

SUPREME COURT OF NEW JERSEY

NOTICE TO THE BAR

Amendment to Rule 3:19-1(b); Relaxation and Supplementation of Rule 3:21-4(f)

At its June 19 Administrative Conference the Supreme Court considered and approved an amendment to paragraph (b) of Rule 3:19-1, as recommended by the Criminal Practice Committee, so as to provide for written verdict sheets for use in cases in which the jury must find the factual predicate for an enhanced sentence or the existence of a fact relevant to sentencing. The Court's order and rule amendment are attached.

The Court also approved the Criminal Practice Committee's recommendation that Rule 3:21-4(f) be relaxed and supplemented so as to require that notice to impose sentence pursuant to N.J.S.A. 2C:43-7.2, the "No Early Release Act," be filed with the court and served on the defendant by the prosecution either with the plea offer or at the arraignment/status conference, whichever is earlier. The Court's separate June 19 order is attached.

Richard J. Williams, J.A.D.
Administrative Director of the Courts
Dated: July 16, 2001

Supreme Court of New Jersey ORDER

It is ORDERED that the attached amendment to Rule 3:19-1(b) of the Rules Governing the Courts of the State of New Jersey is adopted to be effective immediately.

For the Court
Deborah T. Poritz
Chief Justice
Dated: June 19, 2001

3:19-1. Several Defendants or Counts; Written Verdict Sheets

(a) ... no change

(b) Written Verdict Sheets. In the discretion of the court, a written verdict sheet may be submitted to the jury in conjunction with a general verdict to facilitate the determination of the grade of the offense under the Code of Criminal Justice or otherwise simplify the determination of a verdict when multiple charges are submitted to the jury. A written verdict sheet shall be used in those cases in which the jury must find the factual predicate for an enhanced sentence or the existence of a fact relevant to sentencing unless that factual predicate or fact is an element of the offense. The verdict sheet shall be marked as a court exhibit and retained by the court pursuant to Rule 1:2B3.

Note: SourceCR.R. 3:7B9(b); former rule redesignated as paragraph (a), paragraph (b) adopted and caption amended July 16, 1981 to be effective September 14, 1981; paragraph (b) amended July 10, 1998 to be effective September 1, 1998; paragraph (b) amended June 19, 2001 to be effective immediately.

Supreme Court of New Jersey
ORDER

It is ORDERED, pursuant to N.J. Const. Art. VI, §2, par. 3, that effective immediately and until further order Rule 3:21-4(f) of the Rules Governing the Courts of the State of New Jersey is relaxed and supplemented so as to require that notice to impose a sentence pursuant to N.J.S.A. 2C:43-7.2, the "No Early Release Act," shall be filed with the court and served on the defendant by the prosecutor either with the plea offer or at the arraignment/status conference, whichever is earlier; for good cause shown the court may extend the time for filing such notice.

For the Court
Deborah T. Poritz
Chief Justice
Dated: June 19, 2001

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