

NOTICE TO THE BAR

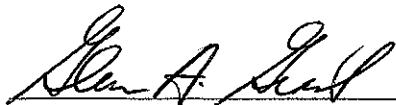
SEPTEMBER 3 JUDICIAL CONFERENCE ON AMENDMENTS TO THE RULES OF EVIDENCE – PROPOSED AMENDMENTS TO N.J.R.E. 609, IMPEACHMENT BY EVIDENCE OF CONVICTION OF CRIME

Pursuant to N.J.S.A. 2A:84A-34, the Judiciary is convening a Judicial Conference on Tuesday, September 3, 2013 to discuss proposed amendments to the Rules of Evidence. The specific proposed amendment that will be considered at this session will be a revision of N.J.R.E. 609, Impeachment by Evidence of Conviction of a Crime, as recommended by the Supreme Court Committee on the Rules of Evidence. The Committee addressed this topic as requested by the Supreme Court in State v. Harris, 209 N.J. 431, 445 (2012). The proposed changes to N.J.R.E. 609 are appended to this Notice.

The September 3 Judicial Conference session will be held at the New Jersey Law Center, One Constitution Square, off Ryders Lane in New Brunswick and will begin at 5:30 p.m. Anyone who wishes to speak at this session should so notify the Acting Administrative Director of the Courts by Friday, August 23, 2013 at the address set forth below. The request to speak must identify the individual who seeks to speak and whether the speaker will be representing an organization. Please note that the limit on each speaker's presentation is five minutes. The address to mail such requests is:

Hon. Glenn A. Grant, Acting Administrative Director
Attention: Judicial Conference 2013
Hughes Justice Complex
P.O. Box 037
Trenton, New Jersey 08625-0037

Requests to speak at the Judicial Conference also may be made by e-mail to the following address: Comments.mailbox@judiciary.state.nj.us.


Glenn A. Grant, J.A.D.
Acting Administrative Director

Dated: July 26, 2013

N.J.R.E. 609. Impeachment by Evidence of Conviction of Crime

(a) In General

(1) For the purpose of affecting the credibility of any witness, the witness's conviction of a crime, subject to Rule 403, must [shall] be admitted unless excluded by the judge pursuant to Section (b) of this rule [as remote or for other causes].

(2) Such conviction may be proved by examination, production of the record thereof, or by other competent evidence [.] , except in a criminal case, when the defendant is the witness, and

(i) the prior conviction is the same or similar to one of the offenses charged, or
(ii) the court determines that admitting the nature of the offense poses a risk of undue prejudice to a defendant,

the State may only introduce evidence of the defendant's prior convictions limited to the degree of the crimes, the dates of the convictions, and the sentences imposed, excluding any evidence of the specific crimes of which defendant was convicted, unless the defendant waives any objection to the non-sanitized form of the evidence.

(b) Use of Prior Conviction Evidence After Ten Years

(1) If, on the date the trial begins, more than ten years have passed since the witness's conviction for a crime or release from confinement for it, whichever is later, then evidence of the conviction is admissible only if the court determines that its probative value outweighs its prejudicial effect, with the proponent of that evidence having the burden of proof.

(2) In determining whether the evidence of a conviction is admissible under Section (b)(1) of this rule, the court may consider:

(i) whether there are intervening convictions for crimes or offenses, and if so, the number, nature, and seriousness of those crimes or offenses,

(ii)whether the conviction involved a crime of dishonesty, lack of veracity or fraud,

(iii)how remote the conviction is in time,

(iv)the seriousness of the offense.