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

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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:

Section 1. The civil practice law and rules is amended by adding a new rule 4540-a to read as follows:

RULE 4540-A. PRESUMPTION OF AUTHENTICITY BASED ON A PARTY'S PRODUCTION OF MATERIAL AUTHORED OR OTHERWISE CREATED BY THE PARTY. MATERIAL PRODUCED BY A PARTY IN RESPONSE TO A DEMAND PURSUANT TO ARTICLE THIRTY-ONE OF THIS CHAPTER FOR MATERIAL AUTHORED OR OTHERWISE CREATED BY SUCH PARTY SHALL BE PRESUMED AUTHENTIC WHEN OFFERED INTO EVIDENCE BY AN ADVERSE PARTY. SUCH PRESUMPTION MAY BE REBUTTED BY A PREPONDERANCE OF EVIDENCE PROVING SUCH MATERIAL IS NOT AUTHENTIC, AND SHALL NOT PRECLUDE ANY OTHER OBJECTION TO ADMISSIBILITY.

S 2. This act shall take effect on the first of January next succeeding 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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