

## MINUTES OF COMMISSION MEETING

November 19, 2020

Present at the New Jersey Law Revision Commission meeting, held via video conference, were: Chairman Vito A. Gagliardi, Jr.; Commissioner Andrew O. Bunn; Commissioner Virginia Long; Commissioner Louis N. Rainone; Professor Bernard W. Bell, of Rutgers Law School, attending on behalf of Commissioner David Lopez; Professor John K. Cornwell, of Seton Hall University School of Law, attending on behalf of Commissioner Kathleen M. Boozang; and, Grace Bertone, of Bertone Piccini, LLP, attending on behalf of Commissioner Kimberly Mutcherson. Assemblyman Raj Mukherji, Deputy Speaker Pro Tempore and Chair of the Assembly Judiciary Committee, was also in attendance.

### Minutes

The Minutes from the October 15, 2020 meeting were unanimously approved by the Commission on the motion of Commissioner Cornwell, which was seconded by Commissioner Long.

### Confinement

Arshiya Fyazi discussed with the Commission a Revised Draft Tentative Report proposing changes to clarify the meaning of “confinement” in New Jersey’s persistent offender statute, N.J.S. 2C:44-3(a).

In *State v. Clarity*, 454 N.J. Super. 603 (App. Div. 2018), the Appellate Division considered whether a probationary term for a defendant’s last prior crime was the equivalent of “confinement” for purposes of sentencing him to an extended term as a persistent offender. The Court noted that N.J.S. 2C:44-3(a) does not define the term “confinement.” The absence of a definition generated potential uncertainty about its scope when the State seeks an extended term for a persistent offender.

The Appendix to the Revised Draft Tentative Report incorporates comments received from stakeholders as well as from the Commission throughout the course of this project. Additionally, the Report incorporates additional research and drafting requested by the Commission at its May 2020 meeting.

The introductory paragraph of N.J.S. 2C:44-3 is included to allow the reader an easy transition from the introduction to section a. of the statute. Subsection a. has been divided into two subsections to allow for a clearer reading of the statute.

Subsection a.(2) has been added to clarify and define the term “confinement” pursuant to the Court’s discussion in *State v. Clarity*. The three options set forth in the Appendix illustrate the project’s evolution of the proposed definition of the term “confinement”. The first option sets forth language discussed by the Commissioners at their May 2020 meeting, in addition to the

comments received from the County Prosecutor Association of New Jersey (“CPANJ”). Next, option number two reflects both the comments received by the CPANJ and the modifications requested by the Commission at its May 2020 meeting. In this option, subsection (2)(B) has been stricken from the draft and no longer includes references to probation or parole, temporary or otherwise; and, subsection a.(1) was revised. Finally, the third option is similar to option two in that it incorporates the comments received by CPANJ and the Commission. This option, however, further subdivides the definition of “confinement” to reflect different methods used to confine an individual.

The subsection numbered (2)(A) envisions instances in which an individual is “confined to a house or a private facility”. Ms. Fyazi offered the hypothetical of a judge issuing an order that allows a defendant to be removed from a facility during public health emergency to complete his or her prison term at home. Subsection (2)(B) addresses the different state-run penal facilities in which an individual may be confined. Additionally, in the third option the term “arrest” was removed from subsection a.(2)(A). The word “arrest” does not appear in the original statute. It was included based on the guidance provided by the court in *Clarity*. It was removed from this draft after additional research and consideration because the term “arrest” casts a very broad net and includes custodial situations that do not involve a criminal conviction or a determination by the court.

At the May 2020 Commission meeting, Staff was asked whether the persistent offender statute will apply when a court determines that an individual is not fit to stand trial and is subsequently committed to a psychiatric hospital. Ms. Fyazi advised that N.J.S. 2C:4-4 provides that a person who lacks the capacity to understand the proceedings against them or to assist in their defense may not be tried, convicted, or sentenced for the commission of an offense so long as such incompetency endures. Since a conviction is a necessary element for this statute to be applicable, it would not apply to an individual who is deemed to be mentally incompetent.

A similar question was raised by the Commission regarding a person found not guilty by reason of insanity. N.J.S. 2C:4-8, governs instances where a defendant in a criminal case is acquitted by reason of insanity and is then civilly committed. In *State v. Krol*, 68 N.J. 236 (1975), the Supreme Court stated that “[c]ommitment following acquittal by reason of insanity is not intended to be punitive, for, although such a verdict implies a finding that defendant has committed the Actus reus, it also constitutes a finding that he did so without a criminal state of mind. There is, in effect, no crime to punish.” In the absence of a conviction, following the same the reasoning as above, the persistent offender statute would not be applicable to individuals acquitted by reason of insanity and civilly committed.

Finally, the Commission had asked that Staff examine the impact of Covid-19 on the issue of confinement. Since the commencement of this project, the New Jersey Legislature has enacted S2519 (codified at P.L. 2020, c.111), known as the Public Health Emergency Credit Bill. This statute awards public health emergency credits to certain inmates and parolees during public health emergencies. Inmates convicted of aggravated sexual assault, murder, and repetitive compulsive sex offenders - persistent offenders - are not, however, eligible for these credits.

Commissioner Long commented that the information provided in the Report was excellent. She inquired whether the issue of home confinement was a substantive decision and beyond the purview of the Commission. Chairman Gagliardi agreed that the subject of home confinement was substantive. He also noted that the language choice required for this project necessarily implicates the substance of what is considered confinement. Commissioner Bunn questioned whether the term “held pursuant to the order of the court” was unclear and overbroad. Commissioners Long and Bertone concurred. Commissioner Long suggested the addition of the following language, “held in any other location from which he, or she, is not free to depart.” The Commission also recommended that the word “constrained” be substituted for the word “held.”

Commissioner Bell observed that references to probation and parole had been removed from the proposed statutory definition. Ms. Fyazi stated that these terms were removed at the request of the Commission. Commissioner Rainone noted that given that since the statute pertains to convicted individuals, these terms can be reintroduced to the draft. Chairman Gagliardi suggested that the following language “For purposes of this section, confinement does not include probation or parole” be added as a new subsection c.

On the motion of Commissioner Bunn, which was seconded by Commissioner Bell, the Commission unanimously voted to release the Report as a Revised Tentative Report.

### **Parentage**

John Cannel discussed with the Commission a Revised Draft Tentative Report proposing modifications to the New Jersey Parentage Act, N.J.S. 9:17-38 *et seq.*

Mr. Cannel began by noting that he discussed the Draft Tentative Report in detail at the September 2020 Commission meeting and that he only had a few modest revisions to point out. First, Mr. Cannel discussed a strikethrough error in the previous report which had been fixed. Next, he noted a change made at the instruction of the Commission to allow for more than two parents. Mr. Cannel noted that Sections 5 and 17 exhibit the most significant changes from the current law, and that he hopes for comments to gauge whether they are viable.

Commissioner Cornwell asked whether Professor Solangel Maldonado was given the opportunity to review the proposed modifications to the statute. Mr. Cannel replied that he did not believe that she had seen the newest revisions, but that the draft reports have been circulated to her and that they are in accordance with her position on the state of the law. Commissioner Cornwell inquired whether the changes were in accordance with her view on both genetic and psychological parentage. Mr. Cannel replied that psychological parentage is distinct from custody and status, and it does not deal with inheritance, in line with Professor Maldonado’s view. Mr. Cannel noted, however, that Professor Maldonado and other commenters will be given the opportunity to review and comment on the proposed changes in the Revised Draft Tentative Report.

Commissioner Cornwell stated that he would be interested seeing Professor Maldonado’s input. Laura Tharney replied that the draft reports have been provided to Professor Maldonado, and Staff will be sure to send her the most recent one as well.

Chairman Gagliardi opined that the Commission does not have to set this topic for the December Commission meeting but can set it for January to allow time for feedback from commenters. Mr. Cannel noted that institutional commenters may require more time.

On the motion of Commissioner Rainone, seconded by Commissioner Long, the Commission voted unanimously to release the Revised Draft Tentative Report.

### **Child Endangerment**

Samuel Silver discussed with the Commission a Draft Tentative Report proposing the clarification of the standard of harm that is required to convict a defendant pursuant to N.J.S. 2C:24-4(a) as a review of the New Jersey Supreme Court decision in *State v. Fuqua*, 234 N.J. 583 (2018). Pursuant to the endangerment statute, N.J.S. 2C:24-4(a)(2), “any person who has a legal duty to care for a child [...] who causes the child harm that would make the child abused or neglected [...] is guilty of a crime of the second degree.”

In *State v. Fuqua*, during the course of an investigation, the Middlesex County Prosecutor’s Office found six children in a motel room with ready access to drugs. The defendant pled guilty to child endangerment after his motion for judgment of acquittal was denied by the trial court judge. The trial court judge determined that the State did not have to prove “actual harm” and interpreted this provision in the statute to include a “substantial risk of harm.” After the Appellate Division affirmed the decision of the trial court, the New Jersey Supreme Court granted certification.

The issue before the Supreme Court was whether the State was required to prove “actual harm” in order to secure a conviction of second-degree child endangerment. The Court noted that the incorporation of Title 9, by reference, does not require that a specific harm result before a defendant may be convicted of child endangerment. In addition, N.J.S. 9:6-8.21(c)(2), creates or allows to be created a substantial or ongoing risk of physical injury to such child by other than accidental means which would likely cause death or serious or protracted disfigurement, or protracted loss or impairment of the function of any bodily organ. The focus of the statute is on the conduct of the parent who exposes the child to a substantial risk of death or physical harm. In support of this decision, the Court noted that the Legislature has amended this statute three times since 1992 and has not sought to change this portion of the statute.

The dissent maintained that the decision ran contrary to the text of the statute, the legislative history of the statute, ignored the doctrine of lenity, and erased all distinctions between civil and criminal statutes. The Chief Justice, in his dissent, stated that he was not sure whether the Legislature intended a narrow definition of actual harm or contemplated the broader meaning of substantial risk of harm.

Mr. Silver indicated that the Report includes a fifty-state survey on the subject of endangerment. The proposed modifications found in the Appendix, he continued, reflect the Commission’s request that the statute make clear that endangerment includes actual harm and the substantial risk of harm discussed in *State v. Fuqua* and reflects the current state of the law. The

present statute does not contain the required mental element, knowingly, and has been modified to do so.

Of the two options set forth in the Appendix, the Commission expressed a preference for the structure of option number two. Commissioner Long suggested that the mental element, knowingly, must be added to subsection (3) to ensure that it is clear that this is the required mental state for both portions of the statute. Commissioner Bell and Commissioner Long both asked that the language of subsection a.(2)(B) be modified to read “creates or causes to be created a substantial risk of harm that would make the child an abused or neglected child...” In addition, Commissioner Bunn noted that subsection a.(3) should be drafted to parallel the structure of subsection a.(2)(B).

On the motion of Commissioner Cornwell, which was seconded by Commissioner Bertone, the Commission unanimously voted to release the Report as a Tentative Report

### **Citizen’s Arrest**

Samuel Silver presented a Draft Tentative Report proposing modification or repeal of three statutes (N.J.S. 2A:169-3, N.J.S. 2C:20-11, and N.J.S. 2C:20-14) authorizing the arrest of another by a private citizen, as well as the elimination of references to “special officer” in various statutes. The three New Jersey statutes that incorporate the doctrine of citizen’s arrest applies to individuals, shopkeepers, and librarians, respectively.

N.J.S. 2A:169-3 permits constables, police officers and private individuals to detain a disorderly person who commits an offense in their presence. The proposed modification in the Appendix to this statute recommends replacing the terms “constable, police officer and any other person” with “law enforcement officer” to cover personnel from all law enforcement agencies. This modification also eliminates untrained individuals from possessing the power to arrest another. Additionally, the modification refers to procedures set forth in the New Jersey Rules of Court that the officers must adhere to when making a “custodial arrest” without a warrant.

N.J.S. 2C:20-11 authorizes a merchant to detain an individual if the shopkeeper believes that the individual has stolen or is attempting to steal a store merchandise. This form of citizen’s arrest is commonly referred to as the “shopkeeper’s privilege” which can be found in section e. of the statute.

Mr. Silver noted that a fifty-state survey was conducted pertaining to “shopkeeper’s privilege” and was incorporated into Staff’s analysis of this statute. The survey indicated that probable cause was the level of suspicion required by New Jersey and twenty-three other states to detain a suspected shoplifter.

The New Jersey shoplifting statute does not provide any guidance regarding the level of force that a merchant can employ, or how long a detained individual may be held. N.J.S. 2C:20-11 allows the shopkeeper to detain the suspected shoplifter “in a reasonable manner” for “not more than a reasonable time”. Furthermore, a merchant who mistakenly detains an innocent customer will not be “criminally or civilly liable...whatsoever” in New Jersey. Survey indicated that such

broad immunity to the shopkeeper is not found in any other shoplifting statute in the country. The Appendix proposes modifications that include restructuring, elimination of the term “special officer” defines the term “merchant”, enumerates the actions a shopkeeper may take in a shoplifting case, and expands on the issue of shopkeeper’s liability.

The Library Employee Privilege, found in N.J.S. 2C:20-14, permits an employee of a library facility to take a person into custody based on probable cause for believing willful concealment of library material. Like the shoplifting statute, it uses the probable case standard and does not address the method of detention or the level of force that may be used in detaining a suspect. Proposed modification to eliminate the authorization of library employees to effectuate arrests are set forth in the Appendix to the Report.

Mr. Silver further explained that the notion of citizen’s arrest is complicated and may present special challenges at the time of a pandemic. For example, Governor Murphy declared a Public Health Emergency due to COVID-19, and issued an Executive Order which required that people maintain a six-foot distance from others and wear face coverings in outdoor public spaces. New Jersey statutes provide that any person who violated an executive order shall be adjudicated a disorderly person and may be imprisoned, fined or both. This raised the issue of whether an individual can make a citizen’s arrest pursuant to N.J.S. 2A:169-3 and arrest another individual for violating the Executive Order. Citizen’s arrests for violation of the Executive Order are discouraged by criminal defense attorneys, former prosecutors, and the Governor, all of whom agree that individuals should seek assistance from law enforcement officers in such circumstances.

The Report was also expanded to include the issue of the term “special officers” mentioned in the shoplifter’s and library employee privilege statutes. These statutes give authorization to “special officers” to effectuate arrests, but the term is not defined in the statutes. Mr. Silver briefly discussed various other New Jersey statutes that allowed for “special officers” to enforce law.

Title 4 authorizes corporations who organize agricultural fairs and exhibitions to deputize “special officers” by paying a nominal fee to the county clerk. The number of officers that the corporation could deputize was unlimited, the duration was unlimited, and their powers were not specified. Stud farm owners were given similar authority under the statute. Mr. Silver recommended that statutes that vest agricultural special officers and stud farm owners with the authority to effectuate citizen’s arrests be repealed.

Title 12 vests the power of special officers with the harbor master. It allowed the special officer to enforce the laws pertaining to New Jersey’s waterways. Mr. Silver advised that such duties now fall under the statutes pertaining to the New Jersey State Police- Bureau of Marine Law Enforcement. As a result, N.J.S 12:6-6 also seems appropriate for repeal.

Mr. Silver explained that institutions and agencies covered by Title 30 should have the authority to effectuate some type of arrest of individuals that are subject to their care. However, the arrest of escaped inmates should not be performed by “special officers” but rather by an appointed employee or law enforcement officer. He also noted that the term “special officers” is not defined in the Title.

Research revealed that prosecutor's officers specifically discontinued the use of "special officers" in 1952 to avoid any confusion. Mr. Silver noted that the term remains in New Jersey's county pension and retirement statute and recommended that it should be eliminated from that statute as well.

Mr. Silver concluded that lack of clear guidelines, and the outdated nature of these statutes, should result in repealing or modification of these statutes.

Commissioner Cornwell asked for clarification on the modification to N.J.S 30:4-118, titled "Warrant for arrest". He asked whether the term "subordinate officer" was a term of art that was substituted for "special officer" in the statute.

Mr. Silver explained that for guidance on the issue, he referred to N.J.S. 30:4-116, in which the term "subordinate officer" is used. Since the statutes are parallel, the chief executive officer would have the authority to appoint a "subordinate officer" for retaking and warrant for arrest so that it would not be left to just any employee of the facility. He further explained that to leave out the ability of the executive officer to appoint a subordinate officer to perform the apprehensions would require that the chief executive officer perform them; which may or may not be feasible at a particular facility.

Commissioner Bell questioned whether the 50-state survey concerning shopkeeper's privilege revealed any statutes that dealt with the systematic problem of ethnic and racial profiling by shopkeepers. Mr. Silver responded that the survey focused on comparing shoplifting statutes across the country, and did not focus on that issue. He noted that level of suspicion required to act on the privilege ranged dramatically from one state to another. Probable cause was the most popular level of suspicion that was necessary, however it varied from reasonable cause to reasonable suspicion (although Arkansas does not articulate any particular level of suspicion in its shoplifting statute).

Commissioner Bell suggested that upon releasing this report as a Tentative Report, he would like the potential commenters asked about whether they had any ideas for addressing the issue of ethnic and racial profiling by shopkeepers. Commissioner Rainone agreed with Professor Bell's request and asked about disparate treatment claims that one might raise against a traditional state actor, but that would not be available against a shopkeeper. He asked whether the research revealed how a civil rights claim plays out in such scenarios.

Mr. Silver stated that he had not examined that issue, but noted that the New Jersey statute provides that a shop owner shall not be held liable in any manner or to any extent whatsoever. The proposed modifications in the Report add criteria including probable cause, the reasonableness of the detention, and limiting the amount of time an individual can be detained. Under the current statute, those issues are considered by the Court on case-by-case basis.

Commissioner Bunn noted that the reasonableness of the action by the shopkeeper, and the suspicion based on probable cause must be based upon good faith, and if there is a departure from good faith, it needs to be adjudicated.

Commissioner Long suggested that section one of the shoplifting statute should be broken down into two sections: (1) what a law enforcement officer can do and (2) what a merchant who is 18 years or older can do. A law enforcement officer will have broader authority than a merchant, for instance a merchant can only hold the person until law enforcement arrives and cannot compel the suspected person to do or answer anything, whereas a law enforcement officer can ask the customer to present an ID and question him about the stolen merchandise.

Chairman Gagliardi suggested that since this project raises many vital issues he would like Staff to conduct additional research and analysis of the common law of other states that have similar powers vested in the shopkeepers. Upon completion of the research, the Commission can revisit the project and discuss the proposed modifications. Commissioner Rainone added that he would like research to include whether other statutes contain a provision that addresses the liability of shopkeepers if the privilege is abused. Commissioner Bell requested that the research include the powers of private security forces that may be hired by corporations or building owners, and asked whether private security officers can hold an individual in custody until police officers arrive under the citizen's arrest doctrine.

Laura Tharney stated that the Staff will engage in additional research, including statutory provisions, common law, and secondary sources, to address the concerns raised by the Commission in this area of law.

### **Contempt Charges for Violations of Conditions of Pre-Trial Release**

The Criminal Justice Reform Act (CJRA), N.J.S. 2A:162-24, authorizes the pre-trial release of criminal defendants subject to conditions set by a trial judge. The statute allows for the revocation of pre-trial release if the defendant violates a condition. The statute is silent regarding whether criminal penalties may be imposed on violators. Chris Mrakovic explained that this question was examined by the New Jersey Supreme Court in *State v. McCray*, 243 N.J. 196 (2020).

*McCray* was a consolidated appeal involving two criminal defendants. The first defendant was charged with second-degree robbery and granted pre-trial release subject to a number of conditions including a prohibition against committing any offense during release. He was subsequently charged with theft and credit card fraud offenses committed during his release. A grand jury indicted the defendant for fourth-degree contempt for violating a condition of his release.

The second defendant was charged with seven counts of possession and distribution of heroin. This defendant was also released pending trial, subject to conditions including a curfew. During his release, the defendant was stopped by police past curfew. Officers found Percocet during a search incident to arrest, and the defendant was charged with possession. He was also charged with fourth-degree contempt for violating the terms of his release by breaking curfew.

In both cases, the trial judges dismissed the contempt charges, finding them incompatible with the legislative intent of the CJRA, and the Appellate Division reversed.



The draft of the bill that became the CJRA included language explicitly allowing “contempt of court proceedings or criminal sanctions” to effectuate conditions of pre-trial release. This language was removed before the bill became law. The Appellate Division noted that no reason was given to explain the deletion, and without a statement of legislative intent, the State is not precluded from bringing contempt charges under the plain language of the statute.

The New Jersey Supreme Court agreed with the trial courts and reversed the decision of the Appellate Division. The Court found that the removal of language allowing contempt charges indicated a legislative intent that contempt charges not be used to enforce conditions of pre-trial release.

Mr. Mrakovic noted that the Court also examined the contempt statute, N.J.S. 2C:29-9. Although the Court acknowledged that this statute allows for the prosecution of a defendant who “purposely or knowingly disobeys a judicial order,” it found that the legislative history of the CJRA prevents its applicability to conditions of pre-trial release. The Court determined, however, that contempt charges for violating no-contact orders under the Prevention of Domestic Violence Act, the Sexual Assault Survivor Protection Act, the Extreme Risk Protective Order Act, and stalking offenses are permissible because they are expressly listed in the contempt statute.

Chairman Gagliardi suggested that this was a rather narrow issue that appears to have been addressed by the Supreme Court. Commissioners Bunn, Long, Bell and Bertone concurred with this assessment. The Commission agreed that no action would be taken in this area.

### **Household Member**

To assure victims of domestic violence the maximum protection from abuse, the New Jersey Legislature enacted the Prevention of Domestic Violence Act (PDVA), N.J.S. 2C:25-19(b). This Act protects individuals eighteen years of age or older who have been subject to domestic violence by a present or former household member. The absence of a definition for the term “household member” in the PDVA and the trial court’s discussion of this term in *E.S. v. C.D.*, 460 N.J. Super. 326 (Ch. Div. 2018) served as the basis of Samuel Silver’s discussion with the Commission.

In *E.S. v. C.D.*, the defendant was a full-time, live-in, nanny for the plaintiff for approximately seven months. The defendant was fired for assaulting the plaintiff’s minor child. Thereafter, the defendant sent threatening and harassing texts to the plaintiff. The plaintiff sought a final restraining order against the defendant. The basis of the relationship between the parties, in this case, was purely economic.

Traditionally, in determining whether an individual is a household member for purposes of the PDVA, the Court employs a six-factor test, and considers: whether the defendant is a household member; the nature and duration of the relationship; whether past domestic violence provides a special opportunity for abuse or controlling behavior; the passage of time since the relationship ended; the extent and nature of intervening contacts; the nature of the precipitating incident; and, the likelihood of ongoing contact. Applying these factors, the Court in *E.S.* determined that the

defendant was a household member and determined that the plaintiff was entitled to the protection of a final restraining order.

New Jersey courts have tended to liberally interpret the term household member. Although the term has historically been used to define a familial, sexual, or romantic relationship between various persons, it has been expanded to include a houseguest employed as a bookkeeper and college suitemates who were not roommates. This has led one former member of the judiciary to describe the term as “chameleon-like.”

Commissioner Bunn said that the difficulty with judicially-created multi-part tests is that they can be administered inconsistently. Commissioner Bell concurred. Commissioner Long suggested that the reason the Court employs a six-part test is because terms such as household member are difficult to define. Commissioner Cornwell opined that it is also important that victims understand who is considered a household member so that they may seek the appropriate protections. Mr. Silver added that a final restraining order has significant impacts. It is of infinite duration, it prohibits the defendant from purchasing firearms, the defendant must register with the domestic violence central registry, and the individual can also be fined or imprisoned for violations of the order. Commissioner Bell said that given the serious consequences of being considered a household member, the Commission should attempt to define this term. Commissioner Bunn agreed. Commissioner Long suggested that Staff examine the usage of the terms in other states as a guide for the Commission’s consideration.

The Commission authorized Staff to engage in additional research and outreach on this subject matter.

### **Spill Compensation and Control Act**

Jennifer Weitz presented an Update Memorandum regarding the Spill Compensation and Control Act (the “Act”), N.J.S. 58:10-23.11 *et seq.* in light of the Supreme Court’s decision in *Magic Petroleum v. Exxon Mobil Corp.*, 218 N.J. 390 (2014). Ms. Weitz began by noting that under the Act, dischargers of hazardous waste material contributing to contamination are jointly and severally liable.

The Act was amended in 1992 to create a separate contribution cause of action for private parties, so that any party deemed a discharger by the Department of Environmental Protection (“DEP”) may seek to recover costs from other responsible parties.

In *Magic*, the Supreme Court clarified that contribution claims can be filed in Superior Court. As well, courts may allocate liability before the final resolution of a site remediation plan by the DEP, since the court is assigning percentages of fault rather than dollar amounts.

Ms. Weitz explained that since the Court’s decision in *Magic*, there has been consistent legislative activity regarding the Act through and including the current session. Based on the information provided by the Staff in the Updated Memorandum, the Commission unanimously agreed to discontinue work in this area of law.

### **Miscellaneous**

Laura Tharney advised the Commission that on October 29, 2020, the Uniform Voidable Transactions Act was passed by the Assembly by a vote of 71-0-0. In addition, on November 5, 2020, the bill was received by the Senate and referred to the Senate Commerce Committee. An identical bill, S3171, was introduced in the Senate on November 12, 2020, by Senator Nellie Pou.

### **Adjournment**

The meeting was adjourned on the motion of Commissioner Bell, which was seconded by Commissioner Long.

The next Commission meeting is scheduled to be held on December 17, 2020, at 4:30 p.m.