STATE OF NEW YORK

7500--A

2019-2020 Regular Sessions

IN ASSEMBLY

May 7, 2019

Introduced by M. of A. DINOWITZ, NIOU, DenDEKKER, WRIGHT, WALLACE, SCHIMMINGER -- (at request of the Office of Court Administration) -- read once and referred to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the civil practice law and rules, in relation to judgment by confession

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph 1 of subdivision (a) and subdivision (b) of section 3218 of the civil practice law and rules, paragraph 1 of subdivision (a) as amended by chapter 311 of the laws of 1963, are amended to read as follows:

1. stating the sum for which judgment may be entered, authorizing the entry of judgment, and stating the county where the defendant resides [~~or if he is a non-resident, the county in which entry is authorized~~];

(b) Entry of judgment. At any time within three years after the affidavit is executed, it may be filed**, but only** with the clerk of the county where the [~~defendant~~] **defendant's affidavit** stated [~~in his affidavit that he~~] **that the defendant** resided when it was executed or[~~, if the defendant was then a non-resident, with the clerk of the county designated in the affidavit~~] **where the defendant resided at the time of filing**. [~~Thereupon the~~] **The** clerk shall **then** enter a judgment in the supreme court for the sum confessed. [~~He~~] **The clerk** shall tax costs [~~to~~] **in** the amount of fifteen dollars, besides disbursements taxable in an action. The judgment may be docketed and enforced in the same manner and with the same effect as a judgment in an action in the supreme court. No judgment by confession may be entered after the defendant's death. **For purposes of this section, a non-natural person resides in any county where it has a place of business.**

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

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Notwithstanding any other provision of law to the contrary, a government agency engaged in the enforcement of civil or criminal law against a person or a non-natural person may file an affidavit in any county within the state.

§ 2. This act shall take effect immediately and apply to judgments by confession entered upon affidavits filed on or after such effective date.