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To: Assignment Judges
Criminal Presiding Judges

From: Glenn A. Grant,
Administrative Director

**SUPPLEMENT TO DIRECTIVES
#03-13 and #08-21**

[Questions or comments may be directed to
Criminal Practice at (609) 815- 2900, ext. 55300]

Subj: Criminal - Revised Uniform Defendant Reporting System -
Revisions to Include New “Court History – Charges Not Resulting
in Conviction” Form and Modified Content for Court History and
Court History Continued Forms for Presentence Investigation
Reports

Date: April 20, 2022

Directive #03-13 promulgated a group of forms that together constitute the Uniform Defendant Reporting System (UDRS). Certain of those forms have since been modified by two Supplements to Directive #03-13 (April 3, 2017 and September 14, 2017) and by Directive #08-21. This memo further supplements Directives #03-13 and supplements Directive #08-21 only with regard to certain forms contained within the Presentence Investigation Report (PSI). These changes are consistent with the Supreme Court Criminal Practice Committee’s recommendation in its 2019-2021 report as approved by the Supreme Court as part of the 2021 rule amendment process.

This Supplement modifies the content of the Court History form and the Court History Continued forms for use in the PSI and promulgates a new form titled “Court History - Charges Not Resulting in Conviction” (Attachment 1) also for use exclusively in the PSI. While the existing versions of the Court History and Court History Confirmed forms will remain unchanged, when used in the PSI the two

forms no longer will contain charges and arrests not resulting in conviction.¹ Likewise, the narrative contained in the “Discussion of Prior Court History and Pending Charges” section of the Court History form when used in the PSI also will not include references to cases or arrests that did not result in convictions. The new “Court History – Charges Not Resulting in Conviction” form will contain a list of any cases or arrests that did not result in a conviction. It will not include the nature of the offense or the statutory citation. This form will be separate from and follow the Court History form and the Court History Continued form in sequence in the PSI and will include only the following limited information on cases or arrests that did not result in conviction:

- Date;
- Place;
- Case Identifier;
- Court;
- Disposition and Disposition Date.

Separating this information addresses the concern with presenting non-conviction information together with conviction information in the PSI. To further address this concern, the Court approved adding a reminder that the information contained in the new form may only be considered if supported by undisputed facts pursuant to State v. K.S., 220 N.J. 190 (2015). The language at the beginning of the new “Court History – Charges Not Resulting in Conviction” form thus will provide:

The arrest(s) not resulting in conviction contained in this section shall not be considered by the court unless the prosecutor has established that there is a factual basis to consider this information when sentencing the defendant.
See State v. K.S., 220 N.J. 190, 199 (2015).

The “Court History - Charges Not Resulting in Conviction” is now included in the UDRS and is attached for ease of reference.

1. Uniform Defendant Intake Report (UDIR) (4 pages)
2. Adult Presentence Report
3. Multiple Charges
4. Offense Information
5. Case Analysis
6. Victim Information

¹ To the extent the Court History and Court History Continued forms are used to populate reports other than the PSI, their content will remain unchanged.

7. Court History
8. Court History Continued
9. Court History - Charges Not Resulting in Conviction (this form has been added for PSI Reports only)
10. Pretrial Intervention (PTI) Recommendation
11. Additional Information

Additionally, the PSI Report will now be comprised of the following forms in this sequence:

1. Adult Presentence Report
2. Offense Information
3. Multiple Charges
4. Uniform Defendant Intake Report (UDIR) (4 pages)
5. Case Analysis
6. Victim Information
7. Court History
8. Court History Continued
9. Court History - Charges Not Resulting in Conviction
10. Additional Information

Any questions regarding this Supplement or the Uniform Defendant Reporting System may be directed to the Criminal Practice Division via phone at 609-815-2900 ext. 55300.

Attachment: Court History - Charges Not Resulting in Conviction (for PSI Reports only)

cc: Chief Justice Stuart Rabner
Criminal Division Judges
Matthew J. Platkin, Acting Attorney General
Joseph E. Krakora, Public Defender
Steven D. Bonville, Chief of Staff
Trial Court Administrators
AOC Directors and Assistant Directors
Special Assistants to the Administrative Director
Criminal Division Managers and Assistants
Probation Division Managers and Assistants

Court History - Charges Not Resulting in Conviction

Last Name

First Name

Middle Name

The arrest(s) not resulting in conviction contained in this section shall not be considered by the court unless the prosecutor has established that there is a factual basis to consider this information when sentencing the defendant. See State v. K.S., 220 N.J. 190, 199 (2015).

Date

Place

Case Identifier

Court

Disposition