

STATE OF NEW YORK

4028

2019-2020 Regular Sessions

IN ASSEMBLY

January 31, 2019

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

AN ACT to amend the civil practice law and rules, in relation to admissibility of certain evidence

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 section 4513-a to read as follows:

3 § 4513-a. Statement under belief of impending death. Statements made
4 under the belief of impending death by a deceased person are admissible
5 in evidence in all civil and criminal trials and other proceedings
6 before courts, commissions and other tribunals to the same extent and
7 for the same purposes that they might have been admissible had the
8 deceased survived and been sworn as witness in the proceedings, under
9 the following restrictions. To render the statements of the deceased
10 competent evidence, it must be satisfactorily proved:

11 1. That at the time of the making of such statement the declarant was
12 conscious of approaching death and believed there was no hope for recov-
13 ery;

14 2. That such statement was voluntarily made, and not through the
15 persuasion of any person;

16 3. That such statement was not made in answer to interrogatories
17 calculated to lead the deceased to make any particular statement; and

18 4. That the declarant was of sound mind at the time of making the
19 declaration.

20 § 2. This act shall take effect immediately.

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

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