

5372--A

2013-2014 Regular Sessions

I N S E N A T E

May 16, 2013

Introduced by Sen. BONACIC -- (at request of the Office of Court Administration) -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- recommitted to the Committee on Judiciary in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the civil practice law and rules, in relation to an affirmation by any person in a civil action

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Rule 2106 of the civil practice law and rules, as amended
2 by judicial conference proposal number 3 for the year 1973, is amended
3 to read as follows:
4 Rule 2106. Affirmation of truth of statement [by attorney, physician,
5 osteopath or dentist]. (A) The statement of an attorney admitted to
6 practice in the courts of the state, or of a physician, osteopath or
7 dentist, authorized by law to practice in the state, who is not a party
8 to an action, when subscribed and affirmed by him to be true under the
9 penalties of perjury, may be served or filed in the action in lieu of
10 and with the same force and effect as an affidavit.
11 (B) THE STATEMENT OF ANY PERSON, WHEN THAT PERSON IS PHYSICALLY
12 LOCATED OUTSIDE THE GEOGRAPHIC BOUNDARIES OF THE UNITED STATES, PUERTO
13 RICO, THE UNITED STATES VIRGIN ISLANDS, OR ANY TERRITORY OR INSULAR
14 POSSESSION SUBJECT TO THE JURISDICTION OF THE UNITED STATES, SUBSCRIBED
15 AND AFFIRMED BY THAT PERSON TO BE TRUE UNDER THE PENALTIES OF PERJURY,
16 MAY BE USED IN AN ACTION IN LIEU OF AND WITH THE SAME FORCE AND EFFECT
17 AS AN AFFIDAVIT. SUCH AFFIRMATION SHALL BE IN SUBSTANTIALLY THE FOLLOW-
18 ING FORM:
19 I AFFIRM THIS ____ DAY OF _____, _____, UNDER THE PENALTIES OF PERJURY
20 UNDER THE LAWS OF NEW YORK, WHICH MAY INCLUDE A FINE OR IMPRISONMENT,
21 THAT I AM PHYSICALLY LOCATED OUTSIDE THE GEOGRAPHIC BOUNDARIES OF THE

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 UNITED STATES, PUERTO RICO, THE UNITED STATES VIRGIN ISLANDS, OR ANY
2 TERRITORY OR INSULAR POSSESSION SUBJECT TO THE JURISDICTION OF THE
3 UNITED STATES, THAT THE FOREGOING IS TRUE, AND I UNDERSTAND THAT THIS
4 DOCUMENT MAY BE FILED IN AN ACTION OR PROCEEDING IN A COURT OF LAW.

5 (SIGNATURE)

6 S 2. This act shall take effect on the first of January next succeed-
7 ing the date on which it shall have become a law.