# STATE OF NEW YORK

2604

2023-2024 Regular Sessions

# IN SENATE

January 23, 2023

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

AN ACT to amend section 3218 of the civil practice law and rules, in relation to certain judgments by confession

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

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

Except as provided in section thirty-two hundred one **of this article and subdivision (e) of this section**, a judgment by confession may be entered, without an action, either for money due or to become due, or to secure the plaintiff against a contingent liability [~~in~~] **on** behalf of the defendant, or both, upon an affidavit executed by the defendant;

§ 2. Section 3218 of the civil practice law and rules is amended by adding a new subdivision (e) to read as follows:

**(e) Prohibition on certain judgments by confession. No judgment by confession may be entered on:**

**1. any amount due from one or more individuals for personal, family, household, consumer, investment, or non-business purposes; or**

**2. any amount due on a debt incurred by any person for any purpose if the principal amount of such debt was less than five million dollars at the time the debt was incurred.**

§ 3. This act shall take effect immediately.

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

LBD07156-02-3