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NJ SUPREME COURT ISSUES MAJOR UPDATES TO MODEL CRIMINAL JURY CHARGES

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On August 18, 2025, the New Jersey Supreme Court Committee on Model Criminal Jury Charges released sweeping revisions that every criminal defense and domestic violence attorney must review immediately. These changes—driven by recent case law—reshape how judges will instruct juries on some of the state’s most serious offenses.

Homicide Charges

Several homicide-related charges received clarifications and restructuring. Updates include:

- Aggravated Manslaughter— refined jury guidance on recklessness and causation.
- Murder and Aggravated/Reckless Manslaughter – new instructions delineating intent, recklessness, and degrees of culpability.
- Murder, Passion/Provocation, and Manslaughter Variants – expanded definitions of heat of passion and adequate provocation.
- Self-Defense in Self Protection – a critical update clarifying when lethal force is justified.

These refinements underscore the court’s recognition of evolving standards for intent, recklessness, and justifiable use of force.

Sexual Assault Charges

Perhaps the most impactful revisions involve sexual assault charges. The Committee has removed “physical force” language, and added the requirement that the act occur “*without the victim’s affirmative and freely-given permission*.” This change reflects a shift in New Jersey’s legal framework for consent. Updated charges include Sexual Assault (2C:14-2(c)(1)); Aggravated Sexual Assault (2C:14-2(a)(5) & (6)); Criminal Sexual Contact (2C:14-3b); and Aggravated Criminal Sexual Contact.

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Trial Strategy

Attorneys must recalibrate their trial strategies, as these modifications will likely alter prosecutorial approaches and defense arguments. For example, the burglary statute has been completely restructured into a tiered system:

1. Burglary (2C:18-2) – general offense.
2. Home Invasion Burglary (2C:18-2.1) – *new* statute creating a distinct, elevated charge.
3. Residential Burglary (2C:18-2.2) – *new* statute targeting unlawful entry into homes.

This overhaul signals the Court's intent to distinguish between *property* crime and crimes that directly threaten *personal safety*.

Additional Changes

Beyond homicide, sex offenses, and burglary, several other statutes now carry revised or new jury charges, including Terroristic Threats (2C:12-3(a)); Witness/Informant Bribery (2C:28-5(d)); Firearms Possession in a Vehicle (2C:39-2); Operating During License Suspension (2C:40-26); and Persistent Offender (2C:44-3(a)). Each of these instructions adds nuance that can significantly impact case outcomes.

Evidence for Modern Trials

In addition, the Committee has introduced jury charges for evidence categories increasingly relevant in modern trials as follows:

- Opinion Testimony Relating to Age – NEW
- Video Narration Testimony – NEW
- Drug Recognition Expert (DRE) Testimony – NEW
- Witness Pretrial Preparation – NEW
- Playback of Video Footage Evidence – NEW

This is the courts' adaptation to technology-driven prosecutions and expert-heavy testimony. It will be interesting to see how this translates to civil trials as well.

Be Aware and Be Prepared

The New Jersey Supreme Court Committee's revisions to Model Criminal Jury Charges mark a pivotal shift in New Jersey law. Attorneys must familiarize themselves with these updates immediately to ensure effective advocacy for their clients. For defense attorneys, these changes

represent both new opportunities and new challenges. Jury charges are the framework jurors rely upon when rendering verdicts. Even small shifts in language—such as removing “physical force” from sexual assault charges—can profoundly affect trial strategy, jury perception, and appellate review – and could have an impact in a civil case as well.

At Schenck, Price, Smith & King, our attorneys stay ahead of the law so we can provide the strongest defense possible. We are a full-service law firm, representing a wide array of clients in various cases. The author, Georgia Reid, is a former prosecutor and also has experience defending restraining orders and municipal summonses.

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