

## **New Jersey Rules of Evidence**

### **Article II. Judicial Notice**

#### **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.** The court may judicially notice a fact, including:

**(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.** The court may take judicial notice on its own.

**(d) When Mandatory.** The court shall take judicial notice if a party requests it on notice to all other parties and the court is supplied with the necessary information.

**(e) Opportunity to Be Heard.** On timely request, a party is entitled to be heard on the propriety of taking judicial notice and the nature of the matter noticed. If the court takes judicial notice before notifying a party, the party, on request, is still entitled to be heard.

**(f) How Taken.** In determining the propriety of taking judicial notice and the nature of the fact to be noticed, 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 proceeding, the court shall instruct the jury to accept as conclusive any fact judicially noticed. In a criminal proceeding, the court shall instruct the jury that it may, but is not required to, accept as conclusive any fact judicially noticed.

**NOTE:** Adopted September 15, 1992 to be effective July 1, 1993; paragraph (a) caption amended, paragraphs (b), (c), (d), (e), (f), and (g) captions and text amended September 16, 2019 to be effective July 1, 2020.

## **N.J.R.E. 202. Judicial Notice in Proceedings Subsequent to Trial**

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

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

**(c) Opportunity to be Heard.** A trial or 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 the nature of the fact to be noticed.

**NOTE:** Adopted September 15, 1992 to be effective July 1, 1993; paragraphs (a), (b), and (c) captions and text amended September 16, 2019 to be effective July 1, 2020.