

ANNUAL REPORT – 2025

# NEW JERSEY LAW REVISION COMMISSION

THIRTY-NINTH ANNUAL REPORT



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# THIRTY-NINTH ANNUAL REPORT

2025





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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>

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## The New Jersey Law Revision Commission

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**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.



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## Statement of the Chairman

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As the Chairman of the New Jersey Law Revision Commission, I am pleased to present the Commission's 2025 Annual Report for the Legislature's consideration, marking the conclusion of the 39th year of the Commission's work.

During the 2024–2025 legislative session, the Commission completed 21 recommendations to the Legislature across a variety of subject-matter areas, and work remains ongoing on 59 additional projects, including review of Model Acts promulgated by the Uniform Law Commission. In the 221st Legislature, 23 bills derived from the Commission's work were introduced. Two of those bills, based on the Commission's Final Report concerning "personal conveyances," were enacted as P.L.2024, c.11, amending N.J.S. 39:4-92.4.

As in recent years, the Commission benefited from strong legislative support. During this session, more than half of the members of the Legislature either sponsored or assisted in advancing bills related to the Commission's work.

To increase awareness of the Commission's work and support legislative consideration of Commission bills, Commission staff engaged with legislators, participated in hearings, and delivered a Continuing Legal Education presentation to the Legislature in 2025 with the Office of Legislative Services. Staff also issued a Spring Newsletter and Mid-Year E-Bulletin to inform the public. The Commission maintains its Legislative Fellowship program, admitted its latest Fellow in September 2025, and hosts students from Rutgers School of Law, Seton Hall University School of Law, and the New Jersey Institute of Technology as paid legislative law clerks, credit-earning externs, interns, and volunteers.

The Commission underwent internal changes this year. Laura Tharney retired after 23 years with the Commission, including the last 13 years as Executive Director. We thank her for her leadership and the steady guidance she provided as the Commission pursued its goals. Barbara Rivera, former Counsel to the Commission, was elevated to serve as the new Executive Director, and we are confident she will be effective in that role. We also welcomed Candy Ley Velazquez as Counsel, and she already offers us valuable insights.

The Commission mourns the loss of John M. Cannel in June 2025. As the first Executive Director, he served from the Commission's founding in 1987 until his retirement in 2012. Following retirement, he continued his dedicated service as a volunteer "Reviser of Statutes" for ten more years. His exceptional talents and enduring contributions to the legal community are deeply valued.

The Commission remains dedicated to upholding a high standard of legal research and analysis while increasing public engagement with our work. The publication of scholarly articles by the staff continued in 2025, and the citation of Commission reports by academics and judges highlights the practical impact of the Commission's work. Media mentions in 2025 in the New Jersey Monitor, Lancaster Farming, the National Post, and JD Supra also help expand public awareness and encourage input. In March 2025, Executive Director Laura Tharney met with the Chair and a senior lawyer from the Law Commission of England and Wales to discuss ongoing collaboration.

On behalf of the Commission, I thank our State Legislators, their staff, the Office of Legislative Services, and others whose attention to the Commission’s work allows us to help improve the laws of this State. We are grateful, as always, for the Legislature’s introduction of bills inspired by the Commission’s efforts this session. We also appreciate Legislative Staff and the Office of Legislative Services for their willingness to work collaboratively with us to implement legislative intent and strengthen New Jersey’s statutory framework.

My thanks, as always, to my fellow Commissioners for their thorough reviews and thoughtful recommendations to improve the Commission’s work. I also thank the staff for their dedication to fulfilling our statutory mandate and seeking ways to increase the accessibility and effectiveness of our work. We are grateful to commenters from government, law, academia, the private sector, and the public, whose contributions greatly aided the Commission in 2025. We hope our work reflects the quality of these contributions.

We look forward, in 2026, to continuing our work in significant areas of the law and to engaging with individuals throughout the State who share our goal of improving the laws that govern all of us.

Vito A. Gagliardi, Jr., Esq.  
Chairman  
New Jersey Law Revision Commission

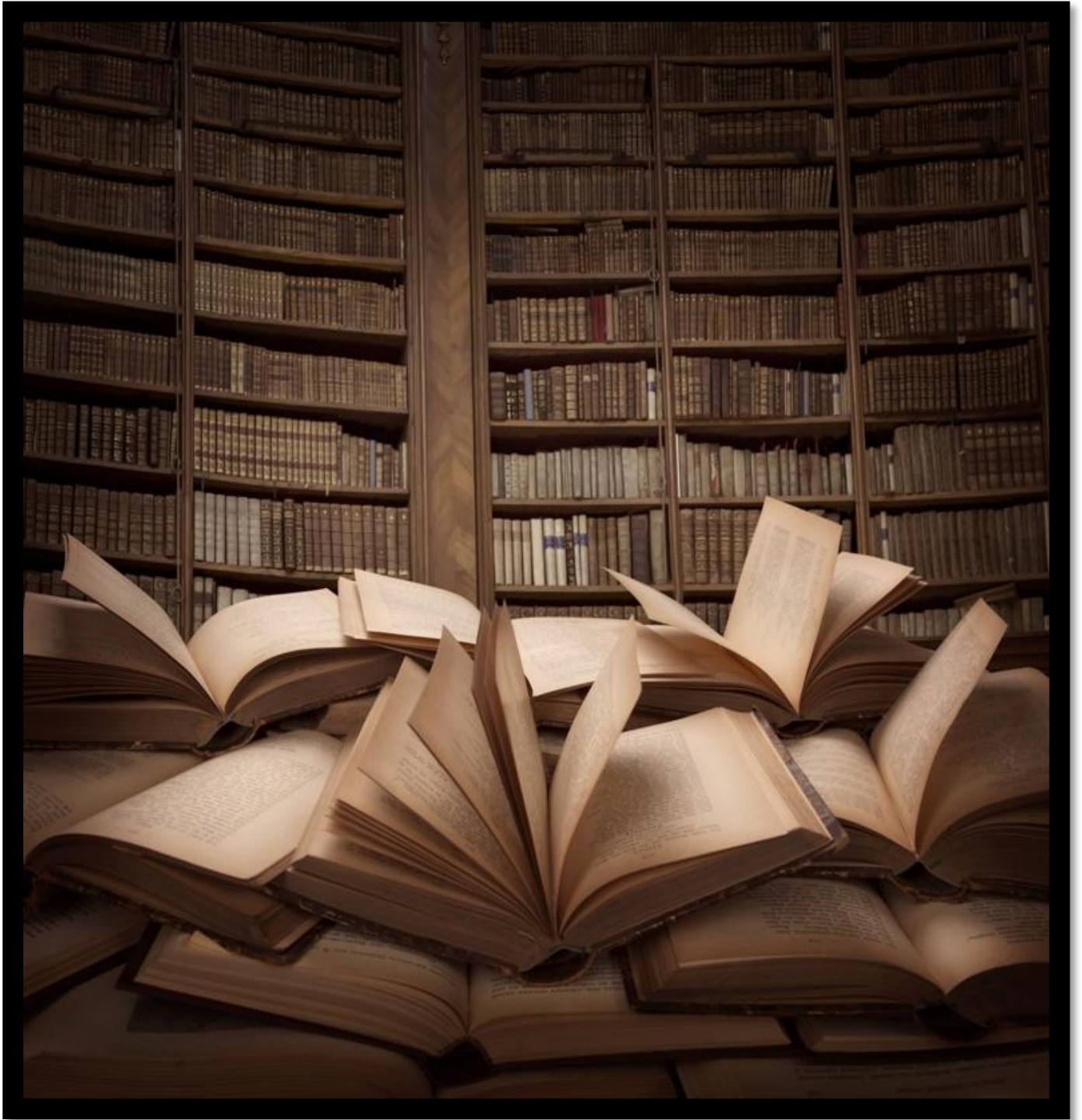
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# 1. Overview of the Work of NJLRC in 2025



**1. Overview of the Work of the NJLRC in 2025**

**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

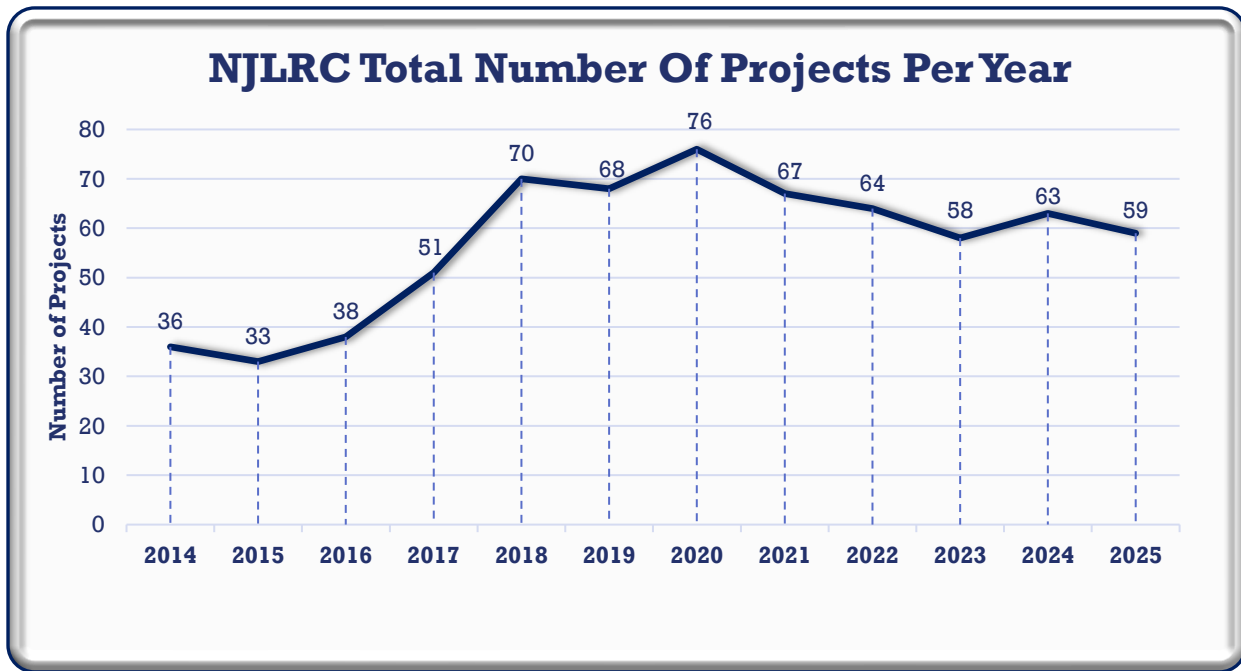
The following bills introduced this legislative session were based in whole or in part on the work of the NJLRC, or pertain to subject areas in which the NJLRC provided information and support to the Legislature:

- [S4545](#) – (Sen Testa, Sen Turner, Sen Burgess, Sen Henry) Expands epinephrine administration mechanisms permitted in schools
- [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
- [A6049](#) – (Asw Park) Specifies nonprevailing party in proceeding or judgment deemed frivolous by judge may include municipality or municipal corporation
- [A6008](#) – (Asw Fantasia) Expands epinephrine administration mechanisms permitted in schools
- [A653](#) – (Asm S Kean) Establishes time periods for adverse possession of certain property
- [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  
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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 Renee C. Burgess  
Senator John J. Burzichelli  
Senator Patrick J. Diegnan, Jr.  
Senator Vin Gopal  
Senator Linda R. Greenstein  
Senator Owen Henry  
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Senator Gordon M. Johnson  
Senator Joseph A. Lagana  
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Senator Raj Mukherji  
Senator Vincent J. Polistina  
Senator Nellie Pou  
Senator Michael L. Jr. Testa  
Senator Britnee N. Timberlake  
Senator Shirley K. Turner  
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 2025. 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:

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## 2. Enacted Reports and NJLRC Cases and Journal References and Institutional Collaborations



## 2. Enacted Reports and NJLRC Cases and Journal References and Institutional Collaborations

Since the NJLRC began work in 1987, the New Jersey Legislature has enacted 60 bills based on 79 of the 262 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* (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* (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.
- *Drunk Driving Penalties, Expanded Use of Ignition Interlock Devices* (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 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 New Jersey cases in which the work of the New Jersey Law Revision Commission is mentioned:

- *Eddie’s Liquors, Inc. v. Director, Division of Taxation*, 2024 WL 5074405 (N.J. Tax 2024)
- *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 Envtl. Sols. Corp.*, 454 N.J. Super. 578 (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 v. 818 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)
- *Gebroer-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 Journal articles and other scholarly reference materials in which the New Jersey Law Revision Commission is mentioned:

- Whitney G. Schlimbach & Carol Disla-Roa, *From Factory Floors to Courtroom Doors: The New Jersey Law Revision Commission Review of an Exception and a Defense to the Exclusive Remedy of the New Jersey Workers' Compensation Act*, 49 SETON HALL LEGIS. J. Vol. 49: Iss. 3 Article 6 (2025) [Article](#)
- 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 Mrakovcic & 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)

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- 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)
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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 Westminster 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 2025, 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, National Post, Lancaster Farming, JD Supra, and in the trade-focused publication Window Film Magazine. Other mentions included articles in Business Insider, NJ.com, and Patch.com, as well as 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.

In March 2025, our former Executive Director, Laura Tharney, met with the Honorable Mr. Justice (Peter) Fraser, the Chair of the Law Commission of England and Wales, and Nicholas Hoggard, PhD, a senior lawyer with the Commission. Their discussion focused on the work of both Commissions, areas of mutual interest, and their interest in maintaining an ongoing relationship between the Commissions.

### 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 (also known as 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**

##### **Anachronistic References to the Abolished Interstate Commerce Commission**

Several New Jersey statutes refer to the Interstate Commerce Commission (ICC), a federal regulatory agency established in 1887 to regulate railroads and later trucking. The ICC was abolished in 1995, with its remaining function assigned to the newly created Surface Transportation Board (STB). The Commission authorized a project intended to update the outdated statutory references to the ICC during a discussion of another project related to the sales and use tax exemption in N.J.S. 54:32B-8.28.

The Commission released a Final Report in November 2025 recommending modifications to 26 statutes, replacing references to the ICC with its successor agency, STB, and also updating other outdated references in the affected statutes.

##### **Compassionate Release**

New Jersey's Compassionate Release Act (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.*, 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."

In December 2025, the Commission released a Final Report bringing to the attention of the Legislature the conflict between the Court's disclosure practices and the Act's confidentiality requirements for the Legislature's consideration.

##### **Gendered Terms Related to Married Individuals in New Jersey Statutes - Use of**

Although same-sex marriage has been legal in New Jersey since 2013, many statutes continue to employ gendered language to describe married individuals. 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 all of New Jersey's statutes to determine whether the statutes would benefit from replacing gendered language with gender-neutral terms describing married individuals.

The Commission released a Final Report in May 2025, recommending modifications to over 70 New Jersey statutes replacing gendered language with gender-neutral terms to reflect that same-sex marriage has been legal in New Jersey for over ten years. A Revised Final Report was released in June 2025 incorporating additional comments received after the Report's May release.

### **“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 changing cultural landscape with respect to gender norms.

The Commission released a Tentative Report in February 2025 proposing modifications to several New Jersey statutes that replace the phrase “maiden name” with “pre-marital name,” a more appropriate gender-neutral term.

Following outreach to knowledgeable and interested individuals and organizations, a Final Report was released by the Commission in June 2025, recommending the replacement of the term “maiden name” with “pre-marital name” in five New Jersey statutes and adding a definition of the new term.

### **New Jersey First Act - Residency Requirement**

Pursuant to N.J.S. 52:14-7(a) in the New Jersey First Act (NJFA), “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*, 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 the NJFA’s legislative history and the legislative intent in enacting the NJFA, the Court held that the statute does not cover unpaid positions and based on the statute’s plain language, that ouster challenges are available for each year of non-compliance.

In March 2025, the Commission released a Final Report, recommending modifications clarifying that the residency requirement does not apply to unpaid volunteers and also eliminating outdated language related to the statute’s applicability to officers of the now-defunct Waterfront Commission of New York Harbor.

### **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 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 January 2025, the Commission released a Final Report recommending 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.”

## **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 of child support payments back to the date of adoption of a supported child who is over eighteen years old, is not barred by the prohibition in N.J.S. 2A:17-56.23a. A Tentative Report released in January 2024 proposed a modification adding this exception to the statute.

In response, commenters indicated that the prohibition on retroactive modification brings New Jersey's child support statutes into compliance with federal requirements. In light of this important context, as well as the alternative modifications proposed by commenters, a Revised Tentative Report was released in June 2024 proposing 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."

The Commission released a Final Report in March 2025 recommending N.J.S. 2A:17-56.67 be modified to reflect that adoption and emancipation are 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 that the term "dwelling" does not encompass the "curtilage" of a home in *State v. Canfield*. The Commission authorized research and outreach to determine whether the statutes would benefit from a clarification of the scope of the term "dwelling."

Response from commenters was supportive of the proposed modifications in the October 2024 Tentative Report. The Commission released a Final Report in March 2025 recommending modifications to N.J.S. 2C:3-11 that clarify the limited geographical scope of the term "dwelling," as articulated by the New Jersey Supreme Court and Appellate Division in several decisions.

## **Standard of Proof for Alcohol Test Refusal Offenses in N.J.S. 39:4-50.4a**

The plain language of N.J.S. 39:4-50.4a, the "refusal statute," which prohibits a refusal to submit to an alcohol test following a DUI stop, requires the elements in the statutes to be proven by a preponderance of the evidence. In *State v. Widmaier*, the New Jersey Supreme Court held that refusal offenses are quasi-criminal and therefore, double jeopardy attaches to a refusal offense conviction. Subsequently, in *State v. Cummings*, the Supreme Court revisited the refusal statute and held that refusal offenses must be proven beyond a reasonable doubt.

The Commission authorized research and outreach to determine whether the refusal statute would benefit from a modification clarifying the appropriate burden of proof. The Commission released a Tentative Report in June 2025, proposing alternative modifications that either (1) eliminated the burden of proof language entirely; or (2) replaced the language with the appropriate "beyond a reasonable doubt" standard of proof.

Response from commenters was supportive of the proposed modifications but did not indicate a strong preference for either alternative. Consistent with other quasi-criminal statutes in Title 39 that require proof beyond a reasonable doubt, but do not specify the standard in the statute, the Commission released a Final Report in October 2025 recommending the elimination of the burden of proof language from the refusal statute.

### **Title 18A: Special Education - Incorrect References in Statute**

The Commission authorized a project to conduct research and outreach regarding N.J.S. 18A:46-5.1, N.J.S. 18A:46-5.2, N.J.S. 18A:46-8, N.J.S. 18A:46-19.7, and N.J.S. 18A:46-19.8, which pertain to the evaluation of students for special education services and the delivery of those services. N.J.S. 18A:46-5.1 and N.J.S. 18A:46-5.2 refer to repealed regulatory sections, while N.J.S. 18A:46-8, N.J.S. 18A:46-19.7, and N.J.S. 18A:46-19.8 use outdated titles for the services.

The Commission released a Final Report in July 2025, recommending modifications to replace incorrect references to repealed regulatory sections and to update the terms "speech correctionist" and "speech correction" with "speech-language specialist" and "speech language" to improve clarity and consistency.

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

In response to an inquiry from a member of the public who expressed concern about the statutes' application in her experience as a Certified School Nurse, the Commission authorized a project addressing whether certain Title 18A statutes would benefit from modifications (1) removing language that specifies the method of administering epinephrine ("via a pre-filled auto-injector") and (2) updating 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 language regarding epinephrine administration in Title 26 and following the release of a Tentative Report in November 2024, guidance from commenters prompted the Commission to release a Revised Tentative Report in March 2025.

In May 2025, the Commission released a Final Report recommending modifications to update language related to epinephrine administration and health care practitioners in 10 statutes in Title 18A and Title 26.

*"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)*

## 5. Tentative Reports



## 5. Tentative Reports

### Accidental Disability Retirement Benefits - Clarify “Traumatic Event”

The Commission authorized a project to conduct further research regarding the “traumatic event” standard in the accidental disability pension statute, N.J.S. 43:16A-7, in light of the opinions in *Moran v. Board of Trustees, Police and Firemen's Retirement System*, and *Mount v. Board of Trustees, Police and Firemen's Retirement System*.

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 existing 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.

The Commission released a Tentative Report and sought comment from stakeholders. Given the varied responses of commenters, multiple Update Memorandums incorporating commenter feedback have been presented to the Commission, which has authorized continued research and outreach on this issue.

### Application of Frivolous Litigation Statute to Municipalities - N.J.S. 2A:15-59.1)

Pursuant to New Jersey’s Frivolous Litigation Statute (FLS) in N.J.S. 2A:15-59.1, a prevailing party in a civil action may be awarded litigation costs and attorney fees if the court finds that “a complaint, counterclaim, cross-claim or defense of the nonprevailing person was frivolous.” The statute refers to both a non-prevailing “person” and non-prevailing “party.”

In *Borough of Englewood Cliffs v. Trautner*, the New Jersey Supreme Court found that the term “nonprevailing person” in the FLS was interchangeable with “party,” which includes public entities like municipalities. Therefore, the Court held that “municipalities and municipal corporations, as defined by N.J.S. 1:1-2, that engage in frivolous litigation are subject to sanctions under the FLS.”

A Tentative Report was released in September 2025 proposing modifications to the FLS, replacing the term “person” with “party” to clarify the applicability of the statute to public entities like municipalities.

### Clean Slate - Out of State Convictions

N.J.S. 2C:52-5.3, referred to as the “clean slate” statute, allows an expungement application to be filed “after the expiration of a period of ten years from the date of the person’s most recent conviction.” In *Matter of K.M.G.*, the Appellate Division addressed, as a “matter of first impression,” whether the “most recent conviction” language includes “a conviction from another state.”

Relying on the “clean slate” statute’s legislative history, as well as New Jersey decisions interpreting similar language in other expungement statutes, the Appellate Division held that the requirement in N.J.S. 2C:52-5.3 that an application must be brought ten years after the petitioner’s “most recent conviction,” includes out-of-state convictions.

In November 2025, the Commission released a Tentative Report proposing modifications to the “clean slate” statute clarifying that the “most recent conviction” that triggers the statutory ten-year waiting period can be a New Jersey or out-of-state conviction.

### **Guardianship**

The Commission began work on a project to consider the possible enactment of the Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act (UGCOPAA) in New Jersey. The 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 those provisions which could benefit from revision or adoption. The Commission found numerous 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.

### **Transfer of Jurisdiction in Tax Assessment Challenges**

The Commission authorized a project to conduct research and outreach regarding modifications to N.J.S. 54:3-21, which contains the jurisdictional and procedural requirements for appealing a property assessment. In *30 Journal Square Partners, LLC v. City of Jersey City*, 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. The Commission requested Staff conduct additional outreach to obtain feedback regarding an alternative modification to the statute.

### **Unconstitutional Provisions Relating to Recall of Federal Officials under N.J.S. 19:27A-1 to 18**

In 1993, New Jersey voters approved a constitutional amendment allowing certain elected officials, including federal officials, to be subject to recall elections. Two years later, the Uniform Recall Election Law went into effect establishing procedures for conducting such elections.

In *Committee to Recall Robert Menendez From the Office of U.S. Senator v. Wells*, the New Jersey Supreme Court held that, while recall of state-level officials is permitted, only the federal legislature has the authority to remove its members. The portions of the UREL and the State Constitution authorizing the recall of Members of Congress were declared unconstitutional.

In December 2025, the Commission released a Tentative Report proposing the removal of language from the UREL that authorizes the recall of federal officials, consistent with the holding in *Menendez*.

### **Wrongful or Mistaken Imprisonment and NERA**

In New Jersey, the term of parole supervision for individuals convicted of certain violent crimes begins upon the completion of the sentence of incarceration imposed by the Court. However, N.J.S. 2C:43-7.2 (NERA) does not address whether an individual, who has been wrongfully or mistakenly compelled to remain in prison beyond the prescribed sentence, must then serve the entire period of parole supervision.

In *State v. Njango*, the New Jersey Supreme Court considered whether the period of parole supervision required under NERA should be reduced when the time in prison exceeds the permissible custodial term required by the sentence imposed. The Court held that the excess time erroneously served in prison must be credited to reduce the period of parole supervision.

The Commission released a Tentative Report in July 2022, proposing modifications to NERA that incorporate the Supreme Court's holding in *Njango*. During the outreach period, changes to the proposed modifications were suggested by the New Jersey State Parole Board and in light of these proposals, the Commission requested Staff undertake additional research and outreach.

## 6. Work in Progress



## 6. Work in Progress

### Anachronistic Statutes

The Commission regularly reviews statutes to identify any that may be considered anachronistic. The Commission's recent work on anachronistic statutes focused on several laws related to the following topics: (1) Definition of "Present War"; (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 these statutes has been complicated by their references in other laws. The Commission continues its research and outreach regarding these statutes.

### Ante-Mortem Probate

The Commission considered a project proposal based largely on a 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)). The article described an approach to probate adopted in Alaska, Ohio, Arkansas, and North Dakota, pursuant to which a testator may preemptively validate a will during their lifetime by petitioning the court for ante-mortem probate. Although the process and its effect vary by jurisdiction, the availability of an ante-mortem probate allows testators in those states to reduce the likelihood of a will contest after their death. Detractors, however, caution that addressing probate matters during the testator's lifetime may lead to conflict and potentially waste judicial resources.

The Commission authorized research and outreach to explore the impact of incorporating the proposals contained in the Law Journal article into New Jersey's probate law. Response to outreach has been mixed and Staff continues to consult with those with expertise in this area to determine whether incorporating any of the proposals into New Jersey's probate law would be beneficial and appropriate.

### **Application of EV Credits to Parking Requirements in Redevelopment Plans (N.J.S. 40:55D-66.20)**

Pursuant to the Local Housing and Redevelopment Law, developers must meet any minimum parking requirement set forth in a municipal governing body's redevelopment plan. To encourage the inclusion of electric vehicle (EV) infrastructure, N.J.S. 40:55D-66.20 (EV Statute) grants parking spot credits to developers who incorporate designated EV charging spaces—known as "Make-Ready" spaces—into their redevelopment plans.

In *Sackman Enterprises, Inc. v. Mayor and Council of Belmar*, the Appellate Division addressed three statutory issues. The Court held, based on the statute's plain language, that EV parking credits can be applied at the consistency review stage, prior to the preliminary site plan approval stage. The Court also held that an EV credit calculation must be rounded up to the next whole parking spot when it includes any decimal, and finally, that the number of rounded up Make-Ready spaces cannot reduce the overall parking supply by more than 10%.

The Commission authorized research and outreach on these issues to determine whether the EV Statute would benefit from modifications consistent with the holding in *Sackman*. After considering a Draft Tentative Report in September 2025, the Commission requested Staff conduct targeted outreach to interested parties

regarding whether modification of the statutory language, as discussed in *Sackman*, would be beneficial or practical.

### **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 more than four years from the date of filing a return. During an audit, the Director may determine that a corporate taxpayer has incorrectly carried forward items such as net operating losses. The tax statutes do not address what happens when the Director's adjustment of an "open filing" eliminates a net operating loss carryover from tax years beyond the four-year statute of limitations that were never audited and were accepted as filed.

In *R.O.P. Aviation, Inc. v. Director, Division of Taxation*, the Tax Court determined that the Director may not perform an audit adjustment to current filings that eliminates a plaintiff's carried forward net operating losses from closed filings.

The Commission authorized Staff to conduct a nationwide examination of this issue.

### **Child Sexual Abuse Claims - N.J.S. 2A:61B-1 and N.J.S. 2A:14-2b**

N.J.S. 2A:61B-1 of the Child Sexual Abuse Act (CSAA) enables adults who were victims of child sexual abuse to bring a civil cause of action against their alleged abuser and/or a parental figure who knew about the abuse and failed to take action to prevent or stop it ("passive abuser claim"). N.J.S. 2A:14-2b of the Child Victims Act (CVA) created a two-year revival window during which plaintiffs who were otherwise barred by the statute of limitations could file their sexual abuse claims.

In *Doe v. Estate of C.V.O.*, the Appellate Division held that a viable CSAA claim requires the alleged abuser to have been at least eighteen years old at the time of the assault. The Court also held that a plaintiff who cannot state a cause of action for sexual abuse by an adult is precluded by the CSAA from bringing a passive abuser claim against a third party. Finally, the *Doe* Court held that the CVA permits a plaintiff to state a common law cause of action for sexual abuse, even in the absence of a viable statutory claim. The Commission authorized work in this area to determine whether the CSAA and/or the CVA would benefit from modifications consistent with the Appellate Division's holdings in *Doe*.

### **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 bring them before a statutorily designated member of the judiciary.

During the past century, organized police forces have become the norm and the need for the “citizen’s arrest” doctrine has waned. Utilizing a statute enacted over a century ago 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 authorized research regarding the statutes governing the shopkeeper’s privilege and library employee immunity to determine whether the statutes should be modified to conform with current social norms and concerns. The project was subsequently expanded to include research into the term “special officers.” A Draft Tentative Report proposing changes to several statutes was presented in 2025 but was not released to allow additional research and outreach on this topic.

**Consumer Fraud Act - Learned Professionals Exception**

In *Atlantic Ambulance Corp. v. Cullum*, the Appellate Division considered a denial of class certification for alleged violations of the Consumer Fraud Act (CFA). The defendants refused to pay Atlantic Ambulance for services because they believed their 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 because they fall within 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 which govern the distribution of pension benefits to surviving spouses of deceased employees impose a “dependency requirement,” requiring that widowers, but not widows, demonstrate dependency on their deceased spouse’s income in order to receive pension benefits. Statutory dependency requirements have been held unconstitutional by the United States Supreme Court in *Califano v. Goldfarb* and by the New Jersey Supreme Court in *Tomarchio v. Greenwich Township*.

The Commission authorized research and outreach to determine whether New Jersey’s pension statutes should be modified to reflect the holdings in *Califano* and *Tomarchio* and/or flagged for repeal if the retirement systems governed by the relevant statutes are no longer active.

*“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)*

### **Employment Preference for New Jersey Residents on Public Works N.J.S. 34:9-2**

N.J.S. 34:9-2 requires employment preference be given to New Jersey citizens in the construction of public projects. In *Neshaminy Constructors, Inc. v. Krause*, the trial court reviewed this statute in light of the Privileges and Immunities Clause of the United States Constitution, which limits the extent to which a state may favor its own residents over nonresidents. The trial court held that the statute violated the Privileges and Immunities Clause and was therefore unconstitutional.

In addition, while reviewing N.J.S. 34:9-2, a potential issue was identified in the companion statute, N.J.S. 34:9-1, which was declared unconstitutional in *Labor Industry Department v. Cruz*, by way of implied repealer.

The Commission authorized work on a project addressing N.J.S. 34:9-2, which has not been amended to correct the constitutional infirmity identified in *Krause* and also authorized work to determine whether N.J.S. 34:9-1 would benefit from modification, given the holding in *Cruz*.

### **Household Members - 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 members” is not defined in the PDVA.

The Commission authorized a project addressing whether the PDVA would benefit from a modification clarifying the definition of “household members” in the PDVA. The Commission considered a Draft Tentative Report that incorporated the results of a 50-state survey on this issue and requested additional research regarding the scope of the term “household members” as used in the PDVA.

### **“Mentally Incapacitated” - Definition of**

The term “mentally incapacitated,” as defined in N.J.S. 2C:14-1(i), is subject to competing interpretations based on textual analysis. One interpretation limits the definition to situations in which an individual is administered a narcotic, anesthetic, intoxicant, or other substance without their prior knowledge or consent. An alternative reading of the statute expands the definition to include individuals who are rendered temporarily incapable of understanding or controlling their conduct regardless of whether the substance was ingested voluntarily or involuntarily.

In various decisions, the Appellate Division has interpreted the term inconsistently in the context of the State’s sexual assault statute. As a result, the Commission authorized a project to consider whether N.J.S. 2C:14-1(i) would benefit from modification in light of these divergent interpretations.

### **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 Title 15A with New Jersey's Business Corporation Act (Business Act) as codified in Title 14A.

Staff is comparing the provisions of the Nonprofit Act and the Business Act, with the goal of identifying Business Act modifications that would also be useful in the Nonprofit Act and proposing appropriate revisions.

### **Patient Safety Act Privilege and Self-Critical Analysis Procedural Compliance**

To encourage healthcare facilities to conduct self-critical analyses of adverse events, N.J.S. 26:2H-12.25 of the Patient Safety Act (PSA) prohibits disclosure of documents developed during self-critical analysis in legal proceedings, as long as facilities comply with the statutorily mandated procedural requirements in N.J.S. 26:2H-12.25(b).

In *Keyworth v. CareOne at Madison Ave.*, the New Jersey Supreme Court held that healthcare facilities must operate patient safety committees “independently from any other committee within the facility” to claim the self-critical analysis privilege. The relevant regulation, N.J.A.C. 8:43E-10.4(c)(4), mandates that a patient safety committee “not constitute a subcommittee of any other committee within a facility.”

The Commission authorized work in this area to determine whether N.J.S. 26:2H-12.25 would benefit from modifications clarifying the procedural steps needed to assert the PSA's self-critical analysis privilege, as discussed in *Keyworth*.

### **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 statute lacks provisions authorizing law enforcement to obtain blood alcohol concentration readings from suspected offenders, creating an impediment to effective enforcement of the statute.

The Commission authorized a project to consider whether N.J.S. 2C:40-28 would benefit from modification to address the absence of an implied consent provision.

### **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 governing forum selection clauses in lease agreements that allow a landlord to require a tenant to litigate issues in a county of the landlord's choosing.

In *Baker v. La Pierre, Inc.*, the Appellate Division held 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 landlord cannot enforce a forum selection clause in a rental contract to move the action to a county chosen by the landlord. The Commission authorized research and outreach to determine whether the statute would benefit from a clarification consistent with the holding in *Baker*.

**Sidewalk Tort Liability – *Padilla v. An*, 257 N.J. 540 (2024)**

In New Jersey, sidewalk tort liability has largely been developed through case law. 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* and 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, noting that the Court had previously urged the Legislature to do so forty years ago in *Stewart v. 104 Wallace St., Inc.*

*“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)  
Bills

The Commission therefore authorized a project addressing this aspect of sidewalk tort liability and whether New Jersey would benefit from codification of the *Padilla* holding.

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

The Commission authorized a project to examine whether N.J.S. 30:4C-15.1(a) would benefit from modification to reflect the determinations of the court in *New Jersey Division of Child Protection & Permanency v. A.S.*, and to assess whether the standard or termination of parental rights is sufficiently clear following 2021 amendments to the statute.

The 2021 amendments revised the “second prong” of the statutory test by removing language concerning harms that a parent is unable to or unwilling to eliminate. The amendment also removed a provision allowing harm to be shown with evidence that separating a child from their resource family parents would cause emotional or psychological harm to the child. In *A.S.*, the Appellate Division held that, despite the 2021 statutory amendments, courts must apply a “totality of the circumstances” approach under prongs three and four of the statute consistent with the Court’s longstanding interpretation of the statute.

The Commission authorized a project addressing whether the statutes would benefit from modifications reflecting the holdings in *A.S.*

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

N.J.S. 39:3-74 (Windshield Statute) prohibits the operation of a motor vehicle with any “non-transparent material” on the windshield or side windows. It was enacted in 1921 and last amended in 1937.

In *State v. Smith*, the New Jersey Supreme Court held that driving a vehicle with a tinted rear window did not violate the Windshield Statute, noting that the Legislature may choose to modify the statute to consider the modern practice of automotive window tinting.

The Commission authorized a project to determine whether the Windshield Statute would benefit from clarification, particularly regarding its applicability to traffic stops involving tinted windows, as discussed by the *Smith* Court. At the Commission’s request, Staff undertook a survey of the laws, regulations, and relevant case law relating to window tinting in all 50 states and Washington, D.C.

### **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*, 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].”

The Commission authorized further research and outreach to determine whether N.J.S. 59:8-8 would benefit from a modification clarifying the types of tort claims that are subject to the ninety-day notice provision in the Tort Claims Act.

### **Tort Claims Act - Immunity for Sexual Misconduct Claims**

In New Jersey, the Tort Claims Act (TCA) provides public entities with immunity from civil liability unless a claim is based on sexual misconduct “caused by a willful, wanton or grossly negligent act.” The TCA also provides that public entities are not liable for the 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 *E.C. by D.C. v. Inglima-Donaldson*, 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.

The Commission authorized research and outreach to determine whether modifying the TCA to reflect the holding in *E.C. by D.C.* would be beneficial.

### **Tort Claims Act - Proper Service of Notice of Claim (N.J.S. 59:8-7 and - 10)**

The Tort Claims Act (TCA) specifies that a plaintiff filing a claim against the State must serve notice either on the Attorney General or the department agency involved in the alleged wrongful act or omission. With respect to local public entities, however, the TCA only provides that the claim must be filed with public entity itself, without specifying a particular office or official.

In *Bryant v. County of Cumberland*, the Appellate Division interpreted the TCA’s notice provision broadly and held that service on the county clerk complied with the notice requirements of the TCA, although the correct service would have been to the Clerk of the Board of County Commissioners.

The Commission authorized a project to consider whether the TCA would benefit from modifications to clarify service requirements under the TCA in light of the *Bryant* decision.

### **Tort Claims and Wrongful Imprisonment Claims**

New Jersey’s Tort Claims Act (TCA) provides procedural and substantive requirements for bringing a tort claim against public entities and public employees. In such actions, N.J.S. 59:9-2(d) of the TCA, known as the “verbal threshold,” limits the availability of noneconomic pain and suffering damages. In *Nieves v. Office of the Public Defender*, the New Jersey Supreme Court held that legal malpractice claims—like tort claims, in general—are subject to the TCA, and that noneconomic loss-of-liberty damages in legal malpractice actions against public defendants must meet the TCA’s verbal threshold requirements.

*“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  
Former Executive Director, NJLRC  
(2013)

Following consideration of an Update Memorandum summarizing additional research concerning loss-of-liberty damages in legal malpractice actions, as well as on the availability of economic damages in the wrongful imprisonment context pursuant to the Mistaken Imprisonment Act and the TCA, the Commission authorized targeted outreach to practitioners in this area to determine whether modifications to the statute are necessary and/or appropriate.

### **Transportation Network Company Safety and Regulatory Act - Definitions of “Prearranged Ride” and “Rider”**

Pursuant to the Transportation Network Company Safety and Regulatory Act, the New Jersey Motor Vehicle Commission is responsible for reviewing applications for transportation network company permits. N.J.S. 39:5H-2 of the Act defines the terms “prearranged ride” and “rider.”

In *Kidcaboo, LLC v. New Jersey Motor Vehicle Commission*, the Appellate Division held that the Act requires that the “TNC ‘rider’ is the same person who logs onto the digital network to request a ride.”

The Commission authorized work in this area to determine whether N.J.S. 39:5H-2 would benefit from modifications clarifying the applicability of the Act when a ride is arranged by an individual other than the rider.

### **Unemployment Benefits (N.J.S. 43:21-5(a))**

N.J.S. 43:21-5(a) of the Unemployment Compensation Law details the circumstances under which an individual is disqualified from receiving unemployment benefits. In *Anderson v. Board of Review*, the Appellate Division held that an employee who simultaneously held two part-time jobs with the same employer could still collect unemployment benefits after first resigning from one position and then being fired from the other.

The Commission authorized preliminary outreach to determine whether modifying N.J.S. 43:21-5(a) would resolve the issues addressed by the Court in *Anderson*.

### **Uniform Electronic Estate Planning Documents Act – 2022**

The Commission authorized work on a project to consider the possible enactment of the Uniform Electronic Estate Planning Documents Act of 2022 (UEEPDA), promulgated by the Uniform Law Commission, to address a gap in the law regarding the electronic execution of estate planning documents, such as trusts and powers of attorney. UEEPDA is designed to complement both the Uniform Electronic Transactions Act, which authorizes the electronic execution of bilateral contracts, and the Uniform Electronic Wills Act, which permits a testator and witnesses to execute a will in electronic form.

### **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 (UPAA) 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.

The Commission authorized Staff to examine whether New Jersey’s existing body of law would benefit from modifications consistent with the UPAA to bring the existing standards governing powers of appointment into a modern and accessible form.

### **Uniform Probate Code**

The Commission authorized a project to consider the possible enactment of the Uniform Probate Code (UPC) 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. In addition, 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. Work is ongoing on this large, and important, project.

### **Uniform Restrictive Employment Agreement Act**

The Uniform Restrictive Employment Agreement Act (UREAA) of 2021 (updated through February 2023) provides a statutory framework for regulating restrictive employment agreements, addressing “agreements that prohibit or limit an employee or other worker from working elsewhere after the work relationship ends,” but not those that specify “what a worker can or cannot do while working for the original employer.” There are almost no New Jersey statutes that address restrictive employment provisions, and therefore, the scope and enforceability of restrictive employment agreements in New Jersey is generally determined by common law.

*“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*

The Commission authorized Staff to examine whether New Jersey would benefit from additional statutory guidance, consistent with the UREAA, clarifying the existing common law standards governing restrictive employment agreements in New Jersey.

### **Uniform Telehealth Act**

The Uniform Telehealth Act of 2022 (UTA), promulgated by the Uniform Law Commission (ULC), is intended to offer states guidance and a framework to facilitate telehealth services in a manner that is consistent with applicable standards of care. The UTA provisions were reviewed and compared to New Jersey’s statutes governing telehealth.

The Commission authorized research and outreach to determine whether incorporating elements of the UTS into New Jersey’s statutes would be of assistance. The research aims to identify differences between the two legal frameworks and to evaluate and recommend UTA provisions that may warrant legislative consideration.

### **Uniform Wage Garnishment Act**

The Uniform Wage Garnishment Act (Act) was released in 2016 by the Uniform Law Commission to establish a national standard of statutes regarding wage garnishment for consumer debt. The Commission authorized Staff to review the Act as part of the Commission’s statutorily mandated review of uniform laws. In December 2025, Staff presented a memorandum comparing the Act with New Jersey’s wage execution statutes and related court rules.

The Commission authorized additional outreach and research and requested additional information about the approach of other states to wage garnishment.

### **Wiretapping and Electronic Surveillance Contract Act - Use of Civilian Monitors**

The New Jersey Wiretapping and Electronic Surveillance Control Act (Act) regulates the process that State and local law enforcement must follow when intercepting communication for the purposes of a criminal

investigation. N.J.S. 2A:156A-12 of the Act, known as the “minimization section,” seeks to reduce the intrusion of law enforcement investigations on individual privacy rights. N.J.S. 2A:156A-12 allows “investigative or law enforcement officers” to participate in wiretap investigations but is silent on whether the State may also utilize civilian monitors.

In *State v. Burns*, the Appellate Division held that civilian contractors who had been deputized and sworn in as “special county investigators” were “investigative or law enforcement officers” under N.J.S. 2A:156A-12. It declined to consider whether the Act permits non-deputized civilian personnel to monitor intercepted communications, noting that the State Legislative and Executive branches would be better suited to address this issue.

The Commission authorized work in this area to determine whether N.J.S. 2A:156A-12 would benefit from modifications pursuant to the holding in *Burns*.

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

The New Jersey Workers' Compensation Act (Act) provides a no-fault system of compensation for workers who are injured during employment. 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 but 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.

*“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)*

The Commission authorized research and outreach to determine whether N.J.S. 34:15-15 would benefit from a modification clarifying the time within which an employer must furnish medical, hospital, or other treatment.

## 7. Projects Being Monitored by the Commission as of 2025



## 7. Projects Being Monitored by the Commission as of 2025

### Child Endangerment Statute Regarding Impairing or Debauching the Morals of a Child

The phrase “sexual conduct” is not specifically defined in New Jersey’s Child Endangerment statute, N.J.S. 2C:24-4.1. It is used in the statute in relation to behavior that “would impair or debauch the morals of the child.” In *State v. Johnson*, the New Jersey Superior Court, Law Division, held that sending sexually suggestive messages to a minor via social media could qualify as sexual conduct that harms or corrupts a child’s morals under the statute.

The Commission released a Tentative Report proposing modifications to the statute clarifying the meaning of the language in the Child Endangerment statute. Feedback was received opposing the proposed changes. In 2024, the Legislature introduced bills proposing changes to the statute that directly impact the proposed modifications in the Tentative Report. The Commission unanimously agreed to pause work and revisit the project once legislative developments are resolved.

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

In New Jersey, it is a criminal offense to photograph, record, reproduce, or reconstruct a child 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*, the New Jersey Supreme Court held that 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.

The Commission released a Tentative Report in September 2024 proposing modifications that removed subsection (c) entirely, in accordance with the holding in *Higginbotham* that the statutory language was unconstitutionally overbroad.

Over the course of the project, the Legislature began working in this area and proposed a bill directly addressing the issue raised in *Higginbotham*. Therefore, given the legislative activity in the area, the Commission unanimously agreed to pause work on the project to monitor pending legislative activity that may affect the direction of the project.

*“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)

## 8. Concluded



## **8. Concluded**

### **Earn Your Way Out Act - Imposition of Parole Board Conditions on Parolees**

The Earn Your Way Out Act created a process of “administrative parole release” for incarcerated people who meet clearly delineated criteria, including the successful completion of an addiction treatment program, if warranted. In *Williams v. New Jersey State Parole Board*, the New Jersey Supreme Court held that the New Jersey State Parole Board (Parole Board) cannot mandate that a parolee released under the Act participate in a residential treatment program as a condition of parole under the “special conditions” section of N.J.S. 30:4-123.59, which governs parole in New Jersey.

The Commission authorized outreach to practitioners to ascertain whether the statutes would benefit from modification consistent with *Williams*. Response to outreach, including from the Parole Board, was consistent and indicated that modifying the statute was not necessary. Therefore, the Commission concluded work in this area without recommending any modification to the parole statutes.

### **Highlands Water Protection and Planning Act**

The Highlands Water Protection and Planning Act (Act) protects the Highlands and its natural habitat from environmental damage due to economic expansion. The Act only permits development that conforms with strict regulations to ensure compliance with the Act’s goals, but certain projects qualify for an exemption under N.J.S. 13:20-28(a) from the statutory regulations.

In 2014, the Commission authorized a project prompted by an Appellate Division decision that raised a question regarding the meaning of the word “routine” in Exemption 11 of the Act but did not resolve the issue.

In 2024, the New Jersey Supreme Court resolved the issue in *Matter of Proposed Construction of Compressor Station (CS327)*, which involved a project to upgrade a compressor station in the Highlands. The Supreme Court concluded that the word “routine” in Exemption 11 only modifies the phrase “maintenance and operation,” and does not qualify every activity listed in the Exemption, including “upgrade[s].” Given the clarifying update in the relevant law, the Commission concluded work in this area.

### **“Legal Representative” - Definition of**

New Jersey’s Law Against Discrimination (LAD) prohibits an employer from discriminating against an individual in employment matters based on their “. . . race, creed, color, national origin, ancestry, age, [or] marital status.” In *Tompkins v. Thomson*, the Appellate Division addressed which entity is liable for discriminatory conduct under the LAD as an “employer.” In *Tompkins*, the Attorney General ordered a county prosecutor to take control of the county police department’s “management, administration[,] and operation,” and the county contracted with a third-party consulting company to administer the day-to-day operations of the police department.

As the term “employer” is already defined in the LAD, the Commission authorized research and outreach to determine whether defining the term “legal representative” in the LAD would assist practitioners and the public to better understand an employer’s responsibility for discriminatory conduct in unique situations like *Tompkins*. Given that the rarity of a situation like that encountered by the Court in *Tompkins*, as well as the importance of judicial discretion in this area, the Commission concluded work in this area without making a recommendation to modify the LAD.

### **Megan’s Law 15-Year Offense-Free Requirement in N.J.S. 2C:7-2(f) as Applied to Juvenile Adjudications**

Megan’s Law imposes registration and notification obligations on qualifying sex offenders in New Jersey and pursuant to N.J.S. 2C:7-2(a), Megan’s Law requirements are applicable to those who have “been convicted, adjudicated delinquent or found not guilty by reason of insanity for commission of a sex offense.” Megan’s Law also permits individuals to apply to terminate their obligations if they meet the requirements in subsection (f) of the statute, including that the person has not committed an offense within 15 years following “conviction.” In *Matter of R.H.*, the New Jersey Supreme Court held as a matter of first impression that the requirement in N.J.S. 2C:7-2(f) that a registrant be offense-free is not applicable to “juveniles who are adjudicated delinquent,” given that the statute only refers to “convictions.”

The Commission authorized preliminary outreach to practitioners in this area to determine whether N.J.S. 2C:7-2 would benefit from a modification consistent with the holding in *R.H.* Targeted outreach was conducted to various criminal law practitioners, and the response was unanimous in its opposition to modifying the statute, given the Supreme Court’s reliance on the statute’s plain language in coming to its holding. The Commission therefore concluded work on this project.

### **Merger of Criminal Convictions for Leaving-the-Scene and Endangering an Injured Victim**

In New Jersey, criminal convictions are merged in certain circumstances identified in N.J.S. 2C:1-8. In *State v. Herrera*, 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. The Court also discussed the common law standard for assessing whether merger is appropriate pursuant to N.J.S. 2C:1-8.

Given the extensive common law regarding merger of criminal offenses, as well as the fact-sensitive nature of the determinations, the Commission concluded that a modification of the statute would not be beneficial and concluded work in this area.

### **Public Hearing on Tenure Charges**

Under N.J.S. 18A:6-11 in the Tenured Employee Hearing Law, a board of education's "consideration and actions" regarding a tenure charge against an employee “shall not take place at a public meeting.” However, this law does not address the Open Public Meetings Act (OPMA) provisions in N.J.S. 10:4-12(b)(8), which permit a “public body to exclude the public” from parts of a meeting when discussing certain employment matters, unless the affected employees request in writing that the discussion be held in public. The relationship between these

two statutes was examined in *Simadiris v. Paterson Public School District*, and the Court held that N.J.S.A. 18A:6-11 constitutes an exception to OPMA and, therefore, that a board’s consideration of tenure charges cannot occur at a public meeting.

The Commission unanimously agreed to conclude work on the project, finding that modification of the statute is not necessary given that the courts have definitively resolved this issue.

### **Time Limitation on Actions Concerning Publication of Bond Resolutions**

Pursuant to N.J.S.A. 40:14B-2, municipal and county utilities authorities have the “power to issue bonds in order to pay for infrastructure projects,” but once a bond resolution is issued, N.J.S.A. 40:14B-28 bars any challenge to the validity of such resolution “or . . . of any covenants, agreements or contract provided for by the bond resolution” that is not within “the first twenty days of issuance.”

In *Vernon Township v. Sussex County Municipal Utilities Authority*, the Appellate Division analyzed the statutory language “provided for by the bond resolution” to determine whether a challenge to a bond resolution was barred because it was not brought within “twenty days of issuance.”

Given the highly specialized nature of this area of law, the Commission requested input from practitioners regarding whether a clarification of the law was necessary or appropriate. Following a period of outreach, the Commission determined that, in the absence of guidance from experienced practitioners, work in this area should be concluded.

# 9. Current and Historic Commissioners and the Staff of the NJLRC



## 9. 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. In 2024, he was elected as a fellow in the American College of Trial Lawyers. 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 as 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. Gruccio, 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. Kearse 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 John Kip Cornwell** (*As of September 2025*)



Professor Cornwell received his A.B., with honors, from Harvard University, his M.Phil. in International Relations from Cambridge University, and his J.D. from Yale Law School where he was an Editor of the Yale Law Journal. He clerked for the Honorable Mariana R. Pfaelzer of the United States District Court for the Central District of California and the Honorable Dorothy W. Nelson of the United States Court of Appeals for the Ninth Circuit. After his clerkships, he served as a senior trial attorney for the Civil Rights Division of the U.S. Department of Justice, and as an adjunct professor at the National Law Center of George Washington University. He has written in the areas of criminal law and procedure, mental health law and federal civil rights law, including writings concerning laws pertaining to sexual predators, exploring the constitutional limits on states' authority to confine this population for purposes of public safety and psychiatric rehabilitation.

Represented by **Professor Edward Harnett** (*Until July 2025*)



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 current staff of the Commission are:****Barbara B. Rivera**, Executive Director (*Beginning August 2025*)

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.

**Laura C. Tharney**, Executive Director (*Until August 2025*)

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.

**Candy L. Velazquez**, Counsel (*Beginning July 2025*)

Candy L. Velazquez joined the Commission as counsel in July 2025. She has been a licensed attorney since 2010. Prior to joining the Commission, she maintained a family law practice in Morristown and served as the East Newark Municipal Court Judge. Ms. Velazquez also served as chair of the VC District Ethics Committee. She is a graduate of the City University of New York School of Law and holds an L.L.M. in Elder Law from Stetson University College of Law.

**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.

**Moira A. Phan**, Legislative Fellow (*Beginning August 2025*)

Moira Phan joined the Commission in September 2025 as its 2025–2026 Legislative Fellow. Prior to joining the Commission, Moira interned with the New Jersey Attorney General’s Office and the Office of the General Counsel for Teachers College, Columbia University. Moira received her B.A. from Georgetown University in 2022 and J.D. from Rutgers Law School – Newark in 2025.

**Kyle Ryan**, Legislative Fellow (*Until August 2025*)

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.

**Student Legislative Law Clerks and Externs:**

In addition to the Commission Staff members, law students from New Jersey’s law schools play a significant role in the Commission’s work. 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, as in past years, to have the assistance of bright, motivated, and dedicated students with excellent research and writing skills, whose efforts increased the Commission’s ability to work in numerous areas of the law. The students who worked with the Commission this year are:

**Pamela Brewster** (Rutgers Law School Newark) – Extern – Spring 2025

**John (JC) DeMaria** (Rutgers Law School Newark) – Legislative Law Clerk – Spring 2025

**Andrew Galligan** (Rutgers Law School Newark) - Legislative Law Clerk – Summer 2025

**Nivu Srinivasan** (Seton Hall University School of Law) – Legislative Law Clerk - Summer 2025

**Other Assistance by Students and Recent Graduates:**

During the Spring semester of 2025, research and drafting assistance was provided to the NJLRC by prelaw student interns **Anastasiia Volynska** and **Jay Bengu** through a collaborative relationship with the

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New Jersey Institute of Technology and Alison Lefkowitz, Assistant Professor and Director of NJIT's Law, Technology & Culture program.

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: **Samantha Coffman, John (JC) DeMaria, Kristina Goshorn, Kardelen Koldas, Iuri Piovezan, Alexandra Pollack, and Jack Textor** 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.

## 10. Looking Ahead to the Work of the NJLRC in 2026

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## ***10. Looking Ahead to the Work of the NJLRC in 2026***

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 on 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 2024 and 2025 to increase the accessibility of the Commission's work so that members of the public can benefit from all stages of its projects.

Throughout 2025, 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 appreciates 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.