

9541

I N A S S E M B L Y

March 16, 2016

Introduced by M. of A. ZEBROWSKI, WEINSTEIN -- (at request of the Office of Court Administration) -- read once and referred to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to the authenticating effect of a party's production of material authored or otherwise created by the party

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

1 Section 1. The civil practice law and rules is amended by adding a new
2 rule 4540-a to read as follows:
3 RULE 4540-A. PRESUMPTION OF AUTHENTICITY BASED ON A PARTY'S PRODUCTION
4 OF MATERIAL AUTHORED OR OTHERWISE CREATED BY THE PARTY. MATERIAL
5 PRODUCED BY A PARTY IN RESPONSE TO A DEMAND PURSUANT TO ARTICLE THIRTY-
6 ONE OF THIS CHAPTER FOR MATERIAL AUTHORED OR OTHERWISE CREATED BY SUCH
7 PARTY SHALL BE PRESUMED AUTHENTIC WHEN OFFERED INTO EVIDENCE BY AN
8 ADVERSE PARTY. SUCH PRESUMPTION MAY BE REBUTTED BY A PREPONDERANCE OF
9 EVIDENCE PROVING SUCH MATERIAL IS NOT AUTHENTIC, AND SHALL NOT PRECLUDE
10 ANY OTHER OBJECTION TO ADMISSIBILITY.
11 S 2. This act shall take effect on the first of January next succeed-
12 ing the date on which it shall have become a law.

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

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