STATE OF NEW YORK

8914

IN SENATE

August 12, 2020

Introduced by Sen. THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the civil practice law and rules, in relation to the admissibility of statements in learned treatises, periodicals, or pamphlets

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 section 4549 to read as follows:

§ 4549. Statements in learned treatises, periodicals, or pamphlets. (a) A statement contained in a treatise, periodical, or pamphlet shall be admissible in evidence if:

1. the statement is called to the attention of an expert witness on cross-examination or relied on by the expert on direct examination; and

2. the publication is established as a reliable authority by the expert's admission or testimony, by another expert's testimony, or by judicial notice.

(b) If admitted, the statement may be read into evidence but not received as an exhibit.

§ 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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