

New Jersey Rules of Evidence

Article II - Judicial Notices

N.J.R.E. 201. JUDICIAL NOTICE OF LAW AND ADJUDICATIVE FACTS

(a) *Notice of law.* --Law which may be judicially noticed includes the decisional, constitutional and public statutory law, rules of court, and private legislative acts and resolutions of the United States, this state, and every other state, territory and jurisdiction of the United States as well as ordinances, regulations and determinations of all governmental subdivisions and agencies thereof. Judicial notice may also be taken of the law of foreign countries.

(b) *Notice of facts.* --Facts which may be judicially noticed include:

(1) such specific facts and propositions of generalized knowledge as are so universally known that they cannot reasonably be the subject of dispute,

(2) such facts as are so generally known or are of such common notoriety within the area pertinent to the event that they cannot reasonably be the subject of dispute,

(3) specific facts and propositions of generalized knowledge which are capable of immediate determination by resort to sources whose accuracy cannot reasonably be questioned, and

(4) records of the court in which the action is pending and of any other court of this state or federal court sitting for this state.

(c) *When discretionary.* --A court may take judicial notice whether requested or not.

(d) *When mandatory.* --A court shall take judicial notice if requested by a party on notice to all other parties and if supplied with the necessary information.

(e) *Opportunity to be heard.* --Each party is entitled upon timely request to an opportunity to be heard as to the propriety of taking judicial notice and the tenor of the matter noticed. In the absence of prior notification, the request may be made after judicial notice has been taken.

(f) *How taken.* --In determining the propriety of taking judicial notice of a matter or the tenor thereof, any source of relevant information may be consulted or used, whether or not furnished by a party, and the rules of evidence shall not apply except Rule 403 or a valid claim of privilege.

(g) *Instructing the jury.* --In a civil action or proceeding, the judge shall instruct the jury to accept as conclusive any fact judicially noticed. In a criminal case, the judge shall instruct the jury that it may, but is not required to, accept as established any fact which has been judicially noticed.

NOTE: Adopted September 15, 1992 to be effective July 1, 1993.

N.J.R.E. 202. JUDICIAL NOTICE IN PROCEEDINGS SUBSEQUENT TO TRIAL

(a) *Subsequent proceedings.* --The failure or refusal of the judge to take judicial notice of a matter or to instruct the trier of the fact with respect to it shall not preclude the judge from taking judicial notice of the matter in subsequent proceedings in the action.

(b) *On appeal.* --The reviewing court in its discretion may take judicial notice of any matter specified in Rule 201, whether or not judicially noticed by the judge.

(c) *Opportunity to be heard.* --A judge or a reviewing court taking judicial notice under paragraph (a) or (b) of this rule of a matter not previously noticed in the action may afford the parties the opportunity to present information relevant to the propriety of taking such judicial notice and to the tenor of the matter to be noticed.

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