

STATE OF NEW YORK

330

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

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

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:

1 Section 1. The civil practice law and rules is amended by adding a new
2 section 4549 to read as follows:

3 § 4549. Statements in learned treatises, periodicals, or pamphlets.

4 (a) A statement contained in a treatise, periodical, or pamphlet shall
5 be admissible in evidence if:

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

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

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

13 § 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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