S T A T E O F N E W Y O R K

1178

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. SEMINERIO -- read once and referred to the Committee on Codes

AN ACT to amend the civil practice law and rules, in relation to the admissibility of testimony concerning test results

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

Section 1. The closing paragraph of rule 4532-a of the civil practice law and rules, as amended by chapter 375 of the laws of 2004, is amended to read as follows:

Nothing contained in this rule, however, shall prohibit the admissibility of a graphic, numerical, symbolic or pictorial representation in evidence where otherwise admissible. TESTIMONY CONCERNING GRAPHIC, NUMERICAL, SYMBOLIC OR PICTORIAL REPRESENTATION OF MEDICAL OR DIAGNOSTIC PROCEDURES OR TESTS, INCLUDING REPORTS ON THE RESULTS OF SUCH PROCEDURES OR TESTS, SHALL BE INADMISSIBLE UNLESS THE GRAPHIC, NUMERICAL, SYMBOLIC OR PICTORIAL REPRESENTATION IS AVAILABLE AND ADMISSIBLE IN EVIDENCE.

S 2. This act shall take effect immediately and shall apply to all actions that proceed to trial not less than 90 days after such effective date.

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

LBD01675-01-9