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I N   A S S E M B L Y

March 16, 2016

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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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