

NOTICE TO THE BAR

ADOPTION OF NEW COURT RULE 3:10-8 (“NOTICE OF INTENTION TO PROFFER MAP OF PUBLIC HOUSING, PARK, OR BUILDING”)

The Supreme Court by order dated January 6, 2020 has adopted new Court Rule 3:10-8, “Notice of Intention to Proffer Map of Public Housing, Park, or Building.” The new rule, which is published with this notice, was effective immediately.

This action by the Court follows its earlier request in State v. Wilson, 227 N.J. 534, 554 (2017), that the Supreme Court Criminal Practice Committee develop a rule on pretrial notice and demand for the authentication of maps in prosecutions under N.J.S.A. 2C:35-7.1 (distributing, dispensing, or possessing with intent to distribute CDS/analog within 500 feet of public property).

The Criminal Practice Committee recommended adoption of Rule 3:10-8 in its January 26, 2018 Supplemental Report, which essentially tracked the Court’s procedures in Wilson for the State to authenticate such a map in lieu of presenting a witness. 227 N.J. at 553-54. Following publication of the report for comment, the Court favorably reviewed the proposed rule, but, in response to a comment received, referred the rule to the Committee on the Rules of Evidence for consideration as a possible evidentiary rule. The Evidence Rules Committee after reviewing the rule concluded that it was more appropriate as a rule of practice.

Accordingly, the Court formally adopted new Rule 3:10-8 on January 6, 2020 to address the procedures for a party to proffer a map created pursuant to N.J.S.A. 2C:35-7.1(e) at trial in lieu of presenting a witness who can testify to the map’s authenticity.



Glenn A. Grant, J.A.D.

Acting Administrative Director of the Courts

Dated: January 27, 2020

SUPREME COURT OF NEW JERSEY

It is ORDERED that the attached new Rule 3:10-8 of the Rules Governing the Courts of the State of New Jersey is adopted to be effective immediately.

For the Court,

A handwritten signature in blue ink, likely of the Chief Justice, consisting of a stylized 'S' followed by a large loop and a trailing flourish.

Chief Justice

Dated: January 6, 2020

R. 3:10-8. Notice of Intention to Proffer Map of Public Housing, Park, or Building

Whenever a party intends to offer a map created pursuant to N.J.S.A.

2C:35-7.1e at trial for a violation of N.J.S.A. 2C:35-7.1, notice of an intent to proffer that map shall be conveyed to the opposing party or parties at least 30 days prior to trial. An opposing party who intends to object to the admission of such map into evidence shall give notice of objection within 10 days after receiving the adversary's notice of intent to proffer the map. Whenever a notice of objection is given, the proffering party shall produce a witness who can testify to the authenticity and margin of error of the map. If there is no notice of objection, the map shall be admitted into evidence without the need to produce an authenticating witness. Failure to comply with the time limitations regarding the notice of objection required by this rule shall constitute a waiver of any objections to the admission of the map. The time limitations set forth in this rule shall not be relaxed except upon a showing of good cause.

Note: Adopted January 6, 2020 to be effective immediately.