STATE OF NEW YORK

2305

2025-2026 Regular Sessions

IN SENATE

January 16, 2025

Introduced by Sen. KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to certain judgments by confession

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision (a) of section 3218 of the civil practice law and rules, as amended by chapter 311 of the laws of 1963, paragraph 1 as amended by chapter 831 of the laws of 2021, is amended to read as follows:

(a) Affidavit of defendant. Except as provided in section thirty-two hundred one **of this article and subdivision (e) of this section**, a judgment by confession may be entered, without an action, either for money due or to become due, or to secure the plaintiff against a contingent liability [~~in~~] **on** behalf of the defendant, or both, upon an affidavit executed by the defendant[~~,~~]**:**

1. stating the sum for which judgment may be entered, authorizing the entry of judgment, **and** stating the county where the defendant resides [~~and, if applicable, stating that the interest rate for consumer debt pursuant to section five thousand four of this chapter applies~~];

2. if the judgment to be confessed is for money due or to become due, stating concisely the facts out of which the debt arose and showing that the sum confessed is justly due or to become due; and

3. if the judgment to be confessed is for the purpose of securing the plaintiff against a contingent liability, stating concisely the facts constituting the liability and showing that the sum confessed does not exceed the amount of the liability.

§ 2. Section 3218 of the civil practice law and rules is amended by adding a new subdivision (e) to read as follows:

(e) Prohibition on certain judgments by confession. No judgment by confession may be entered on:

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

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1. any amount due from one or more individuals for personal, family, household, consumer, or other non-business purposes; or

2. any amount due on a debt incurred by any person for any purpose if the principal amount of such debt was less than five million dollars at the time the debt was incurred.

§ 3. This act shall take effect immediately and apply to judgments by confession entered upon affidavits filed on or after such effective date.