan, *Lessons from UCAPA: Why Recent Domestic-Focused Anti-Abduction Legislation Has Largely Remained Unsuccessful*, 100 TEX. L. REV. ONLINE 104 (2022)
- Laura C. Tharney, Samuel M. Silver, Whitney G. Schlimbach, and Karyn L. White, *Tenure, Unemployment, and Workers' Compensation: Illuminating Rights and Responsibilities in New Jersey's Employment Law*, 45 SETON HALL LEGIS. J. 2 (2022;) [Article](#)
- Robert Ramsey, 40 NEW JERSEY PRACTICE SERIES, *Jurisdiction of Municipal Court* §§24.1 (2022)
- Laura C. Tharney, Samuel M. Silver, Arshiya M. Fyazi, Jennifer D. Weitz, Christopher Mrakovic & Rachel M. Segal, *On the Path Toward Precision: Responding to the Need for Clear Statutes in the Criminal Law*, 45 SETON HALL LEGIS. J. 2 (2021) [Article](#)
- Charles F. Kenny, Esq., and Scott G. Kearns, Esq., *FIFTY STATE CONSTRUCTION LIEN AND BOND LAW § 31.02 New Jersey Construction Lien Law*, 1 JW-CLBL § 31.02 (2020; 2021; 2022)

- Laura C. Tharney, Samuel M. Silver, Arshiya M. Fyazi, Jennifer D. Weitz, and Mark D. Ygarza, *Canons or Coin Tosses: Time-Tested Methods of Interpreting Statutory Language*, 44 SETON HALL LEGIS. J. 285 (2020) [Article](#)
- Peter J. Mazzei, Laura C. Tharney, Samuel M. Silver, Jennifer D. Weitz, Joseph A. Pistritto & Rachael M. Segal, *Legislative Archeology: “It’s Not What You Find, It’s What You Find Out”*, 43 SETON HALL LEGIS. J. 2 (2019) [Article](#)
- CCH Incorporated, LAW OF ELECTRONIC COMMERCE, *Formal Requirements Including Statute of Frauds* §5.03 (2019; 2020; 2021; 2022; 2024)
- CCH Incorporated, LAW OF ELECTRONIC COMMERCE, *Non-uniform State Law Approaches* §5.07 (2019; 2020; 2021; 2022; 2024)
- Alfred C. Clapp & Dorothy D. Black, 7A NEW JERSEY PRACTICE SERIES, *Wills and Administration – Payment of Devises and Distribution* §§1737, 4002 (2019; 2020; 2021; 2022; 2023; 2024)
- Michael D. Sirota, Michael S. Meisel & Warren A. Usatine, 44 NEW JERSEY PRACTICE SERIES, *Debtor-Creditor Law and Practice – Asset Sales by Distressed Companies* §6.2 (2019; 2020; 2021; 2022; 2024)
- James H. Walzer, James W. Kerwin, 16A NEW JERSEY PRACTICE SERIES, *Legal Forms* § 56.14 (2019; 2020; 2021; 2022; 2023; 2024)
- Myron C. Weinstein, 29 NEW JERSEY PRACTICE SERIES, *Law of Mortgages* §§ 7.2, 7.3, 7.5, 9.2, 9.3, 9.4, 10.0.30, 10.3, 10.5, 10.6, 10.11, 10.15, 10.20 (2019; 2020; 2021; 2022; 2023; 2024)
- Myron C. Weinstein, 30 New Jersey Practice Series, *Law of Mortgages* §§ 28.1A, 28.9A (2019; 2021; 2022; 2023; 2024)
- Myron C. Weinstein, 30A New Jersey Practice Series, *Law of Mortgages* §§ 32.9, 32.10 (2019; 2022; 2023; 2024)
- James W. Kerwin, 16A NEW JERSEY PRACTICE SERIES, *Legal Forms – Sole Proprietorships* §56:14 (2018)
- Samuel M. Silver, *Hero or Villain: The New Jersey Consumer Fraud Act*, 42 SETON HALL LEGIS. J. 235 (2018) [Article](#)
- Joseph A. Romano, *No “Dead Giveaways”: Finding a Viable Model of Ante-Mortem Probate for New Jersey*, 48 Seton Hall L. Rev. 1683 (2018)
- Jeremy D. Morley, INTERNATIONAL FAMILY LAW PRACTICE, *International Child Custody* §7:22; 7.23; 7.28 (2017; 2020; 2024)
- Edwin F. Chociej, Jr., Jonathan P. Vuotto & Edward A. Zunz, 40 NEW JERSEY PRACTICE SERIES, *Appellate Practice and Procedure – Appeals from Municipal Court Determinations* §24:1 (2017; 2019; 2020; 2021)
- Laura C. Tharney & Samuel M. Silver, *Legislation and Law Revision Commissions: One Option for the Management and Maintenance of Ever-Increasing Bodies of Statutory Law*, 41 SETON HALL LEGIS. J. 329 (2017) [Article](#)
- Ben Nipper, *Legislating Death: A Review and Proposed Refinement of the Uniform Determination of Death Act*, 17 Houston J. Health L. & Pol’y 429 (2017)
- Jacob Arthur Bradley, *Antemortem Probate is a Bad Idea: Why Antemortem Probate Will Not Work and Should Not Work*, 85 Miss. L. J. 1431 (2017)

- Laura C. Tharney, Jayne J. Johnson, Vito J. Petitti, & Susan G. Thatch, *Does the Uniform Fit?: The New Jersey Law Revision Commission's Review of the Acts of the Uniform Law Commission*, 41 SETON HALL LEGIS. J. 45 (2017) [Article](#)
- Katherine M. Arango, *Trial and Heirs: Antemortem Probate for the Changing American Family*, 81 BROOK. L. REV. 779 (Winter, 2016)
- Susan Reach Winters & Thomas D. Baldwin, 10 NEW JERSEY PRACTICE SERIES, *Family Law and Practice – Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) §22:31* (2016; 2019; 2020; 2021; 2023; 2024)
- Bea Kandell & Christopher McGann, *How Deep is the Black Hole, and How Do We Dig Our Clients Out?*, NEW JERSEY FAMILY LAWYER, Vol. 36, No. 5 – April 2016
- Edward M. Callahan, Jr., 1 FIFTY ST. CONSTR. LIEN & BOND L., *New Jersey Construction Lien Law § 31.02* (2016; 2019)
- Jayne J. Johnson, *Signing on the Dotted Line: Legislation to Revise New Jersey's Notaries Public Act*, 40 SETON HALL LEGIS. J. 247 (2015)
- John M. Cannel & Laura C. Tharney, *Children in Need Of Services: Toward A More Coherent Approach to Protecting New Jersey's Children and Families*, 40 SETON HALL LEGIS. J. 1 (2016) [Article](#)
- Lionel S. Zuckier, *Radionuclide Evaluation of Brain Death in the Post-McMath Era*, JOURNAL OF NUCLEAR MEDICINE, Vol. 57, Issue 10, October 1, 2016.
- Susan G. Thatch, *Ante-Mortem Probate in New Jersey – An Idea Resurrected?*, 39 SETON HALL LEGIS. J. 332 (2015) [Article](#)
- Vito J. Petitti, *Assuming the Risk After Hubner: New Jersey Supreme Court Opinion Spurs Revision of the Equestrian Activities Liability Act*, 39 SETON HALL LEGIS. J. 59 (2015) [Article](#)
- Laura C. Tharney & Jayne J. Johnson, *All Hands on Deck: New Jersey Law Revision Commission Recommends Modified Uniform Laws to Safeguard the Public and Address Disasters and Their Aftermath*, 38 SETON HALL LEGIS. J. 339 (2014) [Article](#)
- Sharon Rivenson Mark & Mary Wanderpolo, 45 NEW JERSEY PRACTICE SERIES, *Elder Law—Guardianships and Conservatorships §§22:28, 32:1* (2014)
- Elga A. Goodman, Kristina K. Pappa & Brent A. Olson, 50 NEW JERSEY PRACTICE SERIES, *Business Law Deskbook §15:1* (2014; 2019; 2020; 2021; 2022; 2023; 2024)
- Henry C. Walentowicz & Matthew S Slowinski, 13 NEW JERSEY PRACTICE SERIES, *Real Estate Law and Practice §14:4* (2014; 2023)
- Blake Sherer, *The Maturation of International Child Abduction Law: From the Hague Convention to the Uniform Child Abduction Prevention Act*, 26 J. AM. ACAD. MATRIMONIAL LAW 137 (2013)
- Clark E. Alpert, GUIDE TO NJ CONTRACT LAW § 4.1.2 (Clark E. Alpert et al. eds., 3rd ed. 2013)
- Marna L. Brown, *State of New Jersey Law Revision Commission: Final Report Relating to the Uniform Interstate Depositions and Discovery Act*, 37 SETON HALL LEGIS. J. 241 (2013) [Article](#)
- Keith P. Ronan, *Navigating the Goat Paths: Compulsive Hoarding, or Collyer Brothers Syndrome, and the Legal Reality of Clutter*, 64 RUTGERS L. REV. 235 (2011)

- Andrew A. Schwartz, *Consumer Contract Exchanges and the Problem of Adhesion*, 28 YALE J. ON REG. 313 (2011)
- Thomas J. Walsh, *Advancing the Interests of South Africa's Children: A Look at the Best Interests of Children under South Africa's Children's Act*, 19 MICH. ST. J. INT'L L. 201 (2011)
- Gary N. Skoloff, Laurence J. Cutler & Bari L. Weinberger, NEW JERSEY FAMILY LAW PRACTICE § 12.2C (14th ed. 2010)
- Regina M. Spielberg, *The Powerful Power of Attorney*, 265- AUG N.J. LAW. 41 (2010)
- Allen A. Etish, *Is History About to Repeat Itself?* 261-DEC N.J. LAW. 5 (2009)
- Shmuel I. Becher, *Asymmetric Information in Consumer Contracts: The Challenge that is Yet to be Met*, 45 AM. BUS. L. J. 723 (2008)
- Ronald L. Carlson, *Distorting Due Process for Noble Purposes: The Emasculation of America's Material Witness Laws*, 42 GA. L. REV. 941 (2008)
- Edith R. Warkentine, *Beyond Unconscionability: The Case for Using "Knowing Assent" as the Basis for Analyzing Unbargained-for Terms in Standard Form Contracts*, 31 SEATTLE U. L. REV. 469 (2008)
- Steven J. Eisenstein & Kevin J. O'Connor, *Enforceability of Oral Agreements and Partial Writings for the Sale of Land under the Revised Statute of Frauds*, 250-FEB N.J. LAW. 37 (2008)
- Joseph M. Perillo, *Neutral Standardizing of Contracts*, 28 PACE L. REV. 179 (2008)
- Darryl K. Brown, *Democracy and Decriminalization*, 86 TEX. L. REV. 223 (2007)
- Joseph A. Colquitt, *Using Jury Questionnaires; (Ab) using Jurors*, 40 CONN. L. REV. 1 (2007)
- Russell Korobkin, *Bounded Rationality, Standard Form Contracts, and Unconscionability*, 70 U. CHI. L. REV. 1203 (2003)
- James R. Maxeiner, *Standard-Terms Contracting in the Global Electronic Age: European Alternatives*, 28 YALE J. INT'L L. 109 (2003)
- Symposium, *The Uniform Athlete Agents Act*, 13 SETON HALL J. SPORTS L. 345 (2003).
- David A. Szwak, *Uniform Computer Information Transactions Act [U.C.I.T.A.]: The Consumer's Perspective*, 63 LA. L. REV. 27 (2002)
- Russell Korobkin, *Empirical Scholarship in Contract Law: Possibilities and Pitfalls*, 2002 U. ILL. L. REV. 1033 (2002)
- Adam F. Scales, *Against Settlement Factoring? The Market in Tort Claims has Arrived*, 2002 WIS. L. REV. 859 (2002)
- Margaret L. Moses, *The Jury-Trial Right in the UCC: On a Slippery Slope*, 54 SMU L. REV. 561 (2001)
- *Winning Websites*, 207- FEB N.J. LAW 55 (2001)
- William H. Manz, *Internet Web Sites Offer Access to Less Expensive Case Law and Materials not Offered Commercially*, 72- DEC N.Y. ST. B. J. 26 (2000)
- Clemens Pauly, *The Concept of Fundamental Breach as an International Principle to Create Uniformity of Commercial Law*, 19 J.L. & COM. 221 (2000)

- R. J. Robertson, Jr., *The Illinois Electronic Commerce Security Act: A Response to Martin Behn*, 24 S. ILL. U. L. J. 473 (2000)
- John J.A. Burke, *Contract as Commodity: A Nonfiction Approach*, 24 SETON HALL LEGIS. J. 285 (2000) [Article](#)
- Symposium, *Understanding the Uniform Computer Information Transactions Act and the Uniform Electronic Transactions Act: Mass Market Transactions in the Uniform Computer Information Transactions Act*, 38 DUQ. L. REV. 371 (2000).
- R. David Whitaker, *Rules Under the Uniform Electronic Transactions Act for an Electronic Equivalent to a Negotiable Promissory Note*, 55 BUS. LAW. 437 (1999)
- Larry T. Garvin, *The Changed (and Changing?) Uniform Commercial Code*, 26 FLA. ST. U. L. REV. 285 (1999)
- Richard F. Dole, Jr., *The Essence of a Letter of Credit Under Revised U.C.C. Article 5: Permissible and Impermissible Nondocumentary Conditions Affecting Honor*, 35 HOUS. L. REV. 1079 (1998)
- Fred H. Miller, *Realism Not Idealism in Uniform Laws—Observations from the Revision of the UCC*, 39 S. TEX. L. REV. 707 (1998)
- Margaret L. Moses, *The Uniform Commercial Code Meets the Seventh Amendment: The Demise of Jury Trials under Article 5?*, 72 IND. L. J. 681 (1997)
- Albert J. Rosenthal, *Uniform State Laws: A Discussion Focused on Revision of the Uniform Commercial Code Moderator*, 22 OKLA. CITY U. L. REV. 257 (1997)
- Nancy S. Marder, *Deliberations and Disclosures: A Study of Post-Verdict Interviews of Jurors*, 82 IOWA L. REV. 465 (1997)
- Symposium, *Uniform State Laws: A Discussion Focused on Revision of the Uniform Commercial Code Moderator*, 22 OKLA. CITY U. L. REV. 257 (1997).
- John J.A. Burke, *New Jersey's New Material Witness Statute: Balancing the Rights of Prosecutors, Defendants, and Material Witnesses in Criminal Cases*, 19 SETON HALL LEGIS. J. 475 (1995) [Article](#)
- Fred H. Miller & Robert T. Luttrell, *Local Comments to Uniform Laws: A Winning Combination*, 48 CONSUMER FIN. L.Q. REP. 60 (1994)
- Shirley S. Abrahmson & Robert L. Hughes, *Shall We Dance? Steps for Legislators and Judges in Statutory Interpretation*, 75 MINN. L. REV. 1045 (1991)
- John J.A. Burke & John M. Cannel, *Leases of Personal Property: A Project for Consumer Protection*, 28 HARV. J. ON LEGIS. 115 (1991)
- Lawrence F. Flick, II, *Leases of Personal Property*, 45 BUS. LAW. 2331 (1990)

In addition to the items referenced above, the Commission was pleased to be mentioned in articles by: Charles Toutant in the New Jersey Law Journal entitled *Commission Calls for Indemnification of County Employees Who Help State Fight Crime* (December 17, 2021); Charles Toutant in the New Jersey Law Journal entitled *Panel Upholds Threat of Imprisonment for Debtors' Discovery Violations* (October 9, 2019); and Adam J. Sklar and Gary M. Albrecht, in the New Jersey Lawyer, *Construction Liens Arising From Tenant Work - Commercial Landlord Concerns and Strategies*, vol. 319 at p. 58 (2019).

The work of the Commission was mentioned nationally: in an article referring to the Commission’s work on the laws pertaining to cemeteries by Mary Papenfuss, “*Trump’s Early Plans For Garish Bedminster Mausoleum Were Buried By Local Officials*” on HuffPost (August 1, 2022); in an article concerning unusual divorce laws in effect in various states by Daniel Thomas Mollenkamp, “*Most Surprising Divorce Laws by State*” on Investopedia (September 22, 2021); and in an article concerning archaic laws by Michael Waters “*Hundreds of wacky, obsolete laws still exist. Why don’t more states remove them?*” in The Highlight, by Vox (November 18, 2019). International mention of the work of the Commission in the area of anachronistic statutes appeared in The Times of Israel in a 2017 article “*NJ politician calls for ending state’s war with Nazi Germany.*”

Mentions of the Commission’s work also appeared in the local popular press in 2024, including articles in the New Jersey Monitor regarding work in the area of windshields and window tinting. Other mentions of the Commission’s work in recent years were found in the New Jersey Monitor, NJ 101.5, the Asbury Park Press, and in the trade-focused publication Window Film Magazine. Other mentions included articles in Business Insider, NJ.com, Patch.com, and in an article and a television clip featured on NBC Universal Media, LLC’s News 4 New York.

Institutional Collaborations:

The Commission has found that consideration of the work of other states, and other countries, can be useful to inform its work on projects in various areas of the law, and it is not unusual for the NJLRC to engage in 50-state surveys, and to review studies, findings, and recommendations of other nations when assessing the potential impacts that might result from a proposed change to New Jersey’s law.

The Commission was contacted in 2018 because of its work in the area of criminal law and offered the opportunity to work as a Collaborating Organization with individuals affiliated with the Birmingham Law School, University of Birmingham, UK.

It has been the experience of Commission Staff that working with other individuals and organizations undertaking in-depth legal research and analysis: adds to the collective shared knowledge in a way that benefits ongoing and future NJLRC projects; enhances Staff’s ability to engage in substantive cross-jurisdictional analysis, which improves the drafting and the recommendations provided to the Legislature; and expands the Commission’s vision of the options available to address persistent challenges associated with maintaining the viability of a large, complex, body of statutory law.

The Commission’s collaborative work in this area culminated in 2023 with the preparation of a paper by Samuel M. Silver, Deputy Director, regarding the intoxication defense in New Jersey, and a presentation based on that paper at an international conference held in September 2023 at the Birmingham Law School, University of Birmingham, UK.

3. HISTORY AND PURPOSE OF THE COMMISSION



3. History and Purpose of the Commission

New Jersey has a tradition of law revision. The first New Jersey Law Revision Commission was the first such commission in the nation. It was established in 1925 and produced the Revised Statutes of 1937. Since the Legislature intended that the work of revision and codification continue after the enactment of the Revised Statutes, the Law Revision Commission continued in operation until 1939. After that, the functions of the Commission were transferred to successor agencies.

In 1985, the Legislature enacted 1:12A-1 et seq., effective January 21, 1986, to transfer the functions of statutory revision and codification to a newly created law revision commission to provide for a “continuous review of the statutory law of the State.” *N.J.S. 1:12A-1, Introductory Statement.*

The Commission began work in 1987. Its statutory mandate is to “promote and encourage the clarification and simplification of the law of New Jersey and its better adaptation to social needs, secure the better administration of justice and carry on scholarly legal research and work.” *N.J.S. 1:12A-8.*

It is the duty of the Commission to conduct a continuous review of the general and permanent statutes of the state, and the judicial decisions construing those statutes, to discover defects and anachronisms. *Id.* The Commission is also called upon to prepare and submit to the Legislature bills designed to remedy the defects, reconcile the conflicting provisions found in the law, clarify confusing provisions, and excise redundancies. *Id.* In addition, the Commission is directed to maintain the statutes in a revised, consolidated, and simplified form. *Id.*

In compliance with its statutory obligations, the Commission considers recommendations from the American Law Institute, the Uniform Law Commission (formerly the National Conference of Commissioners on Uniform State Laws), “other learned bodies, and from judges, public officials, bar associations, members of the bar and from the public generally.” *Id.*

The Commission consists of nine Commissioners including the Chair of the Senate Judiciary Committee, the Chair of the Assembly Judiciary Committee, designees of the Deans of New Jersey’s three law school campuses, and four attorneys admitted to practice in New Jersey (two appointed by the President of the Senate – no more than one of whom shall be of the same political party, and two appointed by the Speaker of the General Assembly – no more than one of whom shall be of the same political party). *N.J.S. 1:12A-2.* The members of the Commission serve without compensation and have declined to be reimbursed for the expenses that they incur in the performance of their duties, although the statute permits such reimbursement. *N.J.S. 1:12A-5.*

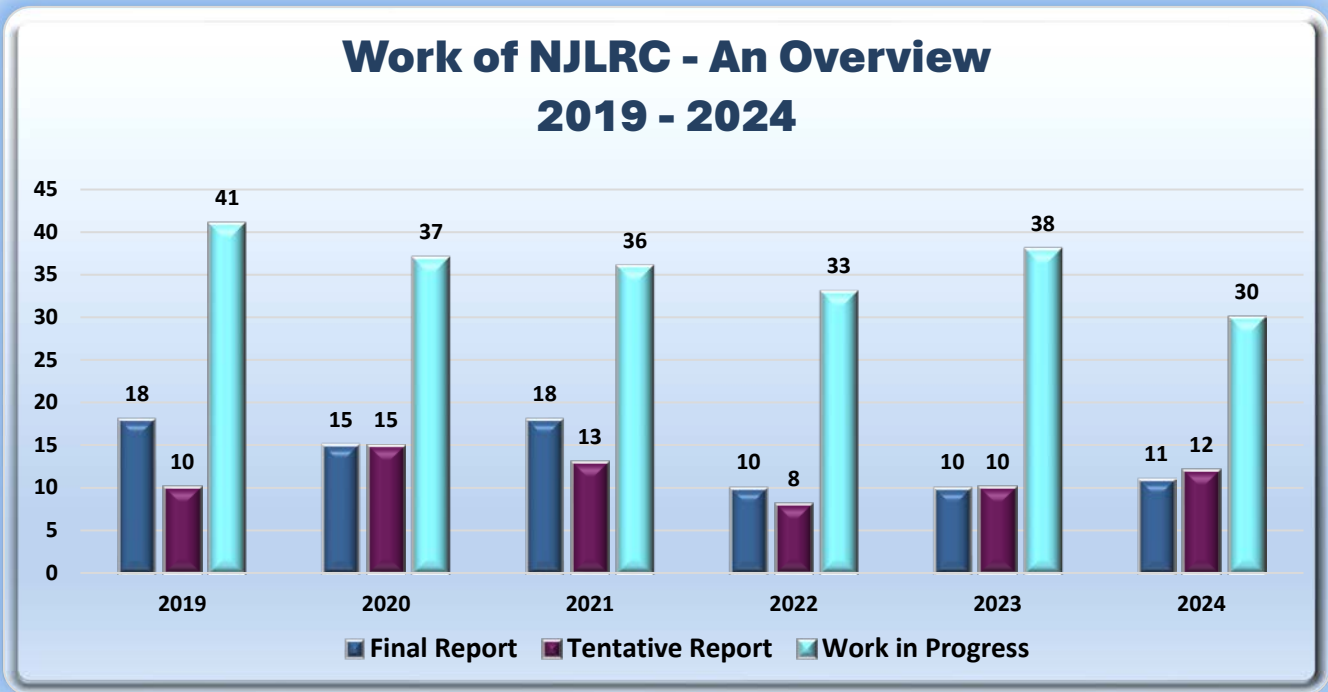
The Staff of the Commission is a mix of full-time and part-time employees including a full-time Executive Director, a full-time Deputy Director, one full-time Counsel, a temporary full-time Legislative Fellow (a one-year position modeled on a judicial clerkship), and a full-time Executive Assistant. Law students assist the Commission as part-time paid Legislative Law Clerks, for-credit externs, and pro bono volunteers. Undergraduate students and recent law school graduates also provide research and drafting assistance.

The meetings of the Commission are open to the public, and the Commission actively solicits public comment on its projects, which are widely distributed to interested persons and groups.

Once a project begins, the Commission examines New Jersey law and practice and, when appropriate, the law of other jurisdictions. Throughout the course of its work, the Commission seeks input from individuals

and organizations familiar with the practical operation of the law and the existing statutes. When the preliminary research and drafting is finished, the Commission issues a Tentative Report that it makes available to the public for formal comments. The Commission reviews all comments received and incorporates them into its work as appropriate.

When a revision is completed, a Final Report and Recommendation is prepared. That document contains an explanation of the issue, the research done, the comments received, and the reasons for the Commission’s recommendation. Generally, a Final Report will also contain an Appendix that includes proposed draft statutory language. Final Reports are submitted to the New Jersey Legislature for consideration and the potential introduction of a bill based on the Commission’s work.



4. FINAL REPORTS AND RECOMMENDATIONS



4. Final Reports and Recommendations

Affidavit of Merit Statute – Application to Respondeat Superior Claims

The Affidavit of Merit (AOM) statute in New Jersey, at N.J.S. 2A:53A-27, requires that a plaintiff filing a malpractice or negligence claim against a licensed individual must submit an AOM by an appropriately licensed person, affirming a “reasonable probability” of the claim’s merit. The statute does not explicitly address whether an AOM is necessary for vicarious liability claims against licensed facilities due to the actions of their unlicensed employees. This issue was considered by the New Jersey Supreme Court in *Haviland v. Lourdes Medical Center of Burlington County, Inc.*, 250 N.J. 368 (2022), which held that an AOM was not necessary for vicarious liability claims that do not implicate the licensed facility’s standard of care. The Court reasoned that pursuant to respondeat superior, an employer may be vicariously liable for an employee’s negligence within the scope of their employment that does not directly implicate the employer’s standard of care.

In June of 2024, the Commission issued a Final Report in which it recommended the modification of N.J.S. 2A:53A-27, consistent with the decision in *Haviland*, to clarify that an AOM is not required for vicarious liability or agency claims when the underlying claim is based solely on the conduct of an unlicensed employee or agent.

Corporate “Books and Records of Account” – Meaning of

As a result of the Court’s determination in *Feuer v. Merck & Co., Inc.*, 455 N.J. Super. 69 (App. Div. 2018), the Commission authorized a project to consider the clarification of the phrase “books and records of account” as used in N.J.S. 14A:5-28, to specify whether a shareholder is entitled to all records pertaining to a transaction of a corporation, or only the financial records. In response to outreach, commenters expressed support for a modification clarifying the scope of the term “minutes” in subsection (4), but unanimously opposed any modifications further defining the phrase “books and records of account” as unnecessary and tending to increase the risk of unnecessary litigation in this area.

The Commission released a Final Report in September 2024, recommending a modification clarifying the scope of the term “minutes” in N.J.S. 14A:5-28(4).

Driving While Intoxicated and Drunk Driving Enforcement Fund Statutes

In 1984, the New Jersey Legislature created the Drunk Driving Enforcement Fund (DDEF) to maintain effective enforcement of the State’s driving while intoxicated statutes. The Legislature also enacted implied consent and refusal statutes, which imposed penalties for refusing an alcohol test. Both sets of statutes contain references to the Chief Administrator and Director of the Department of Motor Vehicles (“DMV”). Two Reorganization Plans, however, transferred certain identified functions from the DMV to the Office of Highway Traffic Safety or the Attorney General.

In December 2024, the Commission released a Final Report containing proposed modifications to update the anachronistic references in N.J.S. 39:4-50.2, N.J.S. 36:4-50.8, N.J.S. 39:3-10.24, and N.J.S. 12:7-55 consistent with the transfer of powers under the relevant Reorganization Plans.

Ex Post Facto Nature of the Parole Supervision for Life Statute in N.J.S. 2C:43-6.4

Sexual offenders in New Jersey may be sentenced to parole supervision for life (PSL) pursuant to N.J.S. 2C:43-6.4, and a violation of the conditions of PSL is a third-degree crime. Prior to a 2003 amendment to this statute, offenders were sentenced to community supervision for life (CSL), which allowed for the possibility of parole following a violation of conditions and – prior to 2014 – a violation of the conditions of PSL or CSL was only a fourth-degree crime. The New Jersey Supreme Court held in *State v. Hester*, 233 N.J. 381 (2018) and in *State v. Perez*, 220 N.J. 423 (2015), that the 2003 and 2014 amendments to N.J.S. 2C:43-6.4 violated the Ex Post Facto Clause of the New Jersey and Federal Constitutions as applied to individuals sentenced to CSL prior to the amendment.

The Commission released a Final Report in April 2024 recommending modifications to N.J.S. 2C:43-6.4 to clarify that individuals sentenced to CSL are eligible for parole following a conviction for a violation of the conditions of CSL, which is a fourth-degree offense.

Expungement Statute, N.J.S. 2C:52-2: Meaning of “Closely Related Circumstances”

Pursuant to N.J.S. 2C:52-2, a person may request expungement of more than one offense if the crimes were interdependent or closely related in circumstances and committed as part of a sequence of events within a comparatively short period of time, colloquially referred to as a “crime spree.” The standard was addressed by the Appellate Division in *In the Matter of C.P.M.*, 461 N.J. Super. 573 (App. Div. 2019). The Commission engaged in research and outreach and an examination of how other states approach expungement of multiple offenses, to assess whether it would be useful to clarify “interdependent,” “closely related in circumstances,” and “comparatively short period of time” in N.J.S. 2C:52-2.

In light of the Legislature’s work in this area, as well as the fact-sensitive nature of expungement determinations, the Commission released a Final Report in October 2024 that did not make a recommendation to modify the statute.

Interpretation of the Vote By Mail Law

The Commission authorized a project to conduct research and outreach regarding the impact of N.J.S. 19:63-26, which prohibits invalidation of an election on the basis of defective mail-in ballots, on an election contest claim pursuant to N.J.S. 19:29-1, as addressed by *In the Matter of the Election for Atl. Cnty. Freeholder Dist. 3 2020 Gen. Election*, 468 N.J. Super. 341 (App. Div. 2021). In October of 2022, the Commission authorized additional research and outreach with respect to issues raised by a commenter regarding the scope of the Election Law Enforcement Commission’s jurisdiction in the context of an election contest claim pursuant to N.J.S. 19:29-1.

The Commission released a Final Report in April 2024 recommending modifications to clarify the impact of N.J.S. 19:63-26 on election contest claims brought pursuant to N.J.S. 19:29-1, as well as modifications to N.J.S. 19:29-1, and the Campaign Contributions and Expenditures Reporting Act, to clarify the scope of the ELEC’s jurisdiction over Reporting Act violations.

Juvenile Justice – State Home for Boys and Girls

The Juvenile Justice Commission (JJC) was created to provide centralized authority for planning, policy development, and the provision of services in the juvenile justice system. Among the JJC’s responsibilities are the custody and care of juveniles committed to and otherwise placed under its jurisdiction. New Jersey’s State Home for Boys, opened on June 28, 1867, was established as a home for troubled youth. It is now known as the “New Jersey Training School,” or colloquially as “Jamesburg,” and is JJC’s largest facility. There are several statutes outside of Title 52 that contain references to the State Home for Boys and the State Home for Girls. Neither of these designations is used by the JJC, nor are they referenced or defined in any other statute.

In April 2024 the Commission released a Final Report recommending modifications to the New Jersey statutes to remove the anachronistic references to the “State Home for Boys” and “State Home for Girls” and replacing these references with a reference to facilities and programs established by the Juvenile Justice Commission.

“The law is in constant evolution. The task of the NJLRC is to provide policy makers with tools to meet the challenges.”

*Albert Burstein, Esq.,
Archer & Greiner, P.C.
(2013)*

Juvenile Sex Offender Lifetime Registration and Notification Requirements

New Jersey requires convicted sex offenders to comply with the registration and notification obligations of Megan’s Law. Pursuant to N.J.S. 2C:7-2, qualifying registrants may apply to terminate registration and notification obligations. A registrant who has been adjudicated delinquent of “more than one sex offense” or certain offenses specified in the statute, however, is not eligible for termination. In *State in Interest of C.K.*, 233 N.J. 44 (2018), the New Jersey Supreme Court held that mandatory lifetime registration is unconstitutional as applied to juvenile offenders adjudicated delinquent of qualifying sex offenses.

The Commission released a Final Report in November 2024 recommending modifications to N.J.S. 2C:7-2(g) to eliminate language that currently allows lifetime Megan’s Law registration and notification obligations to be imposed on juvenile offenders.

Parental Rights – Replacement of the Term “Surrender”

Titles 9 and 30 of the New Jersey Statutes contain provisions concerning the voluntary relinquishment of parental rights and use the term “surrender” to refer to that relinquishment. The New Jersey State Bar Association requested, pursuant to N.J.S. 1:12A-8, that the Commission review the use of the term “surrender” in this context and consider replacing the term to more accurately describe the “nature of the issue” and to help minimize the emotional impact on persons who voluntarily terminate their parental rights.

The Commission released a Final Report in December 2024 that recommended modifications, supported by commenters, to replace the term “surrender” with the appropriate form of “relinquish” in nineteen statutes throughout Titles 9 and 30.

Prison and Youth Correctional Facilities – Use of “Farms”, “Camps” and “Quarries”

Since 1918, the statutory definition of “State Prison” has included the existing prison in Trenton. The statutory definition of youth correctional institutions includes the existing Youth Reception and Correctional Center, Yardville, and the Youth Correctional Institutions at Bordentown and Annandale. These statutes, which define places of incarceration, also include references to farms, camps, quarries, or grounds where individuals sentenced to incarceration may from time to time be kept, housed, or employed. The New Jersey Department of Corrections (DOC) and the Juvenile Justice Commission (JJC) maintain correctional farms and camps, but neither entity operates a quarry.

The Commission released a Final Report in February 2024 recommending modifications to N.J.S. 30:4-136 and N.J.S. 30:4-146 to remove the anachronistic references to quarries. The proposed modifications also include changes to clarify and simplify the definitions of State prison and Youth Correctional Institution Complex so that they accurately reflect the current, and future, places of confinement for persons who are incarcerated.

Tort Claims Act – Applicability of Notice Provision to Contribution and Indemnification Claims

In New Jersey, to bring a tort claim against a public entity, notice of the claim must be made within ninety days of the accrual of the cause of action pursuant to N.J.S. 59:8-8 in the Tort Claims Act (TCA). The New Jersey Supreme Court held in *Jones v. Morey’s Pier, Inc.*, 230 N.J. 142 (2017), that claims for contribution and indemnification against a public entity are also subject to the ninety-day deadline. The *Jones* Court also provided different rules of tortfeasor liability than are set forth in the Comparative Negligence Act (CNA), that may be applied when a defendant has failed to provide notice of a contribution claim within the ninety-day deadline in the statute.

In September 2024, the Commission released a Final Report recommending modifications to N.J.S. 59:8-8 reflecting the *Jones* holding, and modifications to N.J.S. 2A:15-5.2 and N.J.S. 2A:15-5.3 in the CNA, cross-referencing the new language in the TCA.

5. TENTATIVE REPORTS



5. Tentative Reports

Accidental Disability Retirement Benefits – Clarify “Traumatic Event”

The Commission authorized a project to conduct research regarding the “traumatic event” standard in the accidental disability pension statute, N.J.S. 43:16A-7, in response to the decisions in *Moran v. Board of Trustees, Police and Firemen’s Retirement System*, 438 NJ Super. 346 (App. Div. 2014) and *Mount v. Board of Trustees, Police and Firemen’s Retirement System*, 233 N.J. 402 (2018). The statute does not define the term “traumatic event” and, based on Staff’s preliminary research and the decisions of both the Appellate Division and the New Jersey Supreme Court, the plain meaning of the statute does not indicate whether a “traumatic event” is meant to reserve pensions for those who are injured through an unexpected event, or to preclude those with a pre-existing injury from collecting.

In September 2020, the Commission released a Tentative Report and sought comment from stakeholders. Update Memorandums incorporating commenter feedback were presented to the Commission in March and July 2021.

Endangering the Welfare of a Child – Morals

The term “sexual conduct” is not defined in New Jersey’s child endangerment statute. The term does, however, appear in the context of behavior “which would impair or debauch the morals of the child.” In *State v. Johnson*, 460 N.J. Super. 481 (Law Div. 2019), the New Jersey Superior Court, Law Division, considered whether sexually suggestive messages sent to a minor by way of social media constituted the type of sexual conduct that would impair or debauch the morals of a child.

Since the Commission’s release of its Tentative Report on this subject, Staff has been working with commenters to determine whether it is appropriate to remove references to the anachronistic and undefined terms and replace them with language that clearly sets forth the prohibited conduct.

Gendered Terms Relate to Married Individuals in New Jersey Statutes – Use of

Many New Jersey statutes continue to employ gendered language to describe married individuals even though same-sex marriage has been legal in New Jersey since 2013. Following a request from Legal Services of New Jersey to review the use of gendered language as related to marriage in the adult adoption statute, the Commission authorized an examination of New Jersey’s statutes more broadly to determine whether they would benefit from replacing gendered language with gender-neutral terms to describe married individuals.

The Commission released a Tentative Report in November 2024 proposing modifications to more than 70 New Jersey statutes that replace gendered language with gender-neutral terms.

Guardianship

The Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act (UGCOPAA) is a comprehensive guardianship and conservatorship statute that implicates portions of New Jersey’s probate law, Title 3B. The Commission is in the process of comparing corresponding sections of the UGCOPAA and Title 3B of the New Jersey statutes to identify substantive differences and any provisions that could benefit from revision or enactment in New Jersey.

The Commission has identified areas meriting further research, such as person-centered planning to incorporate an individual’s preferences and values into a guardianship order, and requiring courts to order the least-restrictive means necessary for the protection of people who are unable to care for themselves.

New Jersey First Act – Residency Requirement

Pursuant to N.J.S. 52:14-7(a), “every person holding an office, employment, or position” in state or local government is required to have their principal residence within the state. New Jersey citizens may seek the ouster of individuals covered by the residency requirement in this Act who fail to reside in New Jersey for “any 365-day period.” In *Kratovil v. Angelson*, 473 N.J. Super. 484 (L. Div. 2020), the Court considered as a matter of first impression whether the statute’s residency requirement included individuals who held unpaid volunteer positions and also whether an individual could be subject to successive challenges for ouster following each year of non-compliance. Relying on legislative history and intent, the Court concluded that the statute does not cover unpaid positions and that ouster challenges are available for each year of non-compliance.

In December 2024, the Commission considered but did not release a Draft Final Report, holding the project instead to allow staff time to engage in additional research in response to questions discussed at the meeting.

New Jersey Safe Housing Act’s Application to Non-physical Harm

The New Jersey Safe Housing Act (SHA) enables “a victim of domestic violence to terminate a lease agreement by providing a landlord with written notice accompanied by evidence of domestic violence.” The specific type of “written notice” required under N.J.S. 46:8-9.6 must support “an imminent threat of serious physical harm” if the tenant or a child of the tenant remains in the leased premises. The Commission authorized a project in this area to assess whether the SHA might benefit from modification to indicate that harm from domestic violence is broader than just “serious physical harm,” and may include psychological, economic, and other harms.

In July of 2024, Staff released a Tentative Report proposing modifications to N.J.S. 46:8-9.6 to clarify that the scope of the “threat of serious [] harm” required for early lease termination is not limited to “physical harm.”

“Portray a Child in a Sexually Suggestive Manner” in N.J.S. 2C:24-4 - Constitutionality - Definition of

In New Jersey, it is a crime to photograph, record, reproduce, or reconstruct a child “engaging in a prohibited sexual act,” in the “simulation of such an act,” or being portrayed in a “sexually suggestive manner.” N.J.S. 2C:24-4 defines “portray a child in a sexually suggestive manner” in three subsections – (a), (b), and (c). In *State v. Higginbotham*, 257 N.J. 260 (2024), the New Jersey Supreme Court held that one of those three subsections, subsection (c), was unconstitutionally overbroad because it had the potential to criminalize what would otherwise be constitutionally protected speech by capturing a large swath of material that is neither obscenity nor child pornography.

Originally scheduled for consideration at the Commission’s meeting in December 2024, this project was carried for consideration in 2025 to provide Commission staff with the opportunity to conduct additional work.

Retroactive Modification of Child Support - Exceptions for Emancipation and Adult Adoption

In New Jersey, N.J.S. 2A:17-56.23a prohibits the retroactive modification of child support obligations. In *K.A. v. F.A.*, the Superior Court, Chancery Division, held that the retroactive modification, or termination, of

child support payments dating back to the date of an adult adoption is not barred by the prohibition in N.J.S. 2A:17-56.23a. After the release of a Tentative Report in January 2024, which proposed changing the statutory language to add an exception for adult adoption to N.J.S. 2A:17-56.23a, commenters provided important context for the ban on retroactive modification of child support, explaining that that the prohibition brings New Jersey’s child support statutes into compliance with federal requirements. The commenters also suggested alternative modifications, involving a different statute.

“The Commission thrives on projects that will not make for splashy headlines, but that quietly improve the quest of judges, and lawyers, and citizens, for laws that are more readily understood and applied.”

Vito A. Gagliardi, Jr., Esq.,
Porzio, Bromberg & Newman, P.C.
(2018)

The Commission released a Revised Tentative Report in June 2024 that proposed modifications to a different statute, N.J.S. 2A:17-56.67, which lists several events that terminate child support obligations “by operation of law.”

Self-Defense Statutes and the Scope of the Term “Dwelling”

In New Jersey, an actor is permitted to use deadly force to protect himself or others when in his “dwelling” pursuant to N.J.S. 2C:3-4. The term “dwelling” is defined in N.J.S. 2C:3-11, but the geographic and physical boundaries of a “dwelling” are not clear from the statutory language. The Appellate Division held, in *State v. Canfield*, 470 N.J. Super. 234 (App. Div. 2022), *aff’d as modified*, 252 N.J. 497 (2023), that the term “dwelling” does not encompass the “curtilage” of a home.

The Commission released a Tentative Report in October 2024 proposing modifications to N.J.S. 2C:3-11 that clarify the limited geographical scope of the term “dwelling,” as held by the Appellate Division in *Canfield*.

Title 18A: Updating Terms Related to Epinephrine Administration and Nurses

A member of the public contacted the Commission to express concern about statutes in Title 18A that contain outdated language. In response, the Commission considered whether certain statutes would benefit from modification to (1) remove language that specifies the method of administering epinephrine (“via a pre-filled auto-injector”) and (2) update the title of health care providers who are authorized to provide certain types of medical care in a school setting (“Advanced Practice Nurse”). Additional research in this area revealed similar outdated language regarding epinephrine administration in Title 26.

In November of 2024, Staff released a Tentative Report that proposed modifications to update language in 10 statutes found in Title 18A and Title 26.

Transfer of Jurisdiction in Tax Assessment Challenges

N.J.S. 54:3-21 contains the jurisdictional and procedural requirements for appealing a property assessment. In *30 Journal Square Partners, LLC v. City of Jersey City*, 32 N.J. Tax 91, 96 (N.J. Tax 2020), the Tax Court discussed the lack of a statutory mechanism for transferring jurisdiction to the Tax Court when there are dual filings in the Tax Court and the County Board by opposing parties. Staff provided an Update Memorandum to the Commission in March 2022, following preliminary outreach to the Administrative Office of the Courts. A Tentative Report was released in January 2023.

Following the outreach period, a Draft Final Report was presented to the Commission in May 2023. At that time, the Commission requested that Staff conduct additional outreach to obtain feedback regarding an alternative modification to the statute.

Wrongful or Mistaken Imprisonment and NERA

In New Jersey, the term of parole supervision for persons convicted of certain violent crimes begins upon the completion of the sentence of incarceration imposed by the Court. When the statute was enacted, it did not contemplate that a defendant could be wrongfully or mistakenly compelled to remain in prison beyond the prescribed sentence, and then mandated to serve the entire period of parole supervision. In *State v. Njango*, 247 N.J. 533 (2021), the New Jersey Supreme Court considered whether the period of parole supervision a defendant was required to serve under the No Early Release Act (NERA) should be reduced when the defendant’s time in prison exceeded the permissible custodial term required by his sentence. The Court determined that a defendant kept in prison beyond their release date, without credit for such time, would serve more time in custody than authorized by their sentence. In such instances, the excess time erroneously served by the defendant in prison must be credited to reduce the period of parole supervision.

The Commission released a Tentative Report in July of 2022, recommending statutory modifications to address the constitutional infirmity discussed by the Court in *State v. Njango*, and to make the statute more accessible. A Draft Final Report was considered by the Commission in December 2022. After considering comments and a discussion at that meeting, the Commission requested that Staff provide an updated report at a future meeting.

6. WORK IN PROGRESS



6. Work in Progress

Anachronistic Statutes

The Commission periodically works to identify statutes that may be anachronistic. In some cases, these statutes have been deemed unconstitutional or have been superseded by more recently enacted statutes. Other statutes may still be legally enforceable, but their operative effect may have ceased with the passage of time. Still other statutes relate to offices or institutions that no longer exist, or they deal with problems deemed important at one time, but which have ceased to be relevant. Some of the Commission's recent work on anachronistic statutes focused on: (1) Definition of "Present War" in the New Jersey Statutes; (2) Transportation of the "Poor"; (3) Sleigh Bells on Horses Attached to a Sleigh; (4) Required Bicycle Bells - Audible Signal; and (5) Taking and Sale of Bittersweet. Proposing the elimination of some of those statutes was complicated by the fact that they were referred to by other statutes, which necessitated additional research and outreach to assess the impact of eliminating the statutes under consideration.

Ante-mortem Probate

The Commission authorized a project based upon the New Jersey Law Journal article entitled "Ante-Mortem Probate: Why Wait Until It's Too Late," (Glen R. Kazlow et al., *Ante-Mortem Probate: Why Wait Until It's Too Late?*, 214 N.J.L.J. 1051 (2013)), which described an approach that had been adopted in Alaska, Ohio, Arkansas, and North Dakota. Those states permit a testator to preemptively validate a will during his or her lifetime by petitioning the court for ante-mortem probate. Although the process and effect vary by jurisdiction, the existence of an ante-mortem probate option offers testators in those jurisdictions an opportunity to prevent a will contest after their death. Detractors, however, warn that raising probate matters during the testator's lifetime could lead to family disturbances and potentially waste judicial resources. The Seton Hall Legislative Law Journal published the article, "Ante-Mortem Probate in New Jersey – An Idea Resurrected?", 39 SETON HALL LEG. J. 332 (2015), by Susan Thatch, then a member of the Commission Staff. This article reviewed the historical and statutory background of ante-mortem probate legislation and evaluated the potential of this type of legislation in New Jersey.

Audit Adjustments Involving Returns from Closed Years

A deficiency assessment for corporate business taxes is governed by the State Tax Uniform Procedure Law (Act) provided for in the Taxpayer's Bill of Rights. The Director of the Division of Taxation has broad discretion to adjust and redetermine the tax returns to make a fair and reasonable determination of the amount of tax payable under the Act. The Director is not, however, permitted to assess additional tax after the expiration of more than four years from the date of filing of a return. During an audit, the Director may determine that a corporate taxpayer has carried forward items such as net operating losses. The tax statutes do not address what happens when the Director adjusts an "open filing," and eliminates a net operating loss carryover from tax years that were never audited and were accepted as filed by the Director. In *R.O.P. Aviation, Inc. v. Director, Division of Taxation*, 32 N.J. Tax 346 (Tax 2021), the Tax Court determined that the Director may not perform an audit

adjustment to current filings that eliminate a plaintiff's carried forward net operating losses from closed filings. The Commission authorized Staff to conduct a nationwide examination of this issue.

Citizen's Arrest

New Jersey has recognized the doctrine of "citizen's arrest" since before the turn of the twentieth century. Under certain circumstances, this doctrine authorizes a private person to detain another without a warrant, or process, and to bring them before a statutorily designated member of the judiciary. As organized police forces have become the norm, the need for the "citizen's arrest" doctrine has arguably waned. Using such an old statute also raises questions about the level of suspicion necessary to detain an individual, the amount of force that may be used to effectuate such an arrest, the length of detention that is legally permitted, and the breadth of the immunity granted to those who act pursuant to these statutes. The Commission directed Staff to conduct research to determine how best to modify the shoplifting statute to address present social concerns and conditions.

"The NJLRC is a jewel in our State's crown. Independent in thought and deed, it is a legislative commission charged with a single mission - to assist New Jersey's citizens and all of the branches of government by revising and improving our statutory law so that it better addresses the evolving issues facing the State in every new era. Its role is not to make policy but only to make sure that the policies of the Legislature are most effectively carried out. It is my honor to serve on the Commission."

*Hon. Virginia Long, Justice (Retired)
Fox Rothschild, LLP
(2013)*

Civilian Monitors in Wiretap Investigations – Use of

The New Jersey Wiretapping and Electronic Surveillance Control Act regulates the process that State and local law enforcement must follow when intercepting communication for the purposes of a criminal investigation. The Act contains a section intended to reduce the intrusion on individual privacy rights. In *State v. Burns*, 462 N.J. Super. 235 (App. Div. 2020) cert. den. 241 N.J. 477, the Appellate Division considered, as a matter of first impression, whether the State's use of "federally contracted civilian monitors" to intercept communications was lawful under the Act. N.J.S. 2A:156A-12 concerns the requirements and limitations placed on an order under the Act. It allows "investigative or law enforcement officers" to participate in wiretap investigations, but it is silent on whether the State may utilize civilian monitors. The Court determined that because the civilian contractors had been deputized and sworn in as "special county investigators," they were "investigative or law enforcement officers." The Court declined to review whether the Act permits non-deputized civilian personnel to monitor intercepted communication. Instead, the Court said that the Legislative and Executive branches of government would be better suited to address whether N.J.S. 2A:156A-12 includes non-deputized civilians.

Compassionate Release

New Jersey's Compassionate Release Act, N.J.S. 30:4-123.51c, eliminated the Parole Board's authority to grant "medical parole" and transferred that power to the judiciary. In *State v. F.E.D.*, 251 N.J. 505 (2022), the

New Jersey Supreme Court considered several aspects of the Act that it considered ambiguous. The Court examined whether a trial court was required to accept the eligibility determination of the Department of Corrections without scrutiny. The Court also focused on the meaning of the undefined phrase “activities of basic living” and considered the quantum of those activities that a petitioner must be *unable to perform* to be considered permanently physically incapacitated and eligible for compassionate release. Finally, the Court considered the Act’s requirement that the petitioner be “permanently physically incapable of committing a crime if released” and “would not pose a threat to public safety.”

Consumer Fraud Act – Learned Professionals Exception

In *Atlantic Ambulance Corporation v. Cullum*, 451 N.J. Super. 247 (App. Div. 2017), the Appellate Division considered a denial of class certification for alleged violations of the Consumer Fraud Act. The defendants refused to pay Atlantic Ambulance for services because they believed its bills were “unconscionably high.” The Appellate Division held that denial of class certification was proper not because Defendants failed to meet the requirements for a class, but because the underlying consumer fraud claim was inapplicable to ambulance service providers since they fall with the “learned professionals” exception to the CFA. The Commission authorized a project to consider whether the CFA should be modified to clarify the scope of the learned professionals exception.

Dependency Requirement in the New Jersey Pension Statutes – Constitutionality

In New Jersey, multiple statutes that govern the distribution of pension benefits to surviving spouses of deceased employees impose a “dependency requirement,” which requires that widowers, but not widows, must demonstrate dependency on their deceased spouse’s income to receive pension benefits. Statutory dependency requirements were held unconstitutional by the United States Supreme Court in *Califano v. Goldfarb*, 430 U.S. 199 (1977) and by the New Jersey Supreme Court in *Tomarchio v. Greenwich Township*, 75 N.J. 62 (1977). This raises the question of whether New Jersey’s pension statutes should be (1) modified to reflect the holdings in *Califano* and *Tomarchio* or (2) flagged for repeal if the retirement systems governed by certain statutes are no longer active.

Household Member - Definition in Prevention of Domestic Violence Act

The New Jersey Legislature considers domestic violence a serious crime against society, and it enacted the Prevention of Domestic Violence Act (PDVA) to assure victims of domestic violence the maximum protection from abuse that the law can provide. The PDVA protects any individual eighteen years or older who has been subjected to domestic violence by a present or former household member. The term household member is not defined in the PDVA.

“Legal Representative” - Definition of

The New Jersey Law Against Discrimination, N.J.S. 10:5 et seq., was enacted to eradicate discrimination in the workplace. It prohibits an employer from refusing to hire or to employ; to bar or to discharge; or to unfairly compensate an individual based on their race, creed, color, national origin, ancestry, age or marital status. For those pursuing a claim under the LAD, however, the identity of their employer may be unclear. In *Tompkins v. Thomson*, 2017 WL 2730256 (App. Div. June 26, 2017), the Appellate Division was confronted with a “Supersession Order” issued by the Attorney General to the Camden County Prosecutor’s Office to take control of the Camden City Police Department. This order was coupled with the County Freeholder’s execution of a consulting agreement with a third-party contractor. The Court ultimately decided that an employment relationship did not exist between the plaintiff, a city police officer, and the defendant, the Camden County Prosecutor. Under the existing law, it is unclear whether third parties should be considered “legal representatives” subject to liability under the LAD. The term “legal representative” is not defined in the LAD.

“Maiden Name” Use of the Term

Following a request from a member of the public, the Commission authorized research and outreach to examine whether the phrase “maiden name” in New Jersey’s statutes should be replaced with gender-neutral language given the ongoing changes in accepted terminology. Careful attention to an appropriate gender-neutral replacement term is required given the widespread use of the phrase “maiden name” in both state and federal law.

“Mentally Incapacitated” - Definition of

“The Law Revision Commission provides a unique opportunity for legal professionals with many varied perspectives to share our collective knowledge in the pursuit of improving the laws of our State. It is a privilege to participate and an honor to work with the dedicated and extraordinary Commissioners and Staff.”

*Grace C. Bertone, Esq.,
Bertone Piccini
(2013)*

The term “mentally incapacitated” as defined in N.J.S. 2C:14-1(i) is subject to competing, plausible interpretations based on textual analysis. One interpretation would find that an individual was mentally incapacitated only if he or she was administered a narcotic, anesthetic, intoxicant, or other substance without their prior knowledge or consent. An alternative reading of the statute would find the same individual mentally incapacitated if he or she was rendered temporarily incapable of understanding or controlling their conduct because they either voluntarily or involuntarily ingested a narcotic, anesthetic, or an intoxicant. The New Jersey Superior Court, Appellate Division has inconsistently interpreted what it means to be mentally incapacitated for purposes of New Jersey’s sexual assault statute.

Merger of Criminal Convictions for Leaving the Scene and Endangering an Injured Victim Pursuant to N.J.S. 2C:1-8

In New Jersey, criminal convictions are merged in certain circumstances identified in N.J.S. 2C:1-8. In *State v. Herrera*, 469 N.J. Super. 599 (App. Div. 2022), the Appellate Division held that convictions for leaving the scene of a motor vehicle accident, N.J.S. 2C:11-5.1, and endangering an injured victim, N.J.S. 2C:12-1.2, should be merged.

Nonprofit Organizations

Following a request from a member of the public, the Commission authorized a project intending to harmonize New Jersey’s Nonprofit Corporation Act (“Nonprofit Act”) as codified in N.J.S. Title 15A with New Jersey’s Business Corporation Act (“Business Act”) as codified in N.J.S. Title 14A. Staff is continuing to review the Nonprofit Act and compare it to the Business Act, with a goal of identifying Business Act modifications that would be similarly useful in the Nonprofit Act and proposing the appropriate revisions. This project has received the support of New Jersey’s Center for Non-Profits.

Prerequisites for Recording

In 2016, a member of the public contacted the Commission to propose a project regarding a minor structural change to N.J.S. 46:26A-3, which details the requirements for recording deeds and other instruments. The member of the public suggested that the “subdivision” language contained in subsection (d) of the enacted law was a potential typesetting error. It appears that upon adding the two additional requirements to state the name of the person preparing the deed and the mailing address of the grantee, the subdivision language was separated from where it originally resided in subsection (b) and shifted to the end of subsection (d) in error.

Public Hearing on Tenure Charges

Under the Tenured Employee Hearing Law, N.J.S. 18A:6-11, the “consideration and actions” of a board of education as to a tenure charge made against an employee “shall not take place at a public meeting.” The statute, however, does not address the Open Public Meetings Act provision, found in N.J.S. 10:4-12(b)(8), which states that a “public body may exclude the public” from a portion of an otherwise public meeting when the public body discusses a matter involving specified matters concerning employment unless “the individual employees ... whose rights could be adversely affected request in writing that the matter be discussed at a public meeting.” The interplay between the two statutes was discussed in *Simadiris v. Paterson Public School District*, 466 N.J. Super. 40 (App. Div. 2021).

Public Safety - Operating an unmanned aircraft system while under the influence of intoxicating liquor, a narcotic, or hallucinogen, N.J.S. 2C:40-28

In 2018, New Jersey became the first state to enact a law making it a disorderly persons' offense to operate an unmanned aircraft system (UAS) while under the influence of intoxicating liquor, a narcotic, hallucinogenic, or habit-producing drug. Pursuant to N.J.S. 2C:40-28(e), a person found guilty of operating a UAS with a blood alcohol concentration of 0.08% or more by weight of alcohol faces up to six months in jail and/or a fine of \$1,000. Despite the severity of the penalties set forth in N.J.S. 2C:40-28(e), the absence of provisions empowering officers to obtain blood alcohol concentration readings from alleged offenders poses an impediment to the enforcement of the statute.

Rent Security Deposit Act

The Commission authorized work on a project to determine whether modifying N.J.S. 46:8-19 *et seq.* would aid in interpreting the law regarding forum selection clauses that allow a landlord to require a tenant to litigate issues in a county of the landlord's choosing under the terms of lease agreements after *Baker v. La Pierre, Inc.*, 2016 N.J. Super. Unpub. LEXIS 472 (App. Div. 2016). *Baker* examined whether a landlord could use a forum selection clause in a rental contract to force a tenant to pursue legal action regarding the return of a security deposit in a county chosen by the landlord. The statute provides limited guidance, stating only that such matters are handled either by the Small Claims or Special Civil divisions of the Superior Court. The Court determined that "where a residential tenancy was created by an adhesion contract, and the tenant has filed the action for return of a security deposit (in accordance with Rule 6:1-3) in the county where the rental property is located, a forum-selection clause requiring venue be laid in another county is against established legislative policy."

Sidewalk Tort Liability – *Padilla v. An*, 257 N.J. 540

In New Jersey, sidewalk tort liability has largely been developed through case law. An earlier project authorized by the Commission focused on clarifying the distinction between commercial and residential property for sidewalk tort liability. That project was concluded in 2018 after a determination by the Commission that this area of the law was very fact-sensitive and largely controlled by case law rather than by statute. In June 2024, the New Jersey Supreme Court decided, in *Padilla v. An*, that landowners who purchase property located in an area zoned for commercial use have a duty to reasonably maintain sidewalks abutting their land. The *Padilla* decision rejected the longstanding "profitability," or "predominant use," test articulated in *Abraham v. Gupta*, which was previously used to determine the liability of a commercial landowner for sidewalk injuries. The *Padilla* Court urged the Legislature to reconsider and clarify sidewalk tort liability, explaining that the Court previously urged the Legislature to do so forty years ago in *Stewart v. 104 Wallace St., Inc.*

Termination of Parental Rights: Interpretation of “Best Interests of the Child” Standard

The Commission authorized a project to consider whether N.J.S. 30:4C-15.1(a) would benefit from modification to reflect the determinations of the courts in *N.J Div. of Child Prot. & Permanency v. A.S.*, No. A-0851-21, 2023 WL 1978247 (App. Div. 2023) and *N.J Div. of Child Prot. & Permanency v. D.C.A.*, 474 N.J. Super. 11 (App. Div. 2022), aff'd, 256 N.J. 4 (2023) and assess whether the standard or termination of parental rights is sufficiently clear following 2021 amendments to the law.

Time Limitation on Actions Concerning Publication of Bond Resolutions

The Commission approved limited consideration of a project to address whether N.J.S. 40:14B-28 would benefit from clarification concerning its application to contracts referenced in public bond resolutions that pre-date the publication of bonds as discussed in *Vernon Twp. v. Sussex Cnty. Mun. Utilities Auth.*, 2023 WL 2026174 (App. Div. 2023).

Title 18A: Special Education – Incorrect References in Statute

N.J.S. 18A:46-5.1 mandates that each board of education and state-operated program provide basic child study team services. It references outdated Administrative Code sections, 6:28-1.1 et seq., concerning the evaluation and classification process. These sections were replaced by 6A:14-1.1 – 6A:14-10.1 to comply with the Federal Individuals with Disabilities Education Act (IDEA), effective December 1998. The updated Administrative Code sections define the roles of child study team members in referrals, evaluation, eligibility determination, and the development of Individualized Education Programs. N.J.S. 18A:46-5.2 also references repealed Administrative Code sections. In addition, the term “speech correctionist” is no longer recognized by the New Jersey Department of Education when referring to a provider of speech services. N.J.S. 18A:46-8 and N.J.S. 18A:46-19.7, however, still use this term. The current term is “speech-language specialist,” as reflected in the New Jersey Administrative Code provisions regarding these services.

Title 39: Windshield Statute - Window Tint Traffic Stops/Citations

The Commission authorized a project to consider whether N.J.S. 39:3-74, the “Windshield Statute,” would benefit from clarification, particularly with regard to its applicability to traffic stops involving tinted windows, as discussed in *State v. Smith*, 251 N.J. 244 (2022). The Windshield Statute, enacted in 1921 and last amended in 1937, prohibits the operation of a motor vehicle with any “non-transparent material” on the windshield or side windows. In the *Smith* case, however, the defendant was pulled over because of a tinted rear window. The *Smith* Court found that Defendant’s tinted window therefore could not constitute a violation of the statute but noted that the Legislature could modify the text to consider the modern practice of automotive window tinting.

Tort Claims Act - Bystander Liability Claims

In New Jersey, to bring a tort claim against a public entity, notice of the claim must be made within ninety days of the accrual of the cause of action pursuant to N.J.S. 59:8-8. In *Alberts v. Gaeckler*, 446 N.J. Super. 551 (Law Div. 2014), the Law Division held that a plaintiff asserting bystander liability claims against the state “must comply with the notice requirements of the [Tort Claims Act].”

Tort Claims Act - Immunity for Sexual Misconduct Claims

In New Jersey, the Tort Claims Act provides public entities with immunity from civil liability. The TCA also provides that public entities are not liable for acts or omissions that constitute a crime, and that no damages shall be awarded against a public entity or employee for pain and suffering except in limited circumstances set forth in N.J.S. 59:9-2. In *EC by DC v. Inglima-Donaldson*, 470 N.J. Super. 41 (App. Div. 2021), the Appellate Division addressed whether a public entity loses its TCA immunity when a public employee commits a sexual assault, and how that loss of immunity affects the entity’s liability for criminal acts, as well as pain and suffering damages.

Tort Claims and Wrongful Imprisonment Claims

The New Jersey Tort Claims Act, N.J.S. 59:1-1 et seq., provides procedural and substantive requirements for bringing a tort claim against public entities and public employees. The TCA renders public employees liable for an act or omission to the extent that a private person would be liable – unless an immunity attaches. In *Nieves v. Office of the Public Defender*, 241 N.J. 567 (2020), the New Jersey Supreme Court considered whether legal malpractice claims are exempt from the TCA and whether the plaintiff’s “loss of liberty” damages claim is subject to the verbal threshold of the TCA. The Court considered whether N.J.S. 59:9-2(d) is clear regarding whether loss of liberty damages are a subset of pain and suffering damages.

“The NJLRC receives guidance from all three branches of our government, as well as private groups, businesses, and individuals. This broad perspective gives us unique insight into the challenges and practical effects of the proposals we consider.”

*Andrew O. Bunn, Esq.,
BDO USA, LLP*

Uniform Powers of Appointment Act

Powers of Appointment allow “the owner of property to name a third party and give that person the power to direct the distribution of that property among some class of permissible beneficiaries.” The Uniform Powers of Appointment Act was released in 2013 by the Uniform Law Commission to establish a national standard of

statutes regarding powers of appointment. New Jersey has a patchwork of statutes and common law governing powers of appointment, with most of the case law dating from the early to mid-1900s.

Uniform Power of Attorney Act

The Commission authorized a project to incorporate certain provisions of the Uniform Power of Attorney Act (UPOAA) into the New Jersey statutes. Research by Staff revealed that New Jersey deviates from the UPOAA in several ways and has fully adopted only a few UPOAA provisions while partially adopting others. Ten provisions of the Uniform Act have not yet been adopted in New Jersey.

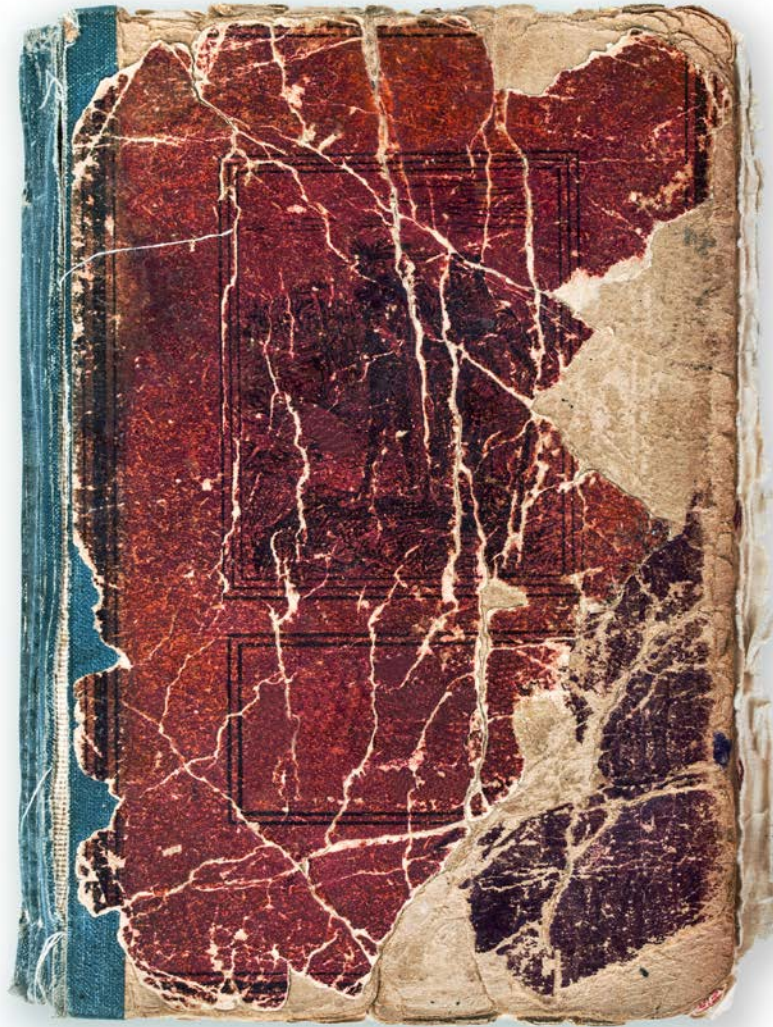
Uniform Probate Code

The Commission began work on a project to consider the possible enactment of the Uniform Probate Code in New Jersey. New Jersey's probate law, Title 3B, is modeled on the 1969 version of the UPC and was revised in 1990 to reflect subsequent amendments. The promulgation of the Uniform Parentage Act of 2017 has necessitated amendments to the UPC's intestacy and class-gift provisions. 2019 amendments provide a more consistent formula for determining intestate shares within blended families, remove outdated terminology, and incorporate the concept of de facto parentage. Another area of the UPC under consideration relates to the concept of a notarized will, which, if adopted in New Jersey, would eliminate the requirement for witnesses at the time a will is signed by the testator.

Workers Compensation - Time for Furnishing Medical, Surgical, and Other Treatment to an Injured Worker

The New Jersey Workers' Compensation Act provides a no-fault system of compensation for workers who are injured during employment. Since 1911, these remedial statutes relieve injured employees from the burden of paying for their own medical care and replace lost wages. New Jersey courts have liberally construed these statutes to accomplish their humanitarian ideals. The Act requires an employer to furnish an injured worker with medical, surgical, and other treatment, and hospital service as necessary to cure and relieve the worker of the effects of the injury and to restore the injured worker to the extent possible. The duty to provide adequate medical treatment to an injured worker is absolute. The "medical and hospital service" provision set forth in N.J.S. 34:15-15 does not set forth a time within which an employer must furnish the medical treatment called for in that section.

7. CONCLUDED OR NO ACTION RECOMMENDED



7. *Concluded or No Action Recommended*

Biometric Data

As a routine part of daily life, biometric data is collected by mobile devices, internet searches, security screenings, employee attendance devices, video doorbells, and home security systems. The rate at which this data is collected and the possibility of it being stolen and used for nefarious purposes led many states to consider its regulation. In *McDonald v. Symphony Bronzeville Park, LLC*, No. 126511 slip op. at 2 (Ill. Feb. 3, 2022), the Illinois Supreme Court considered the State’s Compensation Act and its Privacy Act to determine whether the Compensation Act’s exclusivity provisions bar an employee claim filed in circuit court for statutory damages under the Privacy Act. To this time, New Jersey does not have comprehensive data privacy laws. Although an “Invasion of Privacy” statute is found in the New Jersey Criminal Code, this statute does not address data privacy. The statutes that mandate the reporting of data breaches and the security of social security numbers do not address the collection of personal identifiers. After detailed research regarding the available guidance in this area, the pace at which the legal landscape in the area is changing, the New Jersey Legislature’s awareness of the issues, and the possible policy and fiscal implications of work in this area, the Commission concluded its work in this area without a recommendation in January 2024.

“Being a member of the New Jersey Law Revision Commission has been an intellectually challenging and thought-provoking experience. In addition, the work we do has a positive impact on the residents of New Jersey.”

*Anthony R. Suarez, Esq.,
Werner, Suarez & Moran, LLC
(2014)*

Development and Installation of Electric Vehicle Supply Equipment or Make Ready Parking Spaces

Pursuant to the “Act concerning electric vehicle supply equipment and Make-Ready parking spaces” applications for the installation of electric “vehicle supply equipment” and/or “Make-Ready” parking spaces may occur in one of three contexts. The Act raises questions that are unanswered by the current statutory scheme. The Act does not specify: what happens when the requirements of the Act are not met; whether the construction official is a part of the review process prior to the issuance of a zoning permit; what happens when the requirements for the issuance of a zoning permit are not satisfied; and whether a municipality may require an applicant to install a specific type of electric vehicle supply equipment. Commission Staff conducted: a 50-state survey of the law in this area, a review of the available federal guidance, a review of recent international developments, an assessment of New Jersey’s law, and the more than 40 bills introduced in the current legislative session that concern electric vehicles. In light of the pace at which the legal landscape, the technology, and the industry are changing, and the Legislature’s focus in this area, the Commission concluded its work in this area in June 2024.

Enforcement of Lost Notes

In the case of *Inv'rs Bank v. Torres*, the New Jersey Supreme Court examined whether a party could enforce a lost promissory note under N.J.S. 12A:3-309 using a digital copy of the note if the original was lost before it was assigned to that party. The plain language of N.J.S. 12A:3-309 does not specifically address the rights of an assignee when the original version of the instrument was lost prior to assignment. The Court upheld the lower court decisions granting Investors' motion for summary judgment. The differing interpretations of N.J.S. 12A:3-309 presented by the defendants and several amicus curiae, however, suggested ongoing difficulties for affected parties in understanding and applying the statute. Commission Staff reviewed this issue and determined that the outstanding question is addressed by the Commission's March 2023 Final Report recommending the enactment of the Uniform Commercial Code – 2022 Amendments and, as a result, the Commission concluded its work in this area in December 2024.

Landlord-Tenant Law - Definition of "Rent"

Under New Jersey eviction statutes, a tenant may be subject to eviction for failure to pay rent, but "rent" is not defined in the statutes. In *Opex Realty Mgmt, LLC v. Taylor*, 460 N.J. Super. 287 (Law. Div. 2019), the Court held that non-payment of late fees and legal fees, deemed "additional rent" in the lease, may not form the basis of an eviction when the "additional rent" would cause the total rent to exceed the maximum rent allowed by local ordinance. Research and outreach were conducted to ascertain whether the issue addressed by *Opex* is prevalent in New Jersey. A majority of commenters indicated that modification of the statute was not necessary and, in March 2024, the Commission concluded its work on this project.

Local Land and Building Law – Bidding

The New Jersey Local Lands and Buildings Law (LLBL) allows a governmental unit to acquire property in a variety of ways. The LLBL permits a governing body to require the seller, or lessor, to construct or repair a capital improvement as a condition of acquisition. The principal statute that permits the inclusion of such a condition precedent is silent, however, regarding whether this method of acquisition requires the governing body to adhere to the public bidding requirements set forth in the New Jersey Local Public Contracts Law (LPCL). After research and multiple rounds of drafting, a Revised Tentative Report was released by the Commission in July 2020. Staff was not able to elicit comment on the issues that were of concern to the Commission. In the absence of case law or legislative guidance, and of commenters willing to provide the Commission with the benefit of their expertise in this area, the project did not move forward. Ultimately, the Commission concluded its work in this area in September 2024.

Religious Divorce in the Context of Civil Divorce Proceedings

Chapter 34 of Title 2A (Administration of Civil and Criminal Justice) of the New Jersey statutes deals with matters including the causes for nullification and divorce, jurisdiction, parties, fees, judgments and appeals,

alimony and maintenance, and the custody of children. Neither that Chapter, nor any other provision of New Jersey’s statutes, pertains to a religious divorce that may be sought by a party to a civil divorce proceeding. In October 2023, the New Jersey State Bar Association requested that the Commission review the issue of the withholding of a Get – a Jewish decree of divorce – in response to opinions in two separate cases. The Family Law Executive Committee of the NJSBA appointed a task force to study this issue and the NJSBA suggested that “NJLRC’s collaboration on this issue would be very helpful.” Staff engaged in preliminary research, the results of which were summarized in a lengthy memorandum and presented to the Commission in March 2024. After some additional, targeted research, Commission Staff paused its work while awaiting information from the NJSBA regarding the status of its internal process in this area. In early July, Staff confirmed with the NJSBA that it had drafted language on this subject and was seeking a legislative sponsor. Since no further input from the Commission was sought, the Commission concluded its work in this area in September 2024.

Municipal Vacancy Law

New Jersey offers municipalities a choice of twelve forms of government, eleven of which are in use, to varying degrees. As a result, there is substantial variation in the composition of local governments, limiting the ability to have a uniform process to address a governmental vacancy. The Legislature attempted to remedy this problem in 1979, when it approved the Municipal Vacancy Law, but the problem of filling vacancies in a consistent and timely manner persists. The Commission authorized a project to identify potential changes to the Municipal Vacancy Law that could improve its organization and effectiveness. The decision in *Linden Democratic Comm. v. City of Linden*, 251 N.J. 415 (2022), however, resolved “the most pressing issue” identified by the Commission. In addition, recent legislative activity concerning abstentions addressed another area of Commission focus. As a result, the Commission concluded its work in this area in November 2024.

“It is a pleasure to be a part of a group of people who bring such skill, commitment, and enthusiasm to the work that they do.”

*Laura C. Tharney
Executive Director, NJLRC
(2013)*

Open Public Records Act

The Commission began work on various aspects of the Open Public Records Act (OPRA), and the work was consolidated into a single project including the following aspects:

- **Catalyst Theory** – In *Grieco v. Borough of Haddon Heights*, 449 N.J. Super. 513 (Law Div. 2015) a governmental agency voluntarily produced requested records after a lawsuit was filed following an OPRA request. Pursuant to OPRA, to qualify for counsel fees, a plaintiff must be a “prevailing party” in a suit brought to obtain access to government records. The plaintiff must therefore prove that the legal action was the “catalyst” that induced the defendant’s compliance with the law.

- **Entities to Which Applied** – *Verry v. Franklin Fire District No. 1*, 230 N.J. 285 (2017), involved a records request for the bylaws and constitution of the Millstone Valley Fire Department (MVFD), a volunteer fire company that is a member of the statutorily established Franklin Fire District (District). When the request was denied, the requestor submitted a complaint to the Government Records Council, which concluded that the MVFD was a public agency because it “serve[d] a governmental function under the supervision and control of [the District].” The District appealed. The determination was affirmed by the Appellate Division and later the New Jersey Supreme Court, which held that political subdivisions of the State and bodies sharing a basic connection to those political subdivisions are public agencies subject to OPRA.

- **Meaning of Name and Identity** – The OPRA exception for records of an ongoing investigation was considered by the New Jersey Supreme Court in *North Jersey Media Group, Inc. v. Township of Lyndhurst*, 229 N.J. 541 (2017). In that case, the Court considered how to interpret two exceptions in OPRA. Among the Court’s determinations was that Section 3(b) of OPRA uses “name” and “identity” interchangeably. Staff sought authorization to conduct additional research and outreach to determine whether editing Section 3(b) regarding “name” and “identity,” or modifying the statute in some other limited way, would aid in interpreting the provision.

- **Redacted Information** – In *Paff v. Bergen County*, 2017 WL 957735 (App. Div. 2017), the Appellate Division considered several issues pertaining to the OPRA, including whether the County violated the law by denying the requestor access to redacted information.

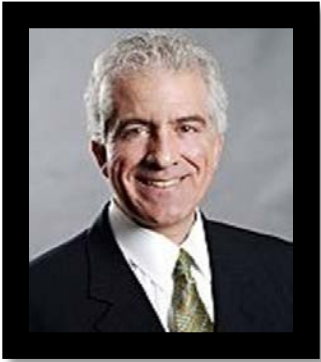
In March of 2024, however, the Legislature proposed widespread amendments to OPRA, which were adopted on June 5, 2024, and effective on September 3, 2024. The Commission considered the impact of these amendments on the Commission’s open projects in this area in October 2024. The Commission discussed that the process of enacting the current OPRA amendments garnered a substantial amount of publicity and was a long process. It considered that there is unlikely to be an inclination in the Legislature to revisit OPRA for some time and noted that the courts have not yet had the chance to weigh in on the newly enacted amendments. As a result, the Commission concluded work on its four open projects in this area.

Operating Uninsured Automobiles

The Commission approved limited consideration of a project to address whether N.J.S. 39:6A-4.5(a) would benefit from modification to clarify the term “operating” in the context of uninsured vehicles as discussed in *Memudu v. Gonzalez*, 475 N.J. Super. 15 (App. Div), leave to appeal denied, 253 N.J. 549 (2023). After research and outreach, the Commission considered and concluded its work in this area in December 2024.

8. CURRENT AND HISTORIC COMMISSIONERS AND THE STAFF OF NJLRC



8. Current and Historic Commissioners and the Staff of the NJLRC**The current members of the Commission are:****Vito A. Gagliardi, Jr., Chairman, Attorney-at-Law**

The managing principal of Porzio, Bromberg & Newman, P.C., Vito A. Gagliardi, Jr. co-chairs the firm's Employment and Education Law Team. He is certified by the New Jersey Supreme Court as a Certified Civil Trial Attorney and he represents school districts in numerous matters and handles employment law matters for public and private sector clients in state and federal courts, before state and federal agencies, and before arbitrators. Mr. Gagliardi litigates and counsels clients in every area of labor and employment law, including issues of restrictive covenants, harassment, discrimination, and whistleblowing. He represents management in labor grievances and before PERC. Mr. Gagliardi regularly advises clients on reduction in force and on employment issues related to restructuring and consolidation. He also handles investigations by management into allegations of employee wrongdoing. Mr. Gagliardi received his undergraduate degree from the University of Notre Dame in 1986 and graduated from the Washington & Lee University School of Law cum laude in 1989, where he was a member of the Order of the Coif, and Captain of the National Moot Court Team.

Andrew O. Bunn, Vice-Chairman, Attorney-at-Law

An Associate General Counsel at BDO USA, LLP, concentrating in litigation and regulatory investigations and disputes, Mr. Bunn was previously a partner at the firm of DLA Piper, and, before that, at McCarter & English, LLP, where he had a varied litigation practice representing companies in state and federal courts, arbitration and regulatory proceedings, in cases including individual and class-action claims in the areas of consumer complaints, business disputes, contract and policy interpretations, benefit entitlements, sales practices, ERISA, securities, financial instruments, telecommunications, managed care and regulatory disputes. His clients included some of the country's largest life and health insurance companies, financial institutions, telecommunications providers, and manufacturers. Mr. Bunn has tried numerous jury and non-jury cases to verdict and has extensive appellate experience. Mr. Bunn received his undergraduate degree from Kenyon College in 1984 and graduated from the Rutgers School of Law – Newark in 1990, where he served as Managing Editor of the Rutgers Law Review.

Honorable Virginia Long, Associate Justice, New Jersey Supreme Court (Retired), Counsel to Fox Rothschild, LLP



New Jersey Supreme Court Justice Virginia Long joined the Fox Rothschild firm after 15 years on the Appellate Division and 12 years on the Supreme Court. Justice Long devotes her efforts to assisting clients with ethics and appellate matters, corporate governance, and governmental integrity investigations and to serving as a mediator and arbitrator providing dispute resolution alternatives. She also spearheads the firm's pro bono efforts in New Jersey. Justice Long began her career as a Deputy Attorney General and later served as Director of the New Jersey Division of Consumer Affairs and as Commissioner of the former New Jersey Department of Banking. She also practiced law at the firm of Pitney, Hardin and Kipp. In 1978, she was appointed to the New Jersey Superior Court, where she presided over civil, criminal and family law cases in Union County. From 1983 to 1984, she was the General Equity judge for Mercer, Somerset, and Hunterdon counties. In 1984, Justice Long was elevated to the Appellate Division, where she became a presiding judge in 1995. She was appointed to the New Jersey Supreme Court in 1999 and was confirmed by the Senate for a second term and granted tenure in 2006, retiring in 2012 when she reached the mandatory retirement age. Justice Long received her undergraduate degree from Dunbarton College of Holy Cross in 1963 and graduated from the Rutgers School of Law – Newark in 1966.

Louis N. Rainone, Attorney-at-Law



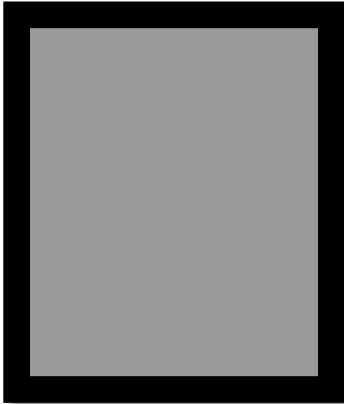
Managing partner at the firm of Rainone, Coughlin, Minchello, Louis Rainone has served as counsel for many of the state's largest municipalities, including: Newark, Edison, Trenton, Franklin, Marlboro, Long Branch, Perth Amboy, Clifton, Brick, Piscataway, Rahway, Sayreville, Bound Brook and Green Brook. He has also served as special counsel to the County of Essex, The Essex County Improvement Authority, The Bergen County Sheriff, and the North Jersey District Water Supply Commission. In addition, Mr. Rainone has had an extensive and varied career in public service. He served as Legislative Assistant to the Chairman of the New Jersey General Assembly Committee on Taxation and in the same capacity to the Vice Chairman of the Senate Appropriations Committee. Mr. Rainone received his B.A. in Political Science from Rutgers University in 1977 and graduated from Seton Hall Law School in 1980, where he was a member of the Legislative Journal. Following law school, he served as a clerk in the Monmouth County Prosecutor's Office, as a legislative aide to State Senator Richard Van Wagner, and on the staff of Assembly Speaker Alan J. Karcher.

Brian P. Stack, Chair, Senate Judiciary Committee, Ex officio

A member of the Senate since 2004, Senator Stack has served as the Mayor of Union City, New Jersey, since 2000. He has also served the public as a Commissioner, from 1997-1998 and a member of the Hudson County Board of Freeholders from 1998-2004. He is the Chair of the Senate Judiciary Committee and the Vice-Chair of the Community and Urban Affairs Committee.

Ellen J. Park, Chair, Assembly Judiciary Committee, Ex officio

A member of the Assembly since 2022, and Parliamentarian since 2024, Assemblywoman Park previously served as a member of the Borough of Englewood Cliffs Council from 2016-2018. She is the Chair of the Assembly Judiciary Committee and a member of the Select Committee on Ballot Design, the Assembly Budget Committee, and the Assembly Commerce, Economic Development and Agriculture Committee.

Johanna Bond, Dean, Rutgers University School of Law, Ex officio

Dean Bond graduated from Colorado College and the University of Minnesota, where she earned a J.D. and a master's degree in public policy. She also holds an LL.M. from Georgetown University Law Center. Dean Bond served as a law clerk for United States District Judge Ann D. Montgomery in Minnesota. She comes from the faculty of Washington and Lee University School of Law where she served as the Associate Dean for Academic Affairs. Dean Bond was also an Associate Professor of Law at the University of Wyoming and a Visiting Associate Professor of Law at Georgetown University Law Center. She served as the Executive Director of the Women's Law and Public Policy Fellowship Program. Dean Bond began leading Rutgers Law School in July 2023. She is an expert in international human rights law and gender and the law. Her scholarship has appeared in numerous journals. In 2001 and 2015 she was selected as a Fulbright Scholar. Dean Bond has traveled extensively and collaborated with non-governmental organizations and human rights lawyers around the world. Her 2001 Fulbright award enabled her to travel to Uganda and Tanzania for research that resulted in her edited book, *Voices of African Women: Women's Rights in Ghana, Uganda, and Tanzania* (Carolina Academic Press, 2005).

Represented by **Grace C. Bertone**, Attorney-at-Law



The managing partner of Bertone Piccini, Grace Bertone is a graduate of Fairleigh Dickinson University, summa cum laude, and Rutgers University School of Law, Camden, where she served as Editor-in-Chief of the Rutgers Law Journal. She was admitted to the bars of New Jersey and Pennsylvania and related federal districts in 1984. From 1984 to 1985, Ms. Bertone served as Law Clerk to The Honorable Phillip A. Guccio, Superior Court of New Jersey (Assignment Judge, Atlantic and Cape May Counties). Before founding Bertone Piccini, she was a partner at the firm of McElroy, Deutsch, Mulvaney & Carpenter, LLP. Ms. Bertone has substantial experience in the areas of business acquisitions, general corporate and business counseling, commercial and residential real estate, zoning and land use, banking and commercial lending, foreclosure litigation, estate planning, probate administration, and probate litigation. She also has substantial experience in the analysis and implementation of internal investigations and legal audits.

Represented by **Professor Bernard Bell**



Professor Bell received a B.A. cum laude from Harvard and a J.D. from Stanford, where he was notes editor of the Law Review and a member of Order of the Coif. He clerked for Judge Amalya L. Kearsse of the U.S. Court of Appeals for the Second Circuit and for U.S. Supreme Court Justice Byron R. White, and then practiced with Sullivan and Cromwell in New York. Before coming to Rutgers in 1994, Professor Bell served as senior litigation counsel and, before that, as Assistant U.S. Attorney (Civil Division) in the U.S. Attorney's Office for the Southern District of New York. He has written numerous scholarly articles published in various journals. The courses that he teaches include Torts, Legislation, Administrative Law, Constitutional Law, Law and Mass Communications, Privacy Law, Property, and Separation of Powers Law.

Ronald H. Weich, Dean, Seton Hall University School of Law, Ex Officio



Dean Weich pursued undergraduate studies at Columbia University and the London School of Economics before graduating from Columbia University and then Yale Law School. He began his legal career as an Assistant District Attorney in the Manhattan District Attorney's Office. In 2009, Dean Weich was appointed by President Obama and confirmed by the United States Senate to serve as Assistant Attorney General for Legislative Affairs in the Department of Justice. He held several other positions in Washington, D.C., including Chief Counsel to Senators Edward M. Kennedy and Harry Reid. Dean Weich transitioned to the academic arena at Baltimore School of Law, where he served as Dean from 2012 until he joined Seton Hall Law School in July of 2024.

Represented by **Professor Edward Harnett**



Professor Harnett received his A.B., magna cum laude, from Harvard and his J.D. from New York University, where he was elected to the Order of the Coif and received the highest award given to J.D. candidates. He clerked for Judge Frederick B. Lacey and Judge Robert E. Cowen of the United States District Court for the District of New Jersey, and for Chief Judge John J. Gibbons of the United States Court of Appeals for the Third Circuit. After his clerkships, he practiced with the Federal Public Defender and the law firm of Robinson, St. John & Wayne. He has published articles in the areas of civil procedure, federal jurisdiction, and constitutional law, and is a co-author of the leading text on practice before the Supreme Court of the United States. He is the Richard J. Hughes Chair for Constitutional and Public Law and Service at Seton Hall University School of Law, teaching courses including Civil Procedure, Constitutional Law, and Federal Courts.

Professor Harnett was appointed by John Roberts, Chief Justice of the United States, to serve as the Reporter for the Advisory Committee on the Federal Rules of Appellate Procedure and by Chief Justice Rabner to serve on the New Jersey Civil Practice Committee.

Former Commissioners:

Daniel F. Becht, Esq.

Peter A. Buchsbaum, Esq.

Albert Burstein, Esq.

Bernard Chazen, Esq.

John J. Degnan, Esq.

Edward J. Kologi, Esq.

Thomas N. Lyons, Esq.

Hugo M. Pfaltz, Jr., Esq.

Hon. Sylvia Pressler, P.J.A.D. (Retired)

Howard T. Rosen, Esq.

Anthony R. Suarez, Esq.

Former Ex officio Commissioners:

Roger I. Abrams, Dean, Rutgers School of Law – Newark

Senator John Adler

Assemblyman Peter J. Barnes, III

Kathleen M. Boozang, Dean, Seton Hall University School of Law

Represented by Professor John Kip Cornwell

Michael T. Cahill, Co-Dean, Rutgers School of Law – Camden

Represented by Grace C. Bertone, Esq.

Ronald K. Chen, Co-Dean, Rutgers School of Law – Newark

Represented by Professor Bernard Bell

Rose Cuison-Villazor, Interim Co-Dean, Rutgers School of Law – Newark

Represented by Professor Bernard Bell

Elizabeth F. Defeis, Dean, Seton Hall University School of Law

Represented by Professor Robert A. Diab

Roger Dennis, Dean, Rutgers School of Law – Camden

Represented by Hope Cone

Stuart Deutsch, Dean, Rutgers School of Law – Newark

John J. Farmer, Jr., Dean, Rutgers School of Law – Newark

Represented by Professor Bernard Bell

Senator William L. Gormley

Assemblywoman Linda R. Greenstein

Assemblyman Walter M.D. Kern

David Lopez, Co-Dean, Rutgers School of Law – Newark, Ex officio

Represented by Professor Bernard Bell

Assemblywoman Marlene Lynch Ford

Kimberly Mutcherson, Dean, Rutgers School of Law - Camden

Represented by Grace Bertone

Eric Neisser, Acting Dean, Rutgers School of Law – Newark

Represented by Professor Robert Carter

Senator Edward T. O'Connor

Assemblywoman Annette Quijano

Ronald J. Riccio, Dean, Seton Hall University School of Law

Represented by Professor William Garland

Paul T. Robinson, Dean, Rutgers School of Law – Camden

Assemblyman David C. Russo

Senator Paul A. Sarlo

Assemblyman Thomas J. Schusted

Senator Nicholas P. Scutari

Peter Simmons, Dean, Rutgers School of Law – Newark

Richard G. Singer, Dean, Rutgers School of Law – Camden

Rayman Solomon, Dean, Rutgers School of Law – Camden

Represented by Grace C. Bertone, Esq.

Assemblyman Gary W. Stuhltrager

The staff of the Commission is:

Laura C. Tharney, Executive Director

Laura Tharney joined the Commission as a staff attorney in February 2002 and was named Deputy Director in January 2008 and Executive Director in October 2012. Laura has been a licensed attorney since 1991 and is admitted to practice in New Jersey and New York. Before she began work with the Commission, Laura engaged in appellate practice at her central-New Jersey law firm, which included appeals to the Supreme Court of the United States, New Jersey Supreme Court, New Jersey Appellate Division, New York appellate courts, administrative agencies, and municipal boards and bodies. She received her B.A. from Rutgers University in 1987 and graduated from Rutgers School of Law - Newark in 1991.

Whitney G. Schlimbach, Deputy Director

Whitney Schlimbach joined the Commission as a staff attorney in September of 2021 and was named

Deputy Director in May 2024. She has been a licensed attorney since 2012 and is admitted to practice in New Jersey and New York. Prior to joining the Commission, Whitney worked as an associate at a small New York City criminal defense firm, practicing in New York State and Federal trial and appellate courts. She also worked for The Exoneration Initiative in Manhattan, beginning while in law school and continuing after graduation. Whitney received her B.A. from Bryn Mawr College in 2007 and graduated from Brooklyn Law School in 2011.

Barbara B. Rivera, Counsel

Barbara Brosnan Rivera joined the commission as a staff attorney in October of 2024. She has been a licensed attorney in New Jersey since 1992. Before joining the Commission, Barbara handled civil tort and contract cases before New Jersey state and federal courts. She served as staff counsel for insurance companies, practiced at private law firms, and acted as an independent Dispute Resolution Professional from 2013-2022, arbitrating no-fault personal injury protection cases. Barbara has also been teaching legal research and writing courses at a community college since 2002. She received her B.A. from St. John's University in 1988 and graduated from St. John's University School of Law in 1992.

Veronica V. Fernandes, Executive Assistant

Veronica Fernandes transitioned to the legal field in 2018 when she joined the Commission in a part-time capacity. Now, as the full-time Executive Assistant, Veronica handles all aspects of the Commission's administrative work, and its website management. Prior to joining the Commission, Veronica spent nearly a decade in the service industry with an emphasis on food service management, handling the day-to-day administration of several small businesses. Before that, she worked in the healthcare field, with a focus on administration, after graduating from Belleville High School in 2004.

Kyle Ryan, Legislative Fellow (*beginning August 2024*)

Kyle Ryan joined the Commission as a Legislative Fellow in August of 2024. He earned his B.A. in Sociology from the University of North Carolina at Chapel Hill in 2021 and graduated from the Seton Hall University School of Law in 2024. During his time as a law student, Kyle worked for the Union County Superior Court and the New Jersey Reentry Corporation.

Carol Disla-Roa, Legislative Fellow (*until August 2024*)

Carol Disla-Roa joined the Commission as a Legislative Fellow in October of 2023. She became a licensed attorney in 2023 and has been admitted to practice in New Jersey. Carol earned her B.A. in Public and Nonprofit Administration from Rutgers University – Newark, School of Public Affairs and Administration in 2020 and graduated from Seton Hall University, School of Law in 2023.

Samuel M. Silver, Deputy Director (*until May 2024*)

Samuel Silver joined the Commission as a staff attorney in March of 2017 and was named Deputy Director in March 2019. He has been a licensed attorney since 1994 and is admitted to practice in New Jersey. As a solo practitioner, Sam engaged in civil and criminal litigation as well as appellate practice. He litigated matters before the Superior Court, Law Division, and municipal courts throughout New Jersey. Sam argued appellate matters before the Appellate Division and the Supreme Court of New Jersey and practiced before the United States District Court. He received a B.A. from the University of Wisconsin's Madison Campus, and graduated from the Washington College of Law – American University in 1994. In 2016, he earned a master's degree in trial advocacy from Stetson University College of Law.

Student Legislative Law Clerks and Externs:

In addition to the full- and part-time Commission Staff members, law students from New Jersey's law schools play a significant role in the work of the Commission. With the supervision and assistance of the Commission attorneys, law students are afforded the opportunity to conduct legal research and outreach to potential commenters, draft proposed statutory language and reports for submission to the Commission, and present their findings at public meetings of the Commission.

The Commission was fortunate to have the assistance this year, as in past years, of bright, motivated, and dedicated students with excellent research and writing skills whose efforts increased the Commission's ability to work in numerous different areas of the law. The students who worked with the Commission this year are:

Michael W. Fuccile (Seton Hall Law School) – Legislative Law Clerk – Summer 2024

Randall Terhune (Seton Hall Law School) – Legislative Law Clerk – Summer 2024

JC Demaria (Rutgers Law School) – Legislative Law Clerk – Fall 2024

Other Assistance by Students and Recent Graduates:

Pro bono legal research and drafting assistance was provided to the NJLRC by law students from both the Camden and Newark campuses of Rutgers University Law School: **Daniella Babae**, **Erin Farley**, **Daniel Huet**, and **Zahirah Sabir** in cooperation with Jill Friedman, Associate Dean, Pro Bono & Public Interest, and Sarah E. Ricks, Distinguished Clinical Professor of Law, at Rutgers Law School – Camden. Pro bono legal research and drafting were also provided by law students and recent graduates **Daniel Gogerty**, **Melanie Filocco**, and **Marisa B. Sanders Levine**, in cooperation with Lori Borgen, Esq., Director of the Externships and Pro Bono Service Program, at Seton Hall Law School. Research and drafting assistance were also provided over the summer by **Shreya Mishra**, an undergraduate student at George Washington University in Washington, D.C.

9. LOOKING AHEAD TO THE WORK OF THE NJLRC IN 2025



9. Looking Ahead to the Work of the NJLRC in 2025

The Commission's underlying mission, and the nature of its work, do not change from year to year, or from one legislative session to the next. Each year, however, the Commissioners and Staff endeavor to improve the Commission's process, work, and communications, and are always receptive to suggestions from interested parties regarding how to do so.

Meetings of the Commission are open to the public, as are the records of its work. The Commission actively solicits public comments on its projects, which are widely distributed to interested persons and groups. Efforts to enhance outreach, transparency, and the use of electronic media and communications are, as always, ongoing.

A website upgrade in 2019 made additional information available online. Significant upgrades to the Commission's website were also made in 2023 and 2024 to increase the accessibility of the Commission's work so that members of the public can benefit from all stages of its projects.

Throughout 2024, Staff also worked to increase and improve the effectiveness of the Commission's outreach and increase public participation in the work of the Commission. Part of this effort involved the use of video communication tools to enable remote public participation in Commission meetings and the increasing use of the Commission's website to encourage public participation in the work of the Commission.

Within the State government, the work done by the Commission is complementary to that of the Office of Legislative Services. Each entity has a different role in the legislative process, and the Commission works collaboratively with the Office of Legislative Services to support the Legislature by bringing issues to the attention of Legislators that might not otherwise receive consideration. Commission Staff always appreciate the opportunity to cooperate with Staff members from the Office of Legislative Services, who have deep experience and expertise in various subject-matter areas, and with the Staff members in the Legislative Partisan and District Offices.

The release of a Final Report by the Commission is followed by outreach efforts to identify members of the Legislature who may be interested in sponsoring legislation based on the Commission's work. The Commission looks forward, as always, to increased interaction with Legislators, and those who staff the legislative offices throughout the State, to better support the Legislature and to facilitate the implementation of Commission recommendations.