

NOTICE TO THE BAR

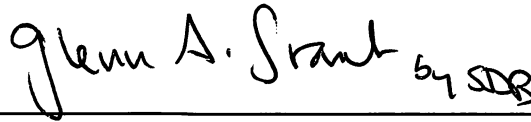
AMENDMENTS TO RULE 7:8-5 ("DISMISSAL") – PERIODIC DISMISSAL PROTOCOL FOR MINOR MUNICIPAL COURT MATTERS

The Supreme Court by order dated August 14, 2019 has adopted amendments to Rule 7:8-5 ("Dismissal") to provide for at least annual review and dismissal of open municipal court matters that are ten years or older, with notice to municipal prosecutors.

The amendments to Rule 7:8-5, as published with this notice, become effective January 1, 2020.

The Court took this action on the recommendation of the Supreme Court Municipal Court Practice Committee as set forth in the committee's Supplemental Report, which was earlier published for comment by notice dated July 24, 2019.

As noted in that earlier notice, in addition to the amendments to the Court Rule, the Administrative Director of the Courts will issue detailed administrative guidance regarding the dismissal process for these older, minor municipal court matters.

A handwritten signature in black ink that reads "Glenn A. Grant by SDB". The signature is written in a cursive, flowing style. Below the signature is a solid horizontal line.

Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts

Dated: August 15, 2019

SUPREME COURT OF NEW JERSEY

It is ORDERED that the attached amendments to Rule 7:8-5 of the Rules Governing the Courts of the State of New Jersey are adopted to be effective January 1, 2020.

For the Court,



Chief Justice

Dated: August 14, 2019

7:8-5. Dismissal

(a) Dismissal of Complaint Not Moved. If the complaint is not moved on the day for trial, the court may direct that it be heard on a specified return date and a notice thereof be served on the complaining witness, all defendants and all other known witnesses. If the complaint is not moved on that date, the court may order the complaint dismissed.

(b) Dismissal of Complaint by Motion; Recall of Warrant. A complaint may also be dismissed by the court for good cause at any time on its own motion, on the motion of the State, county or municipality or on defendant's motion. On dismissal, any warrant issued shall be recalled, and the matter shall not be reopened on the same complaint except to correct a manifest injustice.

(c) Periodic Dismissal of Certain Municipal Court Complaints. At least annually, after notice to the prosecutor and pursuant to procedures promulgated by the Administrative Director of the Courts, the court shall dismiss all eligible complaints that are more than ten years old, unless the court determines that, in the interests of justice, the complaint should not be dismissed.

Note: Source-R. (1969) 7:4-2(i). Adopted October 6, 1997 to be effective February 1, 1998; amended July 28, 2004 to be effective September 1, 2004; text redesignated as paragraphs (a) and (b) and paragraph captions added, new paragraph (c) added August 14, 2019 to be effective January 1, 2020.