

Notice and Order – Rules of Evidence – Adoption of Amendments to N.J.R.E. 803(c)(25) and N.J.R.E. 804(b)(3) – To Be Effective July 1, 2024

Pursuant to N.J.S.A. 2A:84A-35, attached is the Supreme Court's September 15, 2023 Order amending N.J.R.E. 803(c)(25) and N.J.R.E. 804(b)(3) (Hearsay- Statement Against Interest) subject to the terms of N.J.S.A. 2A:84A-36. The effective date of these amendments will be July 1, 2024.

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

The rule proposals were presented and discussed at a Judicial Conference on September 7, 2023 in accordance with the requirements of N.J.S.A. 2A:84A-34. The proposals were previously announced by a Notice to the Bar dated July 31, 2023.

The Court Order notes that the effective date of the new Rules is July 1, 2024. The action of the Court is subject to the terms of N.J.S.A. 2A:84A-36.

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